

**Libertarian National Judicial Committee**

**Petitioner: Caryn Ann Harlos**

**VS**

**Respondent: Libertarian National Committee (LNC)**

**Re: Suspension of LNC Secretary Caryn Ann  
Harlos**

**Libertarian National Committee  
Respondent Brief**

## Background

On August 25th, 2024, the Libertarian National Committee (LNC) adopted the following resolution:

*Resolved, that a committee comprised of Jonathan McGee, Pat Ford, and Adrian F Malagon be appointed by the Libertarian National Committee to investigate allegations of misconduct by our Secretary, Caryn Ann Harlos, which, if true, cast doubt on her fitness to continue in office, and that the Committee be instructed, if it concludes that the allegations are well-founded, to report resolutions covering its recommendations.*

On October 6th, 2024, the LNC adopted the following resolutions based on the recommendations of the Investigative Committee:

*Resolved, that when the meeting adjourns, it adjourns to Saturday, November 9, 2024 at 5:00 p.m. EST to be held virtually.*

*Resolved, that Ms. Caryn Ann Harlos is hereby cited to appear at said adjourned meeting for trial, to show cause why she should not be removed from the office of secretary on the following charges and specifications:*

*Charge 1: Gross Misconduct In Office*

*Specification 2: In that Ms. Caryn Ann Harlos failed to follow the legitimate instructions of the Libertarian National Committee Chair by filing paperwork regarding the presidential ticket, exclusive of the electors, with the Colorado Secretary of State (LP Bylaws, Article 6.5).*

*Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Ann Harlos Unfit for the Office of Secretary*

*Specification 1: In that, by filing the names of presidential and vice presidential nominees with the Colorado Secretary of State, Ms. Caryn Ann Harlos has exposed the Libertarian National Committee to litigation.*

*Specification 2: In that Ms. Caryn Ann Harlos has maligned various members of the Libertarian National Committee, specifically Mr. Adam Haman, and Ms. Angela McArdle, as detailed in On the Issue of Misrepresentation, On the Issue of Decorum and On the Issue of Investigation Interference.*

*Specification 3: In that Ms. Caryn Ann Harlos attempted to obstruct the investigation by falsely claiming that the convention had ruled regarding an investigating committee (Post of August 26, 2024, 3:47:13 a.m. MDT).*

*Resolved, that from the time official notification of this resolution is delivered to Ms. Caryn Ann Harlos' address until disposition of the case, all of Ms. Caryn Ann Harlos' authority, rights, and duties pertaining to the office of secretary and of all Libertarian Party Committees except the Historical Preservation Committee are suspended.*

*Resolved, that Mr. Jonathan McGee act as the manager for the Libertarian National Committee.*

Notice was sent to the accused on October 7th, 2024, and several times thereafter out of an abundance of caution. (A parliamentary opinion on notice requirements is submitted concurrently with this brief).

A trial was held on November 9th, 2024. At the conclusion of that trial, the LNC voted 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting) to permanently suspend Ms. Harlos from the office of Secretary. Prior to the beginning of the trial, the following resolution was passed:

*Resolved, That, upon adoption of this resolution, the adjourned meeting of the Libertarian National Committee (LNC) on Saturday, November 9, 2024, shall be in executive session for a disciplinary trial with the following special invitees: the LNC's Counsel, the LNC's Disciplinary Trial Parliamentarian, the Advisor to the LNC's Manager, the Accused, the Accused's Counsel, the Advisor to Accused's Counsel, the Court Reporter, and witnesses, other than those who are members of the LNC, during each witness's testimony;*

*Resolved, That the Accused, the Accused's Counsel, and the Advisor to Accused's Counsel shall exit the executive session prior to the discussion of guilt, shall not be permitted to rejoin the executive session for the discussion of penalties, and may rejoin the meeting for the conduct of votes in open session on guilt and penalties;*

*Resolved, That the agenda of the adjourned meeting of the LNC on Saturday, November 9, 2024, shall be as follows:*

- 1. Welcome and Introductory Remarks*
- 2. Roll Call*
- 3. Resolution Relating to Disciplinary Trial*
- 4. Appointment of Timekeepers*
- 5. Reading of Adopted Resolutions Relating to Disciplinary Trial*
- 6. Verification that Accused Furnished with Copy of Charges*
- 7. Announcement of Name of Manager for LNC*
- 8. Inquiry of Accused as to Counsel*
- 9. Reading of Charges and Specifications*
- 10. Inquiry of Accused as to Pleas*
- 11. Disciplinary Trial*

- a. Opening Statements (Total of thirty (30) minutes, equally divided between manager and defense)
- b. Testimony of Manager Witnesses (Sixty (60) minutes)
- c. Testimony of Defense Witnesses (Sixty (60) minutes)
- d. Testimony of Rebuttal Witnesses (Total of sixty (60) minutes, equally divided between manager and defense)
- e. Closing Arguments (Total of sixty (60) minutes, equally divided between manager and defense)
- f. Determination of Guilt
  - i. Charge 2
  - ii. Charge 1
- g. Determination of Penalties

## 12. Adjournment

*Resolved, That, if the Accused elects to be represented by counsel, the Accused's Counsel shall speak exclusively on behalf of the Accused, with the exception of the testimony given by the Accused when called as a witness;*

*Resolved, That each witness, other than those that are members of the LNC, shall: (i) be provided the link to the virtual meeting by the manager or the defense, (ii) sign onto the virtual meeting platform, and (iii) wait online to be admitted to the virtual meeting when called to testify by the manager or the defense;*

*Resolved, That, for each witness, a total of five (5) minutes for all cross-examination and re-cross-examination be permitted and the time consumed by cross-examination and re-cross-examination shall be counted against the time allotted to the side that called the witness; and*

*Resolved, That, for each witness, the time consumed for all re-direct-examination shall be counted against the time allotted to the side that called the witness; and*

*Resolved, That the Chair shall appoint timekeepers, who shall advise the Chair when time has been exhausted.*

At the conclusion of the trial, the following motions were moved, each time being prefaced with the question "Is Ms. Harlos guilty of the charge preferred against her?":

*"Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Harlos Unfit for the Office of Secretary, Specification 1: In that, by filing the names of presidential and vice presidential nominees with the Colorado Secretary of State, Ms. Caryn Harlos has exposed the Libertarian National Committee to litigation." With a roll call vote of 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

*“Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Harlos Unfit for the Office of Secretary, Specification 2: In that Ms. Caryn Harlos has maligned various members of the Libertarian National Committee, specifically Mr. Adam Haman and Ms. Angela McArdle, as detailed in On the Issue of Misrepresentation, On the Issue of Decorum, and On the Issue of Investigation Interference in the Investigatory Committee Report.” With a roll call vote of 11-0-3-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed unanimously.*

