

APPEAL TO THE NATIONAL LIBERTARIAN PARTY JUDICIAL COMMITTEE

RE: MOTION AUTHORIZATING THE LNC TO ENTER INTO A JOINT FUND-RAISING AGREEMENT WITH THE RFK, JR. 2024 CAMPAIGN.

Are we the Party of Principle or the "Party of Principal"?

Appellant: Caryn Ann Harlos (Harlos)

Appellee: Libertarian National Committee (LNC)

Date: July 14, 2024

Jurisdiction: Bylaws Articles 7.12 and 8.2(d)

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

Other Relevant Bylaws: Bylaws Articles 6.3, 7.1

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

This appeal is supported by the signatures of 188 National Libertarian Party 2024 Convention Delegates and 226 National Libertarian Party Sustaining Members thereby easily meeting the threshold of either 10% of the delegates at the most recent convention or 1% of the total national sustaining membership as required by Bylaws Article 7.12.

- The maximum number of credentialled delegates reported at Convention was 937.² Ten percent of that number would be 94.
 - There has not been a national Membership report in several months. The last report dated May 2024 had a total sustaining membership of 12,204. One percent of that number would be 123.
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¹ Harlos can provide contact information for Dasbach and LPCO. Upon information and belief, the Party Chair (McArdle) can provide contact information for Kennedy. This list may be supplemented if further interested parties are discovered.

² See draft Convention Minutes page 26, https://drive.google.com/file/d/1iBO16Z31RHLJ-8JE_zYb1-DzqRZhZXhV/view?usp=drive_link

DECISION APPEALED:

Move to authorize the LNC to enter into a joint fund-raising agreement with the RFK, Jr. 2024 campaign. (Contested Decision) This motion was passed by the LNC Executive Committee (ExComm) on July 11, 2024.

Full video: <https://www.youtube.com/watch?v=S7BoAvqKock>³

Below is a video excerpt and transcription of what was publicly said as the rationale of McArdle in putting this motion forward (bold and highlighting obviously added):

McArdle: So I'll go ahead and speak to this a little bit since I'm the one who agendized it. Mr. Kennedy's campaign is an independent campaign, and it is not tied to a national political party. A joint fundraising committee is a special fundraising committee authorized by the FEC where an individual donor can donate the maximum amount that's allowable to a national political party which I believe is \$42,300. As an independent candidate, Mr. Kennedy is not associated with it, with a campaign, so he's maxxed out for his donors basically at the individual contribution letter... level. **This would allow Kennedy supporters to donate to their candidate of choice at a larger level in connection with the Libertarian Party.** So we would basically, we have to set up a special joint fundraising committee, and a dedicated bank account which could also be basically just another account with one of our banks. **And his supporters can donate there, and they basically get to borrow our contribution limits.** And what we would do is we would square up with him at the end of every month or every so often, and we would keep ten percent of what is donated to that campaign, and that ninety percent of it the remaining amount, you know, would go back to his campaign. (<https://www.youtube.com/watch?v=YhnwG7yGheY>)

Decisions of the ExComm are decisions of the LNC under the LNC's power to delegate its plenary authority (Bylaws Article 6.3, 7.1, see also RONR 12th ed. 49:13). The LNC Policy Manual codifies the delegation of the LNC to the ExComm in Section 1.01:⁴

The Executive Committee shall exercise all powers of the LNC between LNC meetings, when urgency demands a more immediate time frame than

³ Minutes have not yet been produced but will be produced to the Judicial Committee in draft form in the near future.

⁴ <https://www.lp.org/wp-content/uploads/2024/06/LNC-Policy-Manual-Adopted-thru-2024-06-16.pdf>

when the LNC can next meet, except for amendment of the LNC policy manual or amendment of the budget beyond the limits specified elsewhere in this policy manual. It shall further make decisions specifically delegated in this Policy Manual. Notwithstanding, the LNC reserves the right to exercise its authority through electronic mail ballots and to rescind decisions of the Executive Committee.

It is not necessary that a Point of Order be proffered immediately due to the fact that this appeal alleges a breach of a continuing nature and thus can be raised at any during which the breach persists (see RONR 23:6) though Harlos informed McArdle at the time the motion was made that she believed it a breach of the Bylaws and of her intent to file a Judicial Committee (JC) appeal.

