

Libertarian National Judicial Committee

Petitioner: Caryn Ann Harlos

vs

Respondent: Libertarian National Committee

Re: LNC Suspension of Caryn Ann Harlos

Amicus Curiae Brief in Opposition of Petitioner

Prepared by: Andrew Chadderdon

Region One Alternate, Libertarian National Committee

Chair, Libertarian Party of Michigan

December 14, 2024

Amicus Curiae Brief of Andrew Chadderdon

Introduction, Background and Significant Events

To the members of the Judicial Committee,

I submit this Amicus Curiae Brief as an alternate on the Libertarian National Committee, and Chair of the Libertarian Party of Michigan. I have participated in the Libertarian Party actively since joining in January 2020, and first encountered the Petitioner shortly later when she was elected as LNC Secretary that year at the Libertarian National Convention in Orlando where I attended in person. I was introduced to her personally some time afterwards. Following events in the Libertarian Party of Michigan in 2022, in which I was illegitimately removed from my position in the LPMI, I began to work more closely with her. That removal led to legal action and malicious acts against me and the LPMI by several individuals in Michigan. Caryn Ann Harlos provided extensive and invaluable help to me and the Libertarian Party of Michigan. For that work, we communicated a lot, several times per week at least, continuing for well over a year, and we became friends in addition to the extensive work together on the business for the party. Ms. Harlos attended multiple conventions of the LPMI in varying capacities, including a guest speaker, parliamentarian, and other times just a guest, if I recall correctly. Some of these appearances were enabled by financial support from myself and others in Michigan. She, along with others, gave me extensive guidance in parliamentary rules and procedure throughout this time as well, particularly in navigating through difficult dealings in the LPMI. Despite our friendship and close working relationship in the party, in observing her actions over the last several months, hearing her accounts and justifications of those actions directly from her in most cases, it has become my opinion that Ms. Harlos' judgement has been compromised and that she is unfit for serving on the LNC and that she has conducted acts of gross malfeasance in conducting her role as Secretary justifying her removal from office.

Region One Formation

As we approached the 2024 National Convention in Washington DC, Ms. Harlos was aware of tension between me and other state chairs in the current region that LPMI belonged to, Region 3, primarily stemming from disagreements over LNC involvement in the recently won Trademark lawsuit for LPMI. Ms. Harlos initially proposed the possibility of the LPMI considering a move to Region 1 along with a large group of the existing region states at the time. Ultimately, after discussing the idea with several members of LPMI leadership, I decided to accept the invitation and signed the regional agreement for the new Region 1. In that process, I was introduced to Hannah Goodman, and several of the other state chairs in the new region and began communicating more regularly with several of them. With Ms. Harlos' support, I ended up seeking election as an alternate representative of the region and was selected for the role formally once the region secured enough members to form a super region.

LPCO Presidential Nominations

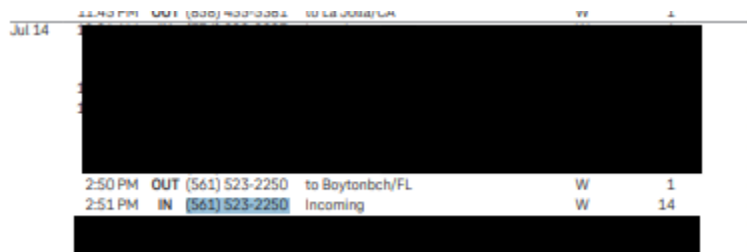
A short time into the term on the LNC, the situation arose in LPCO in which the LPCO leadership declared their intention not to nominate Chase Oliver and Mike Ter Maat and instead seek to nominate RFK Jr for the presidential ballot line there. Given that I had developed working relationships on both sides of the dispute, and that I had no formal role in the dispute, or expectation of any responsibility to act in any way related to the dispute, my initial strategy was to stay out of it completely, and I avoided

any involvement or commentary related to either side. I would wait for the dispute to be resolved/adjudicated through proper channels and decide any resulting actions/responses/etc. at that time. Since I was only an alternate and both Region 1 Reps attended all meetings, there was no case where I was needed to cast any vote.

Soon after Ms. Harlos submitted the nomination forms for Chase Oliver in early July 2024, on July 10 she introduced the motion to the LNC email list to “direct staff to send the Certificate of Nominations to each Secretary of State/Bureau of Elections for each state in which we have not already done so and those for which we already have written confirmation that the State Chair has already done so or they have already received and acknowledged in order to put the Oliver/ter Maat ticket on the ballot.” As Chair of LPMI I was familiar with Michigan filing requirements. Michigan Bureau of Elections calls for the LPMI Chair and Secretary (no involvement from LP National) to submit nomination forms on 1 specific day which was still in the future at that time.

July 14, 2024 Phone Call

The actions called for in this motion would have caused disruption and likely confusion or other problems if nominations were sent to Michigan Bureau of Elections. Based on that, I considered casting a vote to be recorded (even though it would not count, given that both Region 1 Reps had already voted), simply to note that this motion may cause real issues in states in addition to Michigan. Given my close relationship with Ms. Harlos, I contacted her via phone on July 14 before casting any vote.



The above screenshot from my phone bill shows the record of the calls between myself and Ms. Harlos on that day, including a 1-minute outgoing call then a return call lasting 14 minutes. On that call, I informed Ms. Harlos of my concerns about the impact of the motion she introduced on LPMI, and that I was considering recording a vote against, despite that it would not be counted. She asked that I not do so, as there was more to the motion than I was aware. Since I was staying out of the LPCO situation, I asked her simply, is there something related to what is going on in LPCO, to which she replied that there was, and I interjected that she need not say more, and that I would leave the issue alone and not cast any vote. At that time, I did not suspect there was anything out of the ordinary going on with the situation, nor did I make any other connections or assumptions about the reasoning for this response and left the issue alone under the considerations mentioned above that I was staying out of the LPCO dispute.

Joint Fundraising Agreement

Adoption and First JC Appeal

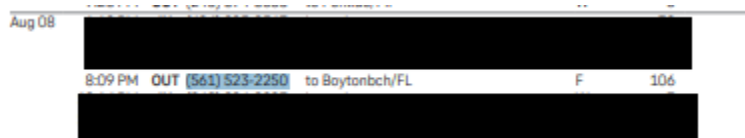
On July 11, 2024, the LNC Executive Committee voted to enter the Joint Fundraising Agreement with the Kennedy Campaign. On July 13, 2024 Ms. Harlos moved for the complete LNC to rescind that decision of the Excomm, which ultimately failed. On July 14, 2024, Ms. Harlos filed an appeal with the JC of the LNC

decision not to rescind the agreement. The hearing was held on July 31, 2024, and the decision was delivered on August 9, 2024 not to overturn the decision of the LNC.

August 8, 2024 Phone Call

On Sunday, August 11, 2024, the LPMI was to have an executive committee meeting, and in that meeting, it was intended to consider approving that the LPMI join the Joint Fundraising Agreement organized by the LNC with RFK Jr. Knowing that the JFA was opposed by Ms. Harlos, and out of respect for her, I made the point to contact her in advance of that meeting so she would not hear second hand that it was considered.

I called Ms. Harlos on Thursday, Aug 8, three days prior to the LPMI Executive Committee meeting, to inform her that the LPMI, at my request, would be considering signing on to the Joint Fundraising Agreement. This call lasted for 106 minutes.



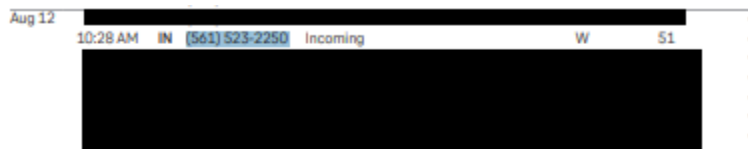
I stated about the intent to consider the JFA clearly at the beginning of our phone call, but Ms. Harlos was highly preoccupied with the ongoing situation in the LPCO, which I thought nothing of at the time, as it had then progressed into legal action between Ms. Harlos and the LPCO. Since I expected that the JFA would lead to disagreements anyway, I suspected that there would soon no longer be any benefit to staying withdrawn on the LPCO topic. I asked Ms. Harlos to tell me about her side/position in the dispute in LPCO. Given the history I had dealt with in LPMI regarding bylaws disputes, and Ms. Harlos' observed expertise in such matters while dealing with LPMI challenges, I was inclined to agree with her arguments, though I intended also to seek out and hear arguments from the other side before making any opinions. I also had been troubled by Ms. Harlos quick action to take the dispute to court, based on past conversations with her related to LPMI in which she expressed that she didn't believe it "was ever appropriate for courts to intervene in party disputes, since there were many options to adjudicate such disputes, including JC appeals, special conventions, etc.". When I asked her about this concern, from the conversation some months prior, she responded that she had intended to comment specifically about the LPMI situation, and not generally, so the comment would not contradict her action to take the dispute to court in LPCO. While I was not completely satisfied with the response, I accepted it during the conversation out of deference to her for the help she had provided to me for so long and moved on in the discussion.

An additional topic discussed about the LPCO situation was further regarding the legal action and records requests from Ms. Harlos towards LPCO. She informed me of concerns that she believed that Angela McArdle had helped to facilitate the attempt to nominate RFK Jr in Colorado, and that she believed this to be tied to the LNC engagement in the JFA. She stated clearly that she did not have evidence of this at the time but believed that the records request would provide the proof she needed. She said the basis of this concern was a conversation she had with a Colorado SoS employee, but that there may be an innocent explanation. According to records later provided in the IC report, she had sent an email to the Colorado SoS requesting these records on July 22. She predicted during our call that the employee may have misspoken when characterizing a contact that the SoS had received from Ms. McArdle, relating to an accidental conflation between whether Ms. McArdle had requested that the

nominations of Oliver/ter Maat be withdrawn, or the submissions of electors be withdrawn. When the records request was ultimately received, it turned out that Ms. Harlos speculation on the potential innocent miscommunication was correct, and that Ms. McArdle had only requested the withdrawal of the electors, as reflected in the IC report which has now been made public. Her basis for believing there was involvement from Ms. McArdle in the LPCO nomination controversy was not supported, and her theory of the innocent explanation was proven correct.

August 12, 2024 Phone Call

In the LPMI Executive Committee meeting on Aug 11, it was approved for the LPMI to join the Joint Fundraising Agreement.



On the morning of Aug 12, I received a phone call from Ms. Harlos, lasting 51 minutes. She began the call furious that she felt blindsided by hearing the LPMI had voted to join the JFA. I was flabbergasted, given the previous call on Aug 8. I explained to her that I had in fact told her about the vote in advance during the earlier call, which she acknowledged that she may not have heard the mention, as she had been so occupied with the legal work in LPCO and we shifted quickly into the LPCO summary. We both were seeking to avoid conflict between ourselves, and despite her anger over LPMI joining the JFA, we agreed that the JFA topic would be “put in a little box between us, of topics that we don’t discuss” and that we would continue to support each other in areas we agreed. However, she reasonably informed me that she was unhappy with the decision, and that as a result, she would no longer be investing her personal time beyond her other party obligations to provide any help for LPMI or myself in our legal efforts, which as mentioned before, to that point had been immense and invaluable. I completely accepted her decision and did not hold it against her in any way.

Ms. Harlos additionally informed me on this call, or in another communication near this date, that while she was unhappy that the JC had upheld the LNC / LNC Excomm decisions to join the JFA in their decision on Aug 9, that she would accept the decision despite her disagreement and move on with other party business. As she had previously demonstrated this in response to her 2021 LNC removal, I took her at her word.

Second JC Appeal of JFA

On August 29, because of RFK Jr. dropping out of the presidential race and endorsing Trump, Ms. Harlos introduced a motion to rescind the JFA due to changed circumstances. The motion was ruled dilatory by the chair, which was appealed, and a vote was held on September 6, 2024 to vote on whether the ruling of the chair shall be sustained that the motion was out of order for being dilatory. That motion passed by a vote of 12-5. Notably, this was one vote more in support of the JFA than the original motion to rescind the Excomm decision, which supported the JFA with 11 votes against 6. This decision was appealed to the JC on September 11, 2024, by other individuals, and supported by Ms. Harlos. The LNC vote was upheld by the JC by the same margin, 5-2 as the first JC appeal regarding the JFA.

