

Hello members of the Libertarian Party Judicial Committee,

This letter is sent in response to the petition filed by Jonathan M. Jacobs, representing the Appellants, against the Libertarian National Committee, acting as the Appellees. Specifically, it is to contest the arguments made by Appellants regarding the reason to overturn the National Committee's decisions.

Response to Part 1 of Appellants' Argument

Appellants claim that the motions were not properly noticed prior to the special meeting of the National Committee, as required by the National Committee's Policy Manual.¹

Appellants claim that the two resolutions should be considered original main motions, rather than incidental main motions.² RONR 10:4-5 states that an incidental main motion "does *not* mark the beginning of a particular involvement of the assembly in a substantive matter," (emphasis not my own) and that "Actions that can be proposed by the incidental main motions may relate...to further steps in dealing with a substantive matter in which the assembly's involvement has begun earlier..." It also gives as an example of incidental motions as "a motion to *adopt* recommendations which a committee has prepared upon instruction..."(emphasis not my own).

Appellants argue that the motions must also "propose an action defined under parliamentary law and described by a particular parliamentary term..." under RONR 10:4(a). An example of an action defined under the parliamentary law is a motion to implement recommendations given in the report (RONR 51:11). The actions proposed in the motions follow the recommendations made in the Special Investigatory Committee's report.³ Though formally the wording of the motions does not explicitly state to adopt the recommendations, they are in effect adopting such recommendations; and, as these motions were noticed as being "Appurtenant to Special Investigatory Report"⁴, it can be reasonably assumed that these motions were in essence motions to adopt/implement the recommendations made in the report, as well as being actions relating to further steps in dealing with a substantive manner. Therefore, these motions can be considered incidental main motions under both characteristics listed in RONR 10:4, and are not

¹ Libertarian National Committee Policy Manual, 1.02(1): "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...sending the complete language of the motion to the entire LNC by e-mail at least five (5) days prior to the session."

² "JUDICIAL COMMITTEE APPEAL TO VOID CERTAIN RESOLUTIONS ADOPTED AT THE JUNE 9, 2025 SPECIAL MEETING OF THE LIBERTARIAN NATIONAL COMMITTEE," p. 4

³ Special Investigatory Committee Report - 06/09/2025, pp. 92-4

⁴ Special Meeting Agenda June 9th, 2025, 8:00 PM Eastern. Sent to National Committee members June 4th, 2025.

beholden to the requirements for original main motions listed in the National Committee's Policy Manual.

Response to Part 2 of Appellants' Argument

Appellants claim that the language in Resolution 1 stating 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” violates the Libertarian Party's Bylaws by creating a attempting to “create a new criteria for these posts, that only those people that a majority of the LNC approves of can serve.”⁵ This is due to the use of the word “deem,” which Appellants argue should be defined as legally binding the Party and its affiliates from having former National Committee chair Angela McArdle be in any official post within these bodies.

However, the act of deeming a person unfit can be interpreted both in a legal and nonlegal sense, with the latter simply being a subjective judgement made by a person or body of persons on the qualities of the person deemed unfit. Unless the members of the National Committee understood the language as legally barring Angela McArdle, rather than expressing condemnation of her, it cannot be reasonably assumed that such deeming is meant as a legally binding act.

Appellants reference *Wright v. LNC* as part of its argument that the term “deem” should be understood in the legally binding sense. However, this definition is only relevant to the interpretation of the Libertarian Party's Bylaws; it should not be considered relevant in determining the meaning of a distinct motion's use of the term.

Appellants argue that such use of the term “deem” follows the intent of the recommendations made in the Special Investigatory Report, as ‘a substitute for attempting to use legal action to bar Ms. McArdle from LNC membership. It states, “The SIC therefore concludes that continued litigation seeking a court order barring McArdle from serving on the LNC in any capacity is not in the LNC's best interest – particularly in light of the SIC's recommendation in paragraph (6) below.”⁶ However, the Special Investigatory Committee Report also stated that a similar action, if made by the state, would “be an unprecedented intrusion by the state into the freedom of association of the Libertarian Party and its members, thus causing the LNC at least as much harm as benefit...”⁷ While the National Committee, and members of it, may take action to bar

⁵ “JUDICIAL COMMITTEE APPEAL TO VOID CERTAIN RESOLUTIONS ADOPTED AT THE JUNE 9, 2025 SPECIAL MEETING OF THE LIBERTARIAN NATIONAL COMMITTEE,” p. 5

⁶ *Ibid*, p. 6; see Special Investigatory Committee Report - 06/09/2025, p.94

⁷ Special Investigatory Committee Report - 06/09/2025, pp.93-4

themselves or staff employed under them to associate with Angela McArdle, it would go against its principles to apply that barring of association to all members of the Party. The National Committee did not even adopt the resolution “declaring that no LNC board or staff member shall have any contact or contract with Angela McArdle, Austin Padgett or any corporation or entity closely held or controlled by either one”⁸, reasonably in order to not negate the freedom of association of all members.

Resolution 1 also requested the Libertarian Party Bylaws Committee “review and propose bylaws changes that would codify the handling of members found to have engaged in financial malfeasance and/or other egregious actions.” This part of the resolution implies that there was no codified, and therefore no legally binding, way for the National Committee to actually bar Angela McArdle from these positions as a form of discipline, further supporting the idea that the term “deem” was used in passing a subjective judgement rather than a legally binding judgement. As stated above, unless the National Committee itself states that their use of the term “deem” was meant as a legally binding bar from associating with Angela McArdle, instead of a subjective statement of condemnation, we cannot assume that such use is meant to be legally binding.

Conclusion

I ask the Judicial Committee to deny the requests made by Appellants on the grounds cited above. If, however, it is discovered that the use of the term “deem” was meant by the National Committee to be legally binding, I would ask the Judicial Committee to provide the requested relief to to declare Resolution 1 null and void, while also denying the request to declare Resolution 2 null and void.

Regards,

John Ponty

⁸ Ibid, p. 94