

Amicus Brief by Angela McCardle, Harlos v. LNC, submitted Dec. 14, 2024

Introduction

Ms. Harlos has publicly joked about the number of amici filed leading up to this hearing. For months now, Ms. Harlos has been allowed to libel members of the LNC, its staff and the LNC itself with little consequence. She makes disgusting and false statements about us personally, while crying victim that we have libeled her. Her behavior is sadistic and narcissistic (to a malignant degree). Through their amici, members of the LNC have sought to set the record straight on her nonstop parade of slanderous attacks, lawsuits, and administrative lawfare while highlighting Ms. Harlos' continuing gross malfeasance and disruptive of the well being of the LNC and hampering of its work.

Based on the previous JC ruling, there seems to be some question of whether or not Harlos was removed for actions that constitute gross malfeasance. Her actions in the past have absolutely constituted gross malfeasance and they continue to do so. It is not possible for her to be a part of any functional organization for any extended period of time. That is why we made the decision to remove her.

Gross Malfeasance

The IC Report stated, "all but two (not including Ms. Harlos) expressed a desire to see the Committee recommend Ms. Harlos' removal for her perceived 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."

Two thirds of the LNC voted to remove Ms. Harlos for gross malfeasance. It is up to the LNC to decide what gross malfeasance is, and we deem the threshold has been met, in accordance with the findings of the Investigative Committee.

Ms. Harlos is a legal liability. Indeed, she has already sued one of our affiliates, nearly dragging us into that lawsuit. And then she sued us directly and she continues to threaten us with more lawsuits. She has embarrassed us in front of other working professionals, like the board governance trainer who assisted us in Florida. She frightens off donors and consistently brings shame and dysfunction to this organization. She behaved the same way in a previous Christian organization until they finally forced her to part ways. We have reached that same crossroads.

We cannot, morally, spiritually or legally, continue to work with a person as vicious and unstable as Ms. Harlos. She is the greatest threat to this organization no matter who or which faction is in

charge of the LNC. She has demonstrated at least twice now that she is comfortable ruining someone's life in order to keep Machiavellian, administrative control over the LNC.

My job, as the leader of this organization, is to make decisions that are in the best interest of this organization and to guide us there. That necessarily includes steering us away from danger and sadism.

Is Removal Possible?

Ms. Harlos wrote the Policy Manual sections on removal to ensure that she could never be removed for terrorizing other members of the LNC on social media. (She also wrote a policy manual revision that has kept her in charge of the HPC all of our physical historical artifacts in perpetuity.) "Harsh criticism" is not the same as libel, though. Ms. Harlos has libeled many of us with outright lies and harmed the organization in doing so. Unlike Ms. Harlos, we do not rant and rave about libel every day. We take our lumps and carry on, trying to focus on advancing the goals of the party, but it is an issue that must be dealt with.

The Policy Manual does not hold the same weight as the bylaws. It is changed regularly and it can be overruled by a vote. The removal vote of Caryn Ann Harlos certainly met or exceeded any vote threshold to overrule the policy manual. The LNC and I believe that the charges we voted on constituted gross malfeasance and were grounds for removal, but if the JC chooses to interpret otherwise, we believe that our vote to remove surpassed any threshold needed to override the policy manual, and therefore her removal should be upheld. We did not go through hours and hours of painstaking due process and removal procedures only to be told we did not remove her hard enough. Our actions and intentions were clear.

While Ms. Harlos believes herself to be removal-proof, she has turned to the courts to remove me as Chair in act of retaliation, and in that lawsuit that is full of lies. This is grossly hypocritical and shows poor character. Many times, she has mentioned that the "delegates have elected her". The same delegates that elected her also elected me, and they elected me to lead this organization, not her. And they elected me by a wider majority. Should the delegate argument hold any water? If so, why is she seeking to remove me via lawfare, like the Biden DOJ?

