

11/5/25

(Note: for reference throughout this opinion, Bylaws Articles and Sections and Clauses will be listed as "Article-Section-Clause", e.g., Article 8 Section 2 subsection d is "8-2-d". Also, all references to Robert's Rules of Order, Newly Revised, will be listed by the section and subsection number as given in the 12th Edition, e.g., Section 56 subsection 68 is "56:68", with further subsections in parentheses. All dates are in 2025.)

In the case of re: Judicial Committee Appeal to Void the Adoption of the Special Investigatory Committee Report and All Actions Taken Thereupon by the Libertarian National Committee at its June 9, 2025, Special Meetings and Void New SIC Resolutions from August 24, 2025 (aka Roos et al. vs. LNC), Mr. Seebeck, Judicial Committee Chair, delivers the following opinion.

1. I write to express the following points.

Standing

2. Per Libertarian National Committee ("LNC") staff, Petitioners provided over the required 1% of 9,399 sustaining members (94). Signature threshold has been met in accordance with 7-12. Standing was established. This group is collectively referred to here as the "Petitioners." The rest of the LNC is referred to here as the "Respondent."

Jurisdiction

3. Petitioners have requested the following reliefs (here placed in a list for clarity):
1. Declare that the LNC's adoption of the Special Investigatory Committee ("SIC") report at its June 9, 2025, meeting was in violation of the Statement of Principles and Article 3 of the Bylaws.
 2. Void the adoption of the SIC report as an official record or finding of the LNC and remanding its consideration to the LNC.
 3. If those resolutions were validly adopted, void all motions and resolutions adopted by the LNC at the June 9, 2025, meeting and August 24, 2025, meeting that rely on or reference the SIC report or its conclusions.
 4. Declare that Party actions based on material misrepresentation are null and void regardless of parliamentary compliance.
 5. Declare that former Chair Angela McArdle did not violate her fiduciary duty or commit embezzlement.
4. As is the case for all appeals to the Judicial Committee ("JC"), it is necessary to examine if the JC has subject matter jurisdiction to rule on each of these requests.
5. The jurisdiction of the JC to certain matters is explicitly listed and limited by 8-2. The relevant part, subsection d, is "*voiding of National Committee decisions*," referencing 7-12, which is the member or delegate appeal thresholds, and also specifically states that the consideration is of "*the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws.*"

Jurisdiction Summary

6. Because such an appeal was properly made under 8-2-d, the JC has jurisdiction in this case, whether or not the resolutions passed were done so in accordance with the Bylaws, and by extension, the special rules of order and parliamentary authority.

Requested Relief

7. Regarding Requested Relief #1, Petitioner claims that the adoption of the SIC report on June 9 violates Article 3 of the Bylaws¹ and the Statement of Principles.² This requested relief falls under 7-12 and 8-2-d and will be addressed further below.
8. Regarding Requested Relief #2 voiding the adoption of the SIC report on June 9, that part is part of Requested Relief #1 and is therefore redundant, because voiding the adoption of the SIC report also removes it as an official record of the LNC. However, the JC has no authority to remand its consideration to the LNC; it can only uphold or overturn the decision. If overturned, it is up to the LNC to choose to consider the motion again in a form that conforms to the Bylaws. As such this

¹ ARTICLE 3: STATEMENT OF PRINCIPLES AND PLATFORM

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a regular convention.
2. The Party platform shall include, but not be limited to, the Statement of Principles and the implementation of those principles in the form of planks.
3. The current platform shall serve as the basis of all future platforms. The existing platform may be amended only at regular conventions. A platform plank may be deleted by majority vote. New planks or amendments to existing planks require a 2/3 vote.

² STATEMENT OF PRINCIPLES

We, the members of the Libertarian Party, challenge the cult of the omnipotent state and defend the rights of the individual. We hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose. Governments throughout history have regularly operated on the opposite principle, that the State has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent. We, on the contrary, deny the right of any government to do these things, and hold that where governments exist, they must not violate the rights of any individual: namely, (1) the right to life — accordingly we support the prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action — accordingly we oppose all attempts by government to abridge the freedom of speech and press, as well as government censorship in any form; and (3) the right to property — accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation. Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

requested relief should be denied in part regarding remanding as being outside the JC's authority under 8-2-d, and the other part should be denied for redundancy with Requested Relief #1.