*“Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Harlos Unfit for the Office of Secretary, Specification 3: In that Ms. Caryn Harlos attempted to obstruct the investigation by falsely claiming that the convention had ruled regarding an investigating committee (Post of August 26, 2024, 3:47:13 a.m. MDT).” With a roll call vote of 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

*“Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Harlos Unfit for the Office of Secretary.” With a roll call vote of 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

*“Charge 1: Gross Misconduct in Office, Specification 1: In that Ms. Caryn Harlos failed to follow the legitimate instructions of the Libertarian National Committee Chair by filing paperwork regarding the presidential ticket, exclusive of the electors, with the Colorado Secretary of State (LP Bylaws, Article 6.5).” With a roll call vote of 11-1-2-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

*“Charge 1: Gross Misconduct in Office.” With a roll call vote of 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

With Ms. Harlos being found guilty of all the charges and specifications, the trial manager made the following motion regarding the determination of penalties:

*“[T]hat Ms. Caryn Harlos be suspended from the office of Secretary of the Libertarian Party under the terms provided by the Bylaws, specifically Article 6.7.” With a roll call vote of 11-3-0-2 (Aye-Nay-Expressed Abstention-Not Voting), the motion passed.*

On November 15th, 2024, Ms. Harlos submitted her appeal. It is 57 pages in length. The LNC disagrees with her arguments and rebuts them as follows:

## **ARGUMENT AND ANALYSIS**

Ms. Harlos submitted a 57 page appellant's brief that is full of red herring arguments and detailed history of past LNC and subcommittee actions. Respondents will respond to most of her arguments as concisely as possible.

Respondents contend the formation of the IC Committee, due process, and the trial were all procedurally valid and were conducted in accordance with our governing documents. We contend the threshold for removal that is specified in RONR, the bylaws, and the policy manual has been met. We contend the bylaws hold more weight than the policy manual, which can be amended at any time by a vote of the LNC. We contend RONR is instructive regarding due process, notice, and trial. We disagree with many of Ms. Harlos' definitions and assertions regarding these topics, as evidenced below:

### **RONR And Due Process**

Throughout her brief, Ms. Harlos makes many assertions about due process. RONR 63:5 sets forth the standard for due process in a removal trial. "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." Ms. Harlos was interviewed by the IC, she was informed of the charges, she was given more than 30 days notice and sent multiple copies of the notice letter, she was permitted to attend her removal trial, permitted to have counsel, and she was given equal time to present her case during trial.

Ms. Harlos has crafted her own (incorrect) definitions of due process, but the RONR standards for due process are clear and the LNC has met them.

### **Investigatory Committee**

Ms. Harlos incorrectly asserts that the IC was improperly formed and biased against her. Appellants disagree. The IC was properly formed and the members who constituted the committee were chosen in a way that is consistent with the bylaws and RONR. The motion to form the IC was done in open session in order to comply with our bylaws.

Ms. Harlos implies that it would be inconsistent to assert that the trial was properly held in Executive Session, but that Mr. Haman's motion to form the Investigatory Committee in open session did not violate her rights. This is a false equivalence.

The first step in a fair disciplinary process pursuant to RONR is a confidential investigation by committee, and RONR requires a motion to form an investigatory committee to be in Executive Session. However, as Ms. Harlos is well aware, the Bylaws supersede RONR. Article 7.15 (emphasis added) of the bylaws state:

*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.*

Thus, the motion to form the investigatory committee had to be made in open session. Absent this bylaw, the entire disciplinary process would have been handled in Executive Session as required by RONR. A trial is not a motion, and not subject to the first clause of Article 7.15.

Regarding the qualifications of the LNC members selected to be on the Investigatory Committee, the language cited in RONR 63:8 is suggestive and not mandatory. It should be noted that Ms. Harlos herself recommended two of the members of the committee. As for the remaining three members, she contrived arbitrary requirements not found anywhere in the LNC's governing documents and proceeded to air her (libelous) grievances towards those members as she deemed relevant to her confabulated requirements. None of the IC members have been found guilty of crimes of moral turpitude or any "guilt" other than "mean tweets", which Ms. Harlos aggressively denies as grounds for discipline. If Ms. Harlos wants to apply her mean tweets standard evenly, then any alleged mean tweets should be disregarded. Regardless, Mr. Malagon contends that he is not the author of the Mises Caucus tweets. Regarding Mr. Ford, it is understandable that he would not wish to speak to someone who is actively suing the LNC outside the presence of his attorney or fellow board members.

It is up to the LNC who is selected to be on an Investigatory Committee, and the LNC made its selection by a majority vote. The LNC's formation of the IC should be left undisturbed.

### **October 6th, 2024 LNC Meeting**

Ms. Harlos' complaints about the LNC's October 6th meeting are unfounded.

Between the time of the formation of the Investigatory Committee and the October LNC meeting, Ms. Harlos filed a derivative lawsuit against the LNC. In the recent past, Ms. Harlos has expressed her apprehension with going into Executive Session with an LNC member who was merely threatening to sue the LNC, much less actively suing the LNC. As reflected in her own minutes from the April 7th, 2024 LNC meeting:

*"Secretary Harlos expressed reservations about going into Executive Session without knowing who the anonymous director is that is threatening to sue the LNC and asked each member to answer the question whether they are that person.*

*...The members in attendance denied that they are suing the LNC, and Secretary Harlos withdrew her objection to Executive Session. The Chair stated that while this discussion is uncomfortable, it is perfectly in order."*

As such, it is rather hypocritical for her to complain about being excluded from the Executive Session where the Investigatory Committee report was discussed.

After the LNC exited Executive Session on October 6th, it immediately moved to consider charges in open session, per Article 7.15 of the bylaws. By that time Ms. Harlos had left the

LNC meeting. If she had been present, she would have had every right to oppose the charges prior to their adoption. Ms. Harlos claims that she was unable to be present due to her health, however by the accounts of many non-LNC members at the meeting while the LNC was in Executive Session, she appeared to engage in vigorous debate in the LNC's Zoom meeting with the general membership present. Even more curious is that Ms. Harlos was healthy enough to put together a 17-page Professional Responsibility Complaint that day against the parliamentarian advising the Investigatory Committee, but she was not able to attend the remainder of the LNC meeting which was held in open session. Curiosities aside, that stage in the process was more akin to a grand jury returning an indictment and her absence in no way deprived her of her right to defend herself against those charges at trial.

### **Inadequate Time And Lack Of Access To Materials To Prepare Defense**

Ms. Harlos contends she lacked enough time to prepare for her trial. We disagree and point back to RONR 63:5. "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". Ms. Harlos was given the full amount of time specified in the bylaws and was given due process according to RONR.

