REPLY/AMICUS OF CARYN ANN HARLOS TO THE RESPONSE OF THE LNC

RE: SUSPENSION OF LNC SECRETARY CARYN ANN HARLOS

Appellant: Caryn Ann Harlos
Appellee: Libertarian National Committee (LNC)
Date: December 1, 2024

I will attempt to reply in the same order as the LNC's Response as much as possible Response that makes sense within the context of the original Petition and to not repeat background information except when necessary. I note that the LNC's Response went far beyond anything which was included in the in the Charges, Specifications, or Trial and those will be pointed out and should be excluded from any consideration as inappropriate for an appellate body. In multiple cases, the sleight of hand diversion from the actual points made is palpable. When I repeat blocks from my original Petition in whole or near whole sections, they shall be in blue font and identified by letter designations rather than numbers in hope that assists with ease of reference.

I know the JC may be somewhat annoyed at the volume of material presented, and I don't blame you. The LNC certainly makes a big deal out of the length of my Petition, but I was hit with a Gish Gallup of accusations in which it can take a few sentences to make and paragraphs to rebut. In all of this matter, I ask the JC to remember that there is a real human being behind all of this and not get caught up in minuscular dissection that simply isn't how real life works. I worked hard for years and years to get where I am at; I do not deserve this treatment and the underlying malice and cruelty. I know all of you, and I know you know that. I have never claimed perfection as that is impossible, but this swarm attack is far more than what should be expected in the Party of Principle. I don't believe this is what any of you stand for or signed up for. The brutal dogpiling was unbelievable. You would not want to be treated this way, and I hope to God you never are. If you are, I will one of the first there for you.

1. IMPORTANT OMISSION FROM LNC'S RESPONSE

In relating the Charges and Specifications adopted at the October 6, 2024, LNC meeting, Specification 1 was omitted from Charge 1 which stated as follows:

> Specification 1: in that Ms. Caryn Ann Harlos violated the autonomy of the Libertarian Party of Colorado by submitting the names of the presidential and vice presidential nominees to the Colorado Secretary of State (LP Bylaws, Article 5.5).

This is likely due to this Specification being dropped after Trial, but it is important to note that this Specification is the whole foundation for any realistic allegation that there was a reality of litigation (not mere fantasy threats) contained in Charge 2, Specification 1, which will be fleshed out when I got to that spot in this Reply.

2. COMMENTS ON ARGUMENT AND ANALYSIS PORTION

It is enlightening that the LNC does not understand that businesses run on set practices and interpretation of Bylaws should be done with knowledge of original intent when such can be determined and thus it is incoherent and irresponsible to simply dismiss such clear and convincing proof as red herrings (see **Exhibits 6-8**). They are in fact key to showing the LNC's fundamental errors. That is why the proofs of original intent are detailed in full in the Petition and were the subject of much testimony during Trial. The Party is not created anew with each LNC.

3. SHIFTING BURDEN OF PROOF AND UNCLEAN HANDS

It appears that now knowing that the LNC cannot meet the Policy Manual standards for removal are now trying to shift them back to 2021 standards *just in case.* The Investigatory Committee (IC) included this in their "Findings" section as follows:

> **General Findings**
> The broad scope of the motion required the Committee to assess any potential “misconduct” or “malfeasance” by Ms. Harlos. The interviews and evidence uncovered several recurring issues that the Committee believed warranted special attention throughout the investigation.

This is inaccurate, however. The actual motion only stated "misconduct" which is not the same as "malfeasance" and certainly not "gross malfeasance." The IC, however, recognized this **was required by the Policy Manual** in the introduction to its report:

Committee Scope
The scope of the IC's investigation revolved around "allegations of misconduct by our Secretary, Caryn Ann Harlos, which, if true, cast doubt on her fitness to continue in office." Furthermore, the LNC Policy Manual, Article I. Special Rules of Order and Standing Rules, Section 1.01 General Delegation of Authority, Subsection 4) Removal From Office states, "No Party Officer or At-Large Member shall be subject to removal from office except for failure to perform the duties of office or gross malfeasance."

The words "misconduct" in the initial resolution and "malfeasance" found in the LNC Policy Manual are undefined in any internal Party document. The IC will therefore interpret these words in a manner that gives effect to their common and ordinary meanings. Additionally, while the term "malfeasance" is one with multiple meanings, in all instances it refers to an act of "wrongdoing," whether legally, morally, or in causing some type of harm to a person or organization.

Therefore the Committee itself limited its definition (though it wrongly defined "gross malfeasance") to the Policy Manual definition but simply tried to claim it was "turtles all the way down." It was only AFTER the Trial that there was any attempt whatsoever, and that was on the part of Jonathan M. Jacobs (who was my advisory parliamentarian on this language just to remind the JC), to broaden out the scope for a potential removal. That is not due process or any fundamental source of fairness. All parties went into the Trial with this understanding, and that was never challenged or rebutted during the Trial. The LNC cannot change its definition afterwards and claim any kind of fairness. This is enough to overturn their decision as a violation of due process and illegitimate switching of goalposts.

Further, at the Trial, Dr. Chuck Moulton pointed out this Policy Manual provision, which remained unrebutted at Trial, and as an appellate body, the JC cannot impose differing burdens of proof that were unchallenged at the Trial level. In this part, I do have to repeat part of the Petition, which will be in dark blue and labeled with capital letters as stated before.

A. RELEVANT FACTUAL AND BURDEN OF PROOF BACKGROUND:

At the 2022 National Convention, the delegates voided a prior removal motion due to lack of due process which they deemed to be a continuing Bylaws violation. Though not recorded in the minutes, the discussion with the delegates supporting this mostly followed the strand of argument that the description of the terms of office for officers and

At-Large members required that full due process prescriptions of RONR be followed to avoid any future continuing breach of the Bylaws:

VOIDING OF REMOVAL OF CARYN ANN HARLOS AS LNC SECRETARY

Brodi Ellwood (MA) raised a ***POINT OF ORDER*** stating the following:

Ms. Harlos should have had full due process, including a trial, for her removal as Secretary. Ms. Harlos' removal from the position of Secretary is null and void for that reason.[15]

The Chair ruled the point of order ***NOT WELL-TAKEN***.

Mr. Ellwood ***APPEALED*** from the ruling of the Chair.

James Jenneman (MN) moved to end debate.

The motion to end debate ***PASSED*** upon a show of hands.

The ruling of the Chair was ***OVERTURNED*** upon a show of hands, and the prior removal of Caryn Ann Harlos as LNC Secretary was declared null and void.

Caryn Ann Harlos (CO) moved to suspend the rules and reinstate John Wilford (TX) as Convention Secretary and recognize that he started the convention as Convention Secretary and remained Convention Secretary throughout.

The motion to suspend the rules ***PASSED*** upon a show of hands.

[15] During debate, it was clarified that the point of order was based on a continuing breach of the Party Bylaws.

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(https://www.lp.org/wp-content/uploads/2023/03/CONVENTION-MINUTES_2022-FINAL-V3.pdf, page 29 and fn15), LP Bylaws Article 6.1, and RONR 63:3).

One of the difficulties that the 2021 Judicial Committee found in ruling on whether or not to originally uphold or overturn the attempted suspension was that "cause" was not defined in any Party governing documents, so they could only use the definitions in RONR. Dr. Chuck Moulton, who wrote the majority opinion of the now-voided 2021 Judicial Committee decision upholding my removal, will be providing an Amicus supporting the fact that the 2021 Judicial Committee would have, and must have, overturned the 2021 attempt based upon the 2024 Rules had they existed at the time. There was also a general sentiment in the Party at that time (and still generally exists

except when one is the target of criticism) that critical “mean tweets” are not cause for removal which is an abrogation of the choice of the delegates at the time particularly if the person in question was already well known for strong expression of opinion.

In response to the 2022 National Convention, the LNC passed two amendments to its Policy Manual to cover these contingencies as follows:

On July 30, 2022, the following was added regarding not just social media, but any medium:

> Mere criticism, even if harsh, of the policies, decisions, and business practices of the LNC by other members of the LNC shall not be considered harassment or grounds for removal from office for Officers and At-Large Members. Rules of decorum shall apply to all official interactions.

That policy is worth reading twice.

> (see **Exhibit 1**, minutes of 7/30-7/31/22 LNC meeting, page 26, note that title was later deleted and it was just included under general “Harassment” policy and that the QR code will lead you to the exact point in the video where the items was debated)

In the discussion of that addition, the original intent is clearly stated as preventing removal for the types of things I was attempted to be removed for before. Hereinafter this shall be referred to as the “Criticism Policy.”

Also, on 7/30/22, the following was added defining valid cause for removal to only two things as follows:

> **4) Removal from Office**
>
> No Party Officer or At-Large Member shall be subject to removal from office except for failure to perform the duties of office or gross malfeasance. The process for removing Officers and At-Large Members shall be the trial procedure as outlined in the Party’s parliamentary authority. The Officer or At-Large Member’s membership rights can be suspended by a 2/3 vote while the matter is being investigated if necessary to prevent potential harm to the Party. (see **Exhibit 1**, minutes of 7/30-7/31/22 LNC meeting, page 23)

In the discussion of that addition, the Chair asked for examples of what would constitute "gross malfeasance." In reply, it was stated that it would NOT include the types of things that I was attempted to be removed before in exercising my free speech right to criticize (and my constituents' right to hear and judge for themselves) but would include things like fraud, embezzlement, and punching someone in the middle of a meeting. In other words, very flagrant and extreme actions. Hereinafter, this shall be referred to as the "Removal Cause Policy."