9. Regarding Requested Relief #3, the adopted resolutions of June 9 regarding the SIC report were already declared Out of Order by the Chair in advance of the canceled hearing regarding the prior Jacobs appeal, so those are moot. The August 24 adopted resolutions, however, have not been declared Out of Order and fall under 7-12 and 8-2-d. As such this requested relief should be denied in part regarding the resolutions of June 9 for mootness. The adopted August 24 resolutions will be addressed further below.
10. Regarding Requested Relief #4, it is not within the jurisdiction of the JC to second-guess whether or not "Party" actions based on "material misrepresentation" are null and void. The ultimate authority of the actions of the Party are the Party members themselves, at Convention. At controversy here is actions of the LNC. Whether or not there was misrepresentation in the SIC report or its presentation to the LNC is ultimately a question to be resolved by the LNC itself by reconsideration of the question, or by the Delegates themselves. The JC's jurisdiction under 7-12 and 8-2-d is limited to violations of procedure and Bylaws, not subjective interpretation of the contents of a commissioned report to the LNC. As such this requested relief, regardless of how incorrectly-worded it is, should be denied.
11. Regarding Requested Relief #5, it is not within the jurisdiction of the JC to declare a person guilty or innocent of a crime or a duty violation³; that is reserved for a court of law for the former and the LNC or the membership for the latter. Again, the JC's jurisdiction under 7-12 and 8-2-d is limited to violations of procedure and Bylaws. The JC does not ever declare innocence or guilt of a criminal act, nor declare innocence or guilt of a duty violation when not hearing a suspension appeal. As such, this requested relief should be denied.
12. Should the remaining votes of the LNC be overturned?

Opinion

13. Three motions are referred to the JC, from separate LNC meetings. Because each was separately made, they must each be considered separately.
14. For proper context, here is an approximate timeline of events.

Timeline/Background

15. January 23, 2025: The LNC considered by email ballot creation of an investigatory committee composed of several LNC members to investigate allegations of misconduct by the former Chair, including reporting resolutions on recommendations.
16. January 25, 2025: The former Chair resigned.

³ Nor does the JC offer any comment on that case or person.

17. January 30, 2025: The motion passed.
18. February 2, 2025: The LNC appointed a second investigatory committee to investigate conflict of interest and business practices of the LNC. The now-former Chair was not mentioned by name or position. The motion passed 9-1-3.
19. February 11, 2025: The LNC considered by email ballot discharging the first investigatory committee.
20. February 20, 2025: The motion passed. The first investigatory committee was discharged, leaving the second investigatory committee intact, with three members of the first committee also on the second. (This second investigatory committee is referred to herein as the SIC, *supra*.)
21. June 2, 2025: A Special Meeting notice was issued by the Chair for June 9, 2025, regarding the final report of the SIC to adopt the report after being presented in Executive Session.
22. June 4, 2025: The Agenda for Special Meeting was posted to the LNC business list, listing consideration of the SIC report in Executive Session, adoption of the SIC report, and adoption of motions appurtenant to the SIC report.
23. June 9, 2025: The Special Meeting was held. Three motions at issue here were presented⁴, the latter two claimed by Petitioners to be original main motions:
 1. One to adopt the SIC report and make it public. It passed 11-2-4.⁵
 2. One deemed the former Chair unfit for any office or candidacy of the Party and to request the Bylaws Committee to develop Bylaws amendments to address similar situations that led to that conclusion.⁶
 3. One to explore means to fundraise to try to recur the losses⁷.