If we assume that Ms. Harlos was sick for twenty of the thirty-three days she was given to prepare, the fact of the matter is that she is a seasoned parliamentarian and writer. She wrote her 20-page LPCO JC appeal in four days. She wrote her 57-page suspension appeal in a week. The fact is that she had a copy of the IC report and the charges, and any additional communications needed to prepare her defense could have been specifically requested. No such request was submitted.

### **November 9th, 2024 Trial In Executive Session**

Ms. Harlos' trial was held in Executive Session; not open session. Contrary to her assertion, this was not a bylaws violation. Going back to Article 7.15 (emphasis added) of the bylaws:

*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.*

In fact, while the use of the word "shall" indicates that votes and actions must be taken in open session, the use of the word "may" indicates that the specifications in this clause are more permissive than the ones in the preceding clause.

Furthermore, litigation and personnel matters were discussed throughout the trial. Ms. Harlos' accusations against staff members were discussed. Her accusations against Mr. Jacobs, a contractor, were discussed, and her litigation against the LNC was discussed. These matters are all subject to the confidentiality of executive session.



Next, Ms. Harlos complains that the secrecy of Executive Session deprives her of appellate review, calling it “a perfect Kafka Trap.” What she fails to mention is that she has set a Kafka Trap of her own. Ms. Harlos has threatened to sue the LNC (again) if the Investigatory Committee Report is released. (Those threatening emails are submitted concurrently with this report.) Given that the evidentiary basis for the charges was the Investigatory Report itself, holding the trial in open session would have subjected the LNC to potential litigation. As such, holding the trial in Executive Session was appropriate.

Finally, while Ms. Harlos maintains that holding the trial in Executive Session effectively denies her actual appellate review, it should be noted that she continues to refuse to allow the LNC to release the Investigatory Committee Report, thereby effectively denying the LNC the ability to appropriately respond.

### **Alleged Inadequate Time For Defense**

With respect to time limits in a RONR trial the relevant portion of RONR 63:32 states:

*If time limits are imposed, they must allow the defense at least equal time for each element of the trial as that allowed the managers, and this rule may not be suspended without the consent of the defense.*

The defense was given equal time. The trial manager chose not to use all of the time allotted to him; the defense did use all of its time. Based on the estimated unused time by the trial manager, the defense used at least a half hour more than the trial manager. The claim that the defense couldn't make their case in the time allotted is not a due process issue. Ms. Harlos included a dearth of irrelevant evidence and witness testimony. That was her choice.

### **No Record For Appellate Review**

This is false. A record was made.

### **Improper Exclusion At Trial**

Ms. Harlos contends she was improperly excluded at trial. The LNC disagrees. As part of the disciplinary trial resolution, which was adopted by a  $\frac{2}{3}$  vote, this rule was adopted:

*Resolved, That, if the Accused elects to be represented by counsel, the Accused's Counsel shall speak exclusively on behalf of the Accused, with the exception of the testimony given by the Accused when called as a witness;*

Ms. Harlos argues that this violates a specific provision in RONR 63:30 (emphasis added) saying:

*“At the trial, the evidence against the accused officer or member is presented by the managers for the society, and **the officer or member has the right to be represented by counsel and to speak and produce witnesses in his own defense.**” That right means nothing if I cannot question my accusers and being in a virtual setting, I could not directly speak with my counsel except over text.*

The adopted resolution did not prevent Ms. Harlos from being represented by counsel, from speaking in her own defense, or from producing witnesses in her defense. The only thing the resolution did was specify the context in which the officer or member could speak and produce witnesses if she chose to be represented by counsel. This ruling was applied equally. Only the trial manager, Mr. McGee, presented the case on behalf of the LNC.

### **Not Questioned On Multiple Items In IC Report**

Ms. Harlos contends that she had a right to argue the points in the IC Report prior to its adoption. We disagree and point back to the RONR due process standard.

The Investigatory Committee interviewed Ms. Harlos to get her side of the story. At that point in time, no charges had even been drafted. That’s how an investigation works. The investigation takes place, and then a determination is made based on the evidence whether or not charges are necessary. The LNC heard the IC Report in executive session and went to a vote immediately afterwards. If a majority of the LNC wanted to hear more from Ms. Harlos before adopting the charges of the report, then the LNC would have voted to delay adoption of the report. Instead, the LNC trusted in the work of the IC, as is their right.

### **Trial Manager Acted Improperly As Prosecutor**

This is a nonsensical, vague argument based on Ms. Harlos’ assertion that Mr. McGee gave an incomplete citation of RONR and that her attorney corrected it. The trial manager performed his duties correctly.

Neither the trial manager, the accused, nor the accused’s attorney get to decide what is or is not a valid charge; the LNC does. When the LNC adopted the charges, they became valid charges. As such, the trial manager was correct in citing RONR 63:34.

### **Advisory Parliamentarian for the Trial Manager Improperly Allowed As Witness**

Ms. Harlos contends that Mr. Jacobs should not have been allowed to give factual testimony, even though Ms. Susan Eads Role served as the trial parliamentarian.

Mr. Jacobs, the advisory parliamentarian, was a factual witness, especially with regard to Charge 2, Specification 3, given that specification involved the accused’s interpretation of an

opinion written by the advisory parliamentarian to the trial manager. It should be noted that the advisory parliamentarian for the defense, Ms. Sylvia Arrowood, was also called as a witness.

The LNC insists on an even application of the standards.

### **Irrelevant Witnesses Called And Key Witnesses Ignored**

Ms. Harlos boldly contends that she should have been the one to call our witnesses.

She complains that Ms. Fenske, who was a witness to Ms. Harlos' erratic behavior in Colorado at a county meeting and dealt with the fallout of Ms. Harlos' sanctioned actions, should not have been a witness. She contends that Erin Adams should not have been a witness. At the same time, she called numerous witnesses whose testimony had nothing to do with the charges or allegations of the IC Report, including a witness who was called solely to discuss what he thought he overheard someone else say on a walkie talkie at a rally.

If Ms. Harlos thought there were more important witnesses to call, she should have prioritized them. Regardless, the LNC insists on an even application of standards.

### **Public LNC Business List Deleted During Preparation Of Appeal**

Ms. Harlos incorrectly asserts that the public list was deleted. This is false. The public list was archived on the LNC's website after a policy manual change was passed that eliminated public discussion lists.

### **Charges And Specifications Must Be The Actual Reason And Not A Pretext For Different Reasons**

Ms. Harlos falsely contends that the charges are a pretext for removing her because she filed a derivative lawsuit. The motion to appoint an IC predates Ms. Harlos' derivative lawsuit.

The charges and specifications are the actual reason for these proceedings, and not a pretext. The derivative lawsuit is not the reason for the charges; the findings of a 30 page report and its charges and specifications are. Disagreement by Ms. Harlos regarding strategy is also not the reason for these proceedings. There are other LNC members who have expressed differences of opinion with the LNC Chair and there have been no efforts to remove them. In fact, throughout the entire IC process, members frequently in the majority with the LNC Chair worked closely with members who voice opinions contrary to the LNC Chair's vision.

