Opinion by Michael Seebeck, joined by Marc Montoni

4/14/26

(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 unless otherwise noted.)

In the case of re: Judicial Committee Appeal To Declare Null and Void Certain Actions of The Libertarian National Committee for Failure of Notice and For Imposing Disciplinary Sanctions Without Authority or Due Process (aka Campbell et al. vs. LNC), Mr. Seebeck delivers the following opinion, joined by Mr. Montoni.

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 challenged actions were disciplinary in substance and therefore subject to the notice, scope-of-meeting, and procedural requirements applicable to disciplinary actions under the Bylaws and adopted parliamentary authority.
    2. Veto and declare null and void those portions of the challenged resolutions or directives that impose or purport to impose disciplinary sanctions, findings of misconduct, or binding restrictions on members, affiliates, or staff, while leaving unaffected any separable non-disciplinary portions.
    3. In the alternative, veto and declare null and void the challenged actions in their entirety for failure to comply with notice, scope-of-meeting, or disciplinary-procedure requirements.
    4. Issue prospective guidance clarifying that:
        - Disciplinary actions may not be imposed in substance without compliance with disciplinary procedures, regardless of label;
        - Special-meeting calls must expressly disclose any intended disciplinary purpose; and

- Directives or resolutions that regulate member or affiliate conduct are subject to the same procedural limits as direct discipline.

5. Grant such other and further relief as the Judicial Committee deems just and proper.

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 desires a declaration claims that the censure motion was disciplinary in substance and therefore subject to procedural and notice requirements for disciplinary actions. This will be addressed further below.
8. Regarding Requested Relief #2, Petitioner requests a partial veto of the censure sanctions and findings of misconduct. As such this requested relief should be denied for redundancy with Requested Relief #1.
9. Regarding Requested Relief #3, Petitioner requests a full veto of all the actions taken. As such this requested relief should also be denied for redundancy with Requested Relief #1.
10. Regarding Requested Relief #4, the Committee has no reason to issue such guidance when said guidance already exists within the parliamentary authority, the Policy Manual, and Bylaws. As such this requested relief should be denied.
11. Regarding Requested Relief #5, this requested relief should be denied for vagueness and being beyond the jurisdiction of the Committee.
12. Should the remaining votes of the LNC be overturned?

Opinion

13. These issues have already been appealed and ruled on by this Judicial Committee, and the material facts and proceedings are unchanged. As such, **this appeal is simply dilatory in nature and should be ruled as such, with all requested relief denied.**

The only reason this appeal is being heard is because the Bylaws require it. Lawyers would question this appeal if it appeared in a court of law as a *res judicata* case, and I would agree.

14. **I would refer Petitioners to my prior opinion[1] on this matter. The Petitioners should have read that opinion before filing this appeal and saved everyone the trouble of this one. This is a dead horse that will not rise no matter how much it is flogged.**
15. As to the issue of notice and motions, refer specifically to paragraphs 39-53 regarding the types of motions and required notice thereof. There the appeal regarding notice was already comprehensively and completely addressed.
16. As to the issue of censure and disciplinary process, refer specifically to paragraphs 64-70, especially paragraph 68, where it clearly indicates with RONR citations that a censure does not require a disciplinary process. The LNC Censure of Mr. Joshua Smith in 2022 is precedent for an LNC censure of a member without a disciplinary process as outlined in RONR 61-63.
17. Finally, as to the issue of the motion regarding funds recovery, refer specifically to paragraphs 72-76.

Conclusion

18. Petitioners have wasted the Judicial Committee's time in attempting to re-litigate that which has already been adjudicated. Their appeal is dilatory and has already been addressed by this Committee, and only a Bylaws mandate requires us to address it yet again. I would strongly advise that such unnecessary repetition be discontinued. This apple is long eaten and no bites remain. [2]

[1] See https://mywikis-wiki-media.s3.us-central-1.wasabisys.com/lpedia/Seebeck-roos-vs-lnc-final-2025-11-05.pdf.

[2] In other words, KNOCK IT OFF!

Opinion by J. Robert Latham,
joined by Rob Stratton as to Part I

Summary:

On August 18th, 2025, the Libertarian National Committee ("**LNC**") provided notice of a special meeting on August 24th, 2025 to adopt two resolutions set forth in the call of the meeting. The LNC adopted the two resolutions at its August 24th special meeting. Appellants appealed these LNC actions on the grounds of insufficient notice and that the two resolutions of censure were disciplinary in substance, thus requiring disciplinary procedures. The undersigned judicial committee members would hold that the challenged LNC actions do not contravene any section of the current Party bylaws.