Thus, absent a rescission, this decision becomes, and remains, the decision of the LNC. Please note that there is a rescission ballot presently pending,⁵ as well as a concurrent improper "amendment" to defang to the rescission ballot.⁶ The rescission ballot is unlikely to even get heard as the improper "amendment" is presently passing by a large margin.

If the rescission passes, and the purported "amendment" fails, this appeal will be moot, though Harlos and her signatories reserve the right to re-raise any future motion authorizing substantially the same agreement. This appeal is not premature as the Contested Decision is in full force and effect at this moment.

It is noted that no public justification was given why this matter was "urgent" requiring ExComm action other than McArdle's *ipse dixit* to Harlos.⁷ In all of the subsequent debates and ballots the Appeal to Urgency seems to have vanished in a vapor. It is of note that although the Treasurer (Redpath) abstained on the Contested Decision, he co-sponsored the Harlos rescission motion.

⁵ <https://groups.google.com/g/lnc-business-list-public/c/9hCGr1bxW6c/m/l48rFKe0AQAJ>

⁶ <https://groups.google.com/g/lnc-business-list-public/c/9hCGr1bxW6c/m/l48rFKe0AQAJ>. It is improper as it is not truly an amendment to the motion to rescind but rather should have been ordered to be made as a motion to amend something previously adopted, that is, adding a condition to the Contested Decision. In any event, no matter the form, the purported amendment does not cure the Bylaws violations but merely gives a perfunctory acknowledgment to the campaign with an insinuation that perhaps Oliver/ter Maat *might not remain* the Official Ticket.

⁷ <https://groups.google.com/g/lnc-business-list-public/c/rA5YzRmfKw/m/cw7t03-8AAAJ> as well as a statement in the actual meeting that the reasons would be given in Executive Session. Harlos demurred attending the Executive Session as she did not want to be a party to a Bylaws breach and wanted to present this appeal with the knowledge of an average member. Further, Harlos has not been recalcitrant that she fears retaliation from McArdle for her opposition and in-depth inquiries into the LPCO situation, and thus, did not want to open herself up to any allegations of breach of Executive Session.

ADDITIONAL NECESSARY BACKGROUND

The LNC is well aware that multiple states have refused to put the Party's Official Ticket on their ballot line in complete violation of being chartered affiliates, thus far, those being Colorado and Montana. McArdle formed a Reconciliation Committee to try to work with these states and the Official Ticket to come to a mutually agreeable solution. Harlos had initially served on that Committee. Eventually, Colorado not only continued to refuse to honor their affiliate duties, but in fact decided it would put Robert F. Kennedy, Jr. and Nicole Shanahan (the "Pretender Ticket") on its ballot line in complete abrogation of its own Bylaws and those of the national Party.⁸ Harlos learned that several LNC members, including McArdle at least *knew* of this plan before it was voted on by the LPCO Board, and thus she immediately resigned from the Reconciliation Committee. Harlos filed an appeal with the LPCO Judicial Committee who had summarily dismissed a prior appeal from LPCO member Sean Vadney without even a hearing. Although they have agreed to hear the Harlos matter, the disposition is unknown, and LPCO members may be prepared to take these matters to Court. The Harlos appeal can be read below which arguments can be applied as necessary background to this appeal and will not repeated here:

<https://drive.google.com/file/d/12e12INH5pIABl2UH-CKxa8gY15hOMSe0/view?usp=sharing>

To Harlos' knowledge there is at least one other state considering this same action which unequivocally makes these issues a matter of existential importance to the Party. These are certainly disaffiliation-worthy actions, and the LNC **cannot in any manner** be seen to countenance or give cover to these actions.

On July 11, 2024, more than a number of sufficient signatures were submitted to the Colorado Secretary of State for RFK, Jr./Shanahan to appear on the ballot as

⁸ This was a completely unprincipled and opportunistic decision based on pecuniary considerations and an egotistical hubris that extended to a complete disregard of Bylaws as an inconvenience rather than a contract between the Party/Affiliate and its members. The comments from the LPCO Executive Director are particularly vainglorious and tragic, see <https://www.youtube.com/watch?v=r4-NMouncqc> particularly beginning at 12:45 where he spoke about their actions (violating even their own notice requirements) as a "power exchange." Well it certainly is robbing power from the membership, an action which the LNC presently can't even find the courage to condemn, see ongoing ballot at <https://docs.google.com/spreadsheets/d/1yPeQmj1CzHh4gvSZV7ZoDfXOU3kcdgy2/edit?gid=224124617#gid=224124617>. This is particularly embarrassing in light of the fact that Robert F. Kennedy, Jr. attempted to secure the Libertarian Party nomination at the national convention and was eliminated in the first round with a mere 19 votes (2.07% of the total) with NONE of them from Colorado delegates, see ballot spreadsheet at <https://docs.google.com/spreadsheets/d/1dKITE0oXhVRla3CATBcyZJzHymU80-ug/edit?gid=79029784#gid=79029784>,