This gives important context to the action of the current LNC which is attempting to conduct the same actions as the 2021 LNC in accusations but with an appearance of alleged "due process." However, today, the standard that must be met is incredibly high even if the numerous problems with due process are overcome first.

Additionally, in an automatic appeal before the JC, although the burden of proof is on me, I am not limited to strict bylaws or other governing document violations. I am permitted to show unreasonable under the totality of circumstances, including whether or not something passes the "sniff test," whether or not the savage extreme of removal (and prior to any lesser such as censure) is warranted. LP Bylaws 6.7 simply says the "suspended officer may challenge the suspension." Obviously, pointing to our Bylaws, Rules, and Due Process violations will predominate but the JC is permitted to go beyond that into whether or not in their judgment this just feels "right." RONR gives no guidance as to appellate review on automatic appeals by officers in attempted removals, and outside of clear violations of our Rules, neither do they. Our Bylaws permit the JC to think all the charges are justified but removal was not warranted. This of course would not prevent the LNC from imposing a censure afterwards over which a membership appeal could be mounted if anyone was so motivated, but the affected officer would have no such automatic appeal.

4. RONR AND DUE PROCESS

A great deal of this topic was addressed in the Petition and not adequately rebutted by the LNC and thus the Petition stands.

Yes, the Policy Manual can be amended at any time, and was not substantively amended for these sections between July 30, 2024, and the beginning of the investigation. As stated in my Response to the "second" Jacobs opinion the Bylaws give the LNC the authority to define its procedures, which include defining cause, as advised by Mr. Jacobs' himself in his prior representation of me during numerous conversations and his workshopping of the Policy Manual language. RONR is in fact

instructive only when it does not conflict with the Bylaws or Policy manual as per LP Bylaws 16.

But first, let me state this about the LNC Response: Merely stating my definitions of due process were incorrect is not a rebuttal.

I already rebutted the statement that the vote could be in open session lacking specifics as the LNC does constantly with approval of contracts. For the LNC to claim that a Trial is not a motion and therefore could be held in Executive Session misses several points raised several time. LP Bylaws 7:15 does NOT merely say that votes shall be in open sessions but that **actions** shall be as well. **A Trial is certainly an action.** My Petition showed ample evidence as well that a Trial was specifically not allowed for Executive Session as required by the "original intent" provision of RONR 56:68(1) which was simply hand-waved away by the LNC.

The LNC is further incorrect that the qualifications for IC members are merely suggestive and not mandatory as RONR states that they "**are** selected," for certain qualities, and not "*should be*" or "*may be*." Would it make any sense for a section of RONR entitled "Steps in a Fair Disciplinary Process" to make fairness *optional*?

Two of the members were suggested by myself as I was ambushed with this motion and those two without further examination easily met the qualifications. Mr. Nekhaila's later intimate involvement should have ethically caused him to resign the IC completely, which involvement I simply did not recall at the time of his appointment (which is congruent with me not giving this day any particular space in my head because I was doing my job). If the other three believe I have libeled them, they may turn to the Court system. I gave legally sufficient reasons, and the comment that it was about "mean tweets" is simply false and the mention of crimes of moral turpitude is bizarre because that never came into any picture except by Mr. Malagon suggesting that Mr. Oliver may have STDs and that I am a user of some new exotic drug (from his own account, not the Mises account) as the pictures embedded in my original Petition show.

Mr. Ford and to a lesser extent Mr. McGee behaved in a prejudicial manner towards me in particular, thus not meeting the qualifications. It certainly wasn't "flawless" as Mr. Ford claimed. The LNC is also grossly misinterpreting nearly everything I said. I never said that "mean tweets" are not grounds for discipline. In fact I believe the Chair and Mr. Malagon (who once posted "Chase f*cks children" - since deleted) could both be, and probably should be, subject to *discipline*, **but not removal**. Discipline is not the same as removal. It is amazing that this sleight of hand was attempted. Mr. Malagon can assert he is not the author of the Mises Caucus tweets, but it is a false assertion.

He admitted to me that he was, but of course since he deleted nearly hundreds of Facebook messages even after they were on a legal hold after the Vest suit, this situation becomes who you believe and whether that is in character for him. His one excuse was that he was "hacked" by the Mises Caucus with no proof whatsoever of that fact which would then libel some other hapless Mises volunteer. In fact, he only made that excuse for the "Chase" post and then claimed that he regained the account for which the posts in my Petition are well after that time, if I recall correctly.

I answered the issue regarding Mr. Ford, but it bears repeating. If the LNC wishes to excuse his rude behaviour in September, AFTER the suit was filed, it does nothing to excuse his bad behaviour on July 11, 2024, and August 24, 2024, which renders him unfit -- particularly considering how "flawless" he claimed this process would be. Those two prior incidents are certainly *flaws*.

5. CHARGE OF HYPOCRISY | OCTOBER 6, 2024 MEETING

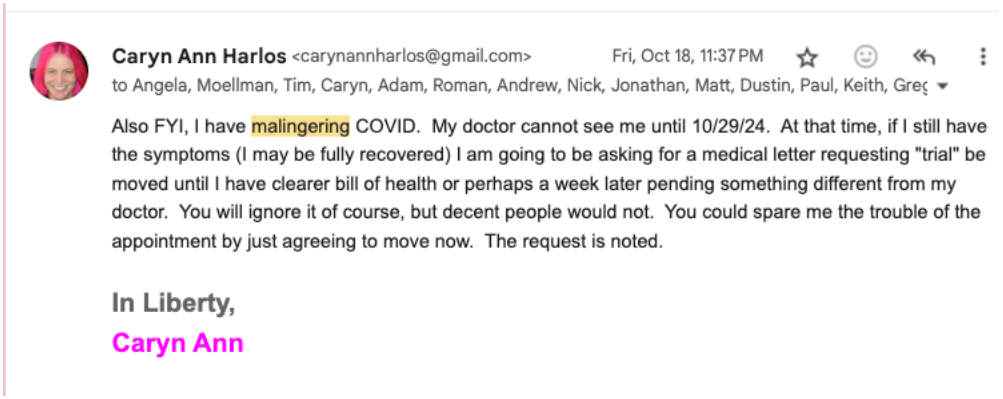
This case is not about whether I was unfair about Ms. Vest being in prior Executive Sessions nor am I being charged with being a hypocrite. I was urged to hold that position by Mr. Malagon and the Chair, but that is simply irrelevant. My arguments about the unfairness of having a Secret Tribunal are also far different than an objection about an Executive Session involving an anonymous person/litigant. I may not have made that objection had I known the identity of the litigant and part of the discussion dealt with personnel and contracts which was part of the suit and for which Ms. Vest, like me, said she would not have attended. What makes this assertion even more deceptive is that the Chair herself stated that the derivative suit <u>had nothing to do</u> with what would be discussed in the Executive Session. However, it turned out it was in fact discussed. This is compounded by the fact that no reason at all was given for entering into executive session as required by the Policy Manual. Any justifying statement today cannot be anything but post-hoc and should be dismissed.

For the LNC to insinuate I was not in the midst of severe COVID because I still tried to talk to concerned members during their long Executive Session (no recording, and my demeanor was similar to the open portion of the meeting, and for which **no testimony was produced at Trial**) and neglecting to mention that I had to leave for failure to breathe is despicable. Their proof? I was comparatively feeling one way, and got worse. I can't speak for everyone, but that is typically how progressive illnesses work. i thought that was common knowledge by anyone who has ever been sick. I was called by several concerned members, and I expressed that I was on the floor unable to breathe.

My allegedly voluntary absence due to sickness certainly did not deprive me (the old "blame the victim" tactic) of my right to defend myself since the LNC has already decreed that any debate (which defense would be) had to be in Executive Session so the LNC is simply deceiving the JC by stating that if I but appeared, I would have been able to defend myself then. This is just obvious. A Kafka Trap yet again.

6. INADEQUATE TIME

The LNC seems to have an odd pre-occupation on my writing speed abilities. My LPCO appeal was written in July when I was healthy and has no bearing here. The LNC has no idea if I was the sole author of my Petition. I was not, and if I had adequate time and materials, there is more that I would have included (but I am sure the JC is just fine with the present length;). I worked on it non-stop for the seven days I was allotted. It is also a falsehood that I did not request an extension or copies of materials (as noted above on the latter). I had on hand a select set of emails that I had used to refresh my recollection during the investigatory period, while afterward I would have downloaded all of my emails for later use (and destruction of what was not used), and I in fact asked for an extension multiple times. I am dumbfounded this was denied by the LNC as this is one of the few emails that the Chair actually did respond to:



Caryn Ann Harlos <carynannharlos@gmail.com> Fri, Oct 18, 11:37 PM
to Angela, Moellman, Tim, Caryn, Adam, Roman, Andrew, Nick, Jonathan, Matt, Dustin, Paul, Keith, Greg

Also FYI, I have malingering COVID. My doctor cannot see me until 10/29/24. At that time, if I still have the symptoms (I may be fully recovered) I am going to be asking for a medical letter requesting "trial" be moved until I have clearer bill of health or perhaps a week later pending something different from my doctor. You will ignore it of course, but decent people would not. You could spare me the trouble of the appointment by just agreeing to move now. The request is noted.