The decision to remove an LNC member should only come from the LNC, with the JC acting in accordance within the framework of the bylaws to ensure that a removal was properly executed. It is not within the purview of the JC to redecide what constitutes gross malfeasance when we have laid out the definitions in a 30 page report. Likewise, it is not within the purview of the courts to circumvent the LNC and the JC.

Lawsuit

Ms. Harlos gross malfeasance is ongoing, as evidenced by the statements she made in her recently amended lawsuit against us. These statements and her attempts to persuade the public

of these lies disturb the well being of the Libertarian Party, hamper us in our work, and render Ms. Harlos unfit for the office of Secretary.

Her lawsuit against the LNC is full of lies. In the interest of time, I will only list a few of them. She lied about the anti-war rallies I organized in her lawsuit against the LNC:

Para 24 of the First Amended Complaint (FAC): “The organization used the 1444 Duke Street address of the LNC’s headquarters building for a mailing address with no authority of the LNC and no documented benefit given to the LNC.”

This is clearly false and misleading. She attended the first Rage Against The War Machine rally and personally witnessed the thousands of people in attendance. It was the most successful outreach event the party has ever held outside of a presidential race. The LNC received a huge benefit in name recognition and by re-igniting the anti-war movement, and being on the right side of history (very early) in the Ukraine War. Furthermore, there is no damage done by using the LNC’s address on a single organizational document that required a physical mailing address and was later changed. I have the authority as Chair, to direct the business and affairs of the party, pursuant to Bylaw 6.3.

FAC Para 25: “An additional "Rage Against the War Machine" event happened on September 28, 2024, for which McArdle, upon information and belief, may have received remuneration as she may have in the past, none of which have been disclosed. Even if she received no personal funds, an accounting of that lack of receipt is standard and required under the Bylaws.”

I did not receive any funding for either anti-war rally. If I did, I would disclose it and there would be no harm done. Ms. Harlos’ slaver, anti-capitalist and communist tendencies are unlibertarian, but the greater wrong is that she is lying and painting a false narrative, and she is doing it willfully. She also fails to cite what bylaw I have violated (spoiler alert: there isn’t one.)

FAC para. 32 “There was never an internal accounting of all of the Party resources used for this event. No accounting has ever been forthcoming, despite Harlos making several official enquiries.”

This is a lie. Approximately 30 minutes to one hour of staff time was used regarding the Rage Against The War Machine and Rescue The Republic rallies - both of which are the most successful outreach events in the party’s history. This accounting of time was shared with Ms. Harlos attorney prior to the filing of her FAC.

FAC para. 34: “McArdle informed the LNC after the fact that she had created the initial “Rage Against the War Machine” organization and made a donation of about \$1,500.00 of LNC funds for the organization. “Rage Against the War Machine” was created by at least December 2022 but was not included in her official required notice of conflicts of

interest until March 2023. This breached her duty of disclosure and loyalty to her organization.”

This contains more lies. The alleged conflict of interest was listed, but the organization RAWM was created *as an outreach event to benefit the Libertarian Party*, just like Rescue The Republic. Ms. Harlos voted in favor of donating \$1,500 from the LNC towards the rally. The rest of the money for the rally was crowdfunded. Ms. Harlos was an enthusiastic attendee and supporter of the first rally, and she cannot cite any bylaws that were violated because there is no breach of bylaws.

FAC para. 35 “McArdle has yet to inform the LNC that she is a co-founder of "Rescue the Republic – Join the Resistance " and used Party resources to promote its event. Harlos attempted to stop the use of LNC resources for that event but was unsuccessful. This organization has yet to be included on McArdle's required potential conflicts of interest disclosures.”

This is another misleading statement and lie. RTR was disclosed as a potential conflict of interest. The party assets that were used for RTR were: a single email was sent out asking for volunteers and candidates to attend and represent the party, and volunteers tabled at the event, passing out Libertarian Party literature and doing sign ups. It was an amazing outreach event. The LP was the only political organization doing outreach at this 40,000 person event.

FAC Para 37. “McArdle has also breached her fiduciary duties by using paid LNC staff members for her personal needs, such as babysitting, without disclosure or remuneration to the LNC.”