⁴ There were other two other motions made: for a SIC supplemental report, passed 13-0-4; and to initially go into Executive Session, passed without objection. Neither of those are being appealed. (Source, LNC-Minutes_2025-06-09_FINAL.pdf)

⁵ Roll Call vote: AYE: Darr, Ford, Harlos, Hays, Malagon, Johnson, Nanna, Nekhalia, Redpath, Thompson, Yeniscavich; NAY: Chadderdon, Martin; ABSTAIN: Bost, Dassing, Vinson, Watkins. (Source, LNC-Minutes_2025-06-09_FINAL.pdf)

⁶ "Whereas the Special Investigatory Committee finds that former Chair Angela McArdle violated her fiduciary duty to the Libertarian Party by concealing conflicts of interest and misusing donor funds, be it hereby resolved 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.
Be it further resolved that the Libertarian National Committee encourages the Bylaws Committee to review and propose bylaws changes that would codify the handling of members found to have engaged in financial malfeasance and/or other egregious actions."

⁷ "Whereas the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee,

24. A Point of Order was raised on the second motion that the wording was different from the SIC report. The Chair ruled the motion was cited in the report and germane; the Point of Order was not well taken.
25. An Appeal from the Ruling of the Chair was sustained, 9-6-1.
26. The second motion was adopted, 9-5-2⁸.
27. A Point of Order was raised on the third motion of having no debate in open session. The Chair ruled that because there was debate in Executive Session, the Point of Order is not well taken.
28. An Appeal from the Ruling of the Chair was ruled Dilatory.
29. A Point of Order was raised on the third motion that the wording was different from the SIC report. The Chair ruled the Point of Order as Dilatory.
30. An Appeal from the Ruling of the Chair was sustained, 10-4-2.
31. The third motion was adopted, 10-5-1⁹.
32. An appeal was filed with the Judicial Committee on July 21.
33. Points of Order¹⁰ were raised regarding the resolutions (but not the adoption of the SIC report) and notice on August 18. The Chair reversed his previous rulings and ruled the motions out of order, and called a Special Meeting for August 24 to address the points of order, to readdress on the motions from the June 9 Special Meeting. The appeal of July 21 was thus mooted.

And whereas the Libertarian National Committee is unlikely to recover the full amount of misappropriated funds without incurring costs above that which was misappropriated,
Be it resolved that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee.”

⁸ Roll Call vote: AYE: Darr, Harlos, Malagon, Johnson, Nanna, Nekhalia, Redpath, Thompson, Yeniscavich; NAY: Bost, Chadderdon, Dassing, Martin, Watkins; ABSTAIN: Ford, Hays; NOT VOTING: Vinson. (Source, LNC-Minutes_2025-06-09_FINAL.pdf)

⁹ Roll Call vote: AYE: Darr, Harlos, Hallesy, Malagon, Johnson, Nanna, Nekhalia, Redpath, Thompson, Yeniscavich; NAY: Chadderdon, Dassing, Weir, Martin, Watkins; ABSTAIN: Bost; NOT VOTING: Vinson. (Source, LNC-Minutes_2025-06-09_FINAL.pdf)

¹⁰ It is arguable that because these Points of Order regarded a continuing breach of the Bylaws and Rules per 23:6 with the motions passed then appealed to the JC, that the points raised were out of order from being out of the hands of the LNC because of the appeal. However, the Chair did not rule as such.

34. At the Special Meeting on August 24, two new motions were passed, the first censuring the former Chair¹¹, and the second to explore means to fundraise to try to recur the losses^{12,13}.

35. This appeal was filed September 7.

36. The LNC moved to rescind the Respondents' reply to the appeal. It failed 5-10-2.¹⁴

37. On October 5, a motion to rescind adoption of the SIC report and all appurtenant motions failed, 2-9-2.

¹¹ "Whereas, the Special Investigatory Committee has found that former Chair Angela McArdle engaged in actions that, in the LNC's view, violated fiduciary duties to the Libertarian Party, including concealing conflicts of interest and misusing donor funds;

Now, therefore, be it resolved, that the Libertarian National Committee censures Angela McArdle for conduct in violation of the fiduciary duties and ethical standards expected of Party leaders;

Be it further resolved, that the Libertarian National Committee expresses its opinion that Angela McArdle's conduct, as detailed in the Special Investigatory Committee report, reflects behavior inconsistent with the standards expected of those serving in leadership roles of the Libertarian Party or as a candidate representing it."

