

APPELLANT'S RESPONSE TO REGION 2 REPRESENTATIVE JONATHAN MCGEE ON THE LNC BUSINESS LIST AS ANTICIPATED DEFENSES TO BE RAISED IN LNC RESPONSE

Appellant: Caryn Ann Harlos (Harlos/Appellant)

Appellee: Libertarian National Committee (LNC)

Date: July 14, 2024

Jurisdiction: Bylaws Articles 7.12 and 8.2(d)

Bylaws Alleged to be Violated: Bylaws Articles 2, 3.1, 14.1, 14.3, 14.4

Other Relevant Bylaws: Bylaws Articles 6.3, 7.1

Interested Parties: Appellant, Appellee, Libertarian Party of Colorado (LPCO), Chase Oliver, Mike ter Maat, Steve Dasbach (Campaign Manager for Oliver/ter Maat "Official Ticket"), Robert F. Kennedy, Jr.¹

Soon after the filing of the Appeal, LNC Region 2 Representative, Jonathan McGee posted a response that has been relied upon as an exemplary defense, and thus Appellant expects it will comprise at least a portion of the LNC's response. The Appellant will be quoting in full and responding where appropriate. The original post can be found here:

<https://groups.google.com/g/lnc-business-list-public/c/9hCGr1bxW6c/m/3hVK8fhPAAAJ>

First, I would like to establish what exactly this fundraising agreement is. The proposal being considered is to form a Joint Fundraising Committee. A Joint Fundraising Committee is a perfectly legal financial vehicle officially recognized by Federal Election Commission (FEC). The FEC contribution limit on individual donors to a candidate committee is \$3,300, while the contribution limit to a national party committee is \$41,300. The Joint Fundraising Committee is an entity entirely separate from the RFK Jr. campaign and the Libertarian Party (LP), and it is required to file separately with the FEC. However, both participants will have access to the donor and contribution records for the Joint Fundraising Committee. The benefit to the RFK Jr. campaign is that his donors can contribute to the Joint Fundraising Committee without fear of running afoul of the individual contribution limit. The benefit to the Libertarian Party is that it will receive 10% of the contributions to the Joint Fundraising Committee.

It is somewhat alarming that the quiet part is said so openly. Mr. Hagopian's Amicus Brief handles deftly the potential legal issues. The Appellant has been since advised of potential issues with "coordination." The Appellant cannot speak to them as she lacks any expertise

¹ Harlos can provide contact information for Dasbach and LPCO. Upon information and belief, the Party Chair (McArdle) can provide contact information for Kennedy. This list may be supplemented if further interested parties are discovered.

in the labyrinth of FEC requirements. So, for sake of this response, the Appellant will just assume it is legal. It fails the fiduciary duty test as it is sure to draw many FEC complaints, which will at a minimum have *prima facie* credibility even if ultimately deemed unfounded and tie the Party up for years. RFK, Jr. also gets access to the Party’s donors that are drawn to this scheme because the Party is involved, taking that reasonably as a form of endorsement of his candidacy. Remember, this is not for some single issue. **This. Is. For. His. Campaign. In. Its. Entirety.** Please see the below which persons who are only peripherally knowledgeable about the inside baseball of Party politics will certainly take as an endorsement and encouragement to support:²

KENNEDY VICTORY FUND 2024

STATEMENT OF ORGANIZATION (NEW REPORT)

FEC #[C00883751](#)

JOINT FUNDRAISING COMMITTEE (INCLUDING AUTHORIZED CANDIDATE COMMITTEE)

