

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: 9/10/2021

Petitioner: Caryn Ann Harlos

Subject: Appeal of the LNC motion of 9/5/2021 to suspend and remove Petitioner as LNC Secretary, as per Article 6, Section 7 of the Bylaws.

Interested Parties: Members of the LNC, Joe Bishop-Henchman, as he is alluded to in the in the initial complaint against the Petitioner.

Relief requested: Voiding of suspension motion and reinstatement as LNC Secretary.

Committee Jurisdiction: Article 8, Section 2, subsection b, regarding suspension of officers, and Article 8, Section 2, subsection d, regarding voiding of National Committee decisions.

Appearing on Behalf of Petitioner: DL Cummings

Petitioner's Brief on "For Cause" and Examination of the Evidence in Relation to Same

The Party Bylaws¹ clearly state that an officer can only be suspended "for cause," but do not define "cause." As the organization itself—meaning ultimately its members in convention and not the LNC—will determine the meaning of that phrase, at this time we can look towards several sources to approximate what is meant in the parliamentary context: RONR and the Party culture. The Brief filed by Party Vice-Chair Ken Moellman outlined instances in other deliberative assemblies and the law, which this Brief will supplement.

1. RONR

As detailed in the Petition and the Reply to the Response of Selected LNC Members, the language in the Party Bylaws detailing the terms of office² places issues of removal of officers under the authority of RONR (12th ed.) 62:16. Even if the Judicial Committee finds that the trial requirements of that section do not apply (however, see below for additional support to show that they do), it is certain that the RONR language regarding "cause" applies as the Party Bylaws also require cause and are thus not in conflict. That section of RONR defines cause as "neglect of duty in office or

misconduct.” Further, RONR (12th ed.) 63:24 states that legitimate cause for removing an officer may be “conduct that renders him [or “her”] unfit for office.” This certainly implies a good working definition of misconduct as conduct which renders an officer unfit for their office. As Mr. Moellman explained, there is no pending accusation of neglect of duty in office, so only misconduct remains as a possibility.

An examination of the evidence will show that there were no accusations of actual misconduct in official proceedings³ (see *Examination of Evidence* to follow) and the bulk of the accusations have to do with allegations of misconduct in the personal political speech of the Petitioner. None of those rise to the level of removable misconduct (*i.e.*, conduct that renders the Petitioner unfit for her office), particularly since each involved issues widely held by Party members to be legitimate controversies within the Party, and the Petitioner believed herself to be acting as a whistleblower to corruption, misdeeds, and derelictions of duty by the LNC.⁴ It is not required that anyone agree with that the Petitioner was actually a whistleblower, but *merely that it is reasonable that she believed she was acting in that capacity to the benefit of the membership who elected her on that specific platform.*⁵ To punish officers who believe they are serving in a legitimate whistleblower capacity is patently unjust, un-Libertarian, and will only serve to chill any future whistleblowers to the detriment of the Party’s integrity.

a) *The inclusion of “for cause” in Bylaws Article 6.7 supports the requirement for a trial and full due process*

The determination of “cause,” which is required for officers under both our Bylaws and RONR (12th ed.) 62:16, requires a trial as such cannot be determined without a robust system of due process and protections, *to wit*:

RONR (12th ed.) 63:5:

...[An] officer has the right that allegations against his good name shall not be made except by charges brough on reasonable ground. If thus accused, he has the right to due process—that is to be informed of the charge and given time to prepare his defense, to appear and defend himself, and to be fairly treated.

RONR (12th ed.) 63:7: Steps in a Fair Disciplinary Process

Most ordinary societies should never have to hold a formal trial, and their bylaws need not be encumbered with clauses on discipline. For the protection both of the society and of its members and officers, however, the basic steps which, in any organization, make up the elements of fair disciplinary process should be understood. **Any special procedures established should be built essentially around them, and the steps must be followed in the absence of such provisions.** [emphasis added] As set forth below, these are: (1) confidential investigation by a committee; (2) report of the committee, and referral of charges if warranted; (3) formal notification of the accused; (4) trial and (5) the assembly's review of trial committee's findings (if the trial had been held in a committee instead of the assembly of the society).

The Party Bylaws are absent of anything even resembling alternative provisions for "special procedures," they merely give the authority and vote threshold to remove. It is a misreading of RONR and the Bylaws, as well as a fatal misunderstanding of due process, to view those two parameters as *carte blanche* to forfeit the protections above to duly elected officers by others who are often political/factional rivals as is certainly the case here.

Lastly, "for cause" carries within it the implication of "for just cause." Justice involved not only the bare allegations but a requirement that those bringing such a cause have clean hands and due diligence. This is not the case here as detailed in the Petitioner's prior filings and will be further detailed here.

b) The Reply of Selected LNC Members implies a brand-new allegation and ventures into the realm of slander

The Reply of Selected LNC Members contains this statement: "However, the Bylaws, through the delegates, grant this power to the LNC for a reason, as a necessary tool to defend itself and the Party from misconduct and **malfeasance**." [emphasis added] It is beyond alarming that the LNC could make (or at best, imply) such a reckless statement. There were NO allegations of malfeasance in the original motion, and the Petitioner can add this to the long list of ill-conceived and negligent aspersions cast by the LNC during this whole process.

What is the difference between misconduct and malfeasance? The Legal Information Institute of Cornell Law School is instructive.⁶

[Malfeasance is] Intentional conduct that is wrongful or unlawful, especially by officials or public employees. Malfeasance is at a higher level of wrongdoing than nonfeasance (failure to act where there was a duty to act) or misfeasance (conduct that is lawful but inappropriate).

The Petitioner finds it ironic that she is accused of violating the Non-Aggression Principle through words, yet her accusers engage in this kind of rhetoric which has the potential of permanently damaging her reputation and future employment prospects as all of this information has now been spread online. This should not be acceptable in the Libertarian Party and certainly not in such a serious issue as removal of a popular and competent officer.

