

Hector Roos, et al., Appellants

v.

Libertarian National Committee, Respondent

Filed: September 8, 2025

Decided: November 5, 2025

Opinion by Blay Tarnoff, joined by Stephan Kinsella and Rob Stratton, and by Rob Latham with respect to all but part II

Appellants Hector Roos, et al. allege the Libertarian National Committee (LNC) is in violation of the Party Bylaws in (1) its adoption on June 9, 2025 of the report of the Special Investigatory Committee (SIC) constituted on February 2, 2025 and (2) its adoption of two resolutions censuring past Chair Angela McCardle on August 24, 2025. Appellants petition the Libertarian Judicial Committee (LJC) to veto these decisions pursuant to Article 7.12 of the Party Bylaws.¹

I

Appellants make the following requests for relief, considered immediately following:

1. Declare that the LNC's adoption of the Special Investigatory Committee 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 Angela McCardle did not violate her fiduciary duty or commit embezzlement.

Declare that the LNC's adoption of the Special Investigatory Committee report at its June 9, 2025 meeting was in violation of the Statement of Principles and Article 3 of the Bylaws.

With regard to Appellants' first request, we find that, indeed, as an organization founded on libertarian principles, everyone, LNC and Party members alike, are bound by the basic principles of human interaction upon which the philosophy of libertarianism is founded, such as to eschew the intentional

¹ "Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws. If the decision is vetoed by the Judicial Committee, it shall be declared null and void."

use of force or fraud or breach of contract to violate rights or entitlements or to unjustly take possession of rightfully owned property. However, not every act that may legitimately be proscribed by the Party Platform is necessarily addressable by the LJC to overturn a decision of the LNC. The Platform is, explicitly by its own terms, a document that declares various uses of government power to be justifiable or unjustifiable. It is not directly applicable to anyone who is not involved in the constitution, support or execution of government power.

In this case, there have been accusations of “misrepresentation.” Is such conduct violative of some basic principle of human interaction upon which the philosophy of libertarianism is founded? Depending on intent and other factors, perhaps it is and perhaps it is not. Unfortunately, due to its nature and constitution, the LJC is limited as to what matters are within its competence and capability to address. Absent clear and convincing documentary evidence evincing intentional, malicious misrepresentation to deprive someone of their rightful property or entitlement, the LJC is unable to conduct the type of inquiry necessary to determine whether such conduct has occurred. As the question therefore lacks justiciability, it must be resolved in the political arena.

Void the adoption of the SIC report as an official record or finding of the LNC and remanding its consideration to the LNC.

Appellants have alleged no basis to void such adoption, other than the accusation of misrepresentation, considered and dismissed above.²

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.

Appellants have alleged no basis to void such motions and resolutions, other than the accusation of misrepresentation, considered and dismissed above.

Declare that Party actions based on material misrepresentation are null and void regardless of parliamentary compliance.

This contention was addressed above.

Declare that Angela McArdle did not violate her fiduciary duty or commit embezzlement.

Evidence sufficient to make such a declaration has not been provided, and such a determination is likely not justiciable within the competence and capability of the LJC to address.

² Appellants did raise a procedural issue of failure to provide previous notice. However, this request is without merit. LNC Policy Manual Section 1.02 (1) (“Previous notice is not required unless specified by the Party Bylaws or its parliamentary authority”); RONR (12th ed.) 9:16.

Apart from the relief as requested, we do identify, *sua sponte*, a number of issues that might have been raised by Appellants. With respect to these issues, we find the actions of the LNC in this case somewhat troubling.

While the call of the special meeting of June 9, 2025 to consider adoption of the SIC report was issued five days prior to the meeting, the actual report was not released until approximately three and a half days later, i.e. until approximately 36 hours before the meeting began. This raises a legitimate question as to the sufficiency of the notice required in the call of a special meeting,³ suggests a hasty attempt to achieve a desired result in a matter where Robert's Rules of Order, Newly Revised (RONR)⁴ advises that "proper and tactful handling of the case is of prime importance,"⁵ and provides a basis to void the motion to adopt the report.⁶