Independents without this excess baggage. Thus, it is highly unlikely that the Pretender Ticket will appear on the LPCO ballot line. However, the LPCO has made it clear that it will still endorse and enter into joint fundraising arrangements with the RFK/Shanahan campaign against its own Bylaws and potentially its own FEC status.⁹ The Contested Decision gives explicit cover and a nod/wink for the LPCO's conduct, for how in the world can it be wrong to aid and abet fundraising for an opposing candidate with express and numerous anti-libertarian views (despite LPCO's own Bylaws) if the LNC is doing the same? This makes the LNC a political "beard" for the illegitimate actions of the LPCO and any other state party that follows in its footsteps.

Further, McArdle has also arguably soft-endorsed Donald J. Trump via a passive aggressive show of support for the Oliver/ter Maat campaign as the best way to "defeat Biden."¹⁰ It is believed by many, including many in the Kennedy family,¹¹ that an RFK, Jr. campaign will increase Trump's chances at winning. This is made even more problematic by McArdle's continued emphasis on the fact that Trump promised to appoint a Libertarian cabinet member or to other prominent positions in his administration and *seeming to offer herself* as a potential candidate at FreedomFest this past week without once mentioning the Official Ticket.¹² Harlos further filed an internal Complaint with pertinent allegations (emphasis on **allegations**) regarding the tangled web of internal Party associations with Kennedy for which she seeks the opinion of the Judicial Committee if it can be introduced as evidence under seal if the appropriate NDAs are signed and names of non-LNC members are redacted.

Per Bylaws Article 6.3, ...*The Chair is the chief executive officer of the Party with full authority to direct its business and affairs ... subject to express National Committee*

⁹ See https://drive.google.com/file/d/1shPvLKzAYUbhOBmThWidsCo6urYBL-YT/view?usp=drive_link in which its status as a state committee is in part predicated upon its fundraising for the Official Ticket of the national Libertarian Party.

¹⁰ See <https://x.com/angela4LNCChair/status/1797721752514236742>

¹¹ <https://www.businessinsider.com/kennedy-family-members-who-oppose-rfk-jr-campaign-2024-2024-4> - though certainly many believe the opposite.

¹² McArdle: Donald Trump said at our national convention that he would abolish the Department of Education. I don't know exactly what it would look like if we got rid of 85 percent of it, like if he put me or someone else in there and just said, go ahead and fire everyone.
<https://independentpoliticalreport.com/2024/07/mcardle-freedomfest-remarks-lp-is-kingmaker-no-mention-made-of-oliver-ter-maat-campaign/>

policies and directives issued in the exercise of the National Committee's plenary control and management of Party affairs, properties and funds.

As the LNC is aware of these actions of McArdle, including the soft endorsement of Donald J. Trump, without ordering their reversal, these become the constructive decisions of the LNC. Constructive actions have long been recognized by the Judicial Committee in the context of constructive disaffiliation of affiliates as recently as early 2021 in the action of *Hines v. Libertarian National Committee* | *McVay v. Libertarian National Committee*.¹³ By not giving an express directive to cease this qualified support of the Official Ticket as a means to an end of removing President Biden from office, it has become an action of the LNC. It would be patently unjust to allow the LNC to avoid review of an action by merely avoiding a vote. This would give license to any Chair to simply violate the Bylaws with impunity. To be clear, while originally and regretfully sympathetic to that tactic, Harlos now repudiates it as a violation of our Bylaws.

ARGUMENT

It is expected that at least several of the signatory members will be filing their own briefs.

Violation of Bylaws Articles 2 and 3.1 (Part One - Highlighting Added)

ARTICLE 2: PURPOSES

The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by:

1. functioning as a libertarian political entity separate and distinct from all other political parties or movements;
2. electing Libertarians to public office to move public policy in a libertarian direction;
3. chartering affiliate parties throughout the United States and promoting their growth and activities;
4. nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and
5. entering into public information activities.