2. Party Culture

Throughout Party history, there have been public clashes between members of the LNC, including dueling blog posts on the official site and disagreements in blog comments at various political outlets. Before that, disagreements happened over snail mail and email, some of which were published through independent news outlets. In short, sharp disagreement including harsh words from LNC members to other LNC members have never been unusual for the Party culture. In fact, many such occurrences happened last term between the Petitioner—along with the majority of the signors to the LNC’s Response to the Petition—against former Chair Sarwark, including similar allegations of corruption. At no point was there any attempt to remove any of those making such allegations nor was it even remotely suggested although the tone and frequency were similar as were the outlets (social media and YouTube).⁷

At that time, Chair Sarwark found some members of the LNC so impossible to work with that he **publicly denounced them** as the “Notorious Nine,”⁸ and those so designated took it as such a badge of honor they had t-shirts made and wore them to the 2020 convention. It is in this backdrop of open and sharp criticism of other LNC members for wrongdoing that the

Petitioner gave her “I will never hesitate to expose backroom shady dealing” nomination speech which earned her election by a majority on the first round of voting. Mr. Moellman spoke similarly during the Vice-Chair debate.

In the most recent prior suspension motion of an officer, the charges involved alleged advocacy of predation on minors and violence against public school teachers, both of which, if proven, would implicate violations of the Non-Aggression Principle. None of them were about criticisms of other LNC members, in fact, said officer often criticized other LNC members as being semi-Libertarian. Despite the slanderous accusations made at the meeting (see *below* for evidence of such accusations), no violation of, or implication of violation of, the Non-Aggression Principle was even remotely in evidence. There is no evidence of any neglect of duty or misconduct in official channels or meetings. What is in evidence is strong ideological disagreement by some members of the LNC with a campaign promise the Petitioner made to the delegates. What is further in evidence is an official (not individual and personal) character assassination of the Petitioner through false statements and an overblown data dump of evidence. In short, this has been a complete misuse of this process in an effort to overturn the will of the delegates.⁹

3. Relevant Laws on Whistleblowers

This information is provided in a similar intent as that provided by Mr. Moellman: to provide guidance of laws in similar, though not perfectly exact, situations.

a) *Code of Virginia §40.1-27.3 Retaliatory action against employee prohibited*¹⁰

This section protects employees from any kind of retaliation for exposure of fraud. While the Petitioner is not an employee, it is a parallel situation. As will be shown in the Examination of the Evidence below, the LNC was explicit that part of the reasons for suspension were retaliation for at least one clear instance of whistleblowing against fraud.

b) *Sarbanes Oxley Act 18 U.S.C. §1514A*

This Act only directly applies to publicly traded companies to protect shareholders but can be analogized here as we do have a donor base that is entitled to know if the LNC is in dereliction of its duties. It shows a clear legal philosophy of protecting those that expose issues in which people who have a financial investment in the enterprise have a right or need to know.

c) *General Law on “For Cause”*

Black’s Law Dictionary defines “for cause” as follows:

With respect to removal from office “for cause”, means for reasons which law and public policy recognize as sufficient warrant for removal and such cause is “legal cause” and not merely a cause which the appointing power in the exercise of discretion may deem sufficient. *State ex rel. Nagle v. Sullivan*, 98 Mont. 425, 40 P.2d 995, 998 (1935).¹¹ They do not mean removal by arbitrary or capricious action but there must be some cause affecting and concerning ability and fitness of official to perform duty imposed on him. The cause must be one in which the law and sound public policy will recognize as a cause for official no longer occupying his office. *Napolitano v. Ward, D.C.Ill.*, 317 F. Supp. 79, 81.¹²

In employment law, cause has been routinely determined to be¹³:

- Neglect of Duty
- Direct Dishonesty to Employer
- Theft from Employer
- Fraud to Employer
- Sexual Harassment
- Assault of Co-Worker
- Off-Duty Criminal Conduct
- Incompetence After Warning

It is noted that even with the Federal Trade Commission, the President’s “for cause” commissioner removal power is limited to inefficiency, neglect of duty, or malfeasance in office.”¹⁴ Further, when employment dealt with an issue of public concern, higher scrutiny was afforded on restrictions or retaliation against disclosures to the public: “Appellant’s statements which

were false likewise concerned issues then currently the subject of public attention and were neither shown nor could be presumed to have interfered with appellant's performance of his teaching duties or the schools' general operation. They were thus entitled to the same protection as if they had been made by a member of the general public, and, absent proof that those false statements were knowingly or recklessly made, did not justify the Board in dismissing appellant from public employment.”¹⁵

d) *Other misc. cases of “for cause”*

Jurors can be dismissed from duty either through a limited peremptory grant in which no cause is stated, or for cause, which must be for a relevant and just cause.¹⁶

EXAMINATION OF EVIDENCE

As detailed in prior filings of the Petitioner, the suspension made absolutely no attempt to connect any specific and individual pieces of evidence to any of the various alleged harms which include:

- Causing the resignation of the Party Chair¹⁷
- Loss of LP Staff¹⁸
- Loss of established LP members
- Loss of long-time donors
- Liability to public image
- Undermining ethics and reputation of LNC as all-volunteer body

It made only the broadest of attempts to catalog whole swaths of evidence to only some of the below charges:

- Violation of the Policy Manual provisions on conflicts of interest¹⁹
- Violation of the Policy Manual provisions on social media volunteers²⁰
- Violation of the Policy Manual provisions on harassment²¹
- Violation of the Non-Aggression Pledge²²

However, despite these fatal flaws, the Petitioner will examine and summarize each piece of evidence to show that they do not, neither individually nor in the cumulative, meet any of the alleged charges nor rise to any level of “cause” to overturn the will of the delegates in convention.

Before this examination, it is necessary to highlight certain pieces of LNC testimony which may be seen as attempts to do what the original Bill of Particulars did not—connect actions of the Petitioner to accusations—but instead demonstrate continued failure to do so compounded by outright misrepresentations and denial of allegations in contradiction to charges and conviction on actions that are part of the charges to begin with.