In Liberty,
Caryn Ann

Angela McArdle <angela.mcardle@lp.org> Sat, Oct 19, 10:11 PM
to Mark, Adam, Roman, Jonathan, Pat, Travis, Steven, Kathy, Robert, me, Chair, LP, LP, Andrew, Nick, M

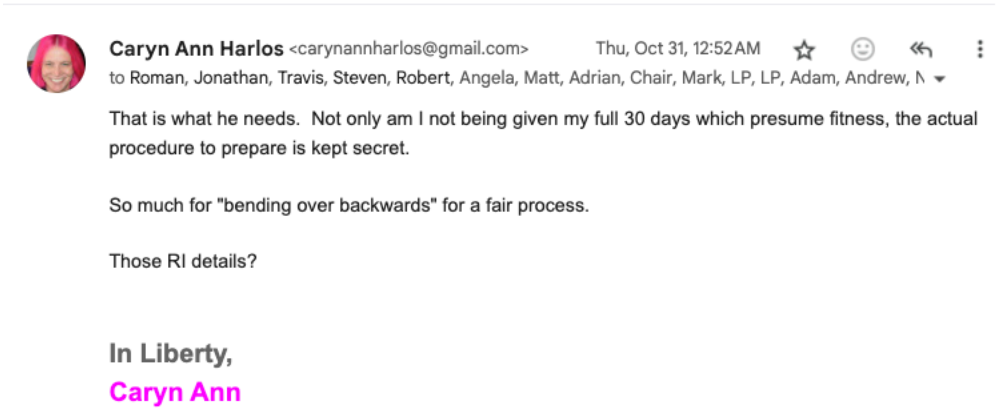
We are not postponing. The trial will proceed as planned.

Angela McArdle
LNC Chair

Caryn Ann Harlos <carynannharlos@gmail.com> Tue, Oct 29, 3:54 PM
to Angela, Chair, Mark, LP, LP, Adam, Roman, Andrew, Nick, Jonathan, Matt, Dustin, Paul, Keith, Greg, N

Here is promised doctor's note that I missed two weeks of the intent to prepare. I know any request for extension will be denied, but now you have medical request - after all, I thought it was said in August that the Chair wanted to "bend over backwards" to insure fairness. My attorney is unavailable the 14th through the 16th.

In Liberty,
Caryn Ann



Caryn Ann Harlos <carynannharlos@gmail.com> Thu, Oct 31, 12:52 AM
to Roman, Jonathan, Travis, Steven, Robert, Angela, Matt, Adrian, Chair, Mark, LP, LP, Adam, Andrew, N

That is what he needs. Not only am I not being given my full 30 days which presume fitness, the actual procedure to prepare is kept secret.

So much for "bending over backwards" for a fair process.

Those RI details?

In Liberty,
Caryn Ann

The reference to "That is what he needs" is to the amount of adequate opening time my attorney requested which was unilaterally reduced by 75%. No discussion, no negotiation, just an imperious declaration.

7. EXECUTIVE SESSION AND NOVEMBER 9TH TRIAL

This was answered in full above here and in my Petition but one mis-citation by the LNC cannot go unchallenged. The LNC states:

> 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.

Did you catch it? Let me re-cite it with an omitted bolded word in red so that you can see the big difference this extra little word makes.

> 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.

This wasn't a mere mistake in bolding. The LNC makes a whole (false) argument about the permissiveness of "may" while ignoring the subsequent word of "only."

As per the original intent when the Bylaw on Executive Session was passed, trials were not to be included. Documentary proof of this fact was placed in my original Petition. However, I want to note again that NO reason was given in the motion to go into Executive Session in the first place as required by the Policy Manual. Further, if the LNC is now going to claim potential litigation (already rebutted) as its reason, the picture I displayed in my response re: Jonathan M. Jacobs about how they originally delivered the IC report in which both myself and my husband were libeled in our own community shows they waived that alleged right. They already published the libel. They cannot put that genie back in the bottle. My husband and I go to that Federal Express store all the time. He is one of the most established realtors in this community and runs for public office (as do I). I work in this and surrounding communities. The Chair accused me of criminal fraud which effects my professional reputation. They published it. Period.

The LNC is claiming "some" portions may have qualified secrecy due to staff issues. Then those are the only portions that should have been kept secret. However their claims are not precisely true. Mr. Jacobs insisted on bringing up alleged accusations I made which were not part of the Trial and the LNC brought up issues of the derivative suit which I refused to discuss in any detail as irrelevant to any of the Charges and Specifications (except to show that the LNC *itself in fact, not in some abstract theory, exposed the Party to legal liability, not once, but twice*). In total this was less than five minutes out of four hours, perhaps ten minutes if you include the testimony of Mr. Jacobs.

What the LNC continues to ignore is that the Bylaws allow me FULL appellate review in addition to their violations of the rules regarding Executive Session. **The due process violations of the Executive Session alone is sufficient reason to overturn my suspension due to the emphasis on due process placed by the 2022 National Convention and basic Libertarian principles. It is in effect intentionally denying me my Bylaws right to an actual appellate review.** Ironically enough, it could be considered gross malfeasance on the part of the LNC and a removable offense.

To repeat:

Note again that none of the allowable reasons for Executive Session were listed when entering Executive Session as required by the Policy Manual. But even if one of them had been listed, none actually qualify. They all would have been pretexts to hide Bylaws and due process violations behind closed doors.

The JC is an appeals body. It does not conduct a trial *de novo*. Because the trial was conducted in secret, the JC will not have access to the trial proceedings to examine errors made by the LNC and judge the justice or injustice of their decision. Additionally, I did not have access to a recording or transcript to prepare my petition, briefs, evidence, and other appeals documents to the JC. Further, it will be harder for me to clear my good name from the frivolous and defamatory accusations made by the IC (including the motion to create same) and the Libertarian National Committee because the public was not permitted to view my defense – despite over 50 LP members joining the gallery at the beginning of the Zoom meeting before Executive Session was entered.

The violation of the Bylaws was clear; it was intentional; and it was prejudicial. If this LNC is allowed to continuously violate the Bylaws with no penalty, then the Bylaws are a dead letter.

9. INADEQUECIES OF TRIAL TIME

This was addressed adequately in my Petition.

10. NO RECORDING FOR APPELLATE REVIEW

This is just another example of the diversionary tactics throughout this Response. The LNC says "This is false. A record was made." But I never said no record AT ALL was made. I said no record [full] was made for internal APPELLATE REVIEW.

My original Petition must be repeated here since this is just a complete and utter mischaracterization:

A. NO RECORDING FOR APPELLATE REVIEW

As noted above, there is nothing for the JC to review except the paper filings and the statements allowed at a JC review. There is no way for the JC to know if anything "new" is snuck in by either side that is majorly different or in addition to what was presented. Although, there was a "court reporter" there, that individual was not a true court reporter and only recorded audio, and the Chair explicitly said the only purpose was to preserve for Court, not for the JC. It would be a violation of my rights to have an

audio-only version or a transcribed version not only due to lack of consent, but also due the fact that visuals were displayed in, **and integral to**, my Defense. This deprives me of my Bylaws right to a complete JC review and potentially puts me in danger of an accusation of violation of Executive Session to even defend myself to the JC. However, I never agreed to this stipulation. I stated that I understood that the LNC believed it was properly in Executive session but that I maintained it violated our Bylaws and Policy Manual 1.02.5; thereby I never agreed to secrecy. In addition to being against the Bylaws, it is against fundamental fairness to allow one "side" to record and the other to not.

The LNC could simply have natively video-recorded it. That would have captured the entire proceeding including body language and appropriate/inappropriate body expressions. They could have hired a videographer. They chose not to and cannot benefit from their errors. This is enough to overturn their decision as a violation of due process. You literally have nothing to review of their decision but an incomplete IC report to which I was not even permitted to rebut while the rest of the LNC was deliberating and more than enough reasonable exculpatory evidence.

11. IMPROPER EXCLUSION AT TRIAL

The LNC misrepresented RONR badly in its Response. I gave a string of citations (seven in total--all related), in my Petition and they addressed only one. Simply put, the LNC **chose** to have only one Trial Manager and that has no effect on my rights. They were allowed to have more and each of them could have questioned witnesses. The preparation for Trial with my counsel was done on reliance of RONR Trial rules in which I would handle certain witnesses. I was deprived of that right.

The LNC skipped this whole portion which must be repeated:

Prior to trial and during the public portion. Keith Thompson made a Point of Order to which the Chair ruled that my silence was only required during this preliminary opening and that once the trial started, I would be entitled to full participation including questioning witnesses. However, in secret, she stated she ruled opposite prior and that I could only testify and only Dr. Moulton could question witnesses.

Mr. McGee then tried to claim that the resolution passed by the threshold required to suspend a rule of order. Ordinarily he would be correct, but apparently, he is not familiar with and was not advised of RONR 25:2(7) which states that no rule protecting a minority of a particular size [in this case one-me] can be suspended in the face of a negative vote as large as the minority protected by the rule. Additionally, he was

apparently unfamiliar with and was not advised of RONR 63:32fn10 which allows the procedures in this process can be varied by adoption of a special rule of order for disciplinary proceedings (plural), not just for this one case.

The fact that the IC chose to put in libelous comments was their choice, particularly the one about my husband which doesn't feature anywhere in the Charges and Specifications and failed to mention my response to the accusation of the witness. It does not override the bylaws. Don't libel people. If the LNC previously and voluntarily took on and waived that risk when they released portions of the report ahead of time over my objections and had it delivered unsealed to my home in my. They cannot claim a privilege they waived. I can certainly deny further distribution despite *their* recklessness.

This is enough to overturn their decision as a gross violation of due process.

11. NOT QUESTIONED ON MULTIPLE ITEMS IN IC REPORT

This is another mischaracterization by the LNC. Yes, when I was interviewed, the official Charges had not been drafted but they cannot be drafted until my side is heard which could have required a second interview which was never requested.

