APPEAL TO THE NATIONAL LIBERTARIAN PARTY JUDICIAL COMMITTEE (JC)

RE: SUSPENSION OF LNC SECRETARY CARYN ANN HARLOS

Appellant: Caryn Ann Harlos
Appellee: Libertarian National Committee (LNC)
Date: November 15, 2024
Jurisdiction: LP Bylaws Articles 6.7 and 8.2(b)
Bylaws Alleged to be Violated: N/A this is automatic appeal right with broader authority
Other Relevant Bylaws: Articles 1.6 (terms of office), 2.1 and 2.4 (Party purposes), 7.1 (incorporating Policy Manual), 16 (incorporating RONR)
Relevant Policy Manual Provisions: 1.01.04, 1.07.06 (as numbered as of this date)
Relevant RONR Provisions: Will be cited throughout as needed
Interested Parties: LNC and every national Libertarian Party Member

*Note: every attempt was made to keep any Exhibits in ascending numerical order but the short time frame to prepare (as explained more in petition) and last-minute edits have caused some jumping of numbers. I ask for the JC's understanding. A Gish Gallup was thrown at me, and I have literally spent Sunday through Friday preparing this document. I understand it is lengthy. The dump of accusations seems intended to overwhelm by volume, and an untruth or exaggeration that takes seconds to state can take an hour to refute. I remind everyone, that a weapon you use against anyone you find inconvenient will inevitably, one day, be used against you or your interests. Overriding the vote of the delegates is one of the most serious acts that can be done.

Due to untruths contained therein, I do not consent to the release of the IC report which violated my due process rights in the ways outlined below. I do consent and do use portions for which there was testimony and proof offered during trial and that alone as I was given at least the semblance of opportunity to rebut. I do not consent to the release of anything for which there was no testimony or opportunity to rebut and it is not within the purview of the JC to accept evidence *de novo* but to provide an appellate review of the trial whose terms were dictated entirely by the LNC.

RELEVANT DEFINITIONAL BACKGROUND

Under LP Bylaw 6.7, the “suspension” motion is in fact a removal motion with a temporary period of suspension while retaining position of for seven days to give the accused time to file an appeal with the Judicial Committee. If the accused files a timely appeal the “suspension pending removal” time is extended until the time that the JC renders a decision. This differs from other temporary suspensions such as during the interim period of a positive vote on charges (as per RONR 63:20 and 63:26) until trial at which point LP Bylaws 6.7 comes into play. Due to this equivocacy in language, the word “removal” will be used throughout this appeal as that is the intent of the LNC though my current procedural posture is “suspended” pending appellate review for removal.

DECISION APPEALED:

Removal (suspension) of the Libertarian National Committee Secretary on 11/9/24.[1]

RELEVANT FACTUAL AND BURDEN OF PROOF BACKGROUND:

At the 2022 National Convention, the delegates voided a prior removal motion due to lack of due process which they deemed to be a continuing Bylaws violation. Though not recorded in the minutes, the discussion with the delegates supporting this mostly followed the strand of argument that the description of the terms of office for officers and At-Large members required that full due process prescriptions of RONR be followed to avoid any future continuing breach of the Bylaws:

[1] Minutes have not yet been produced so this is not exact wording but is effect. The exact wording of the charges and specifications will be produced herein.

VOIDING OF REMOVAL OF CARYN ANN HARLOS AS LNC SECRETARY

Brodi Ellwood (MA) raised a ***POINT OF ORDER*** stating the following:

Ms. Harlos should have had full due process, including a trial, for her removal as Secretary. Ms. Harlos' removal from the position of Secretary is null and void for that reason.[15]

The Chair ruled the point of order ***NOT WELL-TAKEN***.

Mr. Ellwood ***APPEALED*** from the ruling of the Chair.

James Jenneman (MN) moved to end debate.

The motion to end debate ***PASSED*** upon a show of hands.

The ruling of the Chair was ***OVERTURNED*** upon a show of hands, and the prior removal of Caryn Ann Harlos as LNC Secretary was declared null and void.

Caryn Ann Harlos (CO) moved to suspend the rules and reinstate John Wilford (TX) as Convention Secretary and recognize that he started the convention as Convention Secretary and remained Convention Secretary throughout.

The motion to suspend the rules ***PASSED*** upon a show of hands.

[15] During debate, it was clarified that the point of order was based on a continuing breach of the Party Bylaws.