1. Oral Argument (full video here: <https://youtu.be/I9mkPx-3mJk>)²³

a) Laura Ebke (see <https://youtu.be/I9mkPx-3mJk?t=2900>)

Ms. Ebke confirmed in presenting the motion that the evidence presented is to be considered as support of the allegations made and that such action was never to be taken lightly. However, included in the evidence is a video in which the Petitioner performed an RCV demo using the Chair race ballots which is alleged in the Bill of Particulars to be connected to the claim that she was abusive and offensive. However, Ms. Ebke personally wrote to the Petitioner praising that video (see Exhibit Y). It cannot be both damning and praiseworthy. This supports Petitioner's claim that the evidence is merely an exercising in throwing things at the wall and seeing what sticks. This is not an honest way to try to remove an officer and speaks very poorly of Ms. Ebke's diligence in personally reviewing all of the evidence before taking such serious action.

b) Richard Longstreth (see <https://youtu.be/I9mkPx-3mJk?t=3611>)

Mr. Longstreth claimed that Petitioner encouraged people to write and abuse him. However, the only specific piece of evidence given that obviously dealt with any request of the Petitioner to write did not deal with Mr. Longstreth specifically and told members to be polite (see attached Exhibit Z). He further alleges that two members have come forward with complaints. There is one email in the evidence folder that has absolutely nothing to do with the national party but is an internal Colorado matter that is completely inappropriate for Mr. Longstreth to drag into a national proceeding. Further it involved documented threats against the Petitioner to "beat [the Petitioner] to a bloody pulp" and "within an inch of [the Petitioner's] life" requiring a police report to be filed with the Weld County Police Department so that a restraining order can be obtained if needed. It is completely unethical for Mr. Longstreth to weaponize such an email. Mr.

Longstreth himself ended up in a conflict with a member and implied the member was a liar which was proven incorrect with documents (see Exhibit K and email from member Justin O'Donnell sent separately by him to the Judicial Committee). Similarly, earlier this year, a member complained about abuse by Mr. Phillips, something which at least some members of the LNC have been made aware of and have said nothing (see Exhibit AA).

Mr. Longstreth further claims there is a “significant portion of the Party” that supports the removal of the Petitioner. If there is, they did not write. The LNC and Petitioner received over 1,000 emails of supporting the defeat of any such removal and approximately 20 emails that supported removal—a 50:1 ratio in support of the Petitioner (see Compendium of Support Emails). Lastly, Mr. Longstreth falsely claimed that Ms. Harlos never apologizes – this is also grossly false. In fact, in that very meeting an example was made of her apologizing to Ms. Adams and the Petitioner said she didn't think she was always right in the situation at hand (see <https://youtu.be/I9mkPx-3mJk?t=7090>).

c) *Erin Adams* (see <https://youtu.be/I9mkPx-3mJk?t=4074>)

Ms. Adams and the Bill of Particulars makes the claim that Petitioner accused LNC members of attempting to compel her to commit suicide. Ms. Adams told Petitioner on the Wednesday evening prior to the LNC meeting that she even confirmed that is what Petitioner said by reviewing the video on the prior night. However, this is absolutely false. Petitioner said “she did not believe that they were trying to do that” which is the exact opposite of what was claimed. (See clip from video entitled “The Silencing of the Porcupines” here: <https://youtu.be/tpHT3Wdh7-8>).

Ms. Adams further mischaracterizes an email exchange as “benign” in which Ms. Hogarth attacked the Petitioner over issues with draft minutes that were completely off-base and had zero constructive feedback; and went on to exaggerate language from the Petitioner defending her work product with the worst possible interpretation. The email exchange can be read here to see if Ms. Adams' characterization is accurate: https://groups.google.com/a/lp.org/g/lnc-business/c/d9sZHZSMxp4/m/pZEg_T87CQAJ. Ms. Adams had previously told the Petitioner that she didn't think the email exchange was completely benign and that Ms. Hogarth was out of line, yet the story changed during

this motion. The Petitioner would further note that discussing this email at all was inappropriate as it was not included in the evidence **and could have been** if Ms. Adams had thought it was important evidence.

Lastly, if an accusation of trying to make someone commit suicide is a violation of the Non-Aggression Principle and an outrageous accusation of a felony, then why was Ms. Adams silent when presented with the proof that Mr. Longstreth blatantly accused the Petitioner of doing that very thing (see Exhibit F)?

d) *John Phillips* (see <https://youtu.be/l9mkPx-3mJk?t=3780>)

Mr. Phillips claimed that the Petitioner was guilty of accusing the former chair with “zero proof” even though she turned out to be right, and this was a major factor in his yes vote (which has serious whistle-blower implications). That makes zero sense. If there was no incriminating evidence at all, there would have been no reason to seat an investigatory committee. The following were specific facts and evidence available to all:²⁴

- The initial letter posted by Jilletta Jarvis from the former Chair as justification for her coup
- The testimony given by Ms. Jarvis to the Petitioner that this letter was a “transfer of affiliation”
- The refusal of the former chair to outright repudiate the use that Ms. Jarvis made of that letter
- The testimony of Ms. Jarvis that contrary to the representations made by the former chair, this letter was procured by a third party
- The written outbursts by the former chair of a great conspiracy of racists in the Party
- The threat by the former chair to sue both the Petitioner and Joshua Smith when they asked questions about this third party mentioned by Ms. Jarvis

Mr. Phillips also claimed that he had no issue with any profanity used by the Petitioner since he is just as guilty. Yet in the Bill of Particulars, that is one of the accusations against Petitioner upon which he voted to convict. He **could have moved to strike** that reference and did not. He concluded

his first speech in a blatant act of indecorum and stormed out of the meeting without facing any repercussions.

e) *David Sexton* (see <https://youtu.be/l9mkPx-3mJk?t=4355>)

Mr. Sexton claimed that any **one piece of the evidence** would be sufficient to convict. While that statement may be somewhat hyperbolic, the fact that so much of the evidence is benign or irrelevant leads one to believe he did not in fact review it.

f) *Valerie Sarwark* (see <https://youtu.be/l9mkPx-3mJk?t=4464>)

Ms. Sarwark followed the pattern of introducing reasons for her vote that alleged items that were not in the suspension motion. Specifically, she alleged the loss of an elected official. The Petitioner can only guess who she means, but if her guess is correct, this official left because the New Hampshire affiliate was not disaffiliated, so Ms. Sarwark would also be evidencing blatant whistleblower retaliation in blaming Ms. Harlos for protecting that affiliate to the dissatisfaction of that one elected official. Again, this is highly inappropriate and prejudicial.