COMMITTEE INFORMATION

Kennedy Victory Fund 2024

S Walpole, MA 02071

lleonard@vlpc.com;ellie@teamkennedy.com
Ellie Cox

2024-07-19

<div style="text-align: center; background-color: #444; color: white; padding: 2px 5px; font-weight: bold;">CUSTODIAN OF RECORDS</div> <p style="text-align: center;">Keith D Lowey Foxboro, MA 02035</p>	<div style="text-align: center; background-color: #444; color: white; padding: 2px 5px; font-weight: bold;">TREASURER</div> <p style="text-align: center;">Ellie Cox South Walpole, MA 02071</p>	<div style="text-align: center; background-color: #444; color: white; padding: 2px 5px; font-weight: bold;">AGENT</div> <p style="text-align: center;">No Agent Listed</p>
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<div style="text-align: center; background-color: #444; color: white; padding: 2px 5px; font-weight: bold;">PRIMARY BANK</div> <p style="text-align: center;">Amalgamated Bank New York, NY 10001</p>	<div style="text-align: center; background-color: #444; color: white; padding: 2px 5px; font-weight: bold;">SECONDARY BANK</div> <p style="text-align: center;">None</p>
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JOINT FUNDRAISING COMMITTEE PARTICIPANT	FEC ID	CANDIDATE	OFFICE
TEAM KENNEDY	C00836916	KENNEDY, ROBERT F JR. (IND)	POTUS
LIBERTARIAN NATIONAL COMMITTEE, INC.	C00255695		

JFC turns out to a very appropriate abbreviation for this complete abandonment of our purpose and principles.

² That group comprises the vast majority of people who are sympathetic to the Party. This statement is also making a conservative claim, it is also taken that way but many intimately familiar with the internal controversies.

But assuming it is legal, when this is explained to people, the most frequent comment is, how is this not money laundering? Using the Party's hard-fought FEC limits to get around individual donor limits? Legal or not. Which apparently is questionable.

The Appellant doesn't believe in money laundering laws, but does believe in not doing so, even if legal, to assist the campaign of someone who wishes to grow the state in a bigly way. And as noted in the Appellant's initial brief, the Bylaws of the Party which place the Statement of Principles as the beacon do not either. To point out that no candidate fulfills them completely beggars the point. How many deviations are acceptable. Rothbard suggested two. It certainly isn't the giant welfare state envisioned by Kennedy. Libertarians should all be able to agree on that.

To be clear, Libertarian donors have no reason to make contributions to the Joint Fundraising Committee when they can contribute directly to the party instead. All of the donors to the Joint Fundraising Committee will be RFK Jr. donors, and the Libertarian Party will be entitled to their records through this committee. At no point will the RFK Jr. campaign have any access to LP donors or their information. So, in summary, RFK Jr. donors will be able to make larger contributions to the Joint Fundraising Committee in exchange for giving 10% of those contributions and 100% of their data to the Libertarian Party.

So in other words, our Bylaws and Principles ARE for sale. We are just haggling on the price. And yes, Libertarians donors would.... Because they will see the Party's blessing and because the Chair has soft-endorsed Trump and may see this as a way to hurt the Democrats while the Libertarian Party gets a cut. The Party is not a passthrough company. So yes, the RFK, Jr. campaign will get that data. And the Party would have to as a matter of law. To act like this was some kind of great deal is a naked bait and switch.

Objection 1: It's illegal.

As previously stated, a Joint Fundraising Committee is a class of entity officially recognized by the FEC. As such, it is 100% legal.

Deflection. No one denied the existence of such a legal entity. Mr. Hagopian aptly described out how it is all in the execution.

Objection 2: [Full citations of Articles 2, 7.1, and 14.4 omitted for brevity].

Whether or not a Joint Fundraising Committee is in violation of the bylaws will ultimately depend on what the meaning of the phrases "separate and distinct", and "full support" are in context. The problem is, there is no additional context for these phrases. As previously noted, a Joint Fundraising Committee is legally, politically, and financially "separate and distinct" from the party. It has to organize, collect, advertise, and file as a separate entity entirely.