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Part I

The reasoning set forth in Jonathan McGee's brief on behalf of the respondent Libertarian National Committee is persuasive enough that the undersigned adopts it as our own. To mangle an idiom, there is no need to rephrase/reword the wheel when the analyses and conclusions sufficiently approximate ours.

Accordingly, the undersigned declines to grant the appellants' requested rulings.

In liberty,

/s/ J. Robert Latham

/s/ Rob Stratton
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Part II

Adding to that analysis, as past delegates to the national convention have expressed by the Party's adoption of Article 7, Section 15[1] into our Bylaws, we prefer to let information out -- imperfect as it may be -- and the perceptual chips fall where they may. Evidence-based information can be used to address unsupported claims, and additional context and evidence can be provided to correct misleading claims. Accept, or not, that interpretations will vary.

Just as four of my Judicial Committee colleagues and I deferred to the LNC's "business judgment" in deciding to participate in a challenged joint fundraising agreement -- so long as it did not violate the express text of the Bylaws (*see Harlos v. LNC appeal* (Harlos I)) -- I can defer to the LNC's judgment in its challenged actions here because I conclude that those actions also do not violate the Bylaws.

Although our current parliamentary authority forbids "mak[ing] public the charge of which an officer or member has been found guilty, or to reveal any other details connected with the case[,]"[2] Article 7, Section 15 of our Bylaws trumps that language. Moreover, the LNC may have taken the prospect of a libel action[3] into account in undertaking its challenged actions and decided that the juice was worth the squeeze.

In addition, our parliamentary authority exempts from its ban on the "use [of] language that reflects on a member's conduct or character, or is discourteous, unnecessarily harsh, or not allowed in debate" language "*as may be necessary in the case of a motion of censure* or a motion related to disciplinary procedures[.]" Robert's Rules of Order, Newly Revised (12th ed.)

("**RONR**"), 39:7 (emphasis supplied). Reasonable minds can disagree as to whether all of the words in the LNC's resolutions of censure are "necessary." In my role as a member of this Judicial Committee, rather than as a "super-LNC" member, I again defer to the LNC's business judgment in its wording of the resolutions of censure.

Where I distinguish non-disciplinary censure from discipline (whether the latter is associated with censure or not) is whether the action is intended to result, or results in, a curtailing of a member's right.[4] In my view, the resolutions of censure are not disciplinary in substance because they do not curtail any of a Party member's aforementioned rights. The dissent appears to claim that part of a member's right in the "society" that is the Party is a member's right not to have "allegations against [their] good name … except by charges on reasonable ground." RONR 63:5. Notwithstanding that the concept of a reputational right is anathema to libertarian philosophy, *see* Endnote 3, our parliamentary authority permits the Party to make allegations against a member's good name "as may be necessary in the case of a motion of censure" (as discussed above). RONR 39:7.

One problem with applying the rule of *res judicata* to appeals to the Judicial Committee is a lack of privity of interest, a concept touched upon in my dissenting opinion in the *Phillies* appeal. As was stated in Part II of this Judicial Committee's decision in the *Roos* appeal, "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." Opinion by Tarnoff *et al*, at 4 (emphasis supplied).

Mr. Campbell's appeal avers that "[w]here alleged misconduct occurs outside a meeting and involves serious accusations, formal procedures --

including the preferring of charges and consideration of a trial -- are strongly indicated[,]" with regard to the LNC's challenged censure resolutions. Does Ms. McArdle want a trial on the LNC's resolutions of censure against her? Under the current Bylaws, the lack of alignment on that question argues against applying the rule of *res judicata* and in favor of allowing a sufficient number of Party members seeking to challenge an action of the LNC, irrespective of whether there have been prior appeals on similar claims and issues. Although there is some overlap between the petition signatories to the *Roos* appeal and the instant *Campbell* appeal, there are significant differences as well;[5] and enough for me to conclude that the appellants for both appeals are not "the same party" for the purpose of a *res judicata* analysis.

And be careful what you wish for. If a proposed Bylaw amendment expanding the Judicial Committee's jurisdiction to LNC "inaction"[6] passes, a poorly-drafted *res judicata*-like Bylaw could foreclose any appeal to the Judicial Committee following the hearing of the first appeal of a Judicial Committee's term. One can imagine a future, outcome-oriented member of the Judicial Committee stating: "You say the LNC violated the Bylaws by refusing to seat your affiliate's delegates at this national convention? Why did you not appeal the LNC's inaction in not committing to seat your delegation at this national convention at its first, post-convention meeting when you had the opportunity to add your claim or issue during the previous appeal? Under the rule of *res judicata* your appeal should be denied."

If the Party has reached the point where Judicial Committee appeals have become too easily weaponized for the purpose of imposing upon incumbent LNC (and Judicial Committee) members, or as performative loyalty tests for petition signatories, perhaps the Bylaws threshold for such

appeals should be raised.