The call of the special meeting of August 24, 2025 to consider resolutions appurtenant to the SIC report is also questionable, in that the true intent of the meeting appears to have been disciplinary, i.e. the adoption of two motions of censure. While it may be true that the motions were appurtenant to the report, a disciplinary procedure is qualitatively different from a non-disciplinary procedure, and the innocuous call of the meeting suggests intent to cloud its true purpose. Indeed, Respondent admitted in the hearing that the meeting was not called for disciplinary purposes. Yet, two motions of censure containing very serious accusations of wrongdoing were nevertheless considered and passed. The adoption of motions outside the scope of the call of a special meeting provides a basis to void them, absent ratification at a regular meeting.⁷

Another issue of concern is the lack of a trial. As the motions of censure did involve "serious" matters, RONR 61:4 appears to suggest a trial should be considered,⁸ while 61:22 appears to require one explicitly.⁹ While it is not completely clear that a trial is absolutely required,¹⁰ there is certainly no bar to

³ LNC Policy Manual Section 1.02 (7) (5,8); RONR (12th ed.) 9:14-15.

⁴ RONR (12th ed.) is incorporated into the Party Bylaws by reference in Article 16.

⁵ RONR (12th ed.) 61:4.

⁶ "The adoption of a motion at a special meeting that was not properly noticed in the call of the meeting can be cured by ratification of the motion at a regular meeting." RONR (12th ed.) 9:15. In this case, the failed attempt at a later regular meeting to "rescind" the report would likely serve the same result, assuming the vote did not fail in a tie.

⁷ RONR (12th ed.) 9:15.

⁸ "Formal disciplinary procedures should generally be regarded as a drastic step reserved for serious situations or those potentially so."

⁹ "If improper conduct by a member of a society occurs elsewhere than at a meeting, the members generally have no first-hand knowledge of the case. Therefore, if disciplinary action is to be taken, charges must be preferred and a formal trial held"

¹⁰ There does appear to be a conflict and resulting ambiguity in RONR regarding whether formal disciplinary procedures are necessary to adopt motions of censure in some circumstances. The footnote in 61:2 reads, "It is also possible to adopt a motion of censure without formal disciplinary procedures." However, 61:22 explicitly calls for formal procedures for conduct that occurs outside a meeting, and 61:2 identifies censure as disciplinary. This apparent conflict may be resolved either by presuming 61:22 does not intend to include censure in its reference to

holding one, and the lack of one being considered may appear to suggest a lack of concern to conduct a “fair disciplinary process.”¹¹ However, the lack of a trial, itself, cannot serve to void the motions of censure at issue if not raised as an objection by the subject of the motions. The parties have leeway and discretion to “rectify the situation”¹² without trial, and the subject may indeed have legitimate personal or political reasons to prefer not to undergo a trial, having nothing to do with the veracity of the underlying accusations.

Taken together, these three issues – the apparent lack of intent to hold or offer a trial and the two inadequate special meeting calls – appear to suggest a pattern of sacrificing fairness to achieve a desired result. While such pattern may not, in itself, suffice to justify the voiding of a decision of the LNC, and may not even be justiciable within the competence of the LJC, such appearance of impropriety is most unbecoming.

Moreover, as Libertarian Party members, we are rather dismayed that the LNC has devoted untold hours of manpower and Party resources over a nine-month period in pursuit of tarnishing the reputation of a former Libertarian Party Chair, who resigned from office on January 25, 2025, two days after the effort began. While RONR confers no strict obligation to abandon disciplinary proceedings against an officer who resigns, it does advise that “it is usually best for all concerned to offer him the opportunity to resign quietly . . . ,”¹³ as “[i]t is usually in the best interests of the organization first to make every effort to obtain a satisfactory solution of the matter quietly and informally.”¹⁴ It appears that, for whatever reason, the LNC has chosen to take the opposite tack.

With regard to the issues, themselves, as a basis for a determination, the lack of certainty of their merit, combined with the fact that they were not raised by Appellants, precludes them from being used as a basis to overturn any decision of the LNC.

For all of the foregoing reasons, we hereby vote to uphold all LNC decisions at issue.

“disciplinary action” or that the footnote in 61:2 merely expresses a general case which may be overridden by conflicting provisions. We are somewhat relieved that we are not forced to resolve this ambiguity today.

¹¹ RONR (12th ed.) 63:7.

¹² *Id.* 63:12.

¹³ *Id.* 63:6.

¹⁴ *Id.* 61:4.