g) *Dustin Nanna* (see <https://youtu.be/l9mkPx-3mJk?t=7064>)

He very astutely characterized what he saw going on: Petitioner was being used as a scapegoat for other LNC members' own failings and inability to deal with personality differences. If any member of the LNC felt they could not work with another member, that issue lies with that person's ability to deal with difficult people, not the allegedly difficult person. He noted that during this whole time, he had no issue being productive or getting things done. He characterized this current action as personal, factional, and based on current or prior caucus alliances. Mr. Nanna also made the obvious argument that the convention is only eight months away, and the delegates should make this decision.²⁵

2. Folders of Evidence

This was a massive data dump that was never connected directly and specifically to any allegation with an explanation as to how it related. This made it impossible for the Petitioner to effectively defend herself against

any potential allegations of legitimate “cause” for removal since it was an amorphous mass of a target with the oral arguments of those supporting the motion making it clear that they didn’t even have a clear handle on *why* exactly she was being removed and *what* evidence supported the “cause” requirement.

It is further obvious that once a decision was made to try to remove the Petitioner, a search was made simply using keywords used in posts by the Petitioner in order to support the already-decided conclusion: a classic case of a conclusion searching for evidence rather than having evidence that leads to a conclusion. This is very apparent if the dates of the posts are examined as some of them are nearly a year prior. Why were this not brought up as a problem *back then*?

The Libertarian Party would never defend any prosecutor or civil plaintiff that tried to get a judgment or conviction in this manner. Particularly obvious examples of irrelevant/benign posts just lumped in together are highlighted in the chart at the end, and the Judicial Committee is asked to review those items in particular.

a) *A note on YouTube monetization*

It appears that many on the LNC are simply out of touch with this new media explosion. Thousands of people count YouTube as their full-time job and that is what Petitioner is working towards. The LNC is basically telling the Petitioner, “You can’t have this job,” and that is beyond out-of-bounds. Many Libertarians make income with liberty activism, and this action sets the precedent that this makes them ineligible to be LNC members. This is a decision only the delegates at convention can make, not the LNC. This is gross overreach and certainly not “misconduct” to be cause for removal.

Further, if viewed in a jaundiced light, this very much can look like LNC interference in internal elections, particularly the upcoming Chair and Vice-Chair races. Two candidates that are known to be associated with the Mises Caucus are supported through liberty activism and patrons. To many, this looks like the LNC using the Petitioner as an excuse to sabotage those campaigns.

**Note that no timestamps were given on the videos, most of which are over an hour long. Since there were no timestamps, the Petitioner had no opportunity to defend during the original motion, thus, it is too late for the LNC to try to cure this deficiency at the appellate stage just as it is too late to cure the rest.*

Appendix A Folder https://drive.google.com/drive/folders/1isUtzx_ft31qw129utlh0LR-hCG-gHrY	
ITEM	COMMENTS
FB Profile.png Twitter profile.png YouTube About.png	These are the Petitioner's social media profiles in which it is made clear that although she is the LNC Secretary, this is her personal and not official page. It is very odd this is included since that disclaimer was put on there due to past discussions with the LNC who encouraged such disclaimers. She cannot hide she is Secretary – this is the only way to make sure that there is a separation. She also constantly refers readers to her “public figure” page, and it is notable that nothing from the public figure page is included in the evidence.
FB to Youtube1.jpeg	This is a Facebook post asking for show patrons. There is nothing at all objectionable at this post. It highlights that top patrons can choose a topic – and the topics chosen to date have had nothing to do with the LNC but have been on “Does Libertarianism Allow Voluntary Slavery”; “Homesteading Principles”; and “Anarchists Welcome, the Dallas Accord and the Statement of Principles.” There is nothing at all objectionable at this post. It is filler.
FB to Youtube2.jpeg	This is a Facebook post saying there are funny outtakes for patrons to view on Patreon. This is nothing objectionable about this post. It is filler.
FB to Youtube3.jpeg	This is a humorous Facebook post saying that certain people don't like her YouTube content, and that her audience doesn't support those same people, and that success would be a great way to make that point. It is promoting her show and is typical of the way others promote new media content.
FB to Youtube4.jpeg FB to Youtube6.jpeg FB to Youtube7.jpeg FB to Youtube9.jpeg FB to Youtube11.jpeg Twitter to Youtube.png Youtube 1.jpeg	These are completely innocuous Facebook posts asking for support because Petitioner is close to milestones. The Petitioner strongly encourages the Judicial Committee to review these seven posts to see what a data dump this “evidence” is as chunks of it are not even remotely relevant.
FB to Youtube5.jpeg	This is a Facebook post that proves the opposite of what Petitioner is being accused of. A patron stopped supporting because he didn't agree with a vote the Petitioner made on the LNC. She publicly said that people can stop supporting for whatever reason they wish but that will never affect how she votes.
FB to Youtube8.jpeg	This is a Facebook post by a member enthusing about how much she likes the Petitioner's show and asking others to help. It is completely inappropriate to weaponize a member like this and not even blot out their name as if they did something wrong.
FB to Youtube10.jpeg	This is a Facebook post where the Petitioner is defending herself against people who see a racist and fascist under every bush and

	positioning herself as not part of the destructive “woke” culture. This is only relevant if the Petitioner is being punished for her political views that are frankly not the LNC’s business. This is vindictive.
FB to Youtube12.jpeg	This is an ad for a YouTube show responding to the letter from the LNC Chair (former) calling a bunch of members slanderous names. It is telling that the LNC never said a word in official rebuke about those slanderous communications.
Gofundme1.jpeg Gofundme2.jpeg	This is Facebook post with a link to GoFundMe set up by friends to help the Petitioner since she was unemployed. Mutual aid happens all the time. Petitioner was in foreclosure, and friends wanted to help save her home. To have the LNC object and interfere in this is chilling. The second is a public complaint about how the LNC was harassing her over this. This is the first in the evidence folder that shows a pattern of the LNC acting as if it can say anything and do anything and no one better dare seek support from friends. This is a nefarious way to isolate and target disfavoured people and is extraordinarily chilling and discriminatory towards povertarians.
June sus merch.jpeg	This is a Facebook ad for t-shirt merchandise. People who concentrate on YouTube and podcasts routinely have merchandise. The shirt does make a joke about the first removal action. Petitioner is a performance artist that uses humour. Is the LNC going to target people with boots on their head now? Or big yellow and black hats? Or with transparent raincoats at convention protesting a lack of transparency?
LNC Meeting.jpg	This is a Facebook post in a caucus asking caucus members to come to the LNC meeting for support since Petitioner felt she and Mr. Smith were being targeted, and she wanted to socialize with friends. It is ominous this was included as this is clearly caucus-building, and the LNC interfering in a caucus is a no-go. Many of the posts in “evidence” take this route.
Merch site.png	This is a screenshot of Petitioner’s Tee-Spring store. It is irrelevant.
Missouri.jpg Montana.jpg South Carolina.jpeg Wisconsin.jpeg	These are all posts in a Caucus group that are part of Petitioner’s campaign for re-election. This is completely over the line for the LNC to be interfering in Petitioner’s internal office campaign, particularly with such an innocuous post that is just asking if she has supporters in certain states. It is honestly borderline stalkerish that these are included. The Petitioner strongly encourages the Judicial Committee to review these four posts to see what a data dump this “evidence” is as chunks of it are not even remotely relevant.
Muh decorum-merch now available.gp	This is a YouTube video ad for Petitioner’s t-shirt launch.
Otherplatform.jpeg	This is Petitioner asking a media host if he would like to have her on as a guest to discuss what is going on in the LP. She has always done this and was elected doing this. She courted guest appearances all last term. Again, this is an example of the “Shut up with your opinions—we can say and do what we want to you, and you are not allowed to talk about it” tactics.
Porchfestfund.jpeg	This is a Facebook post expressing gratitude for friends helping raise money to save Petitioner’s house and how great Porcfest was. There is absolutely nothing wrong with this post, and Petitioner really feels like the LNC has gone way over the line in monitoring her personal posts and invading her personal life.

Twitter to Youtube2.png	This is another ad for a show Petitioner is doing in which she may discuss what is going on with the LNC. She is a political commentator, and this show discussed many different people and happenings.
Youtube Dev.jpeg	This is a Facebook post in which Petitioner talks about her personal life and employment—completely intrusive for the LNC to be including this. YouTube is a part-time job for the Petitioner.
Youtube link2.png Youtube link3 Youtube links1.png	These are typical YouTube “low-bar” boxes which give show links and lets people know how to support the channel. Including these gives the vibe that the data collector is really ignorant about YouTube.
Youtuebelnccen2.jpeg Youtuebelnccen2.jpeg	These are Facebook posts where the Petitioner is expressing frustration with the LNC and particularly its inaction with the COVID regime. A view that was boiling over with wide swaths of Party membership.
Appendix B Folder https://drive.google.com/drive/folders/172Pr9NpPCSq27hh_w5EzTnAn82nd-3K?usp=sharing	
ITEM	COMMENTS
ApB EM1.pdf	The Petitioner was alerting the LNC to an incident that they needed to know about. This was part of her fiduciary duty. Further this was posted in the secret list as it contained potentially sensitive security information, and Ms. Ebke flagrantly ignores legitimate confidentiality and includes it. This is not an isolated case as will be shown. Why is this included as something that the Petitioner should be removed for? It is recommended that the Judicial Committee review this email.
LNC bully MH.jpeg LNC bully MH2.jpeg LNC bully MH3.jpeg LNC bully MH4.jpeg	This are Facebook posts on a personal page talking about a struggle with anxiety. There is a lot of mental health shaming in this whole affair. The Petitioner has anxiety comorbid with autism. She is allowed to talk to her support network about this.
LNC bully MH5.jpeg	Petitioner felt like she was being bullied by multiple LNC members to do something against her conscience so told her support network. To include this is a gross isolation tactic that is very injurious to people who struggle with anxiety, but there is zero awareness of this on the part of the motion’s supporters.
MH1.jpeg MH2.jpeg	These are Facebook posts where Petitioner is sharing health updates with her friends. This is not the LNC’s business and is very personally intrusive and embarrassing to be including them in this matter.
Susan MH inqvar.pdf	This was a private email from Ms. Hogarth to Petitioner that was the subject of an internal complaint against Ms. Hogarth. Is the Petitioner being punished for filing a complaint against Ms. Hogarth? Ms. Hogarth broke the policy manual guidelines about unwanted personal intrusion and inappropriately, in the middle of a debate/discussion, veered off into prying into Petitioner’s personal life which she had told Ms. Hogarth on multiple occasions was unwanted and that Ms. Hogarth was becoming far too familiar.
Appendix B Videos https://drive.google.com/drive/folders/1mx8e_JUt89LF3lzGLZTHiLWdw2Rh5Fo5?usp=sharing	
ITEM	COMMENTS
I went to Porcfest – Emotional Content	This is a nearly 90-minute YouTube video. No time-stamps were given of objectionable content. The Petitioner reviewed and cannot find anything objectionable. It is a description of how members were