Motion PASSED 10-5-2. Roll Call vote: AYE: Darr, Nekhalia, McMahan, Redpath, Hallesy, Bohler, McGee, Nanna, Thompson, Knebel; NAY: Chadderon, Watkins, Bost, Vinson, Dassing; ABSTAIN: Ford, Martin.

(Source: LNC Meeting video of 8/24/25.)

¹² "Whereas, the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee;

Be it resolved, that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee."

Motion PASSED 10-3-1. Roll Call vote: AYE: Darr, Nekhalia, McMahan, Redpath, Hallesy, Bohler, McGee, Nanna, Thompson, Knebel; NAY: Martin, Watkins, Bost; ABSTAIN: Ford. Chadderon, Vinson, and Dassing had left the meeting before the vote.

(Source: LNC Meeting video of 8/24/25.)

¹³ It should be noted that Chadderon gave a report dissenting to the SIC report at this meeting, speaking and Q&A for 25 minutes, but offered no motion to rescind adoption—because he was not on the prevailing side of the original adoption motion (see footnote 5, above). Nobody on the prevailing side did, either.

¹⁴ The LNC cannot rescind the submitted response because there was never a motion to submit it in the first place; the response was submitted at the direction of the Chair, so the motion is actually Out of Order for that reason alone. Plus, once it was submitted to the JC, it no longer belongs to the Respondents and is part of the case record unless the JC itself decides to return it. However, the deadline for submission of a response has also passed, so the window to request a return has also passed. But the motion to rescind failed anyway, making it moot.

Issues regarding the motions

38. There are two issues regarding the motions made on June 9 and August 24:

1. Does adoption of the SIC report on June 9 violate the Bylaws?
2. Does adoption of the August 24 resolutions violate the Bylaws?

Discussion of Issue #1:

39. Section 1.02 of the Policy Manual requires one of the following to satisfy the requirement of notice for an original main motion (paraphrased):

1. Announcing this intention at the previous session in the presence of a quorum, providing an accurate and complete statement of purport, with such notice to be taken note of in the minutes; or
2. Sending the complete language of the motion to the entire LNC by e-mail at least five (5) days prior to the session.”

40. First, are these motions original main motions? Respondents assert here that they are.¹⁵
Respondents are incorrect.

41. An original main motion is defined at 10:3 as:

“a main motion that introduces a substantive question as a new subject.” (emphasis added)

42. An incidental main motion is defined at 10:4 as:

“a main motion that is incidental to or relates to the business of the assembly, or its past or future action.” (emphasis added)

and then goes on to list some characteristics. But 10:5 also says this:

*“An incidental main motion involving a subject already entered into might be a motion to **adopt** recommendations which a committee has prepared upon instructions (not relating to a referred **motion**) ...”* (emphasis in the original)

43. The motions regarding the report clearly relate to the business of the assembly (the LNC), and to adopt the report the committee has prepared. The SIC was already constituted to do its work, on February 2, 2025, by a debated original main motion because it was a new business item before the LNC at that time¹⁶. But the creation of the SIC also did not have a motion committed to it; therefore, adopting its report or recommendations is an incidental main motion and not an original main motion, as it was also not a new subject.

44. All of that brings back to the Policy Manual 1.02, which applies to original main motions, not incidental main motions.

¹⁵ Curiously, in the mooted appeal prior, it was correctly asserted that they were incidental main motions.

¹⁶ Because the second SIC was constituted for different reasons than the first SIC, it is a new business item. Tangential reasons alone are not enough to consider the second SIC to be moved as an incidental main motion.

45. Therefore, Policy Manual 1.02 does not apply to the motion to adopt the report. As Respondents point out, 9:15-16 then applies.¹⁷
46. So what notice is required for an incidental main motion, if any, and where is it required? Some answers are provided in 10:44-51; specifically, 10:47:
“Unless the rules require the full text of the motion, resolution, or bylaw amendment to be submitted in the notice, only the purport¹⁸ need be indicated; but such a statement of purport must be accurate and complete—as in “to raise the annual dues to \$20”—since it will determine what amendments are in order when the motion is considered.”
47. In the absence of a Policy Manual Rule regarding notice for incidental main motions, 10:47 controls, and the Chair indicated the purport of the motions in his call to the special meeting, specifically in item of business #2: “Adoption of Special Investigatory Committee Report Special Investigatory Committee”.
48. If there are resolutions contained within the SIC report, then adoption of the SIC report would include adoption of the resolutions contained within it. Alternatively, the resolutions can be addressed separately within the scope of reviewing a report; we see this commonly in reports of the Bylaws or Platform Committees at Convention, and consideration by seriatim otherwise.
49. So, what does the SIC report say? Does it have any resolutions, or just recommendations? The difference is critical:
1. If the report contains specific resolutions, then that is what is moved and debated (and amended within scope).
 2. If the report contains only recommendations, then the receiving body (the LNC) can develop relevant motions that may not necessarily be verbatim to the recommendations but do capture the gist of them.
- Which happened here? The second, recommendations.
50. On pages 90-94 of the SIC report, it is crystal clear that the report is making recommendations. The recommendations for the Policy Manual were largely adopted, but **they were worded differently**

¹⁷ 9:15 “The only business that can be transacted at a special meeting is that which has been specified in the call of the meeting. This rule, however, does not preclude the consideration of privileged motions, or of any subsidiary, incidental, or other motions that may arise in connection with the transaction of such business or the conduct of the meeting. ...”

9:16 “The requirement that business transacted at a special meeting be specified in the call should not be confused with a requirement that previous notice of a motion be given. Although the call of a special meeting must state the purpose of the meeting, it need not give the exact content of individual motions that will be considered. When a main motion related to business specified in the call of a special meeting is pending, it is as fully open to germane amendment as if it had been moved at a regular meeting.”

¹⁸ Purport: 1. The meaning, import, or sense; 2. Purpose; intention; object
(<https://www.dictionary.com/browse/purport>)

than the wording of the recommendations. Specifically, the final paragraph of the report on page 94, which is at the heart of this case, states this:

6. *Based on the findings and conclusions in this report, and the strength of the evidence supporting them, the Special Investigative Committee **recommends that the LNC adopt a resolution** finding Angela McArdle unfit to serve as an officer of the Libertarian Party in the future. The Special Investigative Committee **recommends that the LNC adopt a 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. (emphases added)*

51. Note that these are clearly recommendations to adopt resolutions and not resolutions themselves. As such, the LNC is free to take the recommendations and form them into any language they want in a resolution, including none at all (taking no action). And that is exactly what the LNC did: they formed their own resolutions—twice. That included the motion to censure the former Chair, which falls under the issues of conflicts of interest and violations of fiduciary duty. As the former Chair was a member of the LNC, and the resolution specifically mentions conflicts of interest and violation of fiduciary duty, which is by definition a business practice, the resolution is in line with the instructions of the motion to form the second investigatory committee on February 2. While the SIC report focused on the former Chair, it also addressed the actions of another LNC member as well, who was found to not have failed to disclose any conflicts of interest and did not violate any fiduciary duties. That alone precludes Petitioners’ arguments that the SIC was not independent and biased against the former Chair—the SIC did investigate others as stated in their report. Who all on the LNC was investigated is a question to be directed to the SIC, and is not a question for the JC to answer.
52. Because the motions were incidental main motions, notice was met in the call to the special meeting under 10:47. That notice was given seven days in advance of the meeting.
53. It is conclusive that the motions in question, including both the adoption of the SIC report and the appurtenant motions from its recommendations, are incidental main motions and not original main motions and therefore are not subject to the notice requirements of the Policy Manual, but are instead subject to the notice requirements of 10:47, which were met.
54. Adoption of the SIC report was procedurally sound. Whether the contents of the report were accurate is not for the JC to determine.¹⁹
55. However, Petitioners claim that the adoption of the SIC report violates Article 3 because it “misrepresents facts” (paraphrasing), claiming that because the conclusions of the report were “unproven allegations,” its adoption violated Article 3 by violating the Statement of Principles’ “support the prohibition of robbery, trespass, fraud, and misrepresentation.” That claim fails on several fronts.