Investigatory Committee

On August 25, 2024, it was moved by Adam Haman that the LNC create an investigatory committee to consider the conduct of Ms. Harlos and whether it rendered her unfit for office. Following the adoption of this motion and the appointment of an Investigatory Committee, the matter became a topic of discussion between Region 1 reps and alts, and the State Chairs of Region 1. As a member of both groups, I participated in those discussions. I expressed my disagreement with Ms. Harlos actions and explained the damage that I believed that they had caused along with my belief that the investigation was well justified.

September 8, 2024 Phone Call

On Sept 8, 2024, Ms. Harlos contacted me, and we had a call. She asked what my position was regarding the investigative committee, and I informed her as I did with other state chairs in the region.



I attempted to give her my explanation of the actions that she had taken and why I no longer supported her, attempting to explain that she had not honored the decision against her as she had committed regarding the JFA, particularly by challenging the dilatory ruling against the second rescind attempt, and further that she had demonstrated unreasonable behavior in assuming bad faith action and attacking long time friends and allies on the board. She was not interested in considering my feedback however, and immediately began to try turn the tables. She said that I was a collectivist, that I refused to move past the disagreement on the JFA, which we had agreed to “put in the box”, and she brought up the complaints that she had received about me over the handling of the LPMI conflicts, which she worked hand in hand with me on at the time. I expressed my remorse that things had reached this point, but to this day stand by the decision, as I informed her.

Analysis and Conclusions

Only after several months of careful consideration did I decide to support Ms. Harlos’ removal from her elected position on the LNC. During this period she demonstrated an undeniable pattern of behavior that proving she was no longer the same person who I believed I had worked with for so long. She has argued that she was elected in convention as a whistleblower, and in opposing the majority of the LNC and JC is merely challenging corruption. This opposition pertains to matters like the far-to-long running attempts to overturn the JFA. Most notably, despite having defended her against allegations of manipulating rules to her favor, I had never seen any example of this behavior in our shared work related to LPMI. Conversely, since joining the LNC, where she has had a personal interest via the involvement of LPCO, I have observed her doing exactly that on multiple occasions in violation of clear, well-defined rules of interpretation under RONR. She, herself had previously helped to teach me these very rules.

Most notable among the reasons that I now support Ms. Harlos’ removal are those I document in this submission, as well as the results of the IC investigation documented in its report. The observations of her actions, coupled with the actions she took outside of my view as documented in the IC report, in my opinion demonstrate that she committed gross malfeasance and felt that she could assert her own

authority beyond the clearly defined scope thereof per the Bylaws, and that she could override not just the authority of the LNC Chair, but the entire LNC itself.

- In the section regarding LPCO Presidential Nominations, in reviewing the language of the motion, with her feedback to stay out of it because it was related to LPCO, which I did not investigate at the time, her actions suggest to me that she was aware that she had acted outside of her duties by disregarding the direct request of the chair to WAIT (not to “not submit”), which I have since learned of.
- She was well aware, as shown by her communications in the IC report from the reconciliation committee, that there was not urgency to submit the nominations, and that Ms. McArdle was actively communicating to try to negotiate a less damaging outcome than the one that Ms. Harlos ultimately forced.
 - o She has claimed that she believed later that there was urgency, based on a general experience that SoS will usually honor the first submitted nomination. However, I do not believe that the Colorado SoS communications support that claim. Additionally, in the same sense of “general experience” towards that conclusion, she supported me in a similar situation in MI. During the period when the group that would be the defendants in the trademark lawsuit were impersonating the LPMI, they had made first, unauthorized filings with the MI Bureau of Elections. While the BoE would not accept claims from the LPMI Treasurer to correct their records, Ms. Harlos personally contacted the BoE as the LP National Secretary, and the MI BoE immediately voided the unauthorized filing and accepted the filing from the legitimate LPMI Treasurer whom they had declined.
- In our August 8 phone call, she acknowledged the basis of her belief that Ms. McArdle had illegitimately tampered with the LPCO presidential nomination process. However, even when acknowledging that this may have been based on a misunderstanding, and then later when that basis was directly confirmed to have resulted from the misunderstanding, she did not adjust her actions in any way that I could see and seemed to carry on with the view that Ms. McArdle could not be trusted.
- Also from the August 8 phone call: I do not believe Ms. Harlos’ claim that she did not mean there was “never” a reasonable situation for a court to get involved in Party affairs. After later consideration of the original discussion, it is my belief that we were speaking about any prospective case, and that she maintained her principles against court intervention in favor of private arbitration. That was, however, until the situation directly affected her, at which point she appeared willing to resort to any means necessary to get her way.
- Lastly from the August 8 phone call: I granted that I believed her stating she did not “receive” my clear statement that LPMI was considering joining the JFA. That concession does not change the fact that her failure to look beyond her own personal mission against LPCO leadership demonstrates an unacceptable lapse of judgement and adherence to the duty of her role to act in the interests of the LP. At the very least, this particular action in a vacuum constitutes, in my opinion, an act of extreme negligence. Combined with the patterns of behavior I have witnessed, I believe it constitutes an unwillingness to consider anything beyond her own opinions, substituting those for the proper operating rules and decision structures of the LP.
- From the call on August 12: she agreed to “put the disagreement in a box” and move on, and indicated she would accept what she felt was the “bad decision” of the LNC and the JC. This is

“what the delegates voted for” when they put her in. To that point, she had called out what she believed to be corruption, pursued it through the proper channels, and lost her appeal. Her background suggests she would have accepted this and moved on productively, but this is exactly the opposite of what she did. She attempted to substitute her personal opinions for the dictionary definition ruling of a “dilatory motion”. Per RONR 39:1 “A motion is dilatory if it seeks to obstruct or thwart the **WILL OF THE ASSEMBLY AS CLEARLY INDICATED** by the existing parliamentary situation.” (emphasis added). The fact that her challenge of the ruling of the chair failed by a larger margin than her original attempt to rescind the JFA is undeniable proof that the ruling of the chair was indisputably the will of the body. Her decision to participate in the challenge of this decision to the JC was the final straw that ended my attempts to defend her actions.

- Ms. Harlos’ expressed opinions that Ms. McArdle was acting outside her authority and her apparent belief that this justified her unilateral action have no basis under the rules of the Party. If Ms. Harlos felt that Ms. McArdle’s motives were compromised, then her recourse was to bring this allegation to the LNC. In page 46 of the Petitioner’s brief, Ms. Harlos selectively cites RONR 47:32 #9, which assigns the responsibility “to conduct general correspondence of the organization...”. Ms. Harlos personally taught me, based on analysis of an LPMI lawsuit filing, that when someone provides a partial quotation, one should always check the original. #9 in 47:32 goes on to mention “see Corresponding Secretary” in connection with this responsibility. The LP Bylaws provide for “Act as the recording officer of the party” and “additional requests from the chair” (paraphrased). This demonstrates Ms. Harlos’ attempt to substitute the RONR definition of her role over the Bylaws definition, which is an improper manipulation of the rules to cover her unauthorized actions.
- From the Sept 8 phone call: Ms. Harlos demonstrated a complete lack of willingness to consider feedback. She was evidently blinded by her opinion that she was acting to “save” the Party, and was willing to employ any means to “defend” it. Despite my stated remorse at having reached the conclusions I had; she still had no interest but to continue her attacks.

It is for all these reasons and others omitted for brevity that I believe Ms. Harlos has demonstrated that not only did she act outside of her authority, but that she was aware of this fact as well. She repeatedly attempted to obfuscate this, seeking organizational support to retroactively ratify her unauthorized actions. She was instructed to avoid these actions due to the risk of imminent and significant harm to the party. My opinion, based on my experience working alongside her through the extensive and damaging litigation against LPMI, is that she is aware that even when one believes their actions are righteous, engaging a lawsuit can cause immense damage to an organization. She was aware of the risk of litigation from LPCO which, though she believed it had no basis, did not justify her brazen attitude demonstrated in the IC report, such as exclaiming to other board members that the Party would have to indemnify her should LPCO file suit.

If these actions do not rise to the level of gross malfeasance and failure to perform the duties of an officer, I would struggle to define any action that would. For this reason, it is my belief that the JC must uphold the decision of the LNC and sustain the suspension, permanently removing Ms. Harlos from her position on the LNC.