No context? Forty-four years of history of the Party is no context?³ The entirety of Article 2 isn't context? And "joint" and "separate" seem to be..... opposite. Plus the complaint isn't that the entity itself is a violation so the idea that it has a distinct LEGAL identity (but formed jointly) is irrelevant. The complaint is that the Party's involvement to begin with is illegitimate. Mr. McGee gets the logical priority backwards and points to the end result and says "See! It is a new entity!" while the Appellant says the agreement to even form the entity is illegitimate under the Bylaws. And the Party going out of its way to help a statist competitor doesn't keep the Party's mark of distinction: the Statement of Principles and the Party's identity as different from all other movements and parties. And as to "full support," surely it doesn't take a linguist to understand that it doesn't mean "helping the biggest rival for our ticket's protest vote who also just happens to want to impose more coercion on us." This is sounding more and more like a scene from Alice in Wonderland:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "it means just what I choose it to mean – neither more nor less." "The question is," said Alice, "whether you can make words mean so many different things."

If the principles from RONR on bylaw interpretation are properly applied, the most restrictive interpretation of "full support" that is in harmony with the rest of the bylaws would be "exclusive support for the Libertarian Presidential and Vice-Presidential nominees at it pertains specifically to the Presidential election." The problem with this interpretation, is that the LP joining in on the RFK Jr. lawsuit for NY Ballot Access would also be in violation of Article 14.4.

First, note that absolutely no citation or argument from RONR was given though specific citations to the principles of interpretation were given in the Appellant's initial brief. The Appellant is not going to guess what the intended actual argument is. And no, that argument is ludicrous. Joining with any group to fight for ballot access in the face of government corruption is advancing the Party's cause for ballot choice and **DIRECTLY BENEFITS THE PARTY'S CANDIDATES BY GIVING THEM AN EVEN PLAYING FIELD, NOT RAISING MONEY TO THE COMPETITION'S DIRECT CAMPAIGN** and certainly not to bail the LNC out of a financial crisis. There is such a thing in law as the reasonable man standard. Mr. Haman gave the actual justification of most in favor – we are broke. Well, not to shock people, but the Party started in a living room. If the national Party has to contract down to live up to its own issues, then so be it. The Party will go on and rebuild as the Party of responsibility not compromise. The Appellant actually suspects that taking a stand on

³ The time frame of 44 years is given since the earliest mention of "separate and distinct" is found in the 1980 bylaws, but the bylaws are missing from 1976-1979. This makes sense. When the Party first start, it had little to no ballot access or candidates of its own and often did endorse and assist candidates from other parties in races other than President. It never has openly assisted a rival Presidential candidate to Harlos' knowledge. Once the Party gained structure and access, it severed that semi-symbiotic relationship. The timing gives a great historical context. And the fact that we HAVE NOT done this shows how this has been interpreted. It is this LNC that is going against the weight of history and carry that burden of proof.

principle embodied in the Bylaws is the only thing that can save the Party and is equally certain the answer is not RJK, Jr.

In summary, either the Joint Fundraising Committee and NY Ballot Access Lawsuit are both permitted by the bylaws, or they are both in violation of the bylaws. While I could be mistaken, I sincerely doubt that the Judicial Committee will reach a decision that cripples our legal capabilities just to kill the Joint Fundraising Committee.

Ahh, the panic button. Good thing it does no such thing.

Mr. McGee's last argument dealt with principles which the Appellant believes were dealt with adequately above and the initial brief.

In conclusion, this is the attitude that the Appellant has received from far too many in favor of this scheme. Note, this comment is NOT from an LNC member but just some guy on Twitter. But it perfectly encapsulates the mindset of far too many pushing this (not suggesting this is Mr. McGee's mindset – at least he tried to deal with the Bylaws which is refreshing):

The Judicial Committee does not have to define the boundary between “full support” and less than full support. It just has to clearly find that raising money for the competition of our ticket is clearly not full support and certainly is not respecting the will of the delegates in convention who gave Kennedy a whopping 19 votes. What is clearly less than full support? [You know it when you see it.](#)