¹³ https://lpedia.org/w/images/2/24/2022_02_13_JC_Ruling_McVay_Hinds_v_LNC.pdf

ARTICLE 3: STATEMENT OF PRINCIPLES AND PLATFORM

1. The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a regular convention.

It would be the understatement of the century to say that the Statement of Principles is important to the Party. [There is nothing less important.](#) It is the interpretative grid throughout which everything else, including our Bylaws and the actions of the LNC, *must be read*. As stated by D. Frank Robinson, the Party founder who devised the concept, *“This is the anchor and the lifeline. Do not tread too far from it (or you may perish). If you stay close, you may eventually prosper for your efforts.”* This LNC is treading far indeed.

The very purpose of the Party is to implement the Statement of Principles in the political sphere. Putting aside the rest of the argument to follow, the LNC is specifically working against these Principles by approving its assistance and political prostitution of its name to fundraise **millions of dollars**¹⁴ for candidate who promises to implement these policies:

¹⁴ At the July 11, 2024, ExComm meeting, McArdle estimated that the Party’s monthly 10% cut would be \$100,000 which means that she anticipates that the Party’s FEC limits would be used to allow Kennedy supporters to contribute an additional million dollars a month, 90% of which would fund Kennedy.

Here is what Kennedy will do to make that a reality:

1. Raise the minimum wage to \$15, which is the equivalent to its 1967 level.
2. Prosecute union-busting corporations so that labor can organize and negotiate fair wages.
3. Expand free childcare to millions of families with programs like that pioneered by the state of New Mexico.
4. Drop housing costs by \$1000 per family and make home ownership affordable by backing 3% home mortgages with tax-free bonds.
5. Cut energy prices by restricting natural gas exports.

as well as increased taxation on marijuana, instituting a “national fitness program,” reinstating AmeriCorps, forcing private insurers to cover certain items, closing tax “loopholes” that allow people to escape theft, creating winners and loser in the energy field (which is already happening, he just prefers different winners and losers while profanely daring to call his plan the “free market”), a “massive subsidized daycare initiative” (quote directly from his website), not to mention his prior statements on signing an assault weapons ban should it cross his desk, and supporting intervention in the Middle East. The fact he agrees with us on some policies is irrelevant. Many politicians do. The fact that he might be disruptive to the two-party system is also massively irrelevant as it is nowhere listed as a goal or in our Statement of Principles, and there is absolutely nothing in that scenario that guarantees any benefit to freedom as our system itself is designed that way. He doesn’t mention voting reform, ballot access reform, or any kind of proportional representation. His candidacy is one walking, talking, advocacy for increasing the state, just in different ways than others. He is at heart a Democrat through and through. One is reminded of David Nolan’s words to a past LNC who were so obsessed with “winning” over “principles.” That letter from Mr. Nolan is attached to this appeal at the end. It should be read with a heavy heart and a sober mind.

It is not just the national Libertarian Party that exists to implement the Statement of Principles, this is also a requirement of its chartered affiliates:

ARTICLE 5: AFFILIATE PARTIES

4. No affiliate party shall endorse any candidate who is a member of another party for public office in any partisan election. No affiliate party shall take any action inconsistent with the Statement of Principles or these bylaws.

One may think that the second sentence in this national Bylaw is disconnected from the first, but it is inherently related as endorsing non-Libertarian candidates is considered to be *de facto* an action inconsistent with the Statement of Principles which states, “*Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.*”

One might claim this has no relevance to the national Party but that would lead to an absurd and inconsistent interpretation of the Bylaws as it would forbid a state affiliate from doing something inconsistent with the Statement of Principles, such as endorsing candidates other than our own, but allow the national Party to do so. There are several principles of interpretation that show this for the folly that it is:

A prohibition or limitation prohibits everything greater than what is prohibited, or that goes beyond that limitation (RONR 12th ed. 56:68(6)) and When a provision of the bylaws is susceptible to two meanings, one of which conflicts with or renders another bylaw provision absurd, and the other meaning does not, the latter must be taken as true meaning. (RONR 12th ed. 56:68(2))

State affiliates cannot endorse a candidate who is a member of another party for public office in a partisan election. Does this mean that the LNC can? Of course not. The endorsement of a state party is far less impactful than a national endorsement. Allowing one and not the other would run afoul of both of those principles of interpretation. The same follows with any idea that the national Party can just ignore and violate the Statement of Principles. And without a doubt, using the Party entity itself as a conduit partner in fundraising millions of dollars for a candidate who is a member of other political parties and **has been explicitly rejected by delegates assembled in national convention as OUR candidate** entails endorsement (why would you raise money for someone you *don't* endorse and while endorsing can be as little as a single verbal act -- fundraising is ongoing and sustained and thus something *greater which is prohibited via the above principles of interpretation* – using the cache and machinery built by thousands of activists who had every right that the Party would not sell itself out in this manner).

Further, any claim that Kennedy is not a member of another party but rather is an independent is equally absurd. He is running under multiple party labels including the party he founded, We the People, as well as the Reform Party and the Natural Law Party amongst several others.

Even the Official Ticket is running as an Independent in some states due to onerous ballot access laws but that does not make them any less a member of the Libertarian Party.

Violation of Bylaws Article 2 (Part Two)

ARTICLE 2: PURPOSES

The Party is organized to implement and give voice to the principles embodied in the Statement of Principles by:

1. functioning as a libertarian political entity separate and distinct from all other political parties or movements;
2. electing Libertarians to public office to move public policy in a libertarian direction;
3. chartering affiliate parties throughout the United States and promoting their growth and activities;
4. nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for political office; and
5. entering into public information activities.

How was this Article violated? Let us count the ways:

1. A purpose of the Libertarian Party is to **FUNCTION** (and fundraising is an essential function) as a libertarian (not independent) political entity **SEPARATE AND DISTINCT** from all other political parties or movements. Allowing the actual legal entity to be a pass-through to bypass FEC limits so that **KENNEDY SUPPORTS CAN DONATE TO THE CANDIDATE OF THEIR CHOICE** directly and utterly contradicts that purpose. That circle cannot be squared. It makes us a fundraising arm of an entirely different political movement and of multiple other parties that aren't even libertarian, never mind Libertarian.

2. A purpose of the Libertarian Party is to elect Libertarians. Bylaws Article 3 defines what Libertarianism is – that which is contained within the Statement of Principles which Kennedy repudiates with nearly every policy statement he makes. One may argue, yeah, but he paid \$25 and signed the membership pledge. None of that makes you a Libertarian. It does make you a sustaining member of the Libertarian Party. Only genuine belief makes you a Libertarian and no pledge or money can do that. It would be absurd to say this Bylaw is fulfilled by working to, and acting as a conduit for, fundraising for the campaign of someone whose very philosophy screams at least worst ,non-libertarian and at worst-worst, anti-libertarian (while occasionally

agreeing with us for totally different reasons – not because such things are wrong because people own themselves and have rights to their bodies and the fruits of their labors that no government can claim) as long as they had and extra \$25 and signed a pledge that was never meant to be a litmus test of belief but an assurance to the Federal Government that we were not violent revolutionaries (though certainly consistent with the actual litmus test – the Statement of Principles).¹⁵

3. A purpose of the Libertarian Party is to charter affiliates and foster their growth, not foster the growth of rival candidates and parties. One way that affiliates grow is through having ballot access in their state. We may be idealists, but we are not stupid. We are not likely to win the next election thereby creating a future full of baskets of puppies. But the Presidential vote total can save us thousands and thousands of dollars in ballot access costs in those states where only the Presidential vote total can retain our current access this cycle. Upon knowledge and belief, in this cycle this includes Georgia and Kentucky. By sabotaging our Official Ticket by supporting and funding a rival candidate, the LNC is actively betraying those affiliates. Here is just one concrete way the Contested Decision will definitely have this effect. Often people vote for our candidates not because the voters in question are Libertarians, but because we have earned a well-known name through fifty years of hard-fought work and are a protest vote. We know this cycle will be tough because Kennedy is now seen as the protest vote, and the LNC is aiding and abetting him attracting that protest vote to him rather than our Official Ticket potentially actively harming Georgia and Kentucky at a minimum. There are many other ways harm is being caused, such as these “jointly raised” monies funding competing ballot petitioning which then drives up the costs for our own petitioners. It would be impossible to detail the myriad ways this absolutely compromises the “Party of Principle.”

4. A purpose of the Libertarian Party is to nominate our own candidates for President and Vice-President and support THEM. Fundraising for their direct competition in the arena of non-legacy party voters is not supporting them. It is directly and cruelly harming them for the LNC’s own pecuniary gain.

