

Hector Roos, et al., Petitioners

v.

Libertarian National Committee, Respondent

Filed: September 8, 2025

Decided: November 5, 2025

Concurring opinion by Rob Latham

Although I am largely in agreement with the much of the opinions expressed by my colleagues on this matter, I write separately to address the appearance of the word “misrepresentation” in the Party’s Statement of Principles.

During the oral argument for this appeal, one of the petitioners acknowledged that a certain meaning of “misrepresentation” in the Statement of Principles is the linchpin of their appeal; if “misrepresentation” applies to the Party’s position on government policy and not LNC action, the petitioners’ argument collapses.

In context, given its (probably anachronistic) appearance in the Statement of Principles in a list with robbery, trespass and fraud, “misrepresentation” clearly applies to the Party’s position on government policy.

“Misrepresentation” is a common law concept authorizing a contract to be voided under certain circumstances. For example, assume that RFK, Jr. unintentionally, negligently, or knowingly failed to disclose in his application for medical care insurance that a worm invaded his brain, and that his medical care insurer based the policy it issued on the absence of brain-worm infection. The concept of misrepresentation

means that the medical care insurer may void a contract purporting to cover any of RFK, Jr.'s future brain-worm-related claims (at least attributable to *that* brain-worm).

Because “misrepresentation” in the Statement of Principles does not mean what the petitioners claim it means in reference to the Bylaws, the LNC’s challenged actions here do not violate the Bylaws on the grounds of which the petitioners have complained.