(https://www.lp.org/wp-content/uploads/2023/03/CONVENTION-MINUTES_2022-FINAL-V3.pdf, page 29 and fn15), LP Bylaws Article 6.1, and RONR 63:3).

One of the difficulties that the 2021 Judicial Committee found in ruling on whether or not to originally uphold or overturn the attempted suspension was that "cause" was not defined in any Party governing documents, so they could only use the definitions in RONR. Dr. Chuck Moulton, who wrote the majority opinion of the now-voided 2021 Judicial Committee decision upholding my removal, will be providing an Amicus supporting the fact that the 2021 Judicial Committee would have, and must have, overturned the 2021 attempt based upon the 2024 Rules had they existed at the time. There was also a general sentiment in the Party at that time (and still generally exists except when one is the target of criticism) that critical "mean tweets" are not cause for removal which is an abrogation of the choice of the delegates at the time particularly if the person in question was already well known for strong expression of opinion.

In response to the 2022 National Convention, the LNC passed two amendments to its Policy Manual to cover these contingencies as follows:

On July 30, 2022, the following was added regarding not just social media, but any medium:

> Mere criticism, even if harsh, of the policies, decisions, and business practices of the LNC by other members of the LNC shall not be considered harassment or grounds for removal from office for Officers and At-Large Members. Rules of decorum shall apply to all official interactions.

That policy is worth reading twice.

> (see **Exhibit 1**, minutes of 7/30-7/31/22 LNC meeting, page 26, note that title was later deleted and it was just included under general "Harassment" policy and that the QR code will lead you to the exact point in the video where the items was debated)

In the discussion of that addition, the original intent is clearly stated as preventing removal for the types of things I was attempted to be removed for before. Hereinafter this shall be referred to as the "Criticism Policy."

Also, on 7/30/22, the following was added defining valid cause for removal to only two things as follows:

> 4) Removal from Office
>
> No Party Officer or At-Large Member shall be subject to removal from office except for failure to perform the duties of office or gross malfeasance. The process for removing Officers and At-Large Members shall be the trial procedure as outlined in the Party's parliamentary authority. The Officer or At-Large Member's membership rights can be suspended by a 2/3 vote while the matter is being investigated if necessary to prevent potential harm to the Party. (see **Exhibit 1**, minutes of 7/30-7/31/22 LNC meeting, page 23)

In the discussion of that addition, the Chair asked for examples of what would constitute "gross malfeasance." In reply, it was stated that it would NOT include the types of things that I was attempted to be removed before in exercising my free speech right to

criticize (and my constituents' right to hear and judge for themselves) but would include things like fraud, embezzlement, and punching someone in the middle of a meeting. In other words, very flagrant and extreme actions. Hereinafter, this shall be referred to as the "Removal Cause Policy."

This gives important context to the action of the current LNC which is attempting to conduct the same actions as the 2021 LNC in accusations but with an appearance of alleged "due process." However, today, the standard that must be met is incredibly high even if the numerous problems with due process are overcome first.

Additionally, in an automatic appeal before the JC, although the burden of proof is on me, I am not limited to strict bylaws or other governing document violations. I am permitted to show unreasonable under the totality of circumstances, including whether or not something passes the "sniff test," whether or not the savage extreme of removal (and prior to any lesser such as censure) is warranted. LP Bylaws 6.7 simply says the "suspended officer may challenge the suspension." Obviously, pointing to our Bylaws, Rules, and Due Process violations will predominate but the JC is permitted to go beyond that into whether or not in their judgment this just feels "right." RONR gives no guidance as to appellate review on automatic appeals by officers in attempted removals, and outside of clear violations of our Rules, neither do they. Our Bylaws permit the JC to think all the charges are justified but removal was not warranted. This of course would not prevent the LNC from imposing a censure afterwards over which a membership appeal could be mounted if anyone was so motivated, but the affected officer would have no such automatic appeal.

I. ISSUES OF DUE PROCESS

Due process which entails fairness – in fact at the August 2024 LNC meeting[2] – the Chair claimed they were going to bend over backwards to ensure fairness (paraphrase), with Pat Ford specifically using the word "flawless" and to not "simply give me mean tweets." This was not even remotely done.