	grateful to her for the stand that she took and contrasted that attitude with the attitude of the LNC. The Petitioner also goes into depth about the controversy surrounding due process and the core Libertarian principles she felt were being violated.
The Silencing of the Porcupines	This is a nearly 90-minute YouTube video. No time-stamps were given of objectionable content. However, this is the video grossly misrepresented by Ms. Ebke and Ms. Adams—where a claim was made that the Petitioner said the opposite of what she actually said (see https://youtu.be/tpHT3Wdh7-8). The content is the Petitioner sharing her personal feelings about what she experienced after the first and second removal motions. Further, Petitioner is detailing issues that were happening on the LNC—her opinions in order to inform her constituency. One highlight of the video is the abuse to Petitioner by Ms. Hogarth without any provocation. Other LNC members publicly noted the inappropriate behaviour of Ms. Hogarth. Multiple members contacted the Petitioner about the inappropriate behaviour of both Ms. Hogarth and Ms. Adams. The video also goes over the anatomy of minutes.
Appendix C Folder https://drive.google.com/drive/folders/14IGDHvphgd_sIRkJZihqde3EFQgTDr6Z?usp=sharing	
ITEM	COMMENTS
2016 assault2.pdf	This is an email where the Petitioner was complaining about longstanding lack of inaction about being assaulted at the 2016 convention. It is beyond abusive and bizarre that this is being listed as cause for removal. It reeks of being retaliatory.
Alan Hayman1-8.png	It is completely inappropriate that these were included. This involves a threat of grievous bodily harm that was reported to the police and Petitioner's dissection with the alleged silence of some LPCO members. This is completely not nationals' business and borders on interfering with the internal affairs of an affiliate. Details of this threat will be disclosed to the Judicial Committee under seal.
Alleged Abuse Bughman.png	This is a Facebook post where the Petitioner notes that an LNC member was abusive to her in the past—and said LNC member admits one abusive post and has apologized for it. This post continues to demonstrate that this “evidence collection” was an exercise in trawling for any post the Petitioner made that could be remotely related to the LNC or the Party.
Assistant Sec.pdf	This is an internal email of a debate between Ms. Hogarth and the Petitioner. Is the Petitioner not allowed to object to items proposed, particularly when the Petitioner was already doing this, and it was a campaign promise? Again, this is just trawling and looking for excuses not evidence.
Bilyeu Contact.pdf	It is absolutely bizarre that this is included. The Petitioner was praising the new Chair but noted internally that Ms. Hogarth's comment was inappropriate. Apparently the Petitioner is no longer allowed to have an opinion. If that opinion was too much for the LNC, the problem is not with the Petitioner.
Buchman.jpeg Int Anderson Buchman.pdf	This is a social media post where the Petitioner noted that there is a personal history between her and one of the members of the NH committee. Again, apparently the Petitioner is not allowed to say her personal opinion, ever. There is an additional concern said about another committee candidate that has been hostile. There is nothing wrong with these emails. The point of the discussion was to find impartial members,

	but somehow the Petitioner is not allowed to discuss privately how some proposed candidates were not impartial.
Buchman.pdf	This email disclosure is the subject of an ethics complaint against Ms. Ebke. Details about this will be disclosed to the Judicial Committee under seal.
Chair questions.pdf	<p>This is an email where the Petitioner posted a legitimate question to Chair candidates in light of the parting allegations of the former Chair. This is not objectionable and again just seems to be a factional retaliation.</p> <p>It is recommended that the Judicial Committee review this.</p>
Chase Oliver1-2.png	This is a set of posts where the Petitioner is relating a rumour about a third attempt to remove her which was true and her opinion of a member who has been commenting. If calling a member that the Petitioner knows very well a “dick” is a removable offense, the LNC should be depopulated. Such a post is a rare occurrence for the Petitioner which is why there is nearly none in the data dump.
COVID.pdf	This is an email in which the Petitioner is agreeing with a member complaint. Again, this evidence dump seems to be proving the Petitioner’s assertion that she was being bullied into silence.
Int Concern.pdf	This is an email and Facebook post where the Petitioner felt the LNC was wasting money. Discussing these things openly is a textbook definition of a whistleblower.
Lawyer1.jpeg	This is a Facebook post where the Petitioner is trying to find an attorney. Is it not her right to have legal advice? This seems to be intimidation to say that the Petitioner cannot have an attorney.
LNC Ebke1-2.jpg	These are Facebook posts in which the Petitioner is expressing concerns. Petitioner’s frustration with being silenced is evident.
LNC Hogarth1-7.jpeg LNCHogarthLongstreth1-2.jpeg LNC Longstreth1-13.jpeg LNC Phillips1-3.jpeg LNC Sus1-6.jpeg LNC1-38.jpeg LPMC Hall.png	<p>These are Facebook posts in which the Petitioner is expressing concerns and frustration. Could they have been worded better? Yes. But none of this warrants removal. It does show some bad behaviour of other LNC members yet none of them are targeted.</p> <p>The Petitioner urges the Judicial Committee to observe the dates. All of these happened after several removal attempts and what the Petitioner felt was a really traumatic backstabbing from a close friend. The LNC should have just kept its evidence to these posts even though there is nothing that warrants removal particularly when there has been no formal warning and no official discipline or discussions.</p> <p>A lot of posts in these series are completely harmless, and several are jokes. Some discuss the NH issues so to include them here is blatant whistleblower retaliation. The Petitioner most certainly has the right to inform the members about corruption and what she is learning. Others are complaints about what the Petitioner believes is the complete dereliction of duty for 18 months while the state violated civil liberties on a scale never seen before. This too is a form of whistleblowing.</p> <p>It is apparent through these screenshots that the LNC believes that real raw transparency to the membership is inappropriate. However, that is what the Petitioner campaigned on and was elected to do. It is not a removal offense that the LNC doesn’t like or can’t work with whom the delegates chose.</p>

LNC.jpeg	This is a joke frustration Facebook post. It is really a reach to include it here.
Longstreth contactsg.pdf	This is an email to a member agreeing with them. In hindsight the Petitioner should have just responded to the member. The LNC routinely answers like this privately as the Petitioner has seen such emails.
Longstreth Sus.pdf	This is an email in which the Petitioner is defending herself against removal. That is not allowed now? And the context was not just removal as Secretary but a vindictive removal from ALL committees, including the Historical Preservation Committee which cannot be viewed in any other light.
Meeting Times.pdf Public Comment.pdf	This is an LNC email debate about setting a meeting. These contain nothing out of line or out of tone with the rest of the LNC here. The Petitioner is being targeted. The second is similar but on the topic of agenda requests.
Sarwark Contact.pdf	This is a completely appropriate email to a member alleviating concerns and addressing a complaint. It is completely unfathomable to the Petitioner why this was included.
Appendix C Videos https://drive.google.com/drive/folders/1-jB9MOHHD-FEIkYhkaX8AYnXaCQ9Wc56?usp=sharing	
ITEM	COMMENTS
Let's Talk About Facebooks Review of the Mises Caucus	This is a nearly 110-minute YouTube video. No time-stamps were given of objectionable content. The subject matter is social media censorship of Libertarian content. There is very little here that has anything to do with the LNC except for the Petitioners request for the Party to use its resources to lodge a free-market complaint. The main focus on the LNC is the Petitioner noting a philosophical disagreement she has with the long-term trajectory of the national party in its attitude towards non-official libertarian groups. This is basic Party education and advocacy.
LNC Latest after a nice quiet spell Part Two LNC latest after a nice quiet spell	These are 20-minute and 85-minute YouTube videos. No time-stamps were given of objectionable content. The subject were accusations about a non-public person and Joshua Smith posted on the public LNC list; a policy proposed by Ms. Ebke to prohibit email forwarding. There are interactions with a member who was doxing the Petitioner and aggressive comments from former LNC member Francis Wendt and his wife; and the way Petitioner's complaints about the 2016 was handled. It is particularly inappropriate for a victim to have to worry about being policed in the way they report an incident. Mr. Ferreira's public post after the suspension motion passed certainly gives the impression that his vote was at least partially in retaliation for the Petitioner objecting, as was her right, to the way he was speaking to her about this sensitive topic (see Exhibit I).
LNC Post-election Recap and RCV Demo	This is a nearly 90-minute YouTube video. No time-stamps were given of objectionable content. In fact, as detailed above, Ms. Ebke wrote the Petitioner praising this video (see Exhibit Y). Her inclusion of this video in very serious and reputation-ruining accusations against the Petitioner is inexcusable.
LP of Colorado- let's talk moderate, radicals, and brutal threats	This is a nearly 75-minute YouTube video. No time-stamps were given of objectionable content. Further, this is way outside of national's lane as it involves internal LPCO issues, and a brutal threat received by the Petitioner. This borders on victim-blaming and shaming into silence.

LP Time Capsule Bonus Episode 15F- Continuing with the Libertarian Handbook 1972	<p>This is a 40-minute YouTube video. No time-stamps were given of objectionable content. The main subject is reading a historical booklet from 1972. There was a discussion of the threat that was directed at the Petitioner in Colorado. This is inappropriate to be included in some list of misconduct as the Petitioner was the victim of a threat, and it is an LPCO matter that has absolutely nothing to do with the national party.</p> <p>It is recommended that the Judicial Committee watch this.</p>
Post-LNC meeting recap – part one	This is a nearly 85-minute YouTube video. No time-stamps were given of objectionable content. It is a summary of the LNC meeting just had in which chair candidates gave their speeches and the odd ruling given regarding how to handle NOTA.
The Liberty Boudoir – Let's Discuss Kingpill and Dave Smith	This is a 125-minute YouTube video. No time-stamps were given of objectionable content. The topic had to do with a non-Libertarian political commentator. Brief comments were made about the threat the Petitioner received from an LPCO member which is an internal LPCO matter that is of no concern to the national party, and in which the Petitioner was the victim of brutal threats—being told that speaking out about brutal threats is a removable offense furthers the victimization. There was an extensive discussion of the Petitioner's pacificism.
The Liberty Boudoir GRWM and chat on People's Party update and general LP stuff	This is a nearly 120-minute YouTube video. No time-stamps were given of objectionable content. The subject matter was opposition research on the People's Party which is a regular feature. There was a discussion towards the end in which the Petitioner complained about the earlier suspension motions and defending herself.
The LNC Chronicles Climbing Mount Pettiness	This is a nearly 55-minute YouTube video. No time-stamps were given of objectionable content. The Petitioner discussed the after-effects of the initial suspension motion and defended herself and discussed other bad behaviour of the LNC. It is yet another example of the LNC insisting that they can behave however they wish but are indignant if the Petitioner expresses political opinions about it on her own time.

In facing the sheer volume of the alleged evidence, it *appears* like there is a mountain of evidence against the Petitioner, but once it is examined, it completely *disintegrates*. This was a trawling expedition by the LNC, and that is no way to treat something as serious as removal of an officer. There is nothing to warrant the hysteria that surrounded the Petitioner by the LNC and nothing that warrants removal. The serious disciplinary step of removal must not be allowed to be used for factional wars or personality conflicts.

¹ Article 6.7

² Article 7.3

³ As detailed in the Petition, allegations of violations of the Policy Manual are ill-conceived as two of the cited provisions do not apply. The remaining is covered more fully in this Brief.

⁴ See compendium of emails from members in support in Petitioner received by the LNC.

⁵ See Petitioner's 2020 nomination speech here: <https://youtu.be/Yw-AcQbKVgs>

⁶ <https://www.law.cornell.edu/wex/malfeasance>

⁷ In fact, on the Drunk 'N Disorderly podcast, LNC members John Phillips and Erin Adams were frequently crude and rude towards Party members and other LNC members. Ms. Adams said that when she gets hate letters from Party members that she "masturbates to them." The show contains this disclaimer: *"Each individual member is accountable for their own statements and/or actions. DnD Media is not liable nor accountable for hurting your feelings or offending you. If you don't like what is being said, turn it off."*

Further there is a merchandise store for Drunk N Disorderly with the images of Erin Adams—an LNC member—being used to monetize that project. https://www.redbubble.com/people/DrunkNDisorder/shop?fbclid=IwAR0dV1W9Wpzgbbj_M5pYVVyLp7d_oC9f99KsmBfTdt0k1WS-4WNFKnE62w Ms. Adams makes the exact same disclosure that the Petitioner did to the LNC. The show also features controversial aspects of the Libertarian Party in order to drive exposure and raise personal profiles.