¹⁹ And as will be explained further, it doesn’t matter anyway.

56. First, the Statement of Principles applies to **governments**. The entire sentence that Petitioners claim was violated states:

*“We, on the contrary, deny the right of any **government** to do these things, and hold that **where governments exist, they must not violate the rights of any individual: namely, (1) the right to life — accordingly we support the prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action — accordingly we oppose all attempts **by government** to abridge the freedom of speech and press, as well as **government** censorship in any form; and (3) the right to property — accordingly we oppose all **government** interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.” (emphases added)***

57. Petitioners take the sentence out of context and misapply it because it refers to governments, not the LNC. While it could be argued that the LNC is a form of a governing structure of the Party, it is not the public governments the Statement of Principles refers to. The Libertarian Party is NOT part of the cult of the omnipotent state it challenges!²⁰²¹²²

58. The Statement of Principles is a statement of “**why**” the Party does what it does, but not the “**how**”: to free individuals from the shackles of governments to maximize their individual unique potential of life in their own ways, aka Liberty. It is a guideline for the actions the Party does, in relation to electoral politics and government operations and law. The Platform expands on the Statement of Principles. Internal Party structure and operations are governed by law, the Bylaws, Standing Rules, and RONR as the parliamentary authority. Those give the Party structure and process. The Statement of Principles does not; it’s the guideline, not the rule.

59. However, the Respondents claim that per the Bylaws the LNC is not bound by the Statement of Principles. While it is technically correct that there is no explicit direct bounding of the LNC as a group in the Bylaws like there is for affiliates in 5-4, the claim is incorrect because **all LNC members**,

²⁰ 3-1 states “The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail.” Petitioners claim this places the Statement of Principles as being binding on the LNC. But unlike other areas of the Bylaws like 5-4, it’s not explicit. See below.

²¹ The question of misrepresentation is at best a long stretch, and at worst it is nonsense. The former Chair had every opportunity over the 5 months between the establishment of the SIC and the adoption of its report to be interviewed by the SIC and chose to not do so, and accordingly, constructively accepted by implication the contents of the report. The former Chair declined to state their case and instead waited until August 25 to speak publicly about the SIC report. In choosing to not talk to the SIC, the decision was made to acquiesce to the representation in their report—one cannot claim misrepresentation when they declined to sort it out when they could!

²² This is also not a criminal case or civil case, so principles of preponderance of evidence and innocent until proven guilty beyond a reasonable doubt do not apply. Nor is the LNC a judicial court of law and required to apply them.

being members of the Party themselves, are bound by the Statement of Principles and/or the Pledge per 4-1, 6-1, and 7-4—regardless of whether or not they are on the LNC.²³

60. Petitioners make the claim that members of the SIC had actual material interests and material relationships that violate DC Code. Perhaps they did, or perhaps they did not, but just like the accuracy or interpretation of the contents of the investigatory committee report, that is a question for a court of law or the Convention Delegates, not the JC. For the purposes of this case here and now, it is irrelevant.

61. The June 9 resolution adopting the SIC report is therefore procedurally valid.

Discussion of Issue #2:

62. The August 24 resolutions present a different question, separate from the June 9 resolutions, whether those August 24 resolutions violate the Bylaws.

63. As indicated above, there were two resolutions passed. They are addressed individually.

64. First, the resolution of censure:

“Whereas, the Special Investigatory Committee has found that former Chair Angela McArdle engaged in actions that, in the LNC’s view, violated fiduciary duties to the Libertarian Party, including concealing conflicts of interest and misusing donor funds; Now, therefore, be it resolved, that the Libertarian National Committee censures Angela McArdle for conduct in violation of the fiduciary duties and ethical standards expected of Party leaders; Be it further resolved, that the Libertarian National Committee expresses its opinion that Angela McArdle’s conduct, as detailed in the Special Investigatory Committee report, reflects behavior inconsistent with the standards expected of those serving in leadership roles of the Libertarian Party or as a candidate representing it.”