If full due (fair) process was not followed, this Committee must void the decision as a continuing breach under the decision of the delegates at the 2022 National Convention who never made any decision about the actual acts of which I was accused, but declared it was void simply on due process. In other words, if you don't pass the due process test, all that happens next is a big stop sign. The only specific items mentioned by the delegates were our Bylaws, RONR, and a trial. Beginning on page 621 of the

[2] Since the LNC memory-holed the previous LNC Business Discuss Group, I cannot provide the JC with the draft minutes in which this was specifically noted.

current edition of RONR (12th) there appears the title "Steps in a Fair Disciplinary Process" with the very first subheading outlining "Confidential Investigation by Committee" as part of the steps. It is more than reasonable to interpret that section as requiring such a committee and that the steps leading to, and the composition of, such a committee be followed. And this is where the LNC went completely wrong and violated my due process rights and should be void *ab initio*.[3]

Before precisely stating the multiple ways in which this was mishandled by the LNC, including the multiple improper Executive Sessions, I would like to start with an adaption from a well-known parable from the Tudor time period, in the Showtime Series, *The Tudors*:

> Sir Thomas Moore was imprisoned for refusing to yield to the supremacy of the King over the Catholic Church. Lawyer Rich Richard, a friend, was sent in to speak with Sir Moore to entrap him. In answer to his trick question Sir Moore stated this parable: In the realm of the Kingdom there was a certain crime that was punishable by death. However, there was another law that said any woman who was a virgin could not be put to death. One day a virgin committed this crime. The King was puzzled, but then, after advising with his couriers, said, "Aha! I have the solution. First, we deflower her, then we devour her."

a) Investigatory Committee

If the LNC is going to maintain that the trial was properly held in Executive Session, it cannot maintain that my rights were not violated by Mr. Haman's motion in open session

[3] The footnote in RONR 63:15(8) does not state that an Investigatory Committee is not required with all due respect contrary to the Trial Manager's parliamentarian. Charitably, that appears to be inference that can be drawn by the statement that such a committee can be discharged, but in order for it to be discharged it must first exist, after which the assembly can still prefer charges **but the committee may only be discharged "only if it had such time yet has failed to complete a report**." This footnote does not in any manner say that an Investigatory Committee is not required, just that it can be discharged if it fails to report timely and even if it does report, the assembly can disregard its recommendations. In this instant matter, it is ultimately irrelevant as the accused never said one was required (though it is her position that one is, which is a reasonable position), and the LNC did in fact appoint an Investigatory Committee which was not discharged. Simple because the parliamentarian in question in the past made such a statement in a report prepared in representing me implies no agreement by me, and it is not a crime, certainly not a suspendable offense to have a reasonable different interpretation. In fact, it is highly inappropriate for another parliamentarian to testify that such would be misrepresentation (and not merely a difference of interpretation) of RONR (which contrary to the IC is mentioned through incorporation in the Policy Manual). It is a difference of opinion, and one that makes absolutely no difference here.

which created the Investigatory Committee (IC) (and vice versa).[4] If, however, the JC and the LNC believe that the trial was properly in Executive Session then my rights were absolutely violated under the dictates of RONR 63:9 and the violation of my due process rights began at that time. The LNC cannot have it both ways.

However, there are far more serious issues with the IC than above and that is the appointment of the majority of its members and the selection of its Chair that violated my rights deeply. RONR 63:7 states that such a committee should comprise "members [that] are selected for known integrity and good judgment."[5] These standards in are not static for every situation or time and can be consideration *facially* (per se – a person can simply never meet those qualifications in an assembly) or *as applied* (does not meet the requirements in a particular case).

Three LNC members were originally appointed over my objections. None of those three meet the RONR requirements but at differing levels and categories:

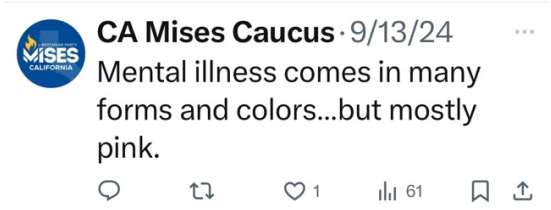
Adrian Malagon: He does not meet these qualifications (facially-per se) in any circumstance as he has been shown to be seen over time on the LNC and the Party as unprofessional, a bully, and has been openly hostile to me both prior to, during, and after the investigatory process, yet actually was deemed appropriate to Chair the committee. Here are some examples to show the hypocrisy of the IC and his accusations of me sending "mean tweets."