The charges and specifications also clearly have nothing to do with COINTELPRO or the Mises caucus.

## Fairness Demands That Standards Be Applied Equally

Pot, meet kettle. Instead of attempting to mediate any of her disagreements with the LNC, Ms. Harlos took to Twitter very early on with her flurry of “mean tweets”, many of which were outright lies. (Ms. Harlos mentioned that the Chair did not go to Mar A Lago (untrue), she mentioned that the Chair had nothing to do with freeing Ross (untrue), then she asserted the Chair took a “luxury trip” to Mar A Lago (untrue).

Mean tweets are allowed. Is lying? Is hyperbole? What’s most unfortunate is that Ms. Harlos lacks the ability to see her own patterns of behavior led to this ugly split, including her multiple refusals to mediate with the LNC or even discuss the conflict.

The LNC will also not multiply screenshots. However, it should be noted that the basis of the charges and specifications is not mean tweets. If they were, the LNC would simply file Ms. Harlos’ X feed as an Exhibit and call it a day.

## Specified Causes for Removal

Ms. Harlos correctly states the standard for removal per Article 6.7 of the bylaws is “for cause”, and that “for cause” is not defined in the bylaws. However, definitions of cause in the policy manual do not supersede the “for cause” provision of Article 6.7 of the bylaws. On the other hand, Article 16 of the bylaws specifically states that the current edition of RONR will be the parliamentary authority of the LNC. The charges were drafted in accordance with RONR 63:24, the relevant portion being (emphasis added):

*If the bylaws of the society provide for the imposition of penalties for offenses defined in the bylaws or an adopted code of conduct or similar set of rules, a charge may consist of such a defined offense. If such particular offenses are not defined or are not applicable, a member may be charged with “conduct tending to injure the good name of the organization, **disturb its well-being, or hamper it in its work,**” or the like, and an officer may be charged with misconduct of the type just mentioned or with “**misconduct in office,**” “neglect of duty in office,” or “**conduct that renders him [or “her”] unfit for office.**”*

In brief, this provides for charges that can be adopted in the absence of a bylaws definition for cause. Given that both charges, charge one being “gross **misconduct in office**” and charge two being “conduct that **disturbs the well-being** of the Libertarian Party, **hampers it in its work**, and **that renders Ms. Caryn Ann Harlos unfit for the office of secretary**”, are almost word-for-word in the form of the charges provided for in RONR 63:24, both charges are valid. Gross misconduct in office meets the standard for “gross malfeasance”.

## Brief Clarification of Relationship Between Charges and Specifications

In the course of explaining the relationship between charges and specifications, Ms. Harlos makes the claim:

*It is also noted, that the LNC could have chosen, knowing there would be an Appeal, to vote on a penalty for each Charge separately but did not, thus if one Charge is voided, the entire final vote should be vacated as it is unknown if someone would have moved to amend to censure or not voted to suspend on just one Charge. It was the LNC's choice to meld the two Charges together, and they stand or fall, together.*

This is simply not the case. As previously established, the charges are valid and they were adopted separately. The charges themselves are dependent on the underlying specifications, which constitute specific instances of the offense being charged. If all the specifications for a charge are ruled invalid, then so must the charge it supports be ruled invalid, since no instances of that charge remain. The same holds true for the penalty adopted, and so long as at least one of the specifications, along with the charge it supports, remain valid, so too does the penalty.

### **Charge 1, Specification 1**

At the 2024 Libertarian National Convention after official business had concluded it is true that both Ms. Harlos and the LNC Chair signed two sets of Certificates of Nomination. What is omitted from Ms. Harlos' account is that at that time she also expressed concerns to the Chair about the Chase Oliver and Mike ter Maat campaign regarding certificates of nomination. Her reasoning being that she didn't trust the campaign not to send their certificates to unauthorized affiliates associated with the Liberal Party USA such as the Libertarian Association of Massachusetts and the Libertarian Party of New Mexico.

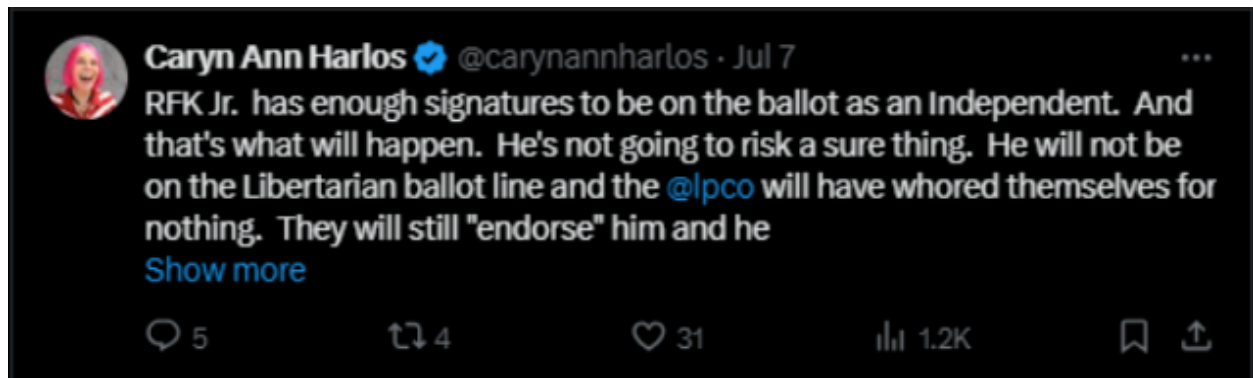
On June 10th, shortly after the Libertarian Party of Colorado (LPCO) passed a resolution not to put Chase Oliver and Mike ter Maat on their ballot line, Chair McArdle formed an ad hoc Reconciliation Committee. The purpose of forming the Reconciliation Committee was to work with state affiliates to convince them to voluntarily submit the certificate of nomination for Chase Oliver and Mike ter Maat in order to put them on the ballot. This is why the second set of certificates were not sent to the Secretaries of State, as a gesture of goodwill to these affiliates.

It should be noted that the Reconciliation Committee was ultimately successful at convincing all dozen of the state affiliates that initially expressed their reluctance to put the nominees on the ballot. The strategy that enabled that success was to patiently allow state affiliates to privately vent their frustration and then bring them to the table and convince them that putting the Oliver Ter Maat ticket on the ballot was ultimately in their best interests. Chair McArdle issued a directive with respect to LPCO not to rush sending the certificate of nomination: "if it's not right around the corner there's no reason to rush sending it and creating a conflict". As it turns out, the deadline for submitting LPCO's certificate of nomination was September 6th (as the Secretary knew), nearly three months from the time the directive was issued.

