

9/19/2021

Response to the Appeal of the LNC Motion on 9/5/2021 to Suspend and Remove  
Caryn Ann Harlos as LNC Secretary

Petitioner, Caryn Ann Harlos, asks the Judicial Committee to overturn the action of the Libertarian National Committee (LNC) in suspending her from the position of LNC Secretary. In general, the LNC lets stand the evidence provided in the suspension motion and its attached appendices, as well as the debate on the motion at the Louisville, KY meeting of the LNC where it was adopted on 9/5/2021.

This response is submitted to briefly address some of the allegations by Petitioner in her request for reinstatement.

The Libertarian Party Bylaws authorize the LNC to suspend officers for cause and provide no limitations or procedural hurdles to doing so, other than the specified vote threshold (2/3 of the LNC, excepting the subject officer), which was met.

With cause laid out during the proceedings, Chair Bilyeu ruled, in accordance with the plain meaning of the Bylaws and past precedent, that the LNC is authorized to exercise this power in the same manner it may exercise any of its powers: by a motion being made and the LNC voting on that motion.

The disciplinary and trial provisions of Robert's Rules of Order, Newly Revised, 12th ed. (RONR) according to both the Bylaws and RONR itself only apply in the absence of a removal provision in the Bylaws. Article 6, Section 7 of the Bylaws provides for suspending or removing an officer, and for appealing that action. This provision supersedes default provisions in RONR, giving the LNC the power to suspend without limit or qualification other than requiring it be "for cause" and by the vote threshold provided. In this case, both conditions were satisfied.

The Bylaws also provide for the removal of members at-large and of regional representatives from the LNC, clearly expressing an intent to remove those actions from the procedures in RONR.

A claim might be made that the LNC acts as a trial committee for the Libertarian Party. RONR 63:35 states that the trial committee reports to the assembly in executive session the results of its trial. The Bylaws procedure does not have a method for the LNC to report to the assembly (either convention delegates or all members) the results in executive session, or for the assembly to act under RONR 63:36.

We also call your attention to RONR 56:30, which recommends Bylaws wording for officer

removal through disciplinary proceedings that may involve a formal trial. The recommendation has the phrase “by disciplinary proceedings as provided in the parliamentary authority.” Neither this phrase nor any similar phrase is in the Libertarian Party Bylaws. Additionally, the LP’s own convention parliamentarian, Richard Brown, JD, RP, a registered parliamentarian, advised both Whitney Bilyeu (Chair) and Ken Moellman (previously acting Chair) that an officer can be removed at any meeting by such a motion, and that a trial as described in Section 63 of RONR is not necessary. His verbal opinion is in accord with the written opinion from Henry M. Robert III and Thomas J. Balch, respected parliamentarians and long-time members of the authorship team of RONR who know well what their book does and does not require.

Precedent supports our interpretation of the LNC’s authority in matters such as these. As noted, two parliamentarians (Robert & Balch) were consulted on the question in 2008, concerning the identical provisions for the removal of at-large representatives (who are, as board members, “officers” in the sense used by RONR in the provisions cited by Petitioner). There have been no changes to RONR or to the Bylaws that would render that opinion invalid or outdated. In RONR discussion forums, respected parliamentarians and members of the RONR authorship team consistently state that if an organization provides in any way for discipline of its members or removal from office, it thus removes or exempts itself from the disciplinary procedures in RONR.

In 2018, the LNC considered two motions to suspend Arvin Vohra as Vice Chair ([see LPedia page for Arvin Vohra](#)). The first motion, handled as an ordinary motion via electronic meeting, was unsuccessful. The second motion, in the Vohra matter, as allowed by the Bylaws, was moved as an email ballot and went to an immediate vote, without debate. The Petitioner, in the matter-at-hand was afforded an in-person meeting - debate was permitted and exhaustive. In the Vohra matter, the motion to suspend was co-sponsored and supported by the Petitioner now before you, who at that time was a regional representative. No objection was raised in that instance calling for RONR’s default disciplinary provisions over the Bylaws.

We note here that in response to the failure of the second Vohra suspension motion by one vote, the delegates to the 2018 National Convention adopted a measure to exclude the subject member from such votes in the future, in effect reducing the threshold required by one vote. Petitioner now asks the Judicial Committee to make more difficult the exercise of a power - officer removal - which delegates, when most recently addressing the matter, deliberately chose to make easier rather than harder. When another officer was the subject, no attempt was made to require the procedural hurdles Petitioner now asks the Judicial Committee to impose on her behalf, the likes of which are not even hinted at in the Bylaws.

Petitioner raises a number of speculative claims about the motives for her suspension. No cause other than that stated by the LNC in the suspension motion was adopted by the LNC. That some members of the LNC had wished to suspend Petitioner earlier in the term, or may have had additional reasons for wishing to suspend her, is immaterial.

The causes cited by the LNC are amply sufficient to justify Petitioner's suspension. As noted in the motion and by several LNC members, Petitioner's conduct has had severe detrimental effects on the ability of the LNC to function as a collegial body, and has materially damaged the interests of the Party. Furthermore, the causes are severable. Even if the Judicial Committee found all but one to be somehow flawed or insufficient, the result would be upholding the suspension unless *no* cause stated was permissible.

The Bylaws grant the LNC the authority to determine cause for removal of an officer, and the responsibility to judge the body of evidence as such. The opinion of Robert and Balch makes plain that "[cause] is a matter for the sound judgment of the requisite number of members of the National Committee". (Page 3 of the attached opinion). The Judicial Committee has the authority to review the proceedings, when appealed. We respectfully request that the Judicial Committee summarily dismiss the second, third, and fourth grounds of the Petitioner's appeal.

The suspension of an officer is a grave choice and the Bylaws make it deliberately difficult, requiring a supermajority of a vote to that effect. 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. In the present case, the power to suspend was not exercised lightly or without ample efforts to de-escalate and correct Petitioner's conduct. At no point did Petitioner accept or act on these opportunities. At the meeting where Petitioner was suspended, Petitioner was offered ample time to present a defense in any way Petitioner saw fit. The LNC found this defense unpersuasive and indicative of a total lack of intent to make amends or improve moving forward. For that reason, the requisite supermajority voted in favor of the suspension.

The motion to suspend Petitioner was adopted in full compliance with the Bylaws and all applicable provisions of RONR, as affirmed by the longtime parliamentarian who participated in the meeting and was asked for his advice several times. The motion to suspend Petitioner cited multiple causes, each in and of itself sufficient to justify this action. The motion was adopted by Petitioner's colleagues on the LNC who have had to work closely with Petitioner and who have endured Petitioner's abusive behavior. For these reasons and those stated in the suspension motion, the Judicial Committee should not overturn the LNC's decision, as such action would impose on the LNC an officer whose continuance in office the committee has deemed unacceptable.

Respectfully submitted,

/s/ Tim Hagan, LNC Treasurer

/s/ Laura Ebke, LNC At-Large

/s/ Richard Lonstreth, LNC At-Large

/s/ Valerie Sarwark, LNC At-Large

/s/ Chris Luchini, LNC Region 1 Representative

/s/ Susan Hogarth, LNC Region 5 Representative

/s/ Erin Adams, LNC Region 7 Representative  
/s/ Matt Bughman, LNC Region 6 Alternate  
/s/ John Phillips, LNC Region 6 Representative  
/s/ Jared Hall, LNC Region 3 Alternate  
/s/ David Sexton, LNC Region 2 Alternate  
/s/ Whitney Bilyeu, LNC Chair