Let me repeat RONR here because it is exceptionally strong (emphasis added):

RONR 63:12
Before any action is taken [in context recommendations by the IC], **fairness demands** that the committee or some of its members make a reasonable attempt to meet with the accused...**and to hear his side of the story.**

They utterly failed to do this as detailed in my Petition which will not be repeated in full here.

12. TRIAL MANAGER ACTED IMPROPERLY AS PROSECUTOR

The assertion that if the LNC says some things are valid Charges, they ontologically become valid Charges is so mind-blowing I had to read it twice. That is obviously not true since there is appellate review. Too bad this was all done in secret so that you cannot see how utterly biased Mr. McGee has been throughout this whole process. To repeat something from my Petition,

In our justice system by analogy, if the prosecution and the judge are repeatedly allowed to say the standard is "by a preponderance of the evidence" instead of "beyond a reasonable doubt" in a criminal trial, that would be reversible error. If the prosecutor and judge are repeatedly allowed to say a defendant is guilty of grand larceny (including in the charges) if he steals something worth more than $5 even though the actual threshold is $1,000, that would be reversible error. The jury may have wrongly convicted someone who was caught red-handed with a $7 item. Similarly, the Trial Manager and the Chair left the impression that it is possible for the LNC to convict based on what the Charges say even when the Charges do not meet the Rules' threshold of cause.

13. ADVISORY PARLIAMENTARIAN FOR THE TRIAL MANAGER IMPROPERLY ALLOWED AS WITNESS

The LNC once again mischaracterized the events of the IC process and the Trial, and I would refer to my earlier extensive section on Mr. Jacobs. The LNC cannot say that Charge 2, Specification 3 was about my interpretation of an opinion written by him because I was **never asked about that by the Investigatory Committee**, and it was not anything to do with him at all. A Carly Simon song comes to mind. **It was my opinion; it was not about him. He never entered my mind as unbelievable as that might seem.** Ms. Arrowwood was called as a witness to an actual Charge to testify about objective parliamentary facts, not subjective interpretations about what I allegedly meant by something I wrote without ever being asked about it by the IC as required by RONR 63:12.

The even application of standards was stated in Petition, and I repeat, "Any testimony on strictly parliamentary issues would of course be appropriate. Mr. Jacobs' testimony went far afield of these matters in an extremely emotive manner far beyond that reasonable for an expert parliamentary witness."

14. IRRELEVANT WITNESSES CALLED AND KEY WITNESSES IGNORED

The LNC starts with another absolutely false statement that I "contend[s] that [I] should have been the one to call our witnesses." First, my statement was about the IC investigation, not about the Trial, yet they include a statement about the Trial and a completely relevant witness which backs up a complete and utter falsehood stated by the Chair and backed up by a polygraph test (see **Exhibit 35**). Their justification for Ms. Fenske is laughable. She tried to start a fight with someone at a Colorado county meeting which had to be taken outside, which is on video and could have been reviewed by the IC. She further posted a video/photo with a sparkler in her anus.

Hardly an expert on "erratic" behavior. She didn't like my speech. I wouldn't either if I were defending gross breaking of the LPCO Bylaws with a relative (her sister) on the LPCO Board. That was a county meeting and completely Colorado business, and THAT in fact is coming close to the LNC intruding upon the autonomy of an affiliate and its sub-affiliates. She was very nearly asked to leave with the assistance of restaurant staff. I was never asked about that either.

The main issue is the complete disregard of the IC for the omission of a full investigation of relevant persons [from my Petition]:

> ... such as absolutely important witnesses were omitted such as Ballot Access Coordinator Bill Redpath, Ballot Access Expert Richard Winger, "friendly" Colorado witnesses who were key to facts in the case such as Bette Rose Ryan (who submitted the electors), Sean Vadney who appeared on both slates of electors, Wayne Harlos, but most importantly, past LNC Chairs or staff familiar with the submission process, and shockingly **anyone from the campaign**, or in light of the lurid charges, any state chairs about alleged interference or obstruction or any of the GoFundMe donors, one of whom is difficult to miss in his vocal criticism of the LNC and his association with an opposing caucus. It appears that the IC was simply content to simply take the Chair's word on everything, doubt everything I said, and move forward to a narrative that led inevitably to a predetermined conclusion. Failing to conduct an interview with someone as obvious as the Campaign Manager Steve Dasbach is far beyond odd.

I quote RONR 63:12, which remember is under the section "Steps in a Fair Disciplinary Process" that it [the IC] should "make[ing] an effort to learn **all relevant facts."** [bold added] It is obvious it made no such attempt.

15. PUBLIC LNC BUSINESS LIST DELETED DURING PREPARATION OF DEFENSE

The LNC makes another falsehood adequately detailed in my Petition, i.e. that the former public list is "archived" somewhere on the website presumably accessible to the public, including me. The Policy Manual changes passed on October 6, 2024, said nothing, not a word, about memory-holing the prior list where it yet, to this day, remains unavailable to members and was unavailable to me to prepare my defense.

16. CHARGES AND SPECIFICATIONS MUST BE THE ACTUAL REASON AND NOT A PRETEXT FOR DIFFERENT REASONS

I am going to be plain and state categorically that I **know** this can be proven. Despite the Chair falsely stating that the derivative suit would not be discussed at all during the October 6, 2024, Executive Session, the Chair herself stated [paragraphed though the exact words are captured] that I had to be removed to remove my standing to bring the derivative suit. Everyone there, including Barred attorneys who may be called to testify under oath in the future, heard it. Since it involves fraud by the Chair, both to me and the membership about the entirety of alleged reasons for removal and her plain statement that the suit would not be discussed, this is likely not protected by any claims of any kind of privilege. Privilege and NDAs cannot be used to shield from dirty dealing and..... can expose the Party to further legal liability. Are you noticing a recurring theme here?

I am going to be plain once again and state categorically that I **know** this too can be proven. The same discussion was had by the IC (a member may have been absent, but I do not believe so as it was not just once). The source for this information has categorically stated if deposed that they would not perjure themselves.

I invite the JC who has questioning power both during the hearing and by written question afterwards (at least that was done by the immediately past committee) to ask if the derivative suit was mentioned as a reason for removal and all of the IC members if it was mentioned that this was a reason though it was not put in the Charges and Specifications.

The rest of the LNC's statements are dealt with adequately in the Petition.

17. FAIRNESS DEMANDS THAT STANDARDS BE APPLIED EQUALLY

The Chair's infamousness for her poor treatment of disagreeing MEMBERS, not merely LNC members by accusing them of being a spy or infiltrator is infamous as well as her general nastiness to anyone outside the clique. Does anyone remember the Angela Files? https://drive.google.com/drive/folders/1eawKyzjHRYvauEiQftnaw-YOnpBjWuR1?usp=sharing

Prepperidge Farm Remembers.

Further, the LNC once again states falsehoods. I never said the Chair never went to Mar-A-Lago, I said she never told the LNC until months and months later and that this should have been disclosed. It was news to me and everyone else outside her inner circle, which did not apparently include her Officers. Besides being untrue in its

characterization, the pettiness of the Complaint of these X posts is just so emblematic of this whole affair.

I used to live in West Palm Beach Florida. A trip to Mar-A-Lago is by definition a luxury trip and the picture of the Chair at the residence is one of unquestioned opulence that 99.99% of the world could not imagine. (see https://x.com/timjcarden/status/1860721662087610538 for the story of the transformation of Mar-A-Lago). That is also unquestionably an opinion that I am permitted to have.

I also never said that the Chair would have had nothing to do with Ross being freed in the future. That is simply false. She will not have been the only one. Lynne Ulbricht is the one who deserves the lion's share of that credit and that that is also unquestionably an opinion that I am permitted to have.

The Chair cannot complain about lies. She literally called me a spy on X which is legally and unquestionably libel *per se* in the state of Colorado[1] in which she has exposed both herself and the LNC to potential litigation. Mr. Malagon accused Mr. Oliver of potentially having a loathsome disease which is also legally and unquestionably libel *per se* in which he has exposed both himself and the LNC to potential litigation. That is one of the standards right? Right? No? Just a hair-brained threat from LPCO when literally no expert can be mustered to show they did not break their affiliation arrangement with the national Party?

18. SPECIFIED CAUSES FOR REMOVAL

These issues were already address in above sections of this Reply in full and my responses in re: Jonathan Jacobs.

19. BRIEF CLARIFICATION OF RELATIONSHIP BETWEEN CHARGES AND SPECIFICATIONS

[1] There are four categories of statements that are defamatory per se in Colorado:

- Statements accusing someone of having committed a crime
- Words imputing an infectious disease upon someone
- Statements imputing sexual promiscuity or unchastity upon someone
- Statements that prejudice someone in their profession, trade, or business

https://jbakerlawgroup.com/colorado-law-what-is-defamation-per-se/ - from the firm which is ironically representing a Colorado plaintiff who claims that the Board of the LPCO engaged in such behavior towards them with a trial to take place January 2025. Thus, not the ghost of a risk, but a risk that is playing out in real time in Colorado at this very moment.

Here I will assume the LNC simply didn't understand the statement as the alleged rebuttal was unrelated. I never questioned that the charges were adopted separately. The issue is: "What if one of the charges is thrown out by the JC since the *penalty was based upon the combination of the adopted Charges and/or Specifications*?" There is no way to know *if* only one of the Charges and/or Specificiations was allowed (due to the JC overturning) if the penalty would be the same, lesser, or none. That was not addressed. The LNC could have chosen to divide the votes, as it did with the charges, and adopt a penalty for each one. But it did not. Thus, if any of the Charges are thrown out, so is the entire penalty as they are based on the totality and *could have been divided if the LNC so chose but did not*.