In liberty,

/s/ J. Robert Latham

Disclaimer: This document is intended to provide a structural analysis of the Libertarian National Committee and the role of the Judicial Committee for this appeal as informed by the Bylaws and is not intended as a legal opinion on any matter.

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[1] "The National Committee and all of its committees shall conduct all votes and actions in open session; executive session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality." Bylaws, Art. 7, § 15.

[2] Robert's Rules of Order, Newly Revised (12th ed.) ("**RONR**"), 63:3.

[3] *See* "Libel, Slander, and Reputation According to Rothbard's Theory of Libertarian Law," by Walter Block and Jacob Pillard, at

https://mises.org/journal-libertarian-studies/libel-slander-and-reputation-according-rothbards-theory-libertarian-law (last accessed April 19, 2026). *See also* "An Open Letter in Support of the Uniform Law Commission's Uniform Public Expression Protection Act," Institute for Free Speech, January 29, 2025, at https://www.ifs.org/expert-analysis/an-open-letter-in-support-of-the-uniform-law-commissions-uniform-public-expression-protection-act/ (last accessed April 19, 2026), which may or may not apply here.

[4] "A member of an assembly … is a person entitled to full participation in its proceedings, that is … the right to attend meetings, to make motions, to speak in debate, and to vote." RONR 1:4. "Rules protecting a basic right of the individual member ... may be curtailed only through disciplinary proceedings." RONR 25:11.

[5] For example, the list of petition supporters for the instant *Campbell* appeal contains none of the duplicate or ostensibly fabricated names accompanying the *Martin* appeal. Also, on March 14, 2026, this Judicial Committee's chairman

contacted LNC chairman Nekhaila requesting either verification or stipulation that staff reply by email to this Judicial Committee's request to verify the list of petition supporters that "the Article 7.12 requirement of a requisite number of co-Appellant Party members has been satisfied" for the instant *Campbell* appeal. The undersigned is unaware whether the LNC objected to the list of petition supporters for the instant *Campbell* appeal.

By comparison, in reference to the request for verification of the list of petition supporters accompanying the *Martin* appeal, on March 3, 2026 an LNC staff member replied to this Judicial Committee's chairman that

> "Of the 133 names submitted, staff verified 97 of them were sustaining members. Duplicates were removed before tallying the final figure.
>
> Total membership stands at 8989. Verified petitioners represent 1.08% of total sustaining membership."

If Party members desire changes to the Article 7, Section 12 requirement in the Bylaws for ascertaining sufficient support for appeals to the Judicial Committee, proposed amendments should be submitted to the LNC's Bylaws and Rules subcommittee.

[6] *See* 2026 Bylaws Committee Report, Proposal #18.

Opinion by Blay Tarnoff, joined by Stephan Kinsella

Jesse Campbell, et al., Appellants

v.

Libertarian National Committee, Respondent

Filed: March 7, 2026

Decided: April 22, 2026

Opinion by Blay Tarnoff, joined by Stephan Kinsella

Per Article 7.12 of the Libertarian Party Bylaws,[1] Appellants Jesse Campbell, et al. allege, among other things, that the Libertarian National Committee (LNC) is in violation of the Party Bylaws in that it "exceeded its authority by imposing . . . censure . . . without charges, notice, or an opportunity to be heard"[2] in its adoption of two resolutions censuring past Chair Angela McArdle at the special meeting held on August 24, 2025.

Facts

In an email ballot initiated on January 23, 2025 and completed January 30, the LNC established a disciplinary committee "to investigate and report allegations of misconduct" on the part of Ms. McArdle, who was Chair at the time. On January 25, two days after the email ballot was initiated, Ms. McArdle resigned from her position as Chair. The disciplinary committee was eventually discharged as moot.

On February 2, the LNC established a Special Investigatory Committee (SIC) to "investigate issues of conflict of interest and business practices of the Libertarian National Committee." The SIC presented its findings to the LNC at a special meeting held on June 9, at which its report recommending censure of Ms. McArdle was adopted. At a subsequent special meeting, held on August 24, 2025, the following two resolutions were passed:

> Resolution 1
>
> 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. (Emphasis added.)

[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."

[2] Appellant brief at 2.

Resolution 2

> 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. (Emphasis added.)

The issue presented is whether the LNC was within its authority to adopt these two resolutions without affording Ms. McArdle formal disciplinary procedures.

Reasoning

Paragraph 39:7 of Robert's reads, in pertinent part:

> 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 . . . .

Is the highlighted language in the two resolutions, which does clearly reflect on Ms. McArdle's conduct and character, truly "necessary"? While appropriate deference must be afforded the LNC in determining what is and is not "necessary", the language does appear to this observer more vengeful than anything else.

The LNC is entitled to express its opinion in motions of censure without having to bring formal charges. However, the highlighted phrases in the two resolutions in question constitute allegations of fact, not opinion. With regard to such allegations, Roberts asserts:

> A member or officer has the right that allegations against his good name shall not be made except by charges brought on reasonable ground. If thus accused, he has the right to due process—that is, to be informed of the charge and given time to prepare his defense, to appear and defend himself, and to be fairly treated. RONR (12th ed.) 63:5.

Per this paragraph, Ms. McArdle had the "right" not to have the allegations contained in the two resolutions in question made in any way other than "by charges brought on reasonable ground," appurtenant to formal disciplinary procedures. Were the highlighted phrase in Resolution 1 struck and the phrase "financially benefitted from her deception of the Libertarian National Committee" in Resolution 2 replaced with "financially benefitted from her acts," the resolutions *would* constitute mere expressions of opinion, rather than allegations of fact.

Proponents of the view that formal disciplinary procedures are *never* required to adopt motions of censure, no matter how fact laden and accusatory, rest their entire case on a single footnote in paragraph 61:2[3] of Robert's, which reads, "It is also possible to adopt a motion of censure without

[3] "Punishments that a society can impose generally fall under the headings of censure,[1] fine (if authorized in the bylaws), suspension, or expulsion. . . . ." RONR (12th ed.) 61:2.

formal disciplinary procedures." By contrast, 61:22 explicitly calls for formal procedures to discipline conduct that occurs outside a meeting[4] and 63:5, *supra*, requires formal charges to make allegations against a member's good name. While such proponents simply dismiss all of sections 61 through 63 as applying only in cases where formal disciplinary procedures are employed, such simplistic reasoning cannot stand scrutiny. The principles expressed in the subsection of Robert's entitled "Rights of the Society and the Accused"[5] are universal, even though they appear in a section that describes formal disciplinary procedures.[6] The claim that a member may not have his name and character impugned before trial, but *may* have it so impugned if *denied* a trial, is hardly credible.

Holding

With regard to the footnote in RONR 61:2 that "It is also possible to adopt a motion of censure without formal disciplinary procedures," we agree: a motion of censure may, indeed, be passed without formal disciplinary procedures, so long as it also complies with all the other principles laid out in the main text. In this case, the resolutions in question specify allegations of fact that could not be made other than by bringing formal charges against Ms. McArdle.[7] We therefore hold the decisions of the LNC to adopt the two resolutions in question null and void. Other than as may have been addressed in this opinion, Appellant's remaining requests for relief are either without merit or do not fall within the jurisdiction of this Committee to grant.

[4] "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 before the assembly of the society, or before a committee—standing or special—which is then required to report its findings and recommendations to the assembly for action. In addition, even when improper conduct occurs at a meeting, in order for disciplinary action to be taken other than promptly after the breach occurs, charges must be preferred and a formal trial held. However, the only way in which a member may be disciplined for words spoken in debate is through the procedure described in 61:10–18, which may be employed only promptly after the breach occurs. . . . ." *Id.* 61:22.

[5] *Id.* 63:2-6.

[6] The "Rights of the Society and the Accused" subsection is appropriately placed in the chapter on disciplinary procedures because part of its function is to indicate when such procedures may be triggered.

[7] The argument was considered that there may be little practical difference between bringing formal charges, which must be made public anyway due to the unusual mandate in the Party Bylaws that "[t]he National Committee and all of its committees shall conduct all votes and actions in open session . . . ," (Party Bylaws Article 7.15) and adopting a motion of censure, especially after a formal investigation has already taken place. However, we believe that the finality of a resolution versus the presumption of innocence attending formal charges, in addition to the possibility of vindication at trial, make the distinction sufficiently substantial to recognize.

Campbell vs. LNC

Summary Page of Libertarian Judicial Committee Opinions

Decided April 22, 2026

As expressed in the Seebeck opinion, joined by Mr. Montoni, and the Latham opinion, joined in part by Mr. Stratton, Messrs. Seebeck, Montoni, Latham and Stratton vote not to void any decision of the LNC.

As expressed in the Tarnoff opinion, joined by Mr. Kinsella, Messrs. Tarnoff and Kinsella vote to void the decisions of the LNC to adopt the two resolutions of censure at the special meeting of August 24, 2025.

Mr. Krawchuk did not issue or join an opinion but votes not to void any decision of the LNC.

The Libertarian National Judicial Committee hereby declines to void any decision of the LNC pursuant to this appeal, no majority to do so having been reached.