5. A purpose of the Libertarian Party is to enter into public information activities, presumably about... Libertarianism. How does assisting in fundraising millions of dollars for the direct competition of our Official Ticket do this? It doesn’t. It confuses Kennedy’s anti-libertarian positions (even if he has some positions we agree with) with our own unique views.

The LNC has managed to violate the entirety of Bylaws Article 2, from the introductory sentence to the enumerated purposes of the Party, one of the most foundational parts of the Bylaws. If it were so grotesque, it would be quite the accomplishment.

Violation of Bylaws Article 14.1, 14.3, 14.4

ARTICLE 14: PRESIDENTIAL AND VICE-PRESIDENTIAL CAMPAIGNS

¹⁵ See https://lpedia.org/wiki/Libertarian_Membership_Pledge

1. Nominations of candidates for President and Vice-President of the United States may be made only at the regular convention immediately preceding a Presidential election.

[***]

4. The National Committee shall respect the vote of the delegates at nominating conventions and provide full support for the Party's nominee for President and nominee for Vice-President as long as their campaigns are conducted in accordance with the platform of the Party.

[***]

By fundraising for Kennedy (jointly or not), it creates confusion as to who the Official Ticket is because to the average person, rightly, they would find it absolutely inconceivable that one Party would fundraise for its competition unless it was because they thought that competition would defeat their other competition causing the Party's candidate to win. However, perhaps that is, in fact, the case causing even more violations of these same Bylaws with McArdle's soft endorsement of Trump in her position as Party Chair.

But more importantly is Section 4 of this Bylaw. The LNC is duty and Bylaws-bound to give its full support to the Official Ticket. Obviously, there are limits. For instance, the Officers do not have to sell themselves into slavery or sacrifice their first-born. There may be grey areas. One area that is not grey is **aiding in raising millions of dollars for the Official Ticket's direct competition**. And to clear up any confusion, the Campaign has confirmed through its Campaign Manager that it did not agree to this arrangement nor does it condone it. In fact, it opposes it.

This violation goes further than just the above, because, to add insult to injury, not only is the LNC using the Party to assist in fundraising for the Official Ticket's direct competition, Kennedy sought the Party's nomination at the 2024 national convention and LOST on the first round, obtaining only 19 votes. It is difficult to imagine a bigger act of disrespect to the will of the delegates. This is made even more poignant by the fact that the Official Ticket has respected the will of the delegates in choosing some members of the LNC that were not their preferred candidates.

COUNTERING OPPOSITION ALREADY MADE

The opposition thus far can be categorized into two categories: expediency and mockery. The expediency argument boils down to "we are broke." However, the Bylaws do not contain a proviso that they apply unless the Party needs money, in which case, all bets are off. The mockery argument belittles people that hold to the legal standard that the bylaws are an enforceable contract between the membership and the Party, and under Libertarian theory, it is a voluntary relationship that all parties are expected to uphold.

In the event this basic concept is disputed, since the LNC is organized as a DC Non-Profit Corporation with its principal place of business in Virginia, these cases are on point, and these concepts are established case law throughout the country:

Meshel v. Ohev Sholom Talmud Torah, 869 A.2d 343, 361 (D.C. 2005); accord *Gottlieb v. Economy Stores*, 102 S.E.2d 345, 351 (Va. 1958): **"It is well established that the formal bylaws of an organization are to be construed as a contractual agreement between the organization and its members, Willens v. Wisconsin Ave. Coop. Ass'n, 844 A.2d 1126, 1135 (D.C. 2004); Local 31, Nat'l Ass'n of Broadcast Employees Technicians (AFL-CIO) v. Timberlake, 409 A.2d 629, 632 (D.C. 1979), since the continuing relationship between the organization and its members manifests an implicit agreement by all parties concerned to abide by the bylaws. Maine Central R.R. Co., supra, 395 A.2d at 1120-21; Johnson, supra, 189 N.E.2d at 772."**

No one is forced to join the Libertarian Party, and certainly no one is forced into leadership which carries with it the fiduciary duty to follow the organization's Bylaws and put its interests over personal ambition or other concerns. Failure to be a fiduciary in such a blatant way exposes both the breaker and the corporation to substantial liability.