20. CHARGE ONE, SPECIFICATION ONE

First, this charge was never adopted so is technically irrelevant but the misstatements will be responded to as its omission completely de-fangs a later charge of "exposing to litigation" which must be **credible** in order to pass any kind of sniff test. The only credible litigation threat would be IF the autonomy of the affiliate had been violated. In dropping this Charge, the LNC has conceded the bankruptcy of the latter.

The first paragraph regarding the agreement made at the National Convention is irrelevant as never addressed in IC report or Trial and is undisputed.[2] Ironically, it cuts against the LNC's argument in that it admits that we are fully in our authority to send those Certificates of Nomination ourselves.

The next astonishing statement is that the *only* reason that certain certificates were not sent *directly* to only *certain* Secretaries of State was a gesture of good will to certain affiliates. **That is categorically false**. Unless ANY state chair requested us to, NO certificates were being automatically sent even though that was the original agreement at the convention and supported by evidence in the Petition. I voluntarily gave up hours of my time and money under that agreement which the Chair had zero authority to up-end without my consent.

The Chair also truncates the discussions had. When the Libertarian Party of Colorado (LPCO) first objected in June, it allegedly was going to put no one on the ballot. This would have been in violation of the LP Bylaws which we have a fiduciary duty to uphold

[2] The LNC seems to think it is some sort of "gotcha" that I took the position that the Campaign would not be given copies of Certificates of Nomination for New Mexico of Massachusetts since we had rogue groups in those states using our trademark, and I did not wish the non-official affiliates to have those documents. I said this directly to the Campaign's Manager, Steve Dasbach. This was no secret, and it is a complete puzzle as to how the LNC thinks this is relevant as the Chair shared my position.

(which do not include placating over-weening affiliates in acts which are easily cause for disaffiliation). At that time and beyond, the Chair and I had many conversations in which it was agreed to allow a little time to pass for mediation between the Campaign and the LPCO to occur, but once it was obvious that this was not going to be successful, we would get the Libertarian ticket on the ballot. Then the Chair stated in writing (as evidenced in the Petition) that no matter what, submission of the paperwork would be ONLY up to the State Chair which is in violation of our Bylaws under 2.1, 2.4, and 14.4 as well as my duty to submit paperwork under 6.5 as Recording Secretary (more on that below).[3] Once the LPCO had a meeting on July 2, 2024, and immediately put out a **fundraising press release** that made it all over the state, if not the country, on that fact (after the *one and only meeting* with Chase Oliver on July 1, 2024) it was obvious that they were not going to put our candidate on the ballot. The LPCO Chair told me that personally (see copy of text message in Petition). That was the end of any such "reconciliation agreement" that we had any reasonable fiduciary duty to work with, and even that is questionable, as that missed month of fundraising and organizing harmed the campaign as evidenced by the Amicus of Steve Dasbach submitted with this Reply.

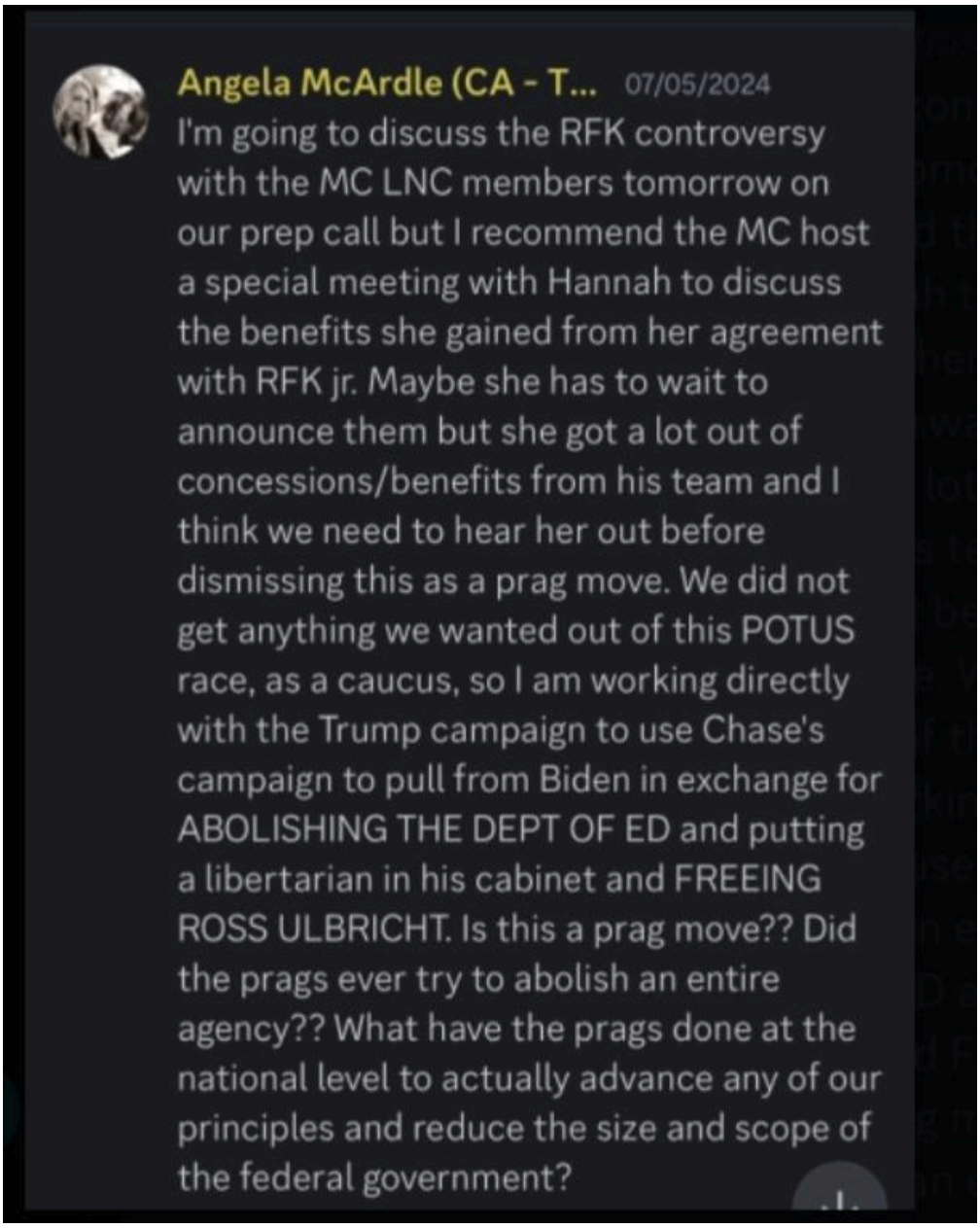
This brings us to the issue of due dates, one of which keeps getting left out by the LNC. **September 6, was not the only important due date**, July 10th or 11th were others which were the last day that our candidates could file as write-ins. The campaign was not certain if they could withdraw their names after that date to my understanding, and to their understanding from research of a Colorado campaign volunteer that they could submit their own electors; they had to make a decision before that deadline. They also believed that if they filed as a write-in, it could give both the LNC and the LPCO an excuse not to put them on the Libertarian ballot line. If they did not submit as write-ins, and any alleged negotiations (of which there were NONE directly to them, only social media smears) failed, they would not be on the ballot at all, and if somehow the Chair convinced them to change their mind despite the huge risk that they were fundraising on their very very publicized commitment to RFK, Jr., they might have had issues switching from one position to the other. Nothing was clarified until the July 22, 2024 email from the Colorado Secretary of State (see **Exhibit 19** – email from attorney for Colorado Secretary of State). Even after clarifying emails, nothing from the government is ever certain. We as Libertarians know that, and the LPCO Chair, its board, and its supporters were still constantly all over social media declaring that email invalid and that it would be legally challenged to Colorado, not the LNC.

[3] The fact that the Colorado SoS had other paperwork requirements that were not under our control is irrelevant. What was under our control, it was my duty (and the LNC's duty as a whole) to submit.

Further, the Chair may very well have playing along with Colorado for which I did have reasonable evidence despite the assertion of the LNC. And if this was the case, she was aiding and abetting fundraising fraud as she was aware that every day that went by, that LPCO was advertising its placement of Kennedy (whether they literally could or not) and raising money from Colorado voters and elsewhere based on that. This was very serious business with potential criminal liability. IF that was my reasonable belief (and it was), I had to protect the Party within very limited time windows. Further, during this time, the Chair kept the entirety of the LNC in the complete dark about her allegedly awesomely wise "negotiations" which were contradicted by every post put out by the LPCO and the statements of the Board at their meetings.

I had previously provided a copy of the conversation I had with Allison Spink (one or two days after the July 2, 2024, LPCO very public announcement that they were putting RFK, Jr. on the ballot line) who contacted me **unprompted** about the Chair's potential involvement:

But also within days, the Chair made this statement in the Mises server:

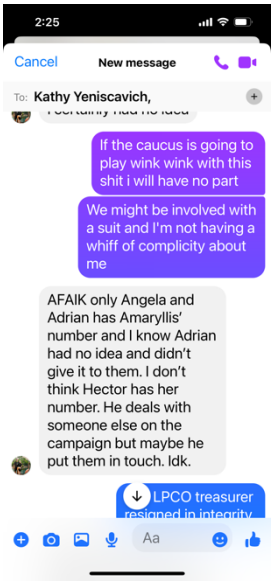


Which depicts the Chair, not as negotiating LPCO out of this plan of action, but of selling the idea to the caucus. Kathy Yeniscavich also briefed me on the meeting that Mises had with the LPCO Chair which was all about how they are keeping to this plan and how wonderful it was according to the LPCO Chair and Colorado State Organizer -- the Chair was her apologist. I am not one-hundred percent sure on this but I believe I hopped on that call briefly and left out of disgust.