First are select examples PRIOR one to his appointment (and he runs the @camisiscaucus account as admitted to me and others):

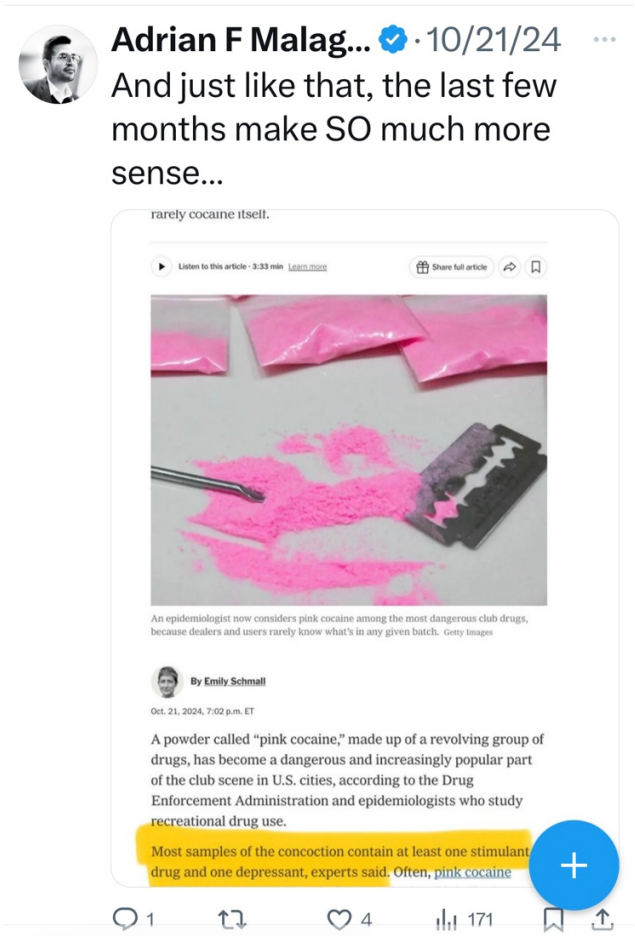
[4] I once held the position that Mr. Haman's motion must have been considered in Executive Session until further examination of the Bylaws and their revision history. However, Mr. Haman's motion was known and planned ahead of time with nearly everyone on the LNC aware it would be made, but it was purposefully not noticed. This was not by pure rules "improper" but it did create an element of unpreparedness and surprise which is not a fair or decent way to treat someone after two days of training of how to properly treat other Board members (unintentional irony). While I believe our rules should be amended so that such a discussion should be in Executive Session, I have come to believe that is not currently the case. Perhaps the current posture is better as it will ensure that people do not carelessly damage other people's livelihoods and good name. Changing one's mind after further research and thought is not a removable offense.

[5] While it is not required that such members be from the larger Party and not the LNC, certainly if the LNC were truly intending to be "flawless" in the words of Mr. Ford, and in following the prior example of Mr. Bishop-Henchman and the amount of time allowed, the members should not have been LNC members but experienced and respected Party elders.

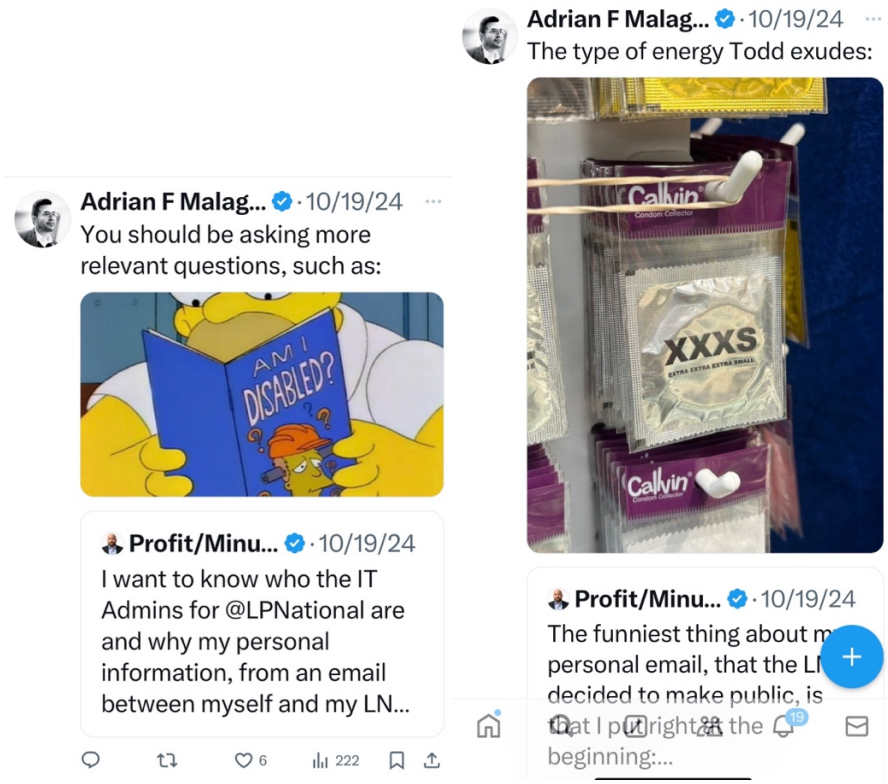
Then one WHILE he was allegedly fairly investigating me:



Then prior to trial:



Mr. Malagon does this not just to me but others and a visit to his page will show his absolute viciousness. His propensity for fat-shaming a former LNC member and current LNC members is well known, and here are some current comments about an immediately former LNC member.



The saddest part is that he will be proud these were included while presuming to judge others. The profound lack of judgment of the LNC could not be starker. After the Charges were adopted, in response to an email about my rights as an LNC member, Mr. Malagon responded (as he often rudely responds as countless members can attest), *"I'd like my sanity rights restored. If I got one more non-sensical email, I'm blocking it."* The context was the illegitimate yanking of my email privileges before I was given notice under RONR 63:28.

Last but not least, he is actively seeking the Secretary position and thus is inevitably biased towards vacancy.

Pat Ford: This is a case of as applied. For reasons unknown to me, and I profoundly wish did not exist, Mr. Ford simply started rudely treating me and ignoring calls including ignoring a message about hurt over his silence. On the day before he was appointed, I asked to speak with him, and he said "sure, after I eat," and then proceeded to eat and walk away. At the Rage Against the War Machine Rally event in September, I stood right in front of him and said hello two times, and he simply ignored it prompting this Signal message from me (this was during the time he was allegedly impartially investigating me):

I still to this day have no clue what his issue is, and someone who cannot have a conversation with a fellow board member with whom they have had a friendship for over 6 years is not someone who is qualified to be investigating that person.

Jonathan McGee: Mr. McGee is at a minimum facially not qualified as such a sensitive matter requires someone known throughout the Party for these qualities. Mr. McGee was elected (as most of us were to be honest) through Mises block voting and is not well-known for good or bad in the general Party. He is well-known for towing the caucus line on the LNC for good or for bad. He further has a history of being extremely argumentative in the more recent past (not before) with me and forwarded to the email list an email from a member who has been and is just outright abusive to me to put it mildly.

This was not "flawless" nor does it meet the RONR requirement for the composition of the IC. Later Dustin Nanna and Steven Nekhaila were added to the IC. While they at least initially met the requirements in RONR, Mr. Nekhaila's later re-discovered intimate involvement in the investigated matters (more details on that to come – he is the one who urged me to call the Secretary of State and to submit the paperwork which neither of us even remembered at the time of his appointment as it was so clearly within my duty) should have resigned once this discovered as being too involved in the events.

I would add that the bias is obvious in the choice of adjectives used. Here is just one example, one of my replies was "flippant" (it was not), yet the Chair was "wise."

b) The October 6, 2024 meeting on charges

If the LNC were truly attempting to demonstrate the utmost in Libertarian fairness and flawlessness, what happened at the October 6, 2024 meeting regarding whether or not to adopt charges was obscene. The meeting opened, and I asked for a continuance as I was ill. Mr. Malagon proceeded to mock me (surprise), and then the LNC decided to vote to go into Executive Session to consider the charges (which was improper for many of the same reasons which are noted in great detail below for the November 9,

trial in Executive Session) but only included a new committee comprising everyone but me, the accused. The person they were considering charges on multiple of which were a surprise even to me contrary to the most basic principles of due process.

I want to be sure the JC reads that carefully. The LNC decided that they were going to secretly discuss whether or not to publicly potential accuse me without giving me any opportunity to answer or defend myself. Let's assume that this was a perfect "legal" parliamentary maneuver; does this pass the fairness test in any manner whatsoever? The IC report is full of inaccuracies and misdirection. Reputational damage to me and at least some Party turmoil could have been mitigated or avoided by not unfairly (and cruelly) excluding my participation.

