



October 22, 2021

Dr. Mary J. Ruwart
Chair
Judicial Committee of the Libertarian National Committee

**Re: Appeal of Caryn Ann Harlos From Her Suspension as Secretary of the
Libertarian National Committee**

Dr. Ruwart and Judicial Committee Members:

I write as Chair of the Libertarian National Committee (“LNC”) to respond to certain points raised in various filings submitted to the Judicial Committee in the above-referenced matter. The LNC does not take lightly the decision to suspend an officer and it is unfortunate that such action was necessary here. It was, however, deemed necessary by 2/3 of the LNC due to a long-standing pattern of disruptive conduct that substantially interfered with the board’s ability to conduct its day-to-day operations and function as the governing body of the Libertarian Party. The LNC took appropriate action to address that conduct – suspension of an officer – as the Bylaws expressly authorize it to do. The Judicial Committee should affirm that suspension.

Article 6(7) of the Bylaws establishes clear procedures for the suspension of an officer. The LNC properly followed those procedures – that much, at least, appears to be undisputed. At the conclusion of that process, the LNC duly passed a motion to suspend the Secretary by a vote of 11-2-1. The Bylaws expressly authorize the LNC to take this action.

The Secretary and others have nevertheless suggested that the LNC’s action somehow denied the Secretary due process. Because the LNC properly followed the procedures established by Article 6(7), however, such an objection is not to the LNC’s action, but to the “process” provided by that provision. Whether Article 6(7) provides a sufficient process is not an issue that is properly before the Judicial Committee in this matter but is for the delegates to determine at convention. In any event, the procedures established by Article 6(7) did provide the Secretary with due process: the Secretary was given proper notice of the motion to suspend; the motion was supported by a Bill of Particulars setting forth the grounds for suspension and the evidence supporting those grounds; and the Secretary was provided with ample opportunity to address the evidence and present a defense, which the Secretary vigorously did. That is what due process requires and that is what the Article 6(7) process provides. The Judicial Committee has further protected the Secretary’s right to due process by hearing this appeal in accordance with the procedures that Article 6(7) establishes.

It has been variously suggested that the Secretary’s suspension was motivated by an intent to discriminate or retaliate against a dissenting point of view, but that is inconsistent with the grounds and evidence set forth in the Bill of Particulars and it is categorically not true. The LNC has always been, and continues to be, a diverse body that not only tolerates but welcomes dissent. Furthermore, no LNC member wanted to go through this process. It has been difficult for everyone involved. The LNC took appropriate action to address a pattern of conduct by the Secretary that

was disrupting the LNC's ability to function. That is why the Bill of Particulars includes so much. This is not a "kitchen-sink" approach, as one amicus brief suggests, but a necessary consequence of the nature and scope of the Secretary's conduct. The members determined, and voted accordingly 11-2-1, that this conduct was sufficient cause for suspension.

Much has been made of a supposed effort to redefine the Non-Aggression Principle to prohibit "mean words" and the like. This is a distraction. Like any duly-organized board, the LNC must have the authority to govern itself and to take appropriate action to ensure that it is able to function properly. The LNC does have that authority pursuant to its inherent powers, and specifically with respect to the suspension of an officer, pursuant to Article 6(7). The LNC voted to exercise that power here. It is the Secretary's burden under Article 6(7) to establish grounds for the Judicial Committee to disturb that action, and the Secretary has failed to do so. Therefore, with great respect for the Judicial Committee's important role in this process, the LNC's decision should be affirmed.

I respect and admire the Secretary's energy and passion in the greater cause of liberty and extend my sincere thanks to her, on behalf of the LNC, for her service as an officer. I also wish to thank the members of the Judicial Committee for their service and dedication to the Party. I look forward to resolving this matter so that we may rededicate our efforts to the common goal of a world set free in our lifetime.

Thank you for your consideration.

Respectfully submitted,



Whitney Bilyeu
Chair

Libertarian National Committee