

CARYN ANN HARLOS' RESPONSE TO AMICUS OF JONATHAN JACOBS

RE: SUSPENSION OF LNC SECRETARY CARYN ANN HARLOS

IN FAVOR OF PETITION BY CARYN ANN HARLOS 11/22/24

The bylaws (Article 16) clearly provide that RONR only applies when higher documents do not contradict and RONR itself does not say even the Bylaws cannot override. The Policy Manual defines cause (which was left undefined in the Bylaws and was left open for interpretation by Bylaws 7.1) in a way stricter than RONR and cannot be overridden by RONR. Ironically, Mr. Jacobs wrote that Policy Manual amendment advising me of this fact. His conflict of interest grows stronger. This just inures to the fact that Mr. Jacobs has a peculiar personal interest in this matter and is going above and beyond his role as advisor.

Mr. Jacobs mentioned that I wrote a complaint against him the day after the charges meeting. Yes, I did, and when I re-read it two weeks later, I apologized to the NAP ethics committee for parts of its incoherence.

Here is my exact quote to the NAP ethics committee on 10/27/24 which Mr. Jacobs fails to mention as it was confirmed to me that this was provided to him:

“RE-RECITATION FOR CLARITY ONLY

10/6/24 COMPLAINT AGAINST MR. JACOBS WITH SUPPLEMENT FOLLOWING DAY

(I cleaned up the grammar, I was suffering horribly from COVID and am embarrassed by some of the COVID brain-fog errors I made)”

This proves my claim that I was not thinking clearly until after 10/24/27. It is interesting he omitted this since he received it as confirmed by the NAP Ethics Committee.

He continues to attempt bring in irrelevant personal information and insults which are inappropriate. The “cause” in the Bylaws is not superseded, **it is defined**, in the same way that the conduction of other business is defined in the Policy Manual. When cause is not defined in the Bylaws, the Judicial Committee must see how it is defined within in the organization and the **lowest authority is RONR**, therefore, my argument stands. The organization has defined cause in an authority higher than RONR, the Policy Manual.

Mr. Jacobs merely says “If the bylaws of the society provide for the imposition of penalties for offenses defined in the bylaws **OR AN ADOPTED CODE OF CONDUCT OR SIMILAR SET OF RULES**, a charge may consist of such a defined offense. **If such particular offenses are not defined or not applicable**, a member may be charged with “conduct tending to injure the good name of the organization, disturb its well-being, or hamper in its work, or the like, and an officer may be charged with misconduct of the type just mentioned or with “misconduct in office”

“neglect of duty in office,” or “conduct that renders him under for office. [bold added] RONR 63:24

The Policy Manual is such an adopted code of conduct or similar set of rules which has definitions, therefore the RONR generalities are overridden. He is quite simply dead wrong. They ARE DEFINED, contrary to RONR and written by Mr. Jacobs himself in personal conversations with me. The clear language of RONR proves his assertions incorrect.

Here is the language from the Policy Manual:

1.01.04: 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. [bold added]

And

1.07.06: Harassment and Offensive Behavior Prohibition

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.

The boilerplate RONR language only applies if the Bylaws or a higher authority than RONR does not define the offenses. Our Policy Manual does, and thus RONR does not. Mr. Jacobs is attempting to claim without a clear claim (as RONR does in many places) that a superior document cannot limit it. Our Policy Manual DOES limit it, and upon personal advice of Mr. Jacobs who assisted me with the list the words “shall be not subject for removal from office except for....” were placed there as he made me aware that we may still want to censure a member for other things, which is why worlds “shall not be subject to discipline.” If we were to take the most generous interpretation of Mr. Jacobs’ interpretation, a disciplinary censure could be imposed but not a removal with **is explicitly forbidden by our Policy Manual**. However, Ms. Jacobs’ interpretation of “or are not applicable” renders an absurd result. When something is not applicable, it cannot mean “it is applicable” if it is specifically excluded from the superior document. The only sensible reading is that the superior document doesn’t mention them. Otherwise, he is claiming they are not applicable (explicitly and not through silence) but we are going to explicit override the explicit rule. That is nonsensical. The only part that the Policy Manual brings under Robert’s is the conducting of the trial, where it does not override it, which is does in several places.

In referring to 2021, Mr. Brown opined as he did, as Dr. Moulton has also stated, because there was only RONR to refer to as the Policy Manual had no definition. That was true in 2021. It is not true now and thus inapplicable, and thus all of his exposition on that point is irrelevant. In this instance, Mr. Brown holds the same opinion as expressed herein which was communicated to the Party Chair.

The rest of Mr. Jacob's assertions are addressed adequately in my brief except a couple of points I wish to highlight.

Mr. Jacobs, oddly claiming to be the "contractor" could have had just that portion in executive session. It is a violation of due process as the JC does not have a record to review as it was audio, and not video which does not capture body language and the power point which was an integral part of my defense. Further my right to question witnesses along with my attorney (which is cited in RONR despite his untrue statement it was not cited (see page 20 and not some obscure text going back hundreds of years) was explained in my Petition as was the rest of Mr. Jacobs' assertions. The fact that I had copies of some emails does not mitigate the fact that as I did not see that report until that day that there were others I do not have, and despite the date of the letter, notice was not delivered until the 9th.

Further, his statements regarding Pat Ford are nearly completely wrong. The bad relations of unknown origin to me started on July 11, 2024, nearly two months before the Investigatory Committee and three months before a derivative suit was filed. He was entirely unsuited to be on that committee and it had nothing to do with the lawsuit. The lawsuit was not filed until after August meeting so give no excuse to his rude behavior to me in July or August prior to his appointment. It may excuse his bad behavior at the ant-war event in September but other LNC members had no issues merely saying hello. That betrays a state of mind inappropriate to an investigative committee but a predisposition towards animus.

In short, Mr. Jacobs is wrong on this point, and his conflicts of interest are clear which are the subject of the complaint with the National Association of Parliamentarians and will be left to their judgment.

I believe everything else is addressed in my Petition, though Dr. Chuck Moulton may wish to address further.