As stated before, I was ill at the beginning of the meeting, and during the over three-hour improper Executive Session in which the LNC prohibited me from any defense, my health worsened to where I could not breathe, and I had to drop off the call. I immediately took a home COVID test which returned positive. When the LNC returned to vote on a temporary suspension, for which I had a right to vote, not a single person attempted to call me to register a vote, and the Chair decided to cast the deciding vote. Was this procedurally wrong? No, but it is …. not being fair and decent and is certainly not flawless. The JC does grant some deference to the LNC but there is no such restriction of its overturning of an attempted removal because it is just morally wrong in a libertarian context of fairness and justice.

c) Inadequate time and lack of access to materials to begin to, and continue to, prepare for my defense

Despite being weeks since its last interview (which was with me), the IC report was not provided to me until about three hours before the 10/6/24 meeting during which time there was a Judicial Committee of great importance during which time I had severe COVID. I could not process all the information in that report in that time period which contained things that were completely new to me which should never be the case under RONR 63:12 which requires an IC to give any accused a fair chance to hear their side of the story. Since I was also excluded from the Executive Session, I did not know what information was presented to everyone else, even though I had the right to vote on it, and even then, imperfectly, until the following day when I could with a bare amount of competence read the full report. Due to the notice requirements of 63:28, the suspension was not valid until I received a specific kind of written notice at my home which did not happen until the following Wednesday (October 10) yet my email privileges were immediately cut off on October 6. During that time, I should have been afforded access to my email to search for potential exculpatory evidence on these items

and despite four requests to have my access restored, it never was. In fact, my requests were ignored by the Chair and mocked by Mr. Malagon. This is clear and flagrant disregard for due process and blatantly denied me the right to begin to prepare a defense even in my sickened state. This again is both against our Rules and is morally wrong (and cruel).

Additionally, I went under the care of my doctor after my diagnosis complaining of an inability to think clearly. I have gone back and re-read things that I wrote (on other things) during the week following and parts of them are downright incoherent. The brain fog was incredible. RONR 63:21 states that thirty days is a reasonable time period to allow the accused to prepare a defense. I submitted a doctor's note (see **Exhibit 2**, doctor's note) attesting to my inability to think clearly until around October 24, 2024, with a request for an extension to adequately prepare which was summarily denied by the Chair. While "technically" I was given thirty days, I think that normal people would agree that if there was an accused that was in a car crash and was then a coma for 20 days, but woke up 10 days before their trial, they were not *really* given thirty days. Similarly, though not quite as dramatically as that example, I was not given 30 days. It would have cost the LNC nothing to grant an extension, and only showed more reckless and open malice which is not part of a full and fair disciplinary process.

d) November 9, 2024 trial held in Executive Session

My trial was held in Executive Session rather than open session. This plainly violated the bylaws. The LNC was well-aware it violated the bylaws, but it proceeded anyway. Doing so deprived me and my Defense of several due process rights.

On October 30, 2024 the Chair emailed the LNC business list a link to register for Zoom to observe or participate in the trial to be held on November 9, 2024 (see **Exhibit 3,** Email from Angela McArdle to the LNC business list on October 30, 2024 at 5:56 pm EDT with subject Zoom Link for November 9th Trial).[6] No mention was made then of the trial being in Executive Session. On November 8, 2024 (roughly 24 hours before the trial) LNC interim secretary Malagon emailed the LNC business list reminding people to register in advance and declaring that the trial would be held in Executive Session (see **Exhibit 4,** Email from Adrian F. Malagon to the LNC business list). I gave notice to the LNC that my defense team would be making a motion for open session to preserve her due process rights; this email was not directly posted to the business list, but instead was included there when quoted in replies. Regional Alternate Thompson pointed out

[6] You will note this exhibit as well as the following exhibits are garbled. Google groups is not kind to printing, and the LNC illegitimately memory-holed that Google Group so I cannot even refer the JC to a link.

Executive Sessions may only be permissibly used for only 4 reasons (personnel matters, contractual negotiations, litigation, and political strategy requiring confidentiality), none of which were applicable here. LNC At-Large Bost replied that Executive Session is required under RONR 9:24 (see **Exhibit 5,** Email from Travis Bost to the LNC business list). However, this is what the LP Bylaws state:

> LP Bylaw 7.15
> The National Committee and all of its committees shall conduct all votes and actions in open session; executive session may only be used for discussion of personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality.

These exceptions to the general policy of open session do not include the trial for removal of an LNC member. The argument that RONR trumps the Bylaws is incorrect.

> RONR (12th ed.) 9:24
> […] In any society, certain matters related to discipline (61, 63), such as trials, must be handled only in executive session. […]

The LP Bylaws only adopt the parliamentary authority when not inconsistent with the Bylaws. Here the LP Bylaws overrule RONR.

> LP Bylaw 16
> The rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Party in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order adopted by the Party.

In this case, RONR is inconsistent with the LP Bylaws. The LP Bylaws only allow Executive Session for certain exceptions, none of which are matters of discipline. This is even more evident from discussions on the Bylaws Committee when this Bylaw was proposed and recommended for adoption of the convention in 2020. Dr. Chuck Moulton served as secretary of the LP Bylaws committee during this term. He reports the bylaw was initially proposed by Andy Craig, who initially wanted to extend open session rules to subcommittees and let the LNC adopt rules governing their use (see **Exhibit 6**, Email from Andy Craig to the bylaws committee on Jun 22, 2020). After backchannel workshopping, he proposed modified language which was eventually adopted by the committee and the convention. (see **Exhibit 7,** Email from Andy Craig to the bylaws committee on June 23, 2020)

Dr. Moulton asked the Bylaws Committee:

> *Would disciplinary proceedings be appropriate for executive session as well? When allegations are being made, I would think an organization may want to guard against possible defamation litigation.*

Andy Craig, the author of the proposal responded:

> *Disciplinary procedures for employees would be covered under personnel matters. Potential expulsion of an LNC member is something that's always been discussed and acted upon in open session, so I don't think that's a problem. Indeed, I don't think potential expulsion or other discipline of an elected board member should take place in executive session. That's stuff the delegates have a right to know about.*

(see **Exhibit 8**, Email from Andy Craig to the bylaws committee on June 24, 2020)

The Bylaws Committee consciously looked at the list of exceptions contemporaneously in the LNC Policy Manual and decided to include some but not others. At the time of the Bylaws proposal, the LNC Policy Manual included a list of topics which would allow Executive Session to be used by a majority vote and required a 2/3 vote for all other topics. The Bylaws Committee elevated this matter to be in the Bylaws and made the language much more restrictive in that there is no allowance for other topics by a 2/3 vote and some of the topics allowed by a majority vote were not included.

Topics previously allowed for Executive Session by the LNC Policy Manual using a majority vote:

- Legal matters (potential, pending, or past)
- Regulatory and compliance matters (potential, pending, or past)
- Contractual compliance
- Personnel matters (including evaluation, compensation, hiring, or dismissal)
- Board self-evaluation
- Strategic issues (only those requiring confidentiality)
- Negotiations (potential, pending, or past)

(see **Exhibit 9**, LNC Policy Manual as of June 5, 2020, 1.02.5, page 11)

The Bylaws Committee included personnel matters, contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality. This is much more

limiting. “Legal matters” were changed to “litigation” to limit this matter to actual lawsuits rather than just laws; discussion of past litigation was not included because it should be in open session. “Regulatory and compliance matters” were removed entirely – because in the opinion of the Bylaws Committee compliance should only be secret if it dealt with litigation, which was subsumed by the previous category. “Contractual compliance” was limited to only the negotiations of contracts. “Personnel matters” were still included, and the Bylaws Committee understood the meaning of “personnel matters” to match the previous definition “evaluation, compensation, hiring, or dismissal”. “Board self-evaluation” was removed entirely – because in the opinion of the Bylaws Committee this should be in open session. “Strategic issues requiring confidentiality” was limited to only political strategy, not all forms of strategy. “Negotiations” were limited to contractual negotiations.

The Bylaws Committee reported out this proposal by a 9-1 vote with full knowledge that it modified existing policy narrowing the exceptions allowing Executive Session. In fact, the lone no vote Alicia Mattson voted against because *“I think this goes too far. It is narrower than the existing LNC policy”.* (**Exhibit 10**, Email from Alicia Mattson to the bylaws committee on July 2, 2020).

The LNC Policy Manual in effect during the trial stated the following:

> The LNC or any committee may enter into Executive Session only in compliance with this special rule of order. The motion to enter Executive Session must list all reasons for doing so from among the following:
> - Personnel matters
> - Contractual negotiations
> - Pending or potential litigation
> - Political strategy requiring confidentiality

(see **Exhibit 10**, Email from Alicia Mattson to the bylaws committee on July 2, 2020)

In direct violation to this, the LNC did not specify a permissible reason for entering Executive Session in its resolutions adopted on November 9, 2024:[7]

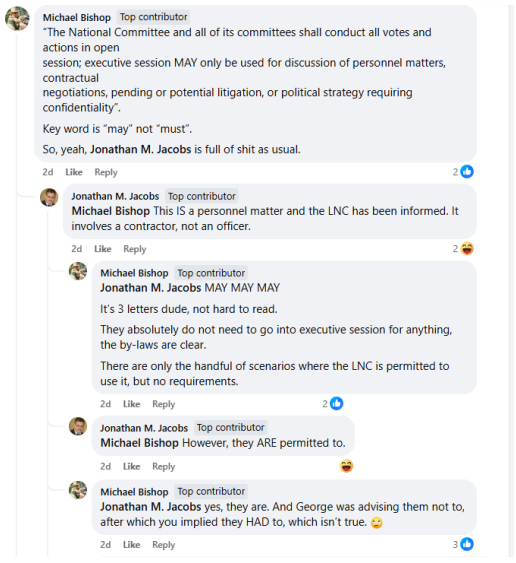
> Resolved: That, upon adoption of this resolution, the adjourned meeting of the Libertarian National Committee (LNC) on Saturday, November 9, 2024, shall be in executive session for a disciplinary trial [...]

[7] Minutes unavailable at the time of petition, but language transcribed from a recording of the open session portion of the meeting.

It also did not do so at the October 6, 2024, LNC meeting at which the motion was simply to go into Executive Session with certain non-LNC members present to which I and my counsel Dr. Chuck Moulton were prevented from making an objection (LP Bylaws 7:15).

The LNC's purported justification of "disciplinary trial" is plainly not in the list of allowable reasons from the LP Policy Manual and the LP Bylaws. Both before and during the Executive Session this obvious violation of the Bylaws was brought to the attention of the Chair via Points of Order. She ruled the Points of Order not well-taken. Note that the LNC may view even this Petition as revealing its blatant and brazen Bylaws violations to the JC as a breach of Executive Session confidentiality, which shows the harm to my due process rights by illegally conducting the trial in secrecy. It is in fact a perfect Kafka Trap.

Because recording was prohibited in Executive Session, it is very difficult to catalog all the violations. However, the Chair at one point during Executive Session stated that Executive Session was required due to the discussion of personnel matters. A member of the LNC is not personnel.[8] According to Jonathan M. Jacobs, the parliamentary advisor to the Trial Manager, a contractor objected around noon on Friday, November 8, 2024.



[8] DC Non-Profit law states: "(15) "Employee" does not include an individual serving as an officer or director who is not otherwise employed by the corporation." https://code.dccouncil.gov/us/dc/council/code/sections/29-401.02

Dr. Moulton asked on behalf of the Defense that the trial be in open session except during the testimony of any staff member or any discussion that mentioned a staff member. His request was denied. At this point it was assumed by the Defense that the personnel issue involved either the Executive Director Hannah Kennedy or Chief Technical Officer and Colorado resident Andy Buchkovich. Neither of them ended up testifying, nor did any other current staff member or contractor. It was not known to the Defense at the time that the personnel matter supposedly involved a contractor. Neither Ms. Kennedy nor Mr. Buchkovich are contractors. Defense still has no idea what staff member was supposedly being protected by an Executive Session. Out of a 5-hour trial, Defense estimates less than 5 minutes involved any mention of current staff – and that only tangentially, and not in the context of "evaluation, compensation, hiring, or dismissal" and there was zero mention of any contractor. The notion that the Executive Session was for personnel issues was not just a misrepresentation (a false statement believed to be true with no intent to deceive); rather, it was fraud (a false statement made with the intent to deceive). Fraud upon me, and fraud upon the membership.

This Executive Session also did not involve contractual negotiations, pending or potential litigation, or political strategy requiring confidentiality, though none of those reasons were mentioned by the Chair. Though I am the nominative Plaintiff in a derivative lawsuit with the Libertarian National Committee, this was not a part of any charges or specifications – nor could it have been because derivative lawsuits are a right, and some may consider it a duty, of any board member who sincerely believes that there are severe and damaging breaches of duty in a voluntarily incorporated society. Discussion of past lawsuits – such as lawsuits not filed by the Libertarian Party of Colorado (LPCO) or the Robert F. Kennedy, Jr. campaign against the LNC – are plainly not in this category because the Bylaws refer to "pending or potential" in the current LP Bylaws – and the Chair plainly stated that LPCO was dissuaded from allegedly pursuing their frivolous threat rather than "potential, pending, or past" as stated old Policy Manual. