

Hello again members of the Judicial Committee,

This second amicus is in response to Appellants' response to my original amicus.

Part 1

Appellants claim that, because the motion to form the investigatory committee did not include explicit instructions to provide recommendations, the resolutions adopted were original main motions, not incidental main motions. They cite the wording of RONR 10:5 that I had used in my original amicus, which stated that an incidental main motion may be “a motion to *adopt* recommendations which a committee has prepared upon instruction...” (emphasis from RONR). Appellants focus on the portion stating the committee prepares recommendations “upon instruction” to claim that the committee must be explicitly instructed or authorized to provide recommendations.

To argue, as the Appellants do, that a special committee is only authorized to make recommendations when the motion committing or referring a subject to such committee explicitly instructs them to do so, is to argue that the parliamentary authority adopted by the Party contradicts itself. The subsidiary motion to commit a motion to a committee (RONR **13**) has no requirement to explicitly authorize the committee to prepare recommendations. However, it is understood that the committee, under the scope of investigating or considering the motion, will provide recommendations with its report on the motion. RONR also does not state that the referral of a subject to a committee, when done as a main motion, requires explicit instruction to authorize a committee to make recommendations in contrast to the subsidiary motion to commit. Appellants thus do not provide adequate evidence showing such an interpretation of “upon instruction” to be valid.

It is reasonable to assume that an understanding similar to that regarding the subsidiary motion to commit would apply to main motions to commit a subject to a standing or special committee. While it may be good practice to explicitly instruct a committee to prepare recommendations, it does not appear necessary in order for a committee to be allowed to prepare recommendations, just as it is not necessary to explicitly instruct a committee to prepare a report in order for the committee to have the authority to make such a report.

Appellants claim that there was no instruction made to the committee to draft or adopt any resolution made by the special investigatory committee. While that may be true, that does not then make the resolutions original main motions. Because the motions effectively adopt the recommendations made by the special investigatory committee, even though the resolutions covering the recommendation themselves were not

prepared by the committee, it reasonably falls within the category of incidental main motions, as I argued previously. Appellants bring up past motions, showing the National Committee instructing an investigatory committee to report resolutions. However, this is in connection with the trial procedure in RONR **63**, which the National Committee's Policy Manual requires as the main procedure for removal from office.¹ It is not relevant to a motion assigning a committee to investigate issues within the National Committee in general.

Appellants' other arguments on notice assume that the resolutions are original main motions, instead of incidental main motions. However, even if we are to consider them original main motions, the National Committee, represented by Jonathan McGee, has already provided reasoning showing that, under the Party's Bylaws, the National Committee's Policy Manual, and RONR, that such motions would have been properly done and did not require the previous notice claimed by the Appellants. As they have been properly dealt with by the National Committee, they will not be dealt with here.

Part 2

Appellants do not adequately contend with my points, only further claiming that the motions can be "easily understood" as a legal action prohibiting Angela McArdle from office. While RONR 10:9 does state that a main motion when adopted "becomes the officially recorded statement of an action taken by the assembly," this has no bearing on whether the motion to deem Angela McArdle unfit is an act of subjective condemnation of the National Committee, or a binding legal act of prohibition. The National Committee itself has clarified that "when properly evaluated in context, Resolution 1 is clearly a motion that merely expresses a very negative opinion of Ms. McArdle's conduct, and that's all."² As such, Appellants' arguments based on the assumption that it is a legally binding statement is moot.

Appellants claim that it is ridiculous to expect the Judicial Committee to determine the intent of the National Committee in adopting the motion. The National Committee has provided an explanation for their intent in their response, as mentioned above. That the Appellants assume the Judicial Committee does not have the ability to request such information could be considered as questioning the ability of the Judicial Committee to properly perform its duties as well as, at worse, an insult to the Judicial Committee's capabilities.

¹ Libertarian National Committee - Policy Manual, Section 1.01(4)

² "LNC Respondent Brief - In re: Resolutions Adopted at June 9, 2025 Special Meeting (Jacobs et al. vs. LNC)", p. 8

Conclusion

The National Committee has made their response, adequately counteracting the Appellants' claims in a way that makes this amicus, as well as my original one, somewhat moot. However, I still submit this to the Judicial Committee to show that, when looking at the arguments made by the Appellants, that their own evidence and reasoning does not stand to par in relation to the parliamentary authority, the National Committee's Policy Manual, and the Libertarian Party's Bylaws.

I again request that the Judicial Committee uphold the validity of both resolutions.

With due regards,
John Ponty