65. The censure motion itself is an incidental main motion; *supra*. It is not an original main motion, because it does not “introduce a substantive question as a new subject” (10:3, *supra*). It instead “relates to the business of the assembly, or its past or future action.” (10:4, *supra*). Because the censure motion arises directly from the previous motion to create the SIC, it relates to past action. Had the censure motion come out of nowhere, regarding something the assembly (the LNC) had never addressed before, then it would be an original main motion. That is not the case here. The motions coming from the report clearly relate to the business of the LNC, and to adopt recommendations the SIC had prepared. The SIC was already constituted to do its work, on February 2, 2025, by a debated original main motion because it was a new business item before the LNC at that time. But the creation of the SIC did not have a motion committed to it²⁴; therefore, adopting

²³ On September 23, a resolution was moved by the LNC to claim that the LNC was bound by the Statement of Principles, which is, as was just explained, superfluous. But that alone does not negate or invalidate the Respondents’ response.

²⁴ A motion committed to the investigatory committee upon its formation would be considered a main motion if it was new business before the assembly.

its report or recommendations is an incidental main motion and not an original main motion, as it was also not a new subject (*supra*).

66. But recall that 10:5 also says this:

*“An incidental main motion involving a subject already entered into might be a motion to **adopt** recommendations which a committee has prepared upon instructions (not relating to a referred²⁵ **motion**) ...”* (emphasis in the original)

67. Ordinarily, a resolution of censure (of which the first motion definitely is) or commendation or similar is considered a (not necessarily *original*!) main motion (10:57²⁶; if it was an original main motion then 10:57 would say it is an *original* main motion, and it does not!). However, these motions are not a new subject per 10:5. So they must be an incidental main motions and not original main motions.

68. Censure motions do not require disciplinary procedures (see 39:7 where they are clearly separated²⁷), per 61:2fn1²⁸. So that it not applicable here. Nor do they have to be tied to an investigatory committee, either.²⁹

69. In this case, the “Whereas” part does mention it, but the “Whereas” sections are not the actual action of the LNC—that is covered in the “Be it resolved” section. Put another way, the “Be it Resolved” section is the “what” is done, and the “Whereas” is the optional (see 10:16³⁰) “why” it’s done. Petitioner claims that the why is faulty because the Petitioner claims the SIC report is faulty, but the reality is that the why doesn’t matter—a person can be censured for anything the assembly

²⁵ A “referred” motion is the same as a “committed” motion; see 13:1 et al.: “13:1 *The subsidiary motion to Commit or Refer is generally used to send a pending question to a relatively small group of selected persons—a committee—so that the question may be carefully investigated and put into better condition for the assembly to consider.*”

²⁶ 10:57: “*Since the motion to ratify (or to censure) is a main motion, it is debatable and opens the entire question to debate.*”

²⁷ 39:7: “*Except as may be necessary in the case of a motion of censure or a motion related to disciplinary procedures, a motion must not use language that reflects on a member’s conduct or character, or is discourteous, unnecessarily harsh, or not allowed in debate*” (emphasis added)

²⁸ 61:2fn1: “*It is also possible to adopt a motion of censure without formal disciplinary procedures.*”

²⁹ Note also that the LNC in 2022 censured then-LNC member Joshua Smith without a disciplinary process, so there is precedent for this action by the LNC.

³⁰ 10:16: “...A preamble consists of one or more clauses beginning “Whereas,...” *It should be emphasized that neither rule nor custom requires a resolution to have a preamble,*” (emphasis in the original)

wants, be it repeated absences, bad words, sleeping in meetings, putting pineapple on pizza, crimes or unethical behaviors, or simply side-eyeing someone in a meeting.³¹

70. As such, the censure motion does not violate the Bylaws on that basis.

71. **Mere disagreement with an outcome or dispute of underlying facts is not enough to overturn a LNC decision by the JC. There must be provable errors in procedure or a clear violation of the Bylaws.** Petitioner only claims disagreement or dispute and does not present a procedural error or a Bylaws violation. The claim is effectively “sour grapes.”³² The proper recourse to overturn the adoption of the report, or to overturn the censure, is for a LNC member on the prevailing side to move to rescind them.³³

72. Second, the resolution regarding funds recovery:

“Whereas, the Special Investigatory Committee finds that former Chair Angela McArdle financially benefitted from her deception of the Libertarian National Committee; Be it resolved, that the Libertarian National Committee shall explore fundraising and/or pro bono legal counsel to pursue the recovery of funds, under any legal procedures available, as outlined in this report and any supplemental report(s) produced by the Special Investigatory Committee.”

73. This motion does violate the Bylaws and Rules.

74. The problem is the use of the term “deception.” While the SIC report has a section under “Key Findings” titled “Concealment and Deception,” that is not justification to use the term in the resolution. 63:11 states:

“A resolution is improper if it implies the truth of specific rumors or contains insinuations unfavorable to an officer or member, even one who is to be accused.”

75. The term “deception” is an insinuation unfavorable to the member, and as such the resolution should have been ruled out of order. Unlike the censure motion, which falls under the exception

³¹ It certainly can be for fickle reasons as well as serious ones, which is why it is important that the circumstances be considered. But such consideration, while being the mark of a responsible and thoughtful deliberative body, is not required—especially when the why is obvious. Whether or not the LNC was thoughtful or responsible regarding consideration of this censure motion is not for the JC to judge, either. That’s up to the Delegates to decide at Convention.

³² While it could be argued that the motion to adopt the report can be reconsidered if the timing and mover is done correctly per RONR 37, for the censure motion it is a different question subject to dispute. RONR does not explicitly indicate that censure motion can be reconsidered. Some parliamentary experts interpret RONR to mean that since a censure motion is a main motion, and main motions can be reconsidered, a censure motion can also be reconsidered. Other parliamentary authorities, such as Demeter and Riddick (alternatives to RONR), argue that a vote of censure is final and self-executing and cannot be reconsidered. The JC only notes that dispute here and does not consider that question.

³³ See 35:1 through 35:45.

that 39:7 carves out for such language³⁴, here that exception does not apply. So as worded, it is Out of Order and null and void.³⁵

76. In summary, the censure motion is in order and the funds recovery motion is out of order.

Conclusion

77. Was the SIC report incorrect or incomplete? That is not for the JC to judge, and such judgement is invariably tied to subjective perspective regarding the factions and persons involved. The JC should not wade into that battle; it is for the Delegates to sort out. Nor is a context dispute relevant here. The questions before the JC are straightforward: Did the motions violate the Bylaws? I conclude that the adoption motion and the censure motion did not violate the Bylaws, but the motion regarding funds recovery as worded did violate the Bylaws, and any conclusions or allegations of sloppiness or inaccuracy or bias of the SIC are beyond our scope—the JC is not an investigative committee of the investigative committee.

78. The appeals therefore should be:

- rejected in part regarding the motions adopting the SIC report, upholding the adoption motion;
- rejected in part regarding the censure, upholding the censure motion; and
- upheld in part regarding seeking fundraising or recovery of funds, overturning that motion.

79. FINAL NOTE: Three days after the hearing was concluded, Petitioner Roos attempted to influence the JC's deliberations by contacting them and offering more information to them in the form of a "Thank you" note. Petitioner Roos was soundly rebuffed by the JC Chair and told to cease. Such attempts at tampering with the JC after the hearing occurred and the deadline for presenting all evidence has passed is both unprofessional and unethical, and does not bode well for the Petitioner. Future Petitioners and Respondents would do well to not engage in such behavior; at the bare minimum it is bad optics and indicative of desperation, and at maximum it is equivalent to jury tampering.

³⁴ 39:7: "**Except as may be necessary in the case of a motion of censure or a motion related to disciplinary procedures, a motion must not use language that reflects on a member's conduct or character, or is discourteous, unnecessarily harsh, or not allowed in debate**" (emphasis added)

³⁵ To state it directly: a reworded motion without the unfavorable language may be in order, depending upon its wording.