The Chair's public complete over-reaction (prior to any "cease and desist" letter) to simply sending in nomination papers that were **requested twice** stating that this breached some agreement with LPCO and RFK also solidified this understanding. My

job is not to blindly trust anyone but to be a fiduciary of this Party. I am not the servant of the Chair.

The LNC is coming close to outright lying when it insinuates that out of the blue I accused an LNC staff member of being involved with trying to put RFK Jr. on the ballot in a phone call to Ms. Yeniscavich. It was Ms. Yeniscavich who **told me about this staff member's potential involvement all on her own with zero prompting from me** leading me to call her to express legal and fiduciary concerns since the Chair was in that chat group with that staff member as were Ms. Yeniscavich and other LNC members who just let it go. This was serious potential legal exposure for the Party (that is the standard right? it is getting confusing here which standards only apply to me and no one else). Proof? I said it in a message too:



Ms. Yeniscavich failed utterly at putting the LNC on notice of this issue. She was aware FIRST. She was Chair of the Committee that was to oversee these types of issues. **Ms. Yeniscavich turned a blind eye and put the Party at risk of legal liability which risk still exists as it does for LPCO since this staff member has an official LPCO email address, is still employed by the Party, and the LPCO/LNC can be sued for trying to election interfere.** Is any of this likely to be successful? No. The alleged pretense that we were in danger from LPCO or RFK, Jr. was far less-in tech parlance I think it would be called vapourware. But are we using the same standards? **If we are, there are multiple resignations due from the LNC at this moment if not investigations.**

The LNC's Response depicted a social media post where I noted that RFK, Jr. had enough signatures to be an independent but that does not contradict any single thing

that happened - it was a statement of my opinion that if there was opposition (which I was doing) that RFK, Jr. would be smart enough to take the sure bet. It was an opinion and a way to bolster the hopes of disheartened Libertarians in Colorado. You know, the type of stuff that happens daily on X? The LPCO had a do-over meeting in August, a month after that post, and allegedly "voided" Chase Oliver's nomination through NOTA, and re-nominated RFK, Jr. again, with a representative from the RFK, Jr. campaign there (so they definitely still were planning on being on the Colorado Libertarian ballot line), Also, the LPCO refused to let electors sign acceptance forms with Chase Oliver's name on it (see **Exhibits 22** and **23**). So my opinion was wrong and indicated no such thing that there was no risk to the LPCO ballot line because the LNC conveniently ignores the write-in deadlines mentioned above which is a recurring theme. It was typical X statements to get to the opposition that was trying to steal my state Party. It had absolutely nothing to do with my belief that the Chair was behind all of this of which I posted my reasons above. And as confirmed by the Colorado Secretary of State, and by the time of the election, RFK, Jr. had zero intention of withdrawing from Colorado (and did not), and all the actions of the LPCO Board and the RFK, Jr. representatives in Colorado were that their preference was the Colorado Libertarian ballot line. The LPCO's Campaigns Director openly admitted it was all about money (see screenshot in Petition).

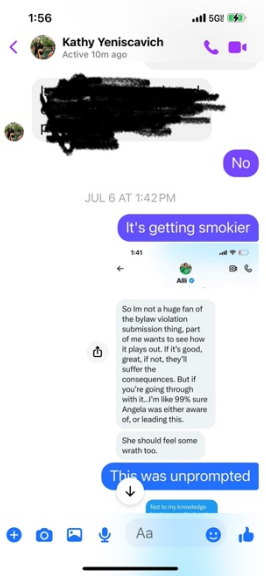
The LNC may mind-read to believe I would have posted all of that on X, but unlike our Chair (who posted that I was a spy which is actionable liable and Mr. Malagon who accused our nominee of potentially having STDs), I had my very serious beliefs which were reasonable and did not post them on X because... ding, ding, ding, I was not trying to get the LNC sued! In contract, the Chair has engaged in toleration of abusive LNC members (namely Mr. Malagon) as noted by a past LNC member which did result in an **actual lawsuit by Beth Vest**:

mark tuniewicz

FEBRUARY 4, 2024

If the executive committee is seeking to have LNC members take part in a derivative lawsuit against the LNC, it's Mr. Makagon's reckless actions that gave brought us to that point. if the Chair can't control her lapdog, she must bear the consequences. Shame.

Oh wait! Now not trying to get the LNC sued is removable? I expressed these concerns about the Chair and Colorado internally and was working on them internally. I sent a whistleblower email to LNC counsel in July 2024 (copying my fellow officers) and spoke/messaged with Bill Redpath, Dustin Nanna, Kathy Yeniscavich, and Adrian F Malagon about these concerns which is why all of this is more than obviously retaliatory (the last two, Ms. Yeniscavich and Mr. Malagon scrubbing their messages illegally which--yes! exposes the LNC to legal liability for spoliation of evidence). Here is a copy of a message to Ms. Yeniscavich which was supplemented by phone calls. It will make sense when you understand that I said to her that I smelled a lot of smoke, and I believed there was a fire:



I invite the JC who has questioning power both during the hearing and by written question afterwards (at least that was done by the immediately past committee) to ask Mr. Redpath and Mr. Nanna outright if I ever expressed these concerns.

As laid out already in the Petition, Colorado directly requested their (Colorado's) form through the Campaign (Bob Johnston) who sent to me. At no time did I have to hunt for some chupacabra form that only required my signature. Then **at the direct advice of Steven Nekhaila, who was the first to publicly praise the submission but now presumes to judge it "gross misconduct" (who should resign immediately if he believes that)**, I asked the Colorado Secretary of State about the list of forms they need. They asked me directly for National to send in their form **because they already asked for it in writing**. It is irrelevant that I called. They requested it.

The Chair does not have the authority to harm the campaign by slow-rolling or delaying papers in violation of the Bylaws. There was an official procedure that had been followed for decades as detailed in my Petition (and as thoroughly detailed by Mr. Sarwark at the Phillies v. LNC appeal hearing and **Exhibits 27-30**) and as agreed with the Chair at convention. It is further within my general duties (as it would be of any LNC member) under Bylaws 2.1, 2.4, and particularly 14.4. But it is my specific duty as Recording Officer under Bylaws 6.5. The Chair has no authority to tell me not to do my specified role but can *add other tasks*. The fact that a very few states have some different requirements are dealt with in an as needed fashion, that does not change the general procedure. Analogously, the fact that there are tall women negate the fact that men are generally taller than women.

I refer you to **Exhibit 25** of my Petition for the parliamentary opinion of Ms. Sylvia Arrowwood as to the duties of a Recording Officer which includes responding to requests for certified/notarized documents.

The LNC attempts to argue that my (and Ms. Arrowwood's, a Professional Registered Parliamentarian) citation is "truncated." Their entire argument is that "general correspondence" in the context of RONR 47:33(9) refers only to internal correspondence. They simply assert it--despite decades of different Party practice and the rest of the Bylaws. In some organizations, that duty falls to a Corresponding Secretary, which we do not have, so it then falls to the Recording Officer. This issue of external and internal was actually asked years ago at the RONR forum:

Mr. Martin is at least a Registered Parliamentarian and a respected "middle of the road" expert at that forum.

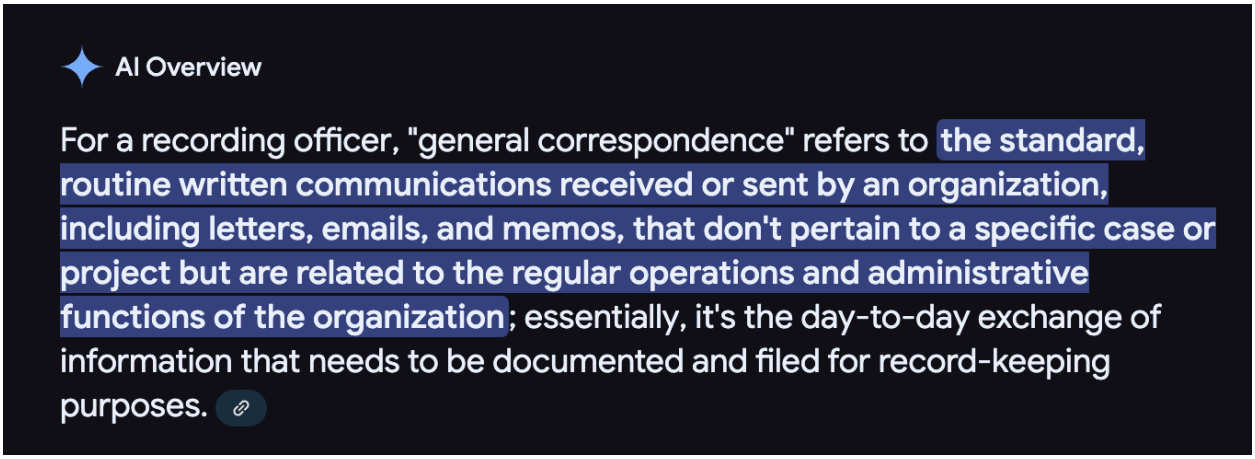
Here is a legal definition, though in a criminal context (https://www.lawinsider.com/dictionary/general-correspondence):

> ***General Correspondence*** means incoming or outgoing correspondence other than special mail. General correspondence includes packages sent through the mail. General correspondence refers to traditional mail sent or received via the U.S. Postal Service. For the purpose of this policy, general correspondence refers to inmate mail only. The Warden or designee must give prior approval for an inmate to receive or send a package (see the Program Statement Mail Management Manual). Procedures for incoming publications are discussed in the Program Statement Incoming Publications. Procedures for inmate electronic messaging are addressed in the Program Statement Trust Fund Limited Inmate Computer System (TRULINCS) — Electronic Messaging.

And a few others- this one from the Electronic Code of Federal Regulations:

> **§ 540.2 Definitions.**
>
> **(a)** ***General correspondence*** means incoming or outgoing correspondence other than *special mail. General correspondence* includes packages sent through the mail.

And, a general AI description:



In a political party with Bylaws that say the purpose is to get a Vice-Presidential and Presidential candidate elected, this pertains to the regular operations and administrative functions, i.e., ministerial, i.e., secretarial.

It is further simple common sense. RONR presumes no staff. Thus, according to the LNC, there is no one responsible for anything other than internal correspondences. It is absurd. It is further absurd that, in light of everything above, including the Chair's soft promotion of the LPCO's strategy, that this action was ever even blown up to this insane degree. Ironically, just today, the LPCO Chair pretty much confirmed that she was the "trailblazer" that even the Chair followed which comports with the report given to me of the Mises meeting with the LPCO Chair by Ms. Yeniscavich and later emails to the Mises mailing list:


12:37
Hannah Goodman
6.1K posts
Posts
Replies
Highlights
Media
Hannah Goodman @... · 2d
Don't you know I blaze a trail, but hell you can come with me. 🔥✨
Liberty Sentries @Li... · 2d
We have been provided the following screenshot showing that, since July 5th of this year, Angela McArdle has been working with the Trump team in order to use Chase Oliver as a spoiler candidate against Biden, to help support Trump in the elections.
Angela McArdle (CA - T... 07/05/2024
I'm going to discuss the RFK controversy with the MC LNC members tomorrow on our prep call but I recommend the MC host a special meeting with Hannah to discuss the benefits she gained from her agreement with RFK jr. Maybe she has to wait to announce them but she got a lot out
concessions/benefits from his team
think we need to hear her out before
dismissing this as a prag move. We did not
get anything we wanted out of this POTUS
with the Trump campaign to use Chase's
campaign to pull from Biden in exchange for

The next paragraph from the LNC is even more risible in claiming that since I made a motion to direct the staff to send in any remaining certificates that "I knew I acted outside my authority." What?! I made the motion since I *did not possess those certificates* and unlike Colorado, which sent us its own form, other Certificates of Nomination require both the signature of myself and the Chair. **I could not send in the others**; it was impossible due to the form and *had nothing to do with authority*. If I had them, and was asked for them, I could have sent them. If I knew they were never going to be sent by anyone else, and I had them, I would have sent them. But that is a contra-factual mining the subjunctive that seems to be the specialty of the LNC's Response rather than dealing with what reasonable people do in the moment with the information they have at the time, lacking accurate crystal balls at this time in history.

21. CHARGE TWO, SPECIFICATION ONE

The LNC keeps insisting that they are not violating on LPCO member autonomy but that is the gist of their Response in a very classic damned if you do, and damned if you don't fashion. Yet another item I was never asked about (nor did it come up in Trial) is the highlighted disclaimer language in my LPCO MEMBER DEMAND which I have a right to under Colorado law. The LNC once again appears to claim to be able to read my mind in declaring that I put in a disclaimer because I **knew** there would be confusion as to whether or not this request came from me in my role as a national Officer or in my role as an LPCO member. No. I put that there because I knew the Chair was trying to make that claim BEFOREHAND which was proven completely correct with her completely inappropriate public email that the LPCO Chair used as a basis in her "demand letter." If the Chair were really worried about "potential litigation" you don't blast emails such as this publicly:

> You will not usurp my authority as chair. You have taken unilateral actions this week that have put us at risk of legal action. To be clear, you acted outside the scope of your authority when you sent that form to the SOS, knowing that lpco had entered into a written agreement with Kennedy. Now you want to rope us in and have us sanction your actions and possibly take legal action or involve us if you are sued for it.

If I didn't put that in, they would have said "Aha! You are not separately your roles!," and when I did put it in, they say "Aha! ... so when did you stop beating your wife?" My right to ask for non-profit corporate records was MY business as a Colorado member. In trying to claim my exercise of MY rights in my own affiliate is part of some removable offense, the LNC IS interfering with the autonomy of member rights in their own affiliate. You might ask why such a letter? BECAUSE PEOPLE WERE ALREADY THREATENING TO SUE DUE TO THE ACTIONS OF THE CHAIR AND THE LPCO.

My actions caused no danger that was not already present due to the actions of the LPCO. The Chair, meanwhile, insinuates some legally binding agreement that was not disclosed to the Reconciliation Committee nor the LNC by the Chair nor Adam Haman who was present in Executive Session at these meetings. Both the Chair and Mr. Haman have similar fiduciary disclosure duties which they both failed, yet Mr. Haman tries to initiate an investigation against me? Mr. Haman has also publicly advocated that the LNC encourage violations of the Bylaws,[4] but no, I had no reason to suspect a thing--it was all in my mind:

> This endorsement that the Secretary and the Alt from Region 3 South are so upset by doesn't bother me at all.
>
> Similarly, it wouldn't bother me if LPKY endorsed Thomas Massie or Rand Paul either.
>
> There are two Republicans here in Nevada that are very libertarian in their political philosophy. I hope they win. The LPNV hasn't gone so far as to officially endorse them, but so what if we did?
>
> All this pearl-clutching is a symptom of our irrelevant past.
>
> In the real world, it matters if the duopoly runs candidates that are more or less libertarian. We should encourage them when they behave the way we want them to. We should do everything we can think of to make our future more libertarian rather than less.
>
> So, to the question of whether the LNC should "condone" this, I say yes. We should.
>
> **Adam Haman**
> **Region 1 Rep, Libertarian National Committee**
> lp.org | adam.haman@lp.org
> **Vice Chair, Libertarian Party of Nevada**

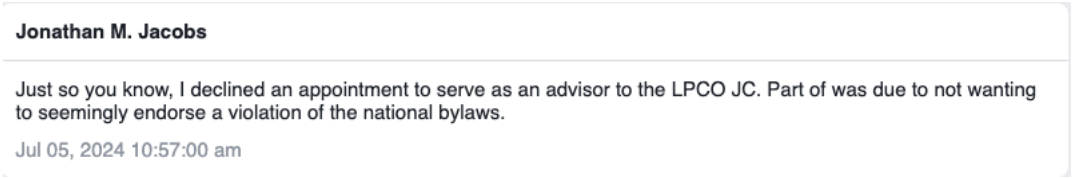
If this Party was operating normally, that should have led to a demand for his resignation.

This whole thing is dirty as hell. And I am allowed to have the opinion in a LIBERTARIAN ORGANIZATION while doing my job. The problem here is that partly the Chair and her select group think THEY are the Party or that alternatively the Mises Caucus is. When the LPCO Chair was questioned in the Mises Discord about whether there was support from Colorado membership for this, she answered that she surveyed

[4] LP Bylaws 2.1, 2.4, 5.4, and 14.4. Notice that a literal representative on the LNC with a fiduciary duty to the corporation said that his state has not endorsed any Republicans, but "so what if they did?" And ***I* am the one being investigated??? Mr. Haman openly scoffed at the LNC following its contract with its membership as "pearl clutching."** I am not sorry, this is OUTRAGEOUS. And, let me continue this refrain *opened the Party up for litigation.*

the Mises people and that was apparently good enough for her. The rest of Colorado be damned. This is a big problem.

One of the authorship team of RONR (see **Exhibit 12**) and the LPCO's own parliamentarian, the aforementioned Jonathan Jacobs all opined that LPCO was breaking national bylaws.



Full stop. We do not hobble or not support our own campaigns on frivolous "demand letters" that have no basis in reality. We could never function. Further, the LPCO also stated that its autonomy was violated by the ENTIRE LNC when it confirmed the national nominations. Do we not vote now because an affiliate screams? How come the entire LNC is not on "Trial" here?

The LNC repeats in full my Petition regarding the alleged "mediation" attempts for my awful crime of following our Bylaws, so no need to repeat here but only to dispel their spin.[5] I was never in conflict with the LNC over following our Bylaws. The frivolous demand was sent to the LNC, so perhaps the LNC was in conflict with LPCO **for following our Bylaws** but were already nearly sued by other people in Colorado and the Chair's actions at National might be drawing a Federal wire fraud suit. Oh, it is only an issue when it is a minority voice. Do you sense a theme?

The LNC falsely states that Ms. Arrowwood did not address Article 6.5. Go read page 5 of **Exhibit 25**. This was also addressed in the Trial by Dr. Chuck Moulton who, though he let it lapse, was a Professional Registered Parliamentarian in the past. The Chair cannot order the Secretary to NOT do her job, she can only add additional duties. There was no failure to perform the duties of office in any Charge or Specification, and the LNC cannot create such a duty after the fact. The LNC also fundamentally mischaracterized my argument. My argument wasn't that RONR 47:33(9) superseded the Bylaws, my argument is that LP Bylaw 6.5 gives my **primary duty: The Secretary**

[5] I do wish to reiterate that the long initial call with Ms. Hays was as an alleged friend. She was not acting as an attorney (completely inappropriately if she was and did not advise me so) nor a mediator. I trusted her. Wrongly. Ms. Hays also alleged some type of contact with Rebecca Whiting, the MN State Chair, who is not pleased in the slightest about her name being dragged into this by Ms. Hays and denies any contact. Ms. Whiting is also extraordinarily angry about the violation of her rights by the Region 1 Representatives in their failure to consult her or apparently any other Region 1 State Chairs who would be in opposition in violation of their Regional Agreement.

shall be the Recording Officer of the Party. That is the Bylaw. RONR explains what a Recording Officer is and does.

