

Libertarian National Judicial Committee

Petitioner: Jesse Campbell (Campbell et al.)

vs

Respondent: Libertarian National Committee (LNC)

**In re: To Declare Null and Void Certain Actions of
The Libertarian National Committee for Failure of
Notice and For Imposing Disciplinary Sanctions
Without Authority or Due Process**

**Libertarian National Committee
Respondent Brief**

Factual Background

On January 23, 2025, the following LNC email ballot was opened to form a formal Disciplinary Investigatory Committee:

“Resolved, that a committee comprised of Meredith Hays, Paul Darr, Bill Redpath, Andrew Chadderton, and Steven Nekhaila be appointed by the Libertarian National Committee to investigate allegations of misconduct by our Chair, Angela McArdle, which, if true, cast doubt on her fitness to continue in office, and that the Committee be instructed, if it concludes that the allegations are well-founded, to report resolutions covering its recommendations.”

On January 25, 2025, Angela McArdle formally resigned as Chair of the Libertarian Party.

On January 30, 2025, the motion in the LNC email ballot passed by a unanimous vote of 14-0-0-
2. Respondent Exhibit 1

On February 2, 2025, the LNC created a Special Investigatory Committee (SIC) to “investigate issues of conflict of interest and business practices of the Libertarian National Committee.”
Petitioner Exhibit 2, Page 15.

On February 10, 2025, the following LNC email ballot was opened to discharge the formal Disciplinary Investigatory Committee:

“To discharge the Investigatory Committee created to investigate the allegations of malfeasance against former Chair Angela McArdle as moot due to resignation of Ms. McArdle and subsequent appointment of special investigatory committee.”

On February 17, 2025, the motion in the LNC email ballot passed by a unanimous vote of 13-0-0-4.
Respondent Exhibit 2

On June 2nd, 2025, notice was given to hold a special meeting of the Libertarian National Committee on June 9th, 2025. This meeting was called by the chair and notice was published on that date by the secretary to that end. The notice stated:

“The Special Investigatory Committee appointed by the Libertarian National Committee has completed its work and is prepared to present its final report. Accordingly, I am calling a special meeting of the LNC for Monday, June 9th at 8:00 PM ET to consider the adoption of the report. Please note that executive session due to the nature of the material. However, it is the intention that the report will be made publicly available following its adoption.”

An agenda was posted on June 4th, 2025, and included the following topics:

- “1. Consideration of Special Investigatory Committee Report (to be held in Executive Session)*
- 2. Adoption of Special Investigatory Committee Report*
- 3. Adoption of Motions Appurtenant to Special Investigatory Committee Report”*

At the special meeting on June 9th, 2025, Vice Chair Paul Darr moved to adopt two resolutions. The resolutions state:

“Whereas the Special Investigatory Committee finds that former Chair Angela McArdle violated her fiduciary duty to the Libertarian Party by concealing conflicts of interest and misusing donor funds, be it hereby resolved that the Libertarian National Committee deems Angela McArdle unfit to serve on the Libertarian National Committee, as an affiliate leader or as a candidate representing the Libertarian Party. Be it further resolved that the Libertarian National Committee encourages the Bylaws Committee to review and propose bylaws changes that would codify the handling of members found to have engaged in financial malfeasance and/or other egregious actions.”

and:

“Whereas the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee, And whereas the Libertarian National Committee is unlikely to recover the full amount of misappropriated funds without incurring costs above that which was misappropriated, Be it resolved that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee.”

On August 18, Sam Bohler raised a point of order with respect to the two adopted resolutions. Later that evening Chair Nekhaila responded to Mr. Bohler saying:

“Mr. Bohler,

I have reviewed your points of order.

First off, with respect to the June 9th resolutions, it is my judgment that the noticed items in the agenda were sufficiently in scope as adopted. The notice was for motions appurtenant to the SIC report, which those were.

Second off, my view on the August 10th appointments is that the notice reflected the filling of vacancies on the FSC. All members, including ones that were absent, were aware that there would be appointments to the FSC, which is the basis for the main motion.

However, in the spirit of cooperation, and to allow the LNC to move past these obstructions, I will rule your points well taken, making the June 9th resolutions (fitness and recovery), and the August 10th appointments (Cowart and Knebel) null and void.

I am not conceding the merits of the motions, I am just trying to be prudent. Ruling this matter well taken will give us an opportunity to edify the record so that there is no reasonable misunderstanding of the LNC's position on these matters.

I am calling a Special Meeting for August 24, 2025, at 7:30PM EST, where we can adopt the resolutions and appointments anew and place these matters to rest.