On July 2nd, LPCO passed a resolution to partner with RFK Jr. which included a statement that they intended to put RFK Jr. on their ballot line. This was the point at which Ms. Harlos not only resigned from the Reconciliation Committee, but also from her position on the LPCO Judicial Committee to begin writing an appeal of the LPCO decision.

On July 4th, in a phone conversation with LNC At-Large Member Kathy Yeniscavich, Ms. Harlos accused an LNC staff member of being involved with trying to put RFK Jr. on the ballot in Colorado, but refused to file an actual complaint claiming that she feared retaliation from the Chair. Ms. Yeniscavich dismissed the concerns of retaliation but did offer to handle the complaint informally.

As an aside, Ms. Harlos spends pages 38-43 of her appeal making a disjointed and out-of-sequence case that the LNC Chair was somehow involved with the conspiracy to put RFK Jr. on the ballot in Colorado, and that there was absolutely no hope that LPCO would ever come to the table. The fact of the matter is that if Ms. Harlos actually had compelling evidence that LNC Chair was somehow involved in a conspiracy, that would have been plastered all over her social media accounts months ago. Instead, her own social media tells a different story.



This tweet indicates two important things. First, that Ms. Harlos knew for a fact that RFK Jr. had qualified for the Colorado ballot as an Independent. Second, she knew that RFK Jr. wouldn't risk attempting to get on the Libertarian ballot line if there was a risk that it could be invalidated. *This means she knew that there was no risk to the LPCO ballot line whatsoever the day before she submitted the certificate of nomination.*

The next morning, on July 8th, Ms. Harlos talked with Mr. Nekhaila on the phone. Shortly thereafter, Ms. Harlos called the Colorado Secretary of State. To repeat, Ms. Harlos called the Colorado Secretary of State, not the other way around, and by her own admission. There were no direct requests from the Secretary of State except for the one Ms. Harlos solicited by picking up the phone and calling the Secretary of State in the first place. She then called Ms. Yeniscavich, who encouraged her not to submit the certificate of nomination. Next, despite knowing there was no actual risk to the LPCO ballot line, Ms. Harlos, in direct violation of Article 6.5 of the bylaws, submitted the certificate of nomination to the Colorado Secretary of State.

In the absence of any official procedure for submitting certificates of nomination in any of the party's governing documents, the chair has discretion to set that procedure. Given that the Libertarian Party is a national organization, and that there is no uniform procedure across state governments for submitting certificates of nomination, a uniform procedure at the national level is not possible. As such, the chair has to rely on the cooperation of state affiliates to some extent. So, the chair directed the executive director to coordinate with state affiliates in order to get the certificates of nomination submitted.

Nowhere in any of the governing documents of the National Libertarian Party is there a single mention of a duty of the LNC Secretary to file or send certificates of nomination. Ms. Harlos begins her argument to the contrary by stating:

*The role of the Secretary in LP Bylaws 6.5 reads as follows:*

*The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party conventions and shall act as Secretary thereof, keeping such minutes and records as necessary.*

*The LNC focuses on the boilerplate language of “and shall perform such duties as are assigned by the Chair” and ignores the primary purpose, that of Recording Officer. Neither LNC in the trial, nor the IC in its report, make any inquiry as to the duties of a Recording Officer which are in fact defined in RONR 47:32-33 as follows:*

*47:32: Secretary. The secretary is the recording officer of the assembly [...]*

*47:33: Duties of the Secretary:*

*[...]*

*7) To sign all certified copies of the acts of the society,*

*[...]*

*9)... to conduct the general correspondence of the organization—that is, correspondence that is not a function proper to other offices or to committees.*

*In a national political party whose primary function is to field the Presidential and Vice-Presidential candidates, a request from a government agency for the official notarized copy of a Certificate of Nomination is most definitely in control of the Secretary, and it is her job to make sure it gets done. The Chair may make requests and make delegations to staff or volunteers if the Secretary acquiesces, but the Chair cannot override this duty. If the Secretary is morally convinced that an order of the Chair (or anyone else for that matter) would prevent this duty from being carried out, it is her duty to do so, and the Secretary is a separate and distinct officer that is not chosen by the Chair, nor does she report to her. Her ultimate loyalty is to the Bylaws and the delegates assembled in convention.*

The citation of RONR 47:33 has been truncated in a particular way to arrive at a particular conclusion. RONR 47:33 in toto is much more illuminating:

*Duties of the Secretary. The duties of the secretary are:*

- 1) *To keep a record of all the proceedings of the organization – usually called the minutes.*
- 2) *To keep on file all committee reports.*
- 3) *To keep the organization’s official membership roll (unless another officer or staff member has this duty); and to call the roll where it is required.*
- 4) *To make the minutes and records available to members upon request (see 47:36).*
- 5) *To notify officers, committee members, and delegates of their election or appointment, to furnish committees with whatever documents are required for the performance of their duties, and to have on hand at each meeting a list of all existing committees and their members.*
- 6) *To furnish delegates with credentials.*
- 7) *To sign all certified copies of acts of the society.*
- 8) *To maintain record book(s) in which the bylaws, special rules of order, standing rules, and minutes are entered, with any amendments to the documents properly recorded, and to have the current record book(s) on hand at every meeting.*
- 9) *To send out to the membership any required notice of each meeting, known as the call of the meeting, and to conduct the general correspondence of the organization – that is, correspondence that is not a function proper to other offices or to committees (see also Corresponding Secretary and Executive Secretary, below).*
- 10) *To prepare, prior to each meeting, an order of business (41) for the use of the presiding officer, showing in their exact order, under the correct headings, all matters known in advance that are due to come up and – if applicable – the times for which they are set.*
- 11) *In the absence of the president or vice-president, to call the meeting to order and preside until the immediate election of a chairman pro tem.*

Ms. Harlos argues that the fact that the National Libertarian Party is a national political party somehow obviates that there is a duty for the secretary to send Certificates of Nomination at the behest of a governmental agency, and uses only an out of context citation of RONR 47:33(9) to support that argument. However, a closer examination of RONR 47:33(9) and of RONR 47:33 in its entirety reveals that “general correspondence” in this context refers to correspondence that is internal to the organization, not external. In fact, not a single duty listed in RONR 47:33 refers to action external to the organization.

Even if this were not the case, by her own citation of Article 6.5 of the bylaws, Ms. Harlos reveals why RONR 47:32-33 is irrelevant. Per Article 6.5 of the bylaws, the secretary “shall perform such duties as are assigned by the Chair or the National Committee.” Thus, even if



every single duty listed for the secretary in RONR were in contradiction of duties set by the LNC Chair, since the bylaws supersede RONR, the duties set by the LNC Chair would necessarily supersede the duties set in RONR.

As for the actions of the Chair, Ms. Harlos raises this question:

*If I really did not have the authority to submit those Certificates, why did the Chair not simply write the Colorado Secretary of State, perhaps with a supporting letter from counsel, withdrawing them? She did not because she knew I had the authority.*

While Ms. Harlos seems quite confident with her answer, the actual answer is more nuanced. The issue is the full support provision of Article 14.4 of the bylaws. While the full support provision doesn't provide a specific timeframe for providing full support, which makes the Chair's directive to hold off on submitting Certificates of Nomination valid, to withdraw the Certificate of Nomination once submitted would risk violation of the full support provision of Article 14.4 of the bylaws.

On the other hand, there is public evidence that Ms. Harlos knew that she had acted outside of her authority. On July 10th, only two days after having submitted the Colorado Certificate of Nomination, she posted this motion to the LNC Business List:

Request for co-sponsors: Direct staff to send certificates of nomination



LP Secretary <secretary@lp.org>

To: LNC Business; 4eb01eb9.lp.org@amer.teams.ms; businesslist-forward



Wednesday, July 10, 2024 at 8:47 AM

I request co-sponsors for the following motion:

More to direct staff to send the Certificate of Nominations to each Secretary of State/Bureau of Elections for each state in which we have not already done so and those for which we already have written confirmation that the State Chair has already done so or they have already received and acknowledged in order to put the Oliver/ter Maat ticket on the ballot. This should be fully accomplished within the next seven days.

**In Liberty, Caryn Ann Harlos**  
**LNC Secretary and LP Historical Preservation Committee Chair ~ [561.523.2250](tel:561.523.2250)**

At this point in time, the Montana affiliate was still publicly and defiantly refusing to submit their own Certificate of Nomination. If Ms. Harlos truly believed that it was within her authority to unilaterally submit the Certificate of Nomination, why was she asking the LNC to direct staff to send them? The natural inference to draw is that she knew she had acted outside of her authority as LNC Secretary and was seeking post factum approval from the LNC.

## **Charge 2, Specification 1**

On July 9th, the day after Ms. Harlos had submitted the Colorado Certificate of Nomination, Ms. Harlos also sent a legal demand letter to LPCO demanding that they provide her with the records requested so that she could use them to solicit plaintiffs and potentially file a derivative lawsuit against LPCO. She concludes the demand letter by stating in bold underline and yellow highlight that "Nothing in this request is to be construed as any request on behalf of or at the behest of the national Libertarian Party. Ms. Harlos is acting merely as an LPCO voting

Member.” This indicates that Ms. Harlos understood that her unilateral actions, both in submitting the certificate of nomination and sending the legal demand letter, could be perceived as actions of the LNC.

On July 10th, the LPCO Chair sent an email to the Colorado Department of State with the subject line “Unauthorized Filing of Nomination Paperwork.” In it the LPCO Chair asked for the paperwork filed by Ms. Harlos to be nullified since she “acted outside the authority granted by both the national and state Libertarian parties.”

On July 12th, only four days after Ms. Harlos submitted the certificate of nomination, LPCO sent the LNC a cease and desist letter concerning Ms. Harlos’ actions. Later that day, LNC Region 4 Representative Ms. Meredith Hays, an actual attorney, had an over three-hour conversation with Ms. Harlos in an attempt to mediate the situation. Then, as now, Ms. Harlos maintains that she did nothing wrong, and that the matter doesn’t concern the LNC.

This is the defense Ms. Harlos gives in her appeal for those actions:

*As far as allegations of refusal to mediate, firstly, I was not in conflict with the LNC, this is a conflict of their own making as I had done nothing wrong and explained that many times. What in fact was happening was the LNC interfering in my autonomy as a LPCO member. In my first conversation with Ms. Hays which lasted for many hours as I considered it girl chat and not the set-up it turned out to be, comprised mostly personal conversation of grievances in her life and the recent 6th Circuit decision (it was not unusual for many LNC members to have long personal conversations), there was zero, none, zilch, offer of any kind of mediation. At a future LNC meeting, I absolutely agreed with Ms. Hays’ offer to facilitate a mediation between me and LPCO and was waiting for her next step which never came. Ever. In an even later phone call with the Minnesota Chair Rebecca Whiting about the LPCO situation, she asked about a mediation with LPCO (she never mentioned Ms. Hays), and I absolutely agreed and also asked her to get in touch with me when details could be worked out, to which I never heard back. The LNC can provide absolutely nothing in writing where these mediations were attempted to be arranged with Colorado and I ignored or refused because that never happened. There was nothing to “mediate” with the LNC as I followed my Bylaws duty and there was no legal adversarial relationship, and the Chair could have called me at any time to discuss. She is the one who broke off contact when I no longer followed the Caucus line. My rights as an LPCO member are separate and apart from any role I have on the LNC, and the only LNC action was in following the Bylaws and not risking our candidates being supplanted on the ballot at the whim of an extremely belligerent and abusive state board and committing fundraising fraud upon the voters of Colorado.*

*If any such lawsuit were brought by LPCO or RFK, it would have been handily dismissed as we have multiple paralegals and lawyers on the LNC and a professional parliamentary opinion on the matter by a member of the Authorship Team was already obtained and paid for by others.*

Ms. Harlos' assertion that she was not in conflict with the LNC, while it may have been her genuine opinion then and now, is clearly not factual. *The cease and desist letter from LPCO was sent to the LNC, not Ms. Harlos.* Furthermore, the motion she made on July 10th to direct staff to send out the rest of the certificates of nomination eventually failed 6-9-0-2. Ms. Harlos herself even initially alleged that the LPCO cease and desist letter had been ghostwritten by the LNC Chair! Clearly there was some conflict between Ms. Harlos, LPCO, and the LNC whether or not Ms. Harlos cared to admit it.

There was no interference with her autonomy as an LPCO member. The LPCO cease and desist letter directly pertained to the actions Ms. Harlos took unilaterally as LNC Secretary to sign and notarize a new Colorado certificate of nomination and submit it to the Colorado Secretary of State. Ms. Harlos could not have taken those actions as an LPCO member without also being the LNC Secretary.

As previously noted, Ms. Harlos' assertions that she did nothing wrong hang on an out-of-context reference to "general correspondence" in RONR 47:33(9) and a parliamentary opinion specifically solicited by Ms. Harlos to give that reference an air of credibility. Both fail to address the fact that per Article 6.5 of the bylaws, the very same bylaws Ms. Harlos claims time and time again to have a duty to, that duties set by the LNC Chair necessarily supersede those set by RONR for the secretary.

Between July 12th and the LNC Executive Committee meeting on July 30th, despite the fact that the Libertarian nominees were safely on the LPCO ballot line and that RFK Jr. was in fact on the Colorado ballot as an Independent, Ms. Harlos continued to escalate the situation by filing in Colorado District Court against LPCO. In this filing she demanded production of the documents she demanded from LPCO in her July 9th demand letter, requested a declaratory judgment from the court recognizing her position on the LPCO bylaws, LP bylaws, and Colorado law as it pertained to the LPCO ballot line, and an injunction against LPCO to further pursue the matter. This action was completely unnecessary. Ms. Harlos even states in her filing that the Colorado Secretary of State had recognized that the LPCO ballot line couldn't be changed unless the Libertarian nominees filed to withdraw their names. The LPCO ballot line was not in danger.

