

**LIBERTARIAN NATIONAL COMMITTEE
JUDICIAL COMMITTEE**

CAYN ANN HARLOS
Duly Elected Secretary of the Libertarian National Committee

PETITIONER

v.

LIBERTARIAN NATIONAL COMMITTEE

RESPONDENT

BRIEF PRO SE AMICUS CURIAE IN SUPPORT OF THE PETITIONER

This statement contains an Amicus Curiae Brief submitted by Oklahoma Libertarian Party Treasurer, Todd Hagopian, in support of the argument of the PETITIONER. I've worked for multiple large companies, served on multiple boards, employed hundreds of people and currently has a board of directors for my own company. With that experience, I've been exposed to employment law in many of the various legal classifications that might apply to this situation. This brief will provide more clarity on the debate surrounding the "For Cause" argument. In particular, I'll show why the issue of "For Cause" is moot in this scenario, because the PETITIONER should be covered by her Whistleblower Status.

In business, we have the "decide whether you feel comfortable making that argument to the judge" standard when it comes to termination. I will show that the vast majority of the complaints put forth by the RESPONDENT were focused on the issue that the PETITIONER blew the whistle on. Thereby, showing that the claims within the "Bill of Particulars" were in retaliation to the Whistleblower Act, rather than an objective look at whether the PETITIONER should be removed "For Cause" As such, I am asking that the JUDICIAL COMMITTEE to overturn the suspension of the PETITIONER.

THE NEW HAMPSHIRE CASE

The reason that this is relevant to the discussion will become clear as I lay out the evidence in the sections to come. The New Hampshire Investigation is now on the public record, and it was deemed that Joe Bishop Henschman acted improperly by being directly involved with a coup within a state affiliate, along with deleting hundreds of emails which stopped the investigation from going deeper to find out who else was involved. Joe Bishop Henschman sent Jillette Jarvis her LNC letter on June 7th. The Jarvis coup became public on June 12th. The PETITIONER immediately jumped into action, investigating the situation, speaking with key members, and reporting out on an important situation that would not only affect New Hampshire, but every single state/local affiliate who might want to try to pull a similar stunt. In short, this is exactly what the delegates elected the PETITIONER to do, as she has always run on the platform of complete transparency and state affiliate rights.

That week, shortly after the coup became public, Joe Bishop Henschman tried to rush through a failed disaffiliation vote on the duly elected Executive Committee of New Hampshire. Had the PETITIONER not already uncovered a significant amount of impropriety, the vote could have very easily gone the other way. The final vote on the disposition of New Hampshire assets was slated for the end of that week (June 18th). By then, the coup plot was almost entirely uncovered, thanks almost entirely to the efforts of the PETITIONER. At that point, Joe Bishop Henschman resigned from his position as Chair.

REACTION TO THE NEW HAMPSHIRE COUP

On June 18th, Joe Bishop Henschman's husband, Ethan, made a post on social media of Joe Bishop Henschman shirtless on a beach laughing, saying "Joe using his remaining powers to go over her head starting the ballot to remove (the PETITIONER) as his last move as Chair *cackling*"

On June 18th, Joe Bishop Henschman started an email motion to remove the PETITIONER from her position. At this point, there was no investigation, no bill of particulars, no evidence presented on behalf of the motion to remove. Yet, Joe Bishop Henschman, Richard Longstreth, Laura Ebke, Francis Wendt, Michael Bughman, Jared Hall, Valerie Sarwark, Tim Hagan, and Susan Hogarth all voted in favor of the removal of the PETITIONER. Nine people voted for the removal of the PETITIONER before any evidence was compiled, arguments were made, or due process was afforded. It just so happened to be the same week as she blew up the New Hampshire coup that led to the resignation of the LNC Chair.

I submit this as evidence that these votes were cast based solely on the events surrounding the New Hampshire coup attempt and the impromptu investigation run by the PETITIONER. Despite having overwhelming support for removal, even though no actual arguments were put forth, the vote was ruled out of order because the RESPONDENT did not follow the bylaws.

On June 20th, just two days later, Richard Longstreth put forward another motion to remove the PETITIONER from her position. In less than five minutes, Laura Ebke and Valerie Sarwark offered to co-sponsor the motion, along with others offering later in the day. Once again, the motion was put on the table without a Bill of Particulars, with no arguments being put forth as to the justification for removal, and right on the heels of the New Hampshire coup attempt and the popular Chair's resignation.

On June 22nd, this motion was once again ruled out of order. It was not until August 27th, just a week before the September meeting, that Laura Ebke decided to try to remove the PETITIONER once again. This time, she and her co-conspirators carefully followed the bylaws, RONR, and finally provided a Bill of Particulars (which I will address later). It is clear that these attempts to remove the PETITIONER, directly after the failed New Hampshire coup, bare from retaliation rather than any bylaw infractions.

REPUTATION OF THE PETITIONER AND LENGTH OF THE COMPLAINT

As stated by the PETITIONER, and dozens of people during the public comments on her potential removal, everyone in the party knew her reputation going into the 2020 Secretary election. She has had her podcast for years, taken donations for years, had Libertarian guests on for years, been vulgar/opinionated for years, and she promised to continue fighting for the minority in the party, which she showed her willingness to do during the New Hampshire coup attempt. The delegates were well aware of the PETITIONER and they elected her knowing who she was.

The reason that this is important is because the Bill of Particulars offered by the RESPONDENT mentions all of these things as justification for removal. In particular, they mentioned three areas of the LNC Policy Manual that the PETITIONER allegedly violated:

Section 5.01 Subsection I (Social Media Policy Page 68)

Section 2.01 Subsection 2 (Conflict of Interest Page 23)

Section 2.01 Subsection 5 (Harassment and Offensive Behavior Prohibition Page 25)

However, none of her behavior regarding any of these sections had changed since the day she was elected several years ago. Certainly, none of her behavior changed from just before the New Hampshire coup attempt, to two months after the coup attempt. In fact, all of the evidence that you need is in the Bill of Particulars. There were pieces of evidence in the Bill of Particulars that dated back to November of 2020, yet nothing was ever brought up prior to the week of the New Hampshire coup attempt being thwarted. Yet, we are to believe that this was not retaliation?

In addition, almost everyone who spoke in favor of the removal of the PETITIONER highlighted her “long history” of alleged bylaw violations, yet never brought them up until the week of the New Hampshire coup attempt. Yet, we are to believe that this was not retaliation?

CLEAR NEW HAMPSHIRE BIAS IN THE BILL OF PARTICULARS

There were less than a dozen pieces of evidence, in the Bill of Particulars, dated prior to the first vote for the removal of the PETITIONER. So, let’s break that down. The third attempt to remove the PETITIONER was two months after the first attempt. The RESPONDENT had two months to look for evidence, yet they found less than a dozen pieces of evidence against the PETITIONER. Most of those pre-NH pieces of evidence related to her asking for donations on her YouTube channel, which is completely permitted by the bylaws. So, nine members of the RESPONDENT voted for the removal of the PETITIONER on virtually no evidence, then still could not find any evidence when given two months to go back and look.

Furthermore, there were approximately three dozen pieces of evidence in the Bill of Particulars that dealt with either New Hampshire or the aftermath where the RESPONDENT was trying to remove the PETITIONER from her position. About 1/3 of the evidence “presented” related to the New Hampshire coup attempt, or the aftermath. Yet, we are to believe that this was not retaliation?

JUDICIAL COMMITTEE HEARING

Many of us tuned in to the hearing hoping that we would gain a better understanding of the case against the PETITIONER. Unfortunately, what we heard was the RESPONDENT essentially making the argument that if the JUDICIAL COMMITTEE were to overturn their decision, they would be violating the bylaws because the RESPONDENT gets to decide what “For Cause” means.

This is exactly the type of behavior we expect from the “old parties”. Whereas the PETITIONER used her time to go line by line, refuting things she was accused of, or offering evidence of similar infractions being ignored for others around her, the RESPONDENT focused on the fact that procedure was followed, and they did not owe anyone an explanation.

As the tide began to turn in the hearing, and the RESPONDENT realized that they were needing to make more of an argument, it was very telling when three different people came up with three different definitions for why the PETITIONER had violated the social media policy. The RESPONDENT did not have a clear answer to what their actual allegations were because they have never made clear allegations.

CONCLUSION

I write to you as a former Regional Chair, current County Executive Committee Member, and current State Executive Committee Member. The PETITIONER fought against the RESPONDENT in an issue that local Libertarian Parties across the country cared deeply about. That is what we elected her to do.

I am asking you to take the facts laid out in this Amicus Brief into account. Please see this attempt to remove the PETITIONER for what it is – Retaliation against her for starting an investigation that took down a popular Chair. I am asking the JUDICIAL COMMITTEE to protect our Whistleblowers, and reverse the suspension of the PETITIONER.

Respectfully Submitted,

Oklahoma Libertarian Party Treasurer

Todd Hagopian