This is deeply perverse. Harlos is referencing that a staff member held my infant son while I signed Chase Oliver’s nomination paperwork in the hotel lobby the day after the convention. She conveniently leaves out that this took place for roughly 45 minutes to an hour, while other people also passed the baby around, chatted and assisted with paperwork. This sort of anti-family, anti-child slant has plagued the party in the past and needs to die.

FAC Para 39: “McArdle has repeatedly caused the Executive Committee of the LNC, a subset of seven members of the larger LNC, to hold closed-door executive sessions and to restrict votes to her hand-picked executive committee.”

This is an outright lie. The executive committee votes on who it allows into executive session. I have no unilateral authority over executive session and I have never attempted to exercise such authority. She makes the same allegation in para. 40 and it is a lie. Any exclusions are always done via vote, in accordance with RONR, and those votes are all tabulated and publicly available.

FAC para 59: “ McArdle independently made the decision to disregard ballot access for Libertarian candidates in all fifty states for the 2024 Presidential Election”.

This is an outright lie and is easily disproven by my arguments for ballot access during our recorded meetings and by the excom votes on ballot access spending. I personally pushed for ballot access spending, and we adopted the recommendations of the Ballot Access Committee to fund as many states as possible, spending approximately \$115,000.

FAC para. 63 “McArdle, in her capacity as Chair and Executive Director, hired her life partner and father of her son, Austin Padgett, as a Fundraising Director for the LP despite his lack of professional fundraising experience and initially provided deceptive information to the LNC that his contract was fully internally approved by a committee assigned to that task. Ms. Yeniscavich and Mr. Malagon, two directors, both expressed to Harlos that they were deceived by this action.”

This is egregiously false on many levels. Mr. Padgett was never a Fundraising Director - he was a short term contractor. Ms. Harlos knows this because she voted on the contract. The EPCC was aware in advance that I was going to hire Mr. Padgett. The LNC voted on his contract after the fact, and Ms. Harlos voted in favor of it. Mr. Padgett was highly qualified and he raised more revenue than he was paid. Mr. Padgett was paid below the market rate as a favor to the party.

The audacity Ms. Harlos has to lie about the LNC nonstop, including in her lawsuit, is gross malfeasance at a minimum. It is malicious and psychopathic. She filed this lawsuit under penalty of perjury and you can see several times where she perjured herself. Intentional, repeated perjury certainly constitutes gross malfeasance. It disturbs the well being of the LNC.

We did not remove Ms. Harlos for filing suit. She filed suit after the motion for an Investigatory Committee was made, but the malicious lies and self contradictory statements she makes in her lawsuit further demonstrate that she is a bad actor who cannot be trusted anywhere near the LNC. Our decision to investigate and remove her was completely justified and she continues to engage in gross malfeasance and disturb the well being of the LNC.

Gross Malfeasance In The IC Report

Page 10 of the IC Report shows that Harlos knew I told her to wait on filing the paperwork in LPCO. She knew that I intended to have it filed and there was no evidence to the contrary.

We are not upset that a Certificate of Nomination was filed in LPCO. We are aggrieved that Harlos used this conflict to cause such strife on the LNC, with the LPCO, and for her own personal gain. Harlos immediately tried to drive a wedge between Ms. Yeniscavich and me by calling Ms. Yeniscavich, confessing her intentions to disregard my directive and asking her to be complicit. This sort of toxic behavior goes beyond the bounds of factionalism. Harlos attempted to get Ms. Yeniscavich to be complicit in breaking the bylaws with her and become part of a potential legal battle. It is an extreme disruption of the well being of the LNC.

Ms. Harlos accused me of ghostwriting a legal letter from LPCO, threatening legal action on the LNC. Later, Ms. Harlos sues us. It is the height of absurdity, but it is also extremely malicious and disruptive.

Ms Harlos has done many monetized Youtube shows on us by now where she spreads her lies. She is incentivized to create drama for her own personal glorification and for some small financial gain, as well. (See IC Report, pg 19) Her public commentary on these issues does not match the documented email correspondence on the matter. She engaged in this pattern of behavior in 2021. It is not the first time she has behaved this way.

Disruption And Attacks With Callous Disregard

The IC Report covered many, but not all, of Harlos' disruptive attacks on the LNC and its members.

Harlos engaged in calloused, abusive behavior towards Mr. Watkins and me, all the while crying victime publicly over her alleged back injury. (See attached emails)

She lied about my work to free libertarian political prisoner Ross Ulbricht. This lie undercuts the LNC's political power and tarnishes our reputation. (IC Report Page 21)

She alluded on social media that a criminal RICO suit against me would have merit. This is grossly defamatory and damaging to the reputation of the LNC.

Harlos referred to our staff as prostitutes. This behavior is public harassment towards paid employees.(IC Report Page 21)

She put Ms. Yeniscavich at risk of being targeted by the feds by breaking confidentiality that Ms. Yeniscavich was moving out of the country.

It is not a joke or an opinion when we say she has done great harm to our organization.

She is a pathological, malicious liar. Her actions are gross, they are many, they are ongoing, and they constitute gross malfeasance.

How Did We Get Here And Where Do We Go?

How did people who lie pathologically get to be in the LP, and get to be elevated to positions of leadership? Because at some point, we opened the doors to people who hate authority, not people who love liberty.

The umbrella of people who hate authority is very broad: sadism, narcissism, psychopathy, bullies, disagreeable people with a myriad of personality disorders, people who struggle with

rules, and people who have difficulty working together and are addicted to playing devil's advocate. Ms. Harlos meets many of these criteria.

She has a Machiavellian tendency to author rules that keep her in positions of administrative authority, and to make the Secretary role seem hopelessly too difficult and time consuming for anyone else to handle. She talks a lot about principle but there is never any philosophical definition or real world example of what that principle is, or how it should manifest in a political nature. All talk of principle is self serving; not serving or advancing the interests of the LNC.

She is extremely self centered, and cannot handle anyone else taking credit for any accomplishment. Narcissism is the false flag of competence.

She takes positive delight and pleasure in the suffering of others, as evidenced by her manic and gleeful videos about the current LNC, and about its past members like Erin Adams.

Her sadism serves the function of scaring people off and securing the role for herself and silencing dissent. She exhibits a complete lack of empathy for the other human beings around her, going so far as to drag my infant child into her baseless lawsuit and threaten the release of an innocent person from prison.

She habitually engages in impulsivity and sensation seeking to the point that she has no self control. The LPCO certificate debacle is a prime example. Her comments about engaging in the same behavior again "absofuckinglutely" shows she has no ability to learn from her past mistakes.

This is all painful for me to articulate. It comes across as very mean spirited, which is why I have not made public comment on it until now. I generally stick to "lolbert" and similar level of criticism. The combination of these traits are absolutely deadly to the furtherance of the goals of the organization (any organization) which is why she absolutely cannot be allowed to continue to serve on this board. That is why I have to speak out. Her behavior disturbs the well being of our organization.

Conclusion

Perhaps the JC has judged fitness for office (which I'm not sure is within your purview) on whether or not someone takes meeting minutes efficiently. By the way, the last meeting minutes Harlos did were completely unprofessional, argumentative, too large, and had to be redone entirely. Harlos' behavior is demotivating to all members of the LNC and brings the entire LNC down. Failure to remove her is gross malfeasance, which is why she cannot be allowed to stay on this board and continue to terrorize and demoralize us and take us away from our goals. We will not keep her on. It would be a dereliction of duty. She has no loyalty to us. She will not uphold the will of the board. She cannot abide the decisions of the board.

Over use of empathy and procedural loopholes in this party allows sadists to trample all over everyone else. We have become neutered of using our best judgement and being productive or adhering to goals.

I am asking you to let me be the chair, the leader of this organization, and uphold the will of this board and do what is obviously in the best interests of our organization. We cannot and will not tolerate or allow this unstable and vindictive person to further destroy our work.