

**IN THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY**

**RE: JUDICIAL COMMITTEE APPEAL TO VOID CERTAIN RESOLUTIONS  
ADOPTED AT THE JUNE 9, 2025 SPECIAL MEETING OF THE LIBERTARIAN  
NATIONAL COMMITTEE**

**Appellant: Jonathan M. Jacobs, et al.**

**VS**

**Respondent: Libertarian National Committee**

Amicus Curiae by Austin Martin, LNC Region One Alternate

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**STATEMENT OF THE CASE**

This appeal, filed on July 21, 2025, pursuant to Article 8 of the Libertarian Party Bylaws, seeks to void two original main motions (referred to herein as Resolution 1 and Resolution 2) adopted at the LNC's special electronic meeting on June 9, 2025. The meeting was noticed on June 2, 2025, by the Chair and published by the Secretary, stating that the Special Investigatory Committee (SIC) had completed its work and would present its final report. An agenda was posted on June 4, 2025, including the topic "Adoption of Motions Appurtenant to Special Investigatory Committee Report."

Resolution 1 deems former Chair Angela McArdle unfit to serve on the LNC, as an affiliate leader, or as a candidate, based on SIC findings of concealed conflicts of interest and misuse of donor funds, and encourages the Bylaws Committee to propose amendments addressing financial malfeasance. Resolution 2 addresses recovery of misappropriated funds through fundraising or pro bono legal counsel.

Appellant argues these resolutions must be voided due to procedural violations, including inadequate notice of the SIC report's content and appurtenant motions, which denied due process and infringed on member rights. While the meeting notice provided seven days' advance warning, the full content of the SIC report and the specific wording of the appurtenant motions were not disclosed until less than 24 hours before the meeting, preventing meaningful preparation, review, or response.

## ARGUMENT

The Judicial Committee has jurisdiction under Bylaws Article 8 to void LNC actions inconsistent with the Bylaws, Platform, or governing documents, including Robert's Rules of Order Newly Revised (RONR, 12th ed.), adopted per Article 13. The resolutions violate due process requirements for adequate notice and opportunity to respond, as enshrined in RONR and (though much less important than our principles) D.C. Nonprofit Corporation Act § 29-406.30 (requiring directors to act with reasonable care).

### *I. The LNC Violated Due Process by Providing Less Than 24 Hours' Notice of the SIC Report Content and Appurtenant Motions.*

RONR mandates adequate notice for significant actions to ensure fairness and informed participation (RONR §9:2-16, emphasizing "*reasonable opportunity*" for preparation). For special meetings, business is limited to the call's purpose (RONR 9:13-15), but this does not excuse withholding critical details until the last minute. Although the meeting was noticed on June 2, 2025 (seven days prior), and an agenda posted on June 4, 2025 (five days prior), the substantive content of the SIC report—detailing alleged fiduciary breaches—and the precise text of the appurtenant motions (Resolutions 1 and 2) were not provided until less than 24 hours before the June 9 meeting.

This brevity contravened RONR's requirements for disciplinary or investigative matters, where "reasonable time" must be afforded for review and defense (RONR §61:12-13, §63:13-28). The rushed executive session adoption limited debate and transparency, violating Bylaws Article 7 (promoting open governance) and Policy Manual §1.02.7(7) (limiting business to noticed topics while implying sufficient detail for preparation). Under D.C. law, though less binding than our principles, such inadequate notice breaches directors' duty of care, as it prevented informed decision-making and exposed the Party to reputational harm.

### *II. The Inadequate Notice Violated Member Rights to Fair and Transparent Governance.*

As sustaining members under Bylaws Article 4, Appellants have rights to procedural safeguards against arbitrary LNC actions. The last-minute disclosure eroded trust in Party institutions, stifled oversight, and impeded fiduciary duties to manage affairs responsibly (Bylaws Article 7).

Moreover, Resolution 1's wording exceeds LNC authority by purporting to bind future delegates and affiliates, violating Articles 5.5 (affiliate autonomy), 6.1 (LNC powers), and 7.4 (convention sovereignty). It has been shown that SIC itself makes material

misrepresentations of fact from the first pages — claiming that the members had no material interest in the outcome — a self-refuting and factually-defective claim with respect to several of the members of the SIC, who materially benefitted from the outcome. This violates core principles, and repudiates the LP as an organization. The insufficient notice compounded these problems by denying time to challenge such overreach.