Here are examples of this show openly accusing former Chair Sarwark of corruption:

- [https://www.facebook.com/permalink.php?story_fbid=2582278448580210&id=2078494102291983&_cft__\[0\]=AZVyRwOjjJswLMFht4LkQ5QqRO2NHU_z_a2yniDvwMZiCiS-UISnilDujKta9eGoyd3xflQ3fZ5gRVwD6TJUQIYFvBzADCBem9NrRITO5Tdo2FJZjD873Xu3HtYGlX2y1KMraOxs_h7dX_Zq0N7OBVpAN&_tn=%2CO%2CP-R](https://www.facebook.com/permalink.php?story_fbid=2582278448580210&id=2078494102291983&_cft__[0]=AZVyRwOjjJswLMFht4LkQ5QqRO2NHU_z_a2yniDvwMZiCiS-UISnilDujKta9eGoyd3xflQ3fZ5gRVwD6TJUQIYFvBzADCBem9NrRITO5Tdo2FJZjD873Xu3HtYGlX2y1KMraOxs_h7dX_Zq0N7OBVpAN&_tn=%2CO%2CP-R)
- https://www.facebook.com/watch/live/?ref=watch_permalink&v=288129905919284

Further, some of the joke material on that show includes talking about murdering people: <https://hubhopper.com/podcast/drunk-n-disorderly/217356> at 4:50. The Facebook page is downright "abusive" to those who support mandates, and according to Ms. Adams, abuse is ALWAYS aggression and a NAP violation. To be clear, the Petitioner is not offended or complaining, she is pointing out the hypocrisy and the fact that this is NOT UNCOMMON. Petitioner is in fact a fan of Drunk 'N Disorderly.

⁸ There were in actuality ten LNC members so named. It is believed that Chair Sarwark counted a regional and her alternate as one person for purposes of the count. The Notorious Nine were: Erin Adams, Whitney Bilyeu, Sam Goldstein, Caryn Ann Harlos, Jeffrey Hewitt, Richard Longstreth, Alicia Mattson, Steven Nekhaila, John Phillips, and Joshua Smith.

⁹ Which had been in the works since the election of Petitioner as admitted by Richard Longstreth who had knowledge of this plot and said nothing for a year. See Exhibit F to the Petition.

¹⁰ See <https://law.lis.virginia.gov/vacode/40.1-27.3>. Virginia law was looked at as being the location of the Party national headquarters.

¹¹ Please note that this case supports the Petitioner’s position that when there is a fixed term of office, as exists in the Party Bylaws, that an officer can be removed for cause, **but then only after notice and hearing**.

¹² It is also of note that this case also states that “for cause” connotes the necessity for an actual hearing.

¹³ See <https://ravenlaw.com/articles/just-cause-termination/>;

¹⁴ See https://www.cato.org/sites/cato.org/files/2020-09/2020-supreme-court-review-7_wurman_0.pdf (page 28) and *Free Enterprise Fund v. Public Company Accounting Oversight Bd.*, 561 U.S. 477 (2010). The latter also mentions other analogous directors that can only be removed for cause.

¹⁵ *Pickering v. Board of Education*, 391 U.S. 563 (1968) <https://supreme.justia.com/cases/federal/us/391/563/>

¹⁶ See “peremptory challenge,” <https://www.jerseylaw.je/courts/Pages/Terminology.aspx>

¹⁷ The “Statement of Particulars” mentions resignations of officers but the only officer who resigned was the Party Chair. The Party Chair resigned in disgrace amongst proven allegations of corruption. If the Petitioner caused him to resign, that is a feature and not a fault.

¹⁸ This accusation is richly hypocritical since advocates of the suspension hard-sold non-committed votes with the threat that multiple staff members would resign if they did not get their way. This is an entirely unethical weaponizing of staff for which a complaint was filed by the Petitioner prior to her suspension. Now over a month later, no investigation of that complaint has begun. The Petitioner will continue to maintain that the very unclean hands of the sponsors should disqualify this motion lest this behaviour be encouraged in the future. In the court system, rulings often are overtly made in order to have a deterrent effect.

¹⁹ As previously noted, the Petitioner is not accused of failure to disclose which is what is covered by the subject Policy Manual provisions and thus this provision is inapplicable.

²⁰ As previously noted, this Policy Manual provision deals with social media volunteers and not the LNC. The Petitioner was not a social media volunteer for the Party.

²¹ As previously noted, there is a distinct process required for any alleged violations of this Policy which was not followed by the LNC. Petitioner disputes she violated any of these provisions as it does not cover legitimate political criticism and whistle-blowing.

²² This is the most serious charge but as previously noted, has been absolutely redefined by the LNC in order to try to make this applicable against the Petitioner. It is indisputable that she had never advocated physical aggression nor the violent overthrow of the government. Personal opinions and proven allegations are not “fraud.”

²³ The Judicial Committee is encouraged to watch the whole video. The obvious bias of the Chair is evident. One very notable example is the Chair stepping out of her role as presiding officer and openly contradicting the Petitioner on an issue of opinion, not objective fact:

- <https://youtu.be/I9mkPx-3mJk?t=2664>

She was often overly aggressive towards Petitioner. For example:

- <https://youtu.be/I9mkPx-3mJk?t=1042>
- <https://youtu.be/I9mkPx-3mJk?t=2664>

Further, she consistently spoke additional times rather than just first and last in appeals in order to try to immediately contradict the Petitioner which is inappropriate for a presiding officer. For examples:

- <https://youtu.be/I9mkPx-3mJk?t=789> (although it turned out to be the last speech, she did not know that at the time)
- <https://youtu.be/I9mkPx-3mJk?t=2664>

Ms. Bilyeu was obviously prejudiced and should have recused herself. In such a matter, it is probably good practice for the future for a non-LNC member to preside over proceedings involving such serious internal discipline.

²⁴ See https://drive.google.com/drive/folders/1ceYn1vK_On2g6MrpC-u8LyywmyHRTMmE for folder of the NH related supporting documents that was public to all.

²⁵ Mr. Longstreth forcefully asserts that he too was elected by the delegates so by voting to remove he also had their permission. This is flawed on many grounds. First, he did not run on such a platform and did not have such a reputation. Also, as often happens, none of the At-Large Representative were elected by a majority of the delegates (Ebke 39%; Sarwark 38%; Longstreth 35%). In contrast, the Petitioner was elected by a majority of the delegates on the first round of voting. This reveals a problem with the Party's common habit of short-changing internal elections at convention and having national committee elected with less than a majority vote.