

AMICUS CURIAE BRIEF FOR HECTOR ROOS IN SUPPORT OF APPELLANT (JACOBS VS. LNC)

Date Submitted: August 13, 2025

The Appellant, a veteran parliamentarian, has submitted to the JC an appeal concerning whether the LNC met its notice requirements to consider original main motions that involved serious disciplinary-like sanctions for alleged misconduct by a former LNC officer. *They did not.* More importantly, the motion creating the Special Investigatory Committee (SIC) only authorized it to “investigate issues of conflict of interest and business practices of the [LNC]”.¹ The SIC acted beyond the scope of their instructions or authority to make recommendations in its report.² The SIC’s failure to follow instructions and the lack of notice surprised LNC members with less than 24 hours to consider the 94-page, 23,000-word report.³ Adoption of the SIC report conflicts with the motion authorizing the creation of the SIC, a main motion previously adopted and still in force (RONR 12th ed. 10:26-1, 23:6-b). As a consequence, adoption of the report and its purported appurtenant motions were “never in order, even if adopted by a unanimous vote”.⁴

Before considering any additional questions about the SIC report or its purported appurtenant motions, the JC can make a straightforward determination that the motion to adopt the SIC report and its purported appurtenant motions are void for being in conflict with the motion authorizing SIC and its instructions.

¹ “Appoint a special committee to investigate issues of conflict of interest and business practices of the Libertarian National Committee, comprised of Mr. Darr, Mr. Nekhaila, Mr. Weir, Mr. Garcia, Ms. Yeniscavich, Mr. Redpath, Mr. Bowen, and Mr. Knebel.” Motion 20250202-04. LNC Special Meeting Minutes (February 2, 2025). Pgs. 15-16. https://lp.org/wp-content/uploads/2025/02/LNC-Meeting_2025-02-02_FINAL-1.pdf

² RONR 12th ed. 56:68-5 reads in part: “A provision granting certain privileges carries with it a right to a part of the privileges, but prohibits a greater privilege.”

³ This is a violation of the Statement of Principles incorporated through LP Bylaws Article 3 (violation of individual rights of members); See also *Hinds v. LNC* (“Notice is a communication intended to be received by members, informing them about the range of options to be considered, and thus impacting the members’ decisions whether to exercise their fundamental right to attend meetings to either support or oppose proposed actions”).

⁴ Cuesta, Lorenzo R.. *Survival Tips on Robert's Rules of Order: Four Motions that are always Out of Order* (last updated 2016). <http://www.roberts-rules.com/parl12.htm>

It is important for the JC to consider this course of action for judicial economy reasons. The JC has the inherent authority under the bylaws to decide how to dispose of the question and to decline to consider whether to provide further review to other claims.

This JC has been here before. In the *Phillies* Decision, the JC had different options to consider before determining that due process was violated in the suspension of the LNC Secretary which *strictly* held that the disciplinary action did not meet the “standard required for prosecution set forth in LNC Policy Manual 1.01 (4)”.⁵ Similarly, the JC also has multiple options to void the original main motions to adopt of the SIC report and its purported appurtenant motions including determining they depart from being “an accurate and complete statement of purport... taken in the minutes” at the previous session and do not represent “the complete language of the motion [sent] to the entire LNC by e-mail at least five (5) days prior to the session.” See LNC Policy Manual 1.02.

Otherwise, the JC will be required to wade into an ocean of half-true claims that are of the “blackest of lies” described in the SIC report and its purported appurtenant motions.⁶

This amicus suggests the JC exercise its discretion to reduce the potential of moral hazard.⁷

⁵ The JC could have decided *Phillies* differently. A) Holding that the disciplinary hearing in executive session violated due process; or B) Holding Policy Manual 1.01 (4) was not binding on the LNC having been implicitly suspended by a unanimous vote to adopt at least one charge or specification. See *Phillies* Decision FN 16.

⁶ Tennyson. *The Grandmother*, stanza 8 (1864). “That a lie which is half a truth is ever the blackest of lies, That a lie which is all a lie may be met and fought with outright, But a lie which is part a truth is a harder matter to fight.”

⁷ Jacobs, Jonathan M.. *Pascal's Wager and the Continuing Breach* (as quoted in Robson Amicus in *Kosin v. LNC*), pp 3-7 (2023). https://mywikis-wiki-media.s3.us-central-1.amazonaws.com/lpedia/Robson_amicus_Kosin.pdf “The society, and the parliamentarian advising it, are faced with this choice, to take Action X. Action X may create a continuing breach, but it might not. If it is a continuing breach, there will likely be loss (even political loss) to those members taking the action or to the society. If they do not take that action, there is no loss. So, it can be expressed in this chart with “valid” being used to express no problem: In short, rejecting Action X will always lead to a result where there will be no continuing breach.”