I am noticing the following:

Resolution 1

Whereas, the Special Investigatory Committee has found that former Chair Angela McArdle engaged in actions that, in the LNC's view, violated fiduciary duties to the Libertarian Party, including concealing conflicts of interest and misusing donor funds;

Now, therefore, be it resolved, that the Libertarian National Committee censures Angela McArdle for conduct in violation of the fiduciary duties and ethical standards expected of Party leaders;

Be it further resolved, that the Libertarian National Committee expresses its opinion that Angela McArdle's conduct, as detailed in the Special Investigatory Committee report, reflects behavior inconsistent with the standards expected of those serving in leadership roles of the Libertarian Party or as a candidate representing it.

Resolution 2

Whereas, the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee;

Be it resolved, that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee.

Motion to appoint FSC Members

Moved, that the LNC appoint Jessi Cowart and Doug Knebel to the Financial Standards Committee.

Sincerely,
Steven Nekhaila
Chairman, Libertarian National Committee”

At the August 24, 2025, Special Meeting the two resolutions noticed by Chair Nekhaila passed.

Argument

“Disciplinary in Substance” is a Vague Standard

The petitioner appears to advocate for a standard of discipline that, regardless of proper context, treats any motion that names an individual and recites findings of misconduct as disciplinary. This creates a problem. Under the standard suggested, if the LNC had adopted a resolution that found a member had committed misconduct, that member would be entitled to all the member rights and disciplinary procedures cited by the petitioner in his arguments. What does member mean in this context? Based on the argument provided by the petitioner it is unclear whether a general member of the party would be entitled to the same member rights and disciplinary procedures as National Committee members. This becomes even more relevant since some of the citations by the petitioner, specifically Bylaws Articles 7.5 and 7.6 and Policy Manual Section 1.01.4, only pertain to National Committee members.

The petitioner specifically cites the case *Phillies v. LNC (2024)* as if it is somehow identical to the situation with Ms. McArdle. Nothing could be further from the truth. In *Phillies v. LNC (2024)*, Mrs. Harlos remained on the National Committee while she addressed and appealed accusations against her in a formal disciplinary proceeding. Whereas, two days after a disciplinary committee was proposed against Ms. McArdle, she resigned. To be clear, while someone is a member of the National Committee, they are entitled to all the rights and privileges of a National Committee member. Once a National Committee member resigns, they are no longer entitled to the rights and privileges of a National Committee member. The result is a two-sided arrangement. In resigning, the National Committee member is no longer vulnerable to a formal disciplinary process from the National Committee but also forfeits any due process rights specific to National Committee members.

While a National Committee member who has resigned may not be vulnerable to formal disciplinary action, this does not prohibit the National Committee from using non-disciplinary measures to investigate matters that may have involved that National Committee member and ultimately drawing conclusions from such an investigation.

Special Committees and Motions of Censure Do Not Require Disciplinary Procedure

A special committee is defined in RONR 50:10 as:

“A special (select, or ad hoc) committee is a committee appointed, as the need arises, to carry out a specified task, at the completion which—that is, on presentation of its final report to the assembly—it automatically ceases to exist. A special committee may not be appointed to perform a task that falls within the assigned function of an existing standing committee.”

Which is more than just semantically different than a Disciplinary Investigatory Committee as defined in RONR § 63. A RONR § 63 Investigatory Committee is generally, but not always, the first step in a formal disciplinary process with the understanding that if charges are proffered and adopted, that a trial will follow. This is not the case with a special committee, which has a specific task which on completion is expected to deliver a report to the assembly.

The LNC understood those distinctions well, as the LNC moved to form a RONR § 63 Investigatory Committee only two days before former chair McArdle resigned. The LNC later created the Special Investigatory Committee (SIC) to “investigate issues of conflict of interest and business practices of the Libertarian National Committee.” The disciplinary committee was then explicitly discharged as being moot after McArdle’s resignation.

The SIC performed their task as instructed and returned a report. The main fruit of this report was numerous Policy Manual amendments that created additional financial safeguards and strengthened our current conflict of interest policy. Some of the conclusions may have been less than flattering, but Ms. McArdle was given an opportunity to cooperate with the work of the committee and she declined. It should also be noted that the resolutions ultimately adopted in response to the SIC report were far tamer than what was originally recommended.

As for the resolutions, motions of censure are different from disciplinary censure and do not require disciplinary procedures. This is explicitly stated in RONR 61:2fn1, which states:

“It is also possible to adopt a motion of censure without formal disciplinary procedures.”

The SIC Report and the Ultimately Adopted Resolutions Satisfied All Notice Requirements

With regards to previous notice, the SIC report adoption and the ultimately adopted resolutions are not subject to previous notice requirements. As the full text of Section 1.02.1 states:

“An LNC Member may satisfy the requirement of giving previous notice of their intention to introduce an original main motion at the next session by:

- 1. Announcing this intention at the previous session in the presence of a quorum, providing an accurate and complete statement of purport, with such notice to be taken note of in the minutes; or*

2. *Sending the complete language of the motion to the entire LNC by e-mail at least five (5) days prior to the session.*

Previous notice is not required unless specified by the Party Bylaws or its parliamentary authority, though vote thresholds may change based upon whether or not notice was given. [Emphasis added]

The Bylaws don't mention previous notice at all, so the requirements for previous notice fall to RONR. RONR defines what previous notice is (RONR 10:44-51), and requires previous notice for bylaws amendments and special rules of order (RONR 8:14), and it even says that if there is a rule requiring previous notice that it can't be suspended (RONR 25:10), but it doesn't have a requirement of previous notice for a motion that isn't a bylaws amendment or special rule of order. The motion to adopt the SIC report itself as well as the ultimately adopted resolutions, was not a bylaw amendment or special rule of order, thus previous notice was not required.

It is important to note that notice and previous notice are not the same thing. Policy Manual Sections 1.02.7 (4 & 7) address the notice requirements for special meetings:

"4. Each committee member calling for an electronic meeting must do so by emailing the entire committee and specifying the date of the meeting, the time of the meeting, and the topic(s) to be addressed. Meetings must be so-called no fewer than two (2) days in advance for committees with fewer than ten (10) members or five (5) days in advance for committees with ten (10) or more members. These time limits do not apply to the LNC's Executive Committee, the LNC's Advertising and Publications Review Committee, or the Judicial Committee. The LNC's Executive Committee may meet with one (1) day's notice.

7. Electronic meetings are special meetings such that only the topics listed in the call of the meeting may be considered during the meeting."

The adoption of the SIC report was listed in the June 2, 2025, call to the June 9, 2025, meeting, and RONR 9:15-16 further suggest that the complete text of that motion is not required at the call. The full text of RONR 9:15-16 states:

"9:15 - The only business that can be transacted at a special meeting is that which has been specified in the call of the meeting. This rule, however, does not preclude the consideration of privileged motions, or of any subsidiary, incidental, or other motions that may arise in connection with the transaction of such business or the conduct of the meeting. If, at a special meeting, action is to be taken relating to business not mentioned in the call, that action, to become valid, must be ratified (see 10:54-57) by the organization at a regular meeting (or at another special meeting properly called for that purpose).

9:16 - The requirement that business transacted at a special meeting be specified in the call should not be confused with a requirement that previous notice of a motion be given. Although the call of a special meeting must state the purpose of the meeting, it need not give the exact content of individual motions that will be considered. When a main motion related to business specified in the call of a special meeting is pending, it is fully open to germane amendment as if it had been moved at a regular meeting. [Emphasis added]

As such, the information provided in the call and agenda of the June 9, 2025, Special Meeting was sufficient notice for the adoption of the SIC report.

Regarding the ultimately adopted resolutions, the full text of the resolutions was provided at the call to the August 24, 2025, Special Meeting in Chair Nekhaila's response to Mr. Bohler's point of order. This more than satisfies the notice requirement for the ultimately adopted resolutions.

As for any due process notice requirements, since Special Committees and Motions to Censure do not require disciplinary procedures, there are no due process notice requirements.

Conclusion

"Disciplinary in Substance", especially as applied by the petitioner, presents a convenient way to bury the nuance between disciplinary and non-disciplinary measures. However, that is not the standard that has been used in the past, and it is not the standard required by the Bylaws, Policy Manual, or RONR. Without the ability to backdoor due process protections through an arbitrary rule of interpretation, the petitioners' argument flounders.

RONR allows for the creation of Special Committees and the adoption of Motions to Censure without reference to any disciplinary action (RONR 50:10, RONR 61:2fn1).

The adoption of the SIC report and the ultimately adopted resolutions satisfied both previous notice and special meeting notice requirements and are not subject to the due process notice requirements because they were not disciplinary in nature.

As such, the LNC respectfully requests that the first three requests for relief by the petitioner be denied. As for any further guidance, may it be issued at the discretion of the Judicial Committee.

Respectfully Submitted,

Jonathan McGee
On behalf of the Libertarian National Committee

Exhibit List

1. January 23, 2025, LNC Ballot to Create Initial Disciplinary Investigatory Committee
<https://docs.google.com/spreadsheets/d/1OMLmOstNc1IE2fMrdFZxFVwaz29jzhmn/edit?gid=931453655#gid=931453655>
2. February 10, 2025, LNC Ballot to Dispatch Initial Disciplinary Investigatory Committee
<https://docs.google.com/spreadsheets/d/1OMLmOstNc1IE2fMrdFZxFVwaz29jzhmn/edit?gid=685408067#gid=685408067>