Libertarian National Judicial Committee

Petitioner: Caryn Ann Harlos

vs

Respondent: Libertarian National Committee

Re: Suspension of the LNC Secretary Caryn Ann Harlos

Amicus Curiae Brief in opposition of Petitioner and

Response to Her Claims of 12/1/24

by

Jonathan M. Jacobs,

Sustaining Member

December 3, 2024

In her somewhat rambling response to the previous filings, Caryn Ann Harlos has made several claims that are inaccurate. This is the response.

1. Harlos filing of 10/6 and 10/7. Ms. Harlos claimed in her first filing:

"I submitted a doctor's note (see Exhibit 2, doctor's note) attesting to my inability to think clearly until around October 24, 2024, with a request for an extension to adequately prepare which was summarily denied by the Chair. While "technically" I was given thirty days, I think that normal people would agree that if there was an accused that was in a car crash and was then a coma for 20 days, but woke up 10 days before their trial, they were not really given thirty days. Similarly, though not quite as dramatically as that example, I was not given 30 days."

(Harlos, 1/15/24, p. 13)

Well, we find out that, on the same date as the 10/6 meeting, Ms. Harlos filed a long complaint. She now claims that this was the wrong date.

The top of the supplement it says, "Supplement to Complaint mailed 10/7/24 regarding Jonathan M. Jacobs." That is Ms. Harlos in her own words. (See Appendix, Jacobs, 11/21/24) The reason that this complaint was introduced was to establish what Ms. Harlos' was capable of doing at the time. What she now claims and what the record shows she did are not the same things. The Judicial Committee is encouraged to look at the Appendix cited.

2. A complaint against Harlos. While it would be improper to violate executive session, it may be revealed what was not brought up by a side. Neither the manager nor any witness for the manager brought forth a reference to a complaint against Ms. Harlos. It is not clear if the manager knew of any complaint or, if there is one, if he knew of the details of it.
The Judicial Committee is encouraged to look at the record of the trial in that regard.

3. Jacobs can't do this. Ms. Harlos claimed that "There is simply no way in such a situation to be objective as a normal human being." This may be a better description of her professional practices (or character) than of the amicus. The amicus provided exculpatory evidence at her trial.

Harlos noted:

"They have more credibility than a hollow threat by LPCO when they broke their own bylaws and violated the national bylaws (the latter part as testified to by their own parliamentarian Jonathan B. [sic] Jacobs during the trial) (Harlos, 11/15/24, p. 28)."

She also noted: "The LPCO was already aware through their own parliamentarian that their attempted placement of RFK, Jr. on their ballot line violated the LP Bylaws. (Ibid., p. 47)"

This testimony was exculpatory for Ms. Harlos. While it did not exonerate her, it did provide extenuating circumstances, showing that there was a problem involving a bylaw violation. It could have been the basis for a defense, which could mitigate a finding of guilt and of a penalty, at the very least. The Judicial Committee is encouraged to look at the record of the trial in that regard and to note at what point that alluded to testimony was given.

The amicus will also note that he was working for the IC and became involved only as a witness and then, after the investigation, the drafting of the charges. It is his job to put the IC's will into a proper form and then get them ready for the presentation.

4. The bylaws yields to the rule. Harlos claimed that the amicus "further cites 56:68(4) noting that if the bylaws authorize certain things specifically, other things of the same class are thereby prohibited. That citation has nothing to do with the issue here." It has everything to do with why a lesser rule cannot establish cause.

Since this was handled in extreme detail in the filing of 11/23/24, complete with Latin terms, it need not be repeated here.

5. Improper notice. Notice was received on 11/9/24 (see Apppendix). Receipt occurred when the notice was dropped off; that is confirmation of delivery. The Judicial Committee is encouraged to look at the notice.

6. It has to be damaging to the Libertarian Party. The amicus previously wrote that, for discipline the offenses "are actions taken against the organization, not against the individual

members." Arguably Charge 2, Specification 2 is not, but all other charges and specifications are. Violating a bylaw is, getting the Party into a suit is, and attempting to thwart an investigation is as well.

The amicus will also note that his letter of agreement states, "1. Does not constitute an endorsement by him of the propriety of any charge."

7. A special rule can remove the trial requirement. The amicus previously wrote that, "The LNC could have adopted special rules that would circumvent the Trial required in disciplinary actions, but to date, they have not done so." They could, because it is RONR that requires a trial in the circumstance, not a provision of the bylaws. However, a special rule could not remove the ability of the LNC to remove an officer, nor could it change the vote total needed, nor could it re-define cause. The reasons are because all those things are in the bylaws. They bylaws are **not** silent on those things.

8. Received information. The amicus has never received anything from 10/27/24 regarding Ms. Harlos or a committee of NAP. There was only a denial of that. The Judicial Committee is encouraged to check the very first paragraph of "Amicus Curiae Brief in opposition of Petitioner and Response to Her Claims (Jacobs 2)."

9. Disciplinary actions. It is quite true that the latest article the amicus has published is on disciplinary action. The other two that were published in the same publication earlier this year were not; one dealt with bylaws, the other with secondary motions (hypergraphia *does* have its advantages). Ms. Harlos failed to mention that.