On July 30th, at the LNC Executive Committee meeting, which was held in open session and can be reviewed, Ms. Hays publicly attempted to mediate between Ms. Harlos, LPCO, and the LNC. Ms. Harlos declined to mediate with the LNC, but stated that she would be open to mediation between her and LPCO. This was effectively a refusal to mediate entirely. Ms. Harlos knew, as evidenced by her July 9th legal demand letter, that LPCO perceived that the LNC was at the very least complicit with her actions, some of which would have been impossible to take except in her capacity as the LNC Secretary. Furthermore, if the LNC acted to mediate between Ms. Harlos and LPCO without being an actual party to the mediation, would that not constitute actual interference in LPCO affairs?

The fact of the matter is that Ms. Harlos' claim that she did nothing wrong by submitting the Colorado Certificate of Nomination is, at best, questionable. It is a fact that she could only have taken this action as the LNC Secretary, thus implicating the LNC. It is a fact that LPCO sent the LNC a cease and desist letter in connection with her actions. It is a fact that Ms. Harlos understood that her actions could be perceived as being sanctioned by the LNC. It is a fact that she knew that her further actions to escalate the situation were unnecessary.

If LPCO had filed suit against the LNC over the actions taken by Ms. Harlos, it would not have been nearly as trivial to dismiss as she asserts. Even if the LNC were to ultimately prevail in the suit, it still would have required a \$25k encumbrance and cost the LNC money that it didn't have at the time.

## **Charge 2, Specification 2**

On the issue of misrepresentation as it pertains to this specification, Ms. Harlos' defense speaks for itself.

On the issue of decorum, Ms. Harlos presents no arguments on the merits. Instead, she relies on her procedural argument that it is not a removable offense. The LNC disagrees.

After the July 30th LNC Executive Committee meeting, the situation between Ms. Harlos and LPCO continued to escalate, with Ms. Harlos following through on filing the derivative lawsuit against LPCO, and suing the members of the LPCO Executive Committee personally. Again, this was completely unnecessary as there was no danger to the LPCO ballot line. It was at this point that Region 1 chairs began to reach out to Region 1 Representative Adam Haman, calling for action to be taken regarding Ms. Harlos.

In response, on August 25, 2024, in Miami, Florida, the LNC established the Investigatory Committee. At the in-person LNC meeting Mr. Haman made the following motion:

*"I move that this Board adopt the following resolution: Resolved, that a committee comprised of Jonathan McGee, Pat Ford, and Adrian F Malagon be appointed by the Libertarian National Committee to investigate allegations of misconduct by our Secretary, Caryn Ann Harlos, which, if true, cast doubt on her fitness to continue in office, and that the Committee be instructed, if it concludes that the allegations are well founded, to report resolutions covering its recommendations."*

Needless to say, Ms. Harlos was significantly less than pleased when the motion to form the Investigatory Committee passed. A cursory glance at Ms. Harlos' Twitter feed between the formation of the Investigatory Committee and the adoption of its report by the LNC speaks for itself. Ms. Harlos' frustration is understandable, but that does not mean that the way she chose to express it was appropriate.

On the issue of investigation interference, Ms. Harlos presents a disingenuous argument that the issue was the public discussion of the charges. She argues:

*The IC complains that I spoke publicly about the publicly released charges against me. Are they the only ones with rights? Am I not allowed to defend my good name? I am not only an LNC member, but I am also a Party member and fully within my rights to speak with other Party members and with State Chairs that are part of my region. In fact, earlier we learned that LNC Member Meredith Hays reached out to Minnesota Chair Rebecca Whiting? Was she “interfering” on behalf of her significant other that spearheaded a libelous campaign against me but is now seeking the position I was rightfully elected to? Ms. Whiting is not in her region. She was not on the IC. Public accusations were made, and I had a human right to defend myself, and Party members had a right to hear from me if they wished.*

The motion to form the Investigatory Committee contained no charges. The issue concerns her apparent attempts to manipulate public opinion by maligning members of the LNC and Investigatory Committee while the investigation was still ongoing. During that time period, Ms. Harlos knew that members of the Investigatory Committee could not speak up to defend themselves against her invective without risking compromising the integrity of the investigation. These efforts effectively constitute tampering with an investigation.

On October 1st, while the investigation was still ongoing, Ms. Harlos filed a derivative lawsuit against the LNC and the LNC Chair personally (retaliation?). In it Ms. Harlos makes numerous allegations against the LNC Chair Ms. McArdle, many of them quite frivolous. However, the allegation made in paragraph 35 crosses the line when it comes to basic human decency. In it, Ms. Harlos alleges:

*35. Throughout her time as Chair, McArdle has diverted Party resources towards groups and candidates outside of the Libertarian Party, in specific contravention of the party bylaws, without LNC involvement or approval, as well as in personal babysitting duties such as using a paid staff member to mind her very young son while nomination papers were signed following the 2024 Convention.*

There is no excuse for this. Filing a lawsuit against Ms. McArdle is one thing, wantonly involving her child in the lawsuit is something else entirely. How does this even help her argument? The instance mentioned is so trivial, why mention it at all? This was completely unnecessary. Does Ms. Harlos honestly think that Ms. McArdle’s son is such a threat to the Libertarian Party that it is appropriate to include mention of him in a lawsuit? Quite frankly, this instance is so egregious that it could carry this specification by itself. Furthermore, staff was helping Ms. McArdle fill out the certificates of nomination, including the ones for LPCO, at this time.

### **Charge 2, Specification 3**

In an email posted to the LNC Business List on August 26th, the day after the formation of the Investigatory Committee, Ms. Harlos writes:

**From:** LP Secretary <[secretary@lp.org](mailto:secretary@lp.org)>  
**Sent:** Monday, August 26, 2024 2:47 AM  
**To:** LNC Business <[lnc-business@lp.org](mailto:lnc-business@lp.org)>; [4eb01eb9.lp.org@amer.teams.ms](mailto:4eb01eb9.lp.org@amer.teams.ms) <[4eb01eb9.lp.org@amer.teams.ms](mailto:4eb01eb9.lp.org@amer.teams.ms)>; businesslist-forward <[businesslist-forward@lp.org](mailto:businesslist-forward@lp.org)>  
**Subject:** Preserving point of Order

Last convention already determined this would be breach of continuing nature.

A fair process including persons known for BOTH integrity and impartiality are required on an IC. Continue with this process without this requirement FOR ALL and you risk parliamentary Pascal's wager.

And I know enough of you well enough that I know you know it's wrong.

That's all I'll say on the matter. I was physically ill at the end and do not believe I articulated it as well though I did raise.

These things bring the party together in ways that are usually unintended.

Talk to you soon.

Get [Outlook for iOS](#)

Ms. Harlos claims that this email was merely her opining on the merits of the Investigatory Committee. Certainly it does contain many matters of opinion; that is not at issue. If the actual intent of this email were merely to warn or inform the LNC “that the process was to be fair and in line with due process or you risk invalidating the results”, she would have plainly stated as much to the LNC in private. The actual implication being hinted at is easy to discern. This email was a tactical misstatement of the findings of the previous 2022 Libertarian National Convention concerning Ms. Harlos’ previous removal from the LNC in 2021. The veiled implication is that this time will be no different, and that the same fate that befell the last LNC that tried to remove her would befall this one. To top it all off, it was posted publicly as an attempt to intimidate current members of the LNC. Clearly it failed to work as intended. However, its lack of efficacy doesn’t ameliorate the fact that it was clearly intended to obstruct the work of the Investigatory Committee.

## Conclusion

None of this had to happen. After a particularly contentious convention, a Reconciliation Committee was formed to reckon with the discontent and ultimately put the candidates nominated at convention on the ballot. Initially, Ms. Harlos was part of the team spearheading these efforts. After LPCO passed a resolution to put RKF Jr. on the ballot, Ms. Harlos went rogue, resigning from both the Reconciliation Committee and her position on the LPCO Judicial Committee. From that point, this became personal for her. If Ms. Harlos had known that she could submit the Colorado certificate of nomination unilaterally the day after LPCO adopted their resolution, she would have, and she has said as much. Ms. Harlos assumed from that point that Ms. McArdle was both hostile and working to get RKF Jr. on the LPCO ballot line. The irony is that nothing could be further from the truth. It was Ms. McArdle who managed to prevent LPCO from immediately attempting to put RKF Jr. on their ballot line, and without that Ms. Harlos would not have even had the opportunity to submit the certificate of nomination in the first place. Furthermore, nearly a week after the LPCO resolution was adopted Ms. Harlos knew

that LPCO had not filed a certificate of nomination yet, and that RFK Jr. had already qualified to be on the Colorado ballot, drama free, as an Independent. As such, with the submission deadline being two months away, there was no imminent threat to the LPCO ballot line. Despite knowing all of this, upon discovering that she could submit the Colorado certificate of nomination unilaterally, in violation of the directive set by Ms. McArdle and by extension Article 6.5 of the bylaws, she immediately seized the opportunity to do so. This was completely unnecessary.

Obviously LPCO was upset by this action, but the rightful nominees were on the ballot in Colorado, even if the manner in which it was done also violated the bylaws. That could have been the end of it. Ms. Harlos knew from her many years of experience that, being the first one to submit, there would be no way to remove the rightful nominees from the LPCO ballot line. If Ms. Harlos had stopped there, no action would have been taken against her. After all, Mission accomplished, right? Wrong. In the mind of Ms. Harlos, the LPCO Executive Committee had to be punished for their hubris. Minimizing any possibility that she might have acted inappropriately, she demanded that LPCO provide her with the records she needed so she could sue to remove the entire LPCO Executive Committee. This was completely unnecessary.

It was at this point that the LNC began to attempt to mediate with Ms. Harlos and LPCO to try to deescalate the situation. LPCO was ready to sue the LNC over the actions of Ms. Harlos, and Ms. Harlos was focused on punishing LPCO. Ms. McArdle was able to convince LPCO to back down once again. However, Ms. Harlos wouldn't even entertain the idea that anything she had done or was doing was wrong or in the least bit problematic, and thus refused to mediate. This was completely unnecessary.

After LPCO refused to provide Ms. Harlos with the records she demanded, she sued for them. In addition to suing for those records, she also asked a Colorado District Court to recognize that she was right, and to issue an injunction against LPCO, despite the fact she knew that there was no danger to the LPCO ballot line. This was completely unnecessary.

The LNC, this time in a public meeting, once again attempted to mediate to no avail. And so, Ms. Harlos, despite there being no actual threat to the LPCO ballot line, filed her derivative lawsuit against LPCO, and the Executive Committee members personally. This was completely unnecessary.

At any point up to this point, a simple acknowledgement from Ms. Harlos that maybe, just maybe, she had gone too far, and had demonstrated a willingness to back away from the cliff, that would have been enough to turn the situation around. Instead, the discontent that Ms. Harlos continued to foster in Colorado spread to other state affiliates in Region 1. And so, at the behest of multiple Region 1 chairs, at the in-person LNC meeting in Miami on August 25th, an Investigatory Committee was formed to investigate these actions. Even before the membership of the Investigatory Committee had been finalized, Ms. Harlos shifted her attention from LPCO and focused it squarely on those who voted to form the committee. Ms. Harlos engaged in a

savage, bad faith PR campaign in an attempt to discredit the work of the Investigatory Committee while the investigation was still ongoing. This was completely unnecessary.

Ms. Harlos assumed bad faith on the part of the Investigatory Committee, and then proceeded to act in bad faith in response. Days before the IC report was set to be released, Ms. Harlos filed a derivative lawsuit against Ms. McArdle and the LNC in an attempt to intimidate and discourage the LNC from adopting any charges. This was completely unnecessary.

On October 6th, since the LNC was being actively sued, Ms. Harlos was excluded from the Executive Session where the IC report was presented. For whatever reason, when the LNC exited Executive Session, Ms. Harlos was nowhere to be found. Finding the IC report compelling, it and the charges recommended were adopted. As it turns out, that same day Ms. Harlos had filed a Professional Responsibility Complaint against Mr. Jonathan Jacobs, the advisory parliamentarian to the IC in an attempt to intimidate and discourage him from providing counsel. This was completely unnecessary.

Prior to the trial on November 9th, Ms. Harlos threatened to sue the LNC again if the IC report was released to the public. Furthermore, in an attempt to deny the LNC of legal counsel, Ms. Harlos filed a DC bar complaint against LNC counsel, Mr. Oliver Hall. This was completely unnecessary.

And so, after holding a trial on November 9th, Ms. Harlos was found guilty of all charges and specifications levied against her, and the LNC decided that the appropriate penalty was removal. None of this had to happen.

Sadly, all of this has come to pass. The LNC believes that the charges and specifications meet the threshold for cause under the bylaws. Furthermore, the LNC believes that the charges and specifications also rise to the level of gross malfeasance. As such, the LNC asks the Judicial Committee to affirm the decision of the LNC to remove Ms. Harlos as LNC Secretary.

Respectfully Submitted,

Angela McArdle & Jonathan McGee,  
On behalf of the Libertarian National Committee