The LNC's Response goes on to do exactly what it claims not to, interfere with my legal rights in Colorado and will not be responded to because the Colorado suit is not part of this Specification. They are dogpiling on items that were not part of the Trial or Specifications.

It is amazing that the LNC can actually admit that I said I would be willing to mediate with Colorado (and they don't mention Ms. Hays agreeing to set it up but never doing so) and call that a refusal to mediate! Hate is love, and war is peace. At another meeting, when the LPCO Chair was invited to discuss, I offered at that time (this is never mentioned by the LNC) to discuss things with her then in Executive Session if she was comfortable doing so. The LPCO Chair said she was not, and I voluntarily relinquished my right to be there for her comfort though I had no obligation to do so. It is revealing that this was never mentioned.

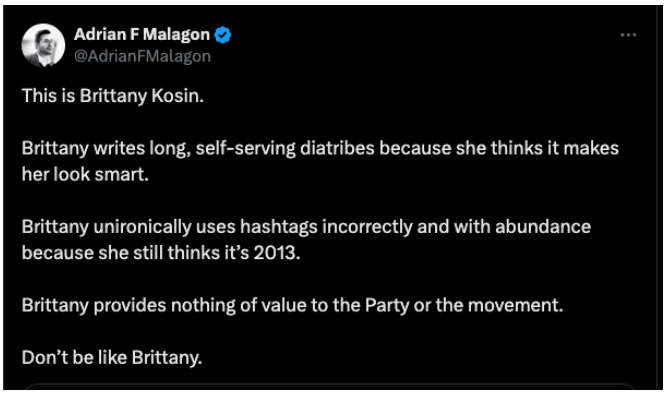
And the LNC is not being entirely truthful as to the triviality of the alleged danger. There was already a paid opinion by a world-class expert and the LPCO's own parliamentarian agreeing that the LPCO broke the national bylaws. The boogeyman of a $25K encumbrance is an empty tiger as the LNC has yet to encumber $25K for a current suit over two months later. We don't sabotage our candidates over empty threats from people who view themselves as above the Bylaws and "kingmakers." The rest of my argument from my Petition stands.

21. CHARGE TWO, SPECIFICATION TWO

On the issue of misrepresentation, yes my defense DOES speak for itself. The person they alleged was defrauded testified on my behalf he was not and I submitted a polygraph (see **Exhibits 35-36**). I would want to gloss that over as much as possible if I were them as well. I invited the Chair to a similar polygraph for which I received no response.

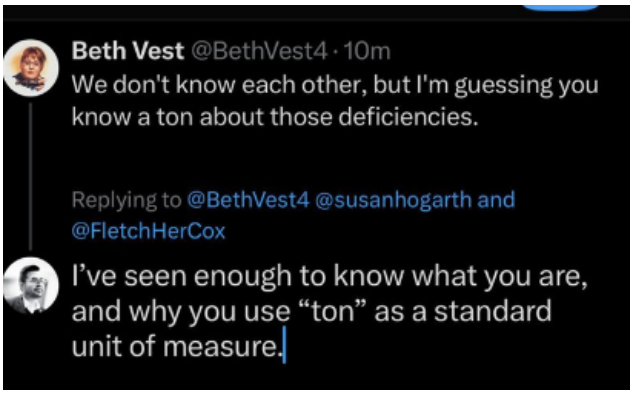
On the issue of decorum, it is simply not a removable offense, and if it were, the Chair and Mr. Malagon are the worst offenders with the Chair confining it to her interviews and social media (which does use her official handle) and Mr. Malagon not confining it anywhere. I do not need to have the LNC's 3x5 index card of allowable opinions. It is beyond hypocrisy for this accusation to even have been made when the Chair constantly calls Party and LNC members who disagree with her losers; politically stupid; autistic; spies; larpers; useless; and more all

while soft-endorsing Trump and calling our Presidential nominee a clown the day after the election. Further, Mr. Malagon publicly accused me of taking drugs; being stupid; accusing our Presidential nominee of catching STDs while campaigning, and just today (November 26, 2024) extolling the value of bullying Party members and brutalizing Brittany Kosin of PA, one of the sweetest people in the Party. All of this is in addition to his prior insinuation about the sexual function of a Party member and constant appearance shaming of members. This is all farcical. Here are some more lovely examples in addition to those included in my Petition (apologies to the ladies):



And while this is only tangentially relevant, this is the culture amongst a certain in-group. Here is the "oh so sweet and innocent" LPCO Chair reposted by Mr. Malagon:

When a state from a region complained about Mr. Malagon's attacks on their Regional Representative such as this:



The response was:

What did I do? I criticized official actions and policies. Period. Harshly, yes, as permitted by the Policy Manual. But I never remotely came close to what was done as described above. So are we the Party of "rules only apply to minority voices but the majority"? A more perfect verbal picture of a railroad job could not be drawn and that cannot be countenanced by the JC, and it is only made worse that most of these examples are **from the Chair of the IC**.

On the issue of investigation interference it is more inanity. They basically are simply stating that I can be publicly accused of being unfit (that is a "charge" in the colloquial sense of the word-pedantry to try to remove someone is another trick being used by claiming I was using that in a parliamentary sense) for an office of trust - broadcast over YouTube at a time when I am actively job-seeking in a type of job that requires the same skill and trust set - and I cannot defend myself. Yet the Chair can obliquely insult my appearance, call me a shrieking larper (you folks on the JC know how much I have done for this Party), and a domestic spy/saboteur, and that is just fine. I am perfectly allowed to talk to my fellow Party members about this situation. The Chair certainly did. In fact the Chair called multiple Chairs to lobby for my removal. She told Rebecca Whiting and others that I had a mental disorder. Andrew Chadderdon lobbied that I was just "uncooperative" -- because you know, not participating in a hivemind is heresy. Another differing standard. Even worse when someone with the authority of the Chair does so.

It is ironic that they deny the derivative suit as a pretext and then bring it up at the very end of their Response. I will let that speak for itself. It is the duty of a board member to protect the non-profit and is not part of the Charges or Specifications. I did not "wantonly involve" anyone's child (and irrelevant to this issue)---I noted that the Chair used Party paid staff for her personal use. It could have been to clean her house. The object was irrelevant, the inappropriate personal use of paid staff for household duties is. The fact that pointing this out is considered "so egregious that this could carry this specification all by itself" shows that my statement that exercising my rights and duties (after trying to alert counsel several months prior to concerns) IS in fact an unspoken pretext behind this whole matter. That particular complaint is not mentioned in the IC report nor was mentioned in the Trial and thus is inappropriate for Appellate review. That is an issue for the DC Courts, and if we are going to have the same standard for "involving in litigation" the very fact that the LNC is trying to claim that perfectly valid legal complaint involving resources of the corporation is a reason for removal "all by itself" only gives ammunition for that suit, and thus the LNC is itself projecting by doing what it accuses. And I will note that this is yet another

thing I was not asked about by the IC as there is a LOT more to that story, but they never bothered to ask as required (detailed earlier).

23. CHARGE TWO, SPECIFICATION THREE

My Petition speaks for itself. The fact that the LNC keeps trying to punish someone for having an opinion is obscene. The whole smear job of the unrebutted IC report then is "investigation interference."

24. CONCLUSORY REMARKS

The LNC sneaks in another irrelevancy about a Bar Complaint. I am a client as a member of the LNC. Mr. Hall inappropriately (in my view) handled a whistleblower complaint and instructed the entire LNC not to even talk to me **about anything at all**. That was interfering in the day to day operations of the LNC and is not the way derivative issues are to be handled. But that is not part of the Charges and Specifications and is just more poisoning of the well. Rather than genuine and sharp disagreement, they presume my disagreement was not genuine (though I gave my reasons which pass any reasonable person test) but intentional bad faith. Ironically, doing so only proves the LNC's intentional bad faith in this matter.

The rest of my Petition answers their assertions, but I would like to point out that although they try to shift the burden of proof up through the conclusion, they then claim they met it under the actual standards. They did not. Charge 2 is completely disallowed by our Rules and nothing in Charge 1 rises to gross malfeasance, particularly since they dropped violating the autonomy of an affiliate.

I will repeat:

It there are clear Rules allowing what I did, you must reverse the LNC's decision. If there is any ambiguity about allowing what I did but a reasonable person would believe it was right, you must reverse the LNC's decision.

If none of the actions:

- were extreme in badness or offensiveness
- were extremely bad wrongs.
- were flagrantly illegal (in fact they followed Colorado law).
- were flagrantly unauthorized by the Bylaws.
- were flagrantly in bad faith.

you must reverse the LNC's decision.

RELIEF SOUGHT

Full restoration of all rights, duties, and privileges as duly elected National Secretary and voiding of appealed decision.

I note that any voiding of the suspension does only that. It does not prevent the LNC from imposing a censure if it wishes and as the Party has so strongly indicated in the past that majorities going from zero to removal on minority members is, frankly, abhorrent and vindictive. Now, I want to be clear, I do not believe I did anything worthy of a censure, but am pointing out that the options here are not removal or nothing. It is only a removal you are considering. If the removal is overturned and a censure imposed, only membership would have the right to appeal and would have to go through the typical petition process.

PS: I do not envy you having to slog through all of the materials. The LNC should have been able to handle differing opinions and people doing their duty, and this should never have had to come to you. In my opinion, for the Party now and for posterity, the best thing the JC could do is issue this one line:

"Overturned. Stop wasting time and go handle yourselves."

Respectfully,
Caryn Ann Harlos