She also failed to state what the amicus said about disciplinary actions in that article. He called it "mind numbing and soul crushing." He also noted that he "has never advised a client not to take disciplinary action, but he has advised them to think long and hard before doing so."[1]

Many parliamentarians do not do disciplinary actions, because it is so difficult and contentions; those that do see a need for it, in some cases, but they, and the amicus, do not relish doing it.

Interestingly, the amicus did write an article mentioning disciplinary action in the Libertarian Party.[2] That was based on a question from a Party member about how to do it. Her name was Caryn Ann Harlos.[3] The Judicial Committee is encouraged to look at both articles cited and the video where Ms. Harlos asked her questions.

10. The Comment. Third person will be abandoned for this part.

When I received the first draft of the IC report, I had no involvement with any witness other than myself. I had read the first draft at least 3 times the night I received it. It was profoundly disturbing. After reading the next draft at least two more times, I emailed the people who were involved and said:

"This is an exceptionally detailed, well written, and well documented report. It is also the most disturbing thing I have read since the initial Jerry Sandusky grand jury presentment in the Penn State scandal; I do not say that with any humor."

I mean every word of that statement.

In the Penn State Scandal, several administrators that chose to violate statute by not reporting to the police, several coaches who did report to their superiors, but never asked why Sandusky was still on campus and a former district attorney who chose not to prosecute Sandusky more than a decade before.

As it happened, I had been writing a blog about that DA at the State College, PA newspaper, the *Centre Daily Times*, for the 2.5 years before the scandal broke[4]. I had looked at his cases and compared to the fictional Atticus Finch, a decent man who always seemed to do the right thing. Then, there he was, the guy that I thought I knew, doing that. I had high opinions of

the university president. the head football coach, and the former DA. Then I saw the hubris, the idea that they felt superior to those the rules.

I'm seeing the same type of hubris with Ms. Harlos; the IC report chronicled the actions who feels that she is above the rules. That is why the report is so disturbing. These are not the actions of the Caryn Ann Harlos I knew at the start of 2024. That person believed that bylaws were a contract to be followed and that rules should be followed. This person does not.

Here is an example of her hubris. "I eagerly await Mr. Jacobs' fourth Amicus/Opinion. No, actually, I don't. I don't think any of us do. I think our Party has had quite enough. (Harlos, 12/1/24)" Caryn Ann Harlos wants to tell the entire Party what to think. That is hubris.

End Note

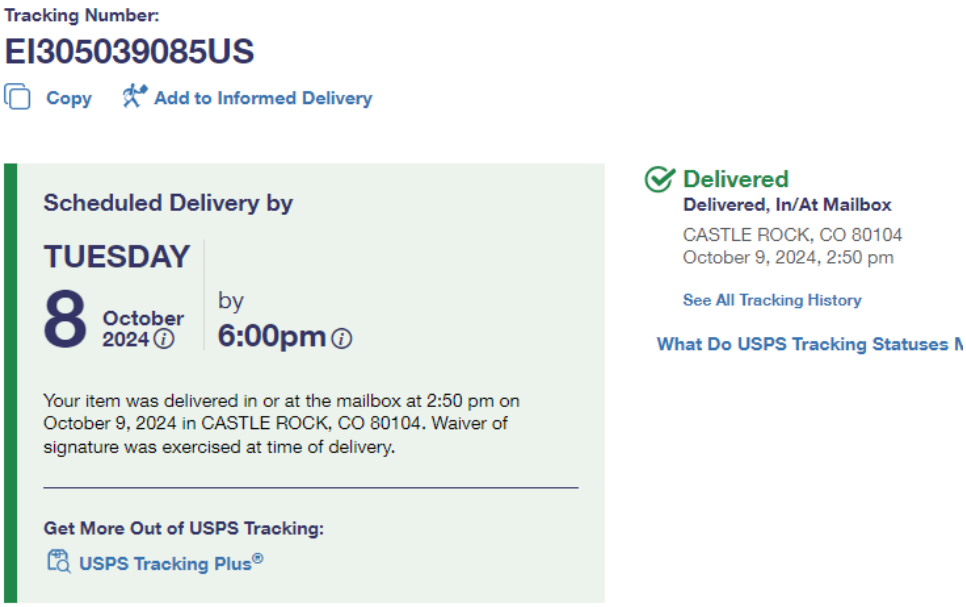
[1] "Punishments," *National Parliamentarian*, Vol. 86, No. 1 (Fall 2024) pp. 6-8 https://issuu.com/parliamentarians/docs/nap_np86-1-wwwfinal

[2] "The 'Special' Special Meeting," *National Parliamentarian*, Vol. 84, No. 3 (Spring 2023), pp. 9-11 https://issuu.com/parliamentarians/docs/nap_np84-3-wwwfinal

[3] *Cult of RONR*, November 13, 2022. https://www.youtube.com/watch?v=pMxNY4wPfTA&t=2308s Timestamp 0:7:15 – 0:31:40

[4] The blog was called "Sporadic Comments on Ray Gricar," and was written under the incredibly transparent pseudonym, "J. J. in Phila." While the blog is no longer posted, it is cited in the court filing to declare Mr. Gricar dead in 2011 and cited in *Myths and Mysteries of Pennsylvania* by Kara Hughes, Morris Book Publishing, 2012, p. 163. Both are cited under the pseudonym.

Appendix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