## CONCLUSION

These actions taken by the LNC are antithetical to core principles. If a case against a member is so strong, there is no need to break so many rules and safeguards in order to arrive at the desired conclusion. LNC members such as myself were not given appropriate time necessary to address and respond to these concerns. Attempts to raise concerns have resulted in retaliations and even outright official censorship against members of the LNC. Appellant urges the Judicial Committee to grant the petition and void Resolutions 1 and 2 from the June 9, 2025 meeting.

Respectfully submitted,

Austin Martin, et al.

*Austin.Martin@lp.org*

August 12, 2025

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**COUNTERARGUMENTS TO THE LNC RESPONDENT'S BRIEF  
(FILED BY JONATHAN MCGEE ON AUGUST 8, 2025)**

The respondent's brief defends the resolutions by asserting compliance with notice requirements and characterizing Resolution 1 as non-binding. Below are targeted counterarguments, grounded in the Bylaws, Policy Manual, RONR, and case context:

1. On Notice Adequacy (Respondent's Claim: Met via June 2 Call and June 4 Agenda, No Previous Notice Required):

While the meeting call (June 2) and agenda (June 4) provided general notice, they omitted the SIC report's substantive content and motion text, disclosed only ~24 hours prior (effectively less for members in Hawaii, due to the time difference). RONR 9:13-16 requires the call to "clearly and specifically describe the subject matter," not just a vague topic like "appurtenant motions." Policy Manual §1.02.7(4) demands "at least two days' notice," but for complex investigative reports, RONR §61 implies more time for preparation to ensure due process. Respondent misapplies RONR 10:44-51 (no previous notice for non-amendment motions) by ignoring the disciplinary context, where extended notice is standard (§63:13). This brevity denied "reasonable opportunity" for response, also breaching D.C. §29-406.30's duty of care.

2. On Appurtenant Motions' Permissibility (Respondent's Claim: Qualified Under Agenda Topic):

Respondent argues Resolutions 1 and 2 were "appurtenant" to the SIC report adoption, per Policy Manual §1.02.7(7). However, without prior disclosure of report details, members could not anticipate or prepare for motions deeming unfitness or fund recovery. RONR 9:13-16 warns against using broad purposes to introduce unrelated business; here, the motions' severity (potential binding effects) required explicit notice. The executive session rush further violated transparency, contrary to Bylaws Article 7.

3. On Resolution 1's Wording and Binding Nature (Respondent's Claim: Mere Opinion, Not Enforceable):

Respondent dismisses Resolution 1 as an "opinion" encouraging bylaws changes, not violating Articles 5.5, 6.1, or 7.4. Yet, the language ("deems unfit") implies a formal judgment that could prejudice future conventions or affiliates, infringing on delegate rights (Bylaws Article 7.4) and autonomy (Article 5.5). Respondent's evidence (encouragement to Bylaws Committee) admits the resolution's limitations but ignores its precedential harm. Appellants meet the burden by showing conjectural overreach; respondent fails to prove harmlessness, especially amid SIC conflicts.

4. On Fiduciary Duties and SIC Validity (Respondent's Claim: Resolutions Supported by SIC Findings, No Legal Action Needed):

Respondent relies on SIC findings of McArde's breaches but ignores procedural flaws in the SIC process (e.g., one-sided interviews, conflicts). D.C. §29-406.30 requires reasonable reliance on committees; inadequate notice prevented LNC verification, breaching loyalty. Respondent's cost-benefit dismissal of recovery ignores member rights to accountability.

5. Overall Procedural Fairness (Respondent's Claim: No Absentee Protections Violated):

Respondent conflates general notice with content-specific disclosure, undermining RONR's due process for investigations (§63). The 24-hour-reveal stifled debate, eroding trust and undermining regional duties.

The Judicial Committee should prioritize fairness over expediency to uphold libertarian values. The LNC, through Mr. McGee, is essentially offering interpretive violence to RONR, the Policy Manual, and to the bylaws through sophistry, and the appellants respectfully urge this Judicial Committee to reject it.

## CONCLUSION

These actions taken by the LNC are antithetical to our principles. If a case against someone is so strong, there would be no need to disregard Libertarian principles and erode safeguards in order to arrive at the desired conclusion. Appellant urges the Judicial Committee to grant the petition and void Resolutions 1 and 2 from the June 9, 2025 meeting.

Respectfully submitted,

Austin Martin,m

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August 12, 2025