CONCLUSION

It is readily apparent there is a concerted effort to pull the Libertarian Party far away from its Bylaws, though perhaps for very good intentions, but in this matter, its reach has far exceeded its grasp. Harlos asks the JC to read again that justification statement of McArdle in the passage of this motion. The LNC is basically selling the Party's hard won status to aid in the election campaign of a rival candidate to the Official Ticket who is wreaking absolute havoc in multiple states leaving members to have to pick up the pieces for years to come. This is a critical point in our history. We either follow our Bylaws and our principles, or we ignore one and compromise the other, as

long as the money is right, and we convince ourselves that are “Kingmakers” while instead playing the Court Fool. If we open these gates, we will be eaten alive.

INTERIM ORDERS REQUESTED

1. Order that Harlos produce the "Internal Complaint" under seal upon signing of a Non-Disclosure Agreement by each Judicial Committee member and the redaction of names of any non-LNC members contained therein. It is believed that Rutherford can be consulted as to the general nature and subject matter of this Internal Complaint and that Party counsel can advise if a redacted portion can be made public.

FINAL RELIEF REQUESTED

1. That the Contested Decision be declared null void due to all or some of the Bylaws argued above and/or *sua sponte* findings of the Judicial Committee, or any other such relief as the Judicial Committee determines just and proper.

Harlos further requests that this matter be handled on an expedited basis as it is expected that that McArdle and/or the LNC will move on executing this agreement quickly, despite being on notice of this appeal, potentially exposing the Party and/or individual LNC members acting *ultra vires* to legal liability. Harlos further urges the LNC on its own recognizance, reverse the “strategy” of the Chair to provide a soft-endorsement for Trump lest these actions draw another appeal. The number of signers shows a great unrest in the Party that cannot stand.

In Liberty,

Caryn Ann Harlos

National Libertarian Party Lifetime Member

Document:Letter 17 July 2009 on Party Principles to the LNC by David Nolan

Herewith, my best wishes to the members of Libertarian National Committee as it convenes for business in St. Louis, Missouri. You are voluntarily spending your own time and resources to advance the cause of liberty in America, and I commend you all for your commitment.

I hope that you will proceed in a spirit of amity, and urge you to use your time productively. Do not waste it on internal bickering, attempts to censure or expel other Libertarians, and other such trivia. Our country is in deep trouble. Now, more than ever before, the Libertarian Party must offer a coherent and compelling alternative to the stale policies of statism. People are ready to hear our message — **if** that message is stated clearly and boldly. The success of Ron Paul's 2008 campaign and its outgrowth, the Campaign for Liberty, show that millions of Americans are hungry for real change.

And there is an important lesson to be learned from the success of the Paul campaign and the C4L. That lesson is that **it pays to be bold**. Notice that the grassroots uprising sparked by the Ron Paul campaign calls itself the Ron Paul REVOLUTION. Not the “Ron Paul gradual reform movement.” They're calling for **ending** the Federal personal income tax, not just mouthing empty platitudes about “lower taxes” or “more freedom.” (Compared to what? What we have now? Obama's proposals?) And they are gaining adherents far more rapidly than the Libertarian Party is; the C4L currently has five to ten times as many members as we do!

As I see it, the Libertarian Party has gone far astray from its original mission. Somewhere along the way, our commitment to being The Party of Principle was replaced by a shallow, opportunistic goal of “winning elections now” — any election, anywhere. Principles be damned, according to the proponents of this vision. We should back off from “scary” positions, tone down our rhetoric, find out “what voters want,” and tailor our message to what they want to hear.

The nadir of this mindset was reached in a “Monday Message” dated March 9, 2009. It carried the heading “The most important principle is winning.”

I would be hard-put to come up with a statement more antithetical to our beliefs and purpose. Just for starters, “winning” is not a principle at all; it might be a goal, or a strategy for achieving our goals, but it's not a principle. And if it were, it's not **our** principle. This is pure opportunistic rubbish — exactly what you'd expect from a Republican or Democratic party hack.

No, **the most important principle, for libertarians, is the principle of self-ownership**, as set forth in the Preamble to our Platform, and our Statement of Principles. These are the standards by which every policy statement and every campaign must be judged. Anyone who is uncomfortable with this yardstick probably ought to be in another party — one where “the most important principle is winning.”

My fellow Libertarians, our party is at a crossroads. Either we stand up boldly for liberty, or we lose all relevance. The voters who want real, meaningful, substantive change will direct their energies elsewhere, while opportunists who seek short-term electoral victories will support the Republican and Democratic politicians who offer a far better chance of “winning now.”

I urge each of you to bear these thoughts in mind during your upcoming meeting.

Yours in Liberty,
David F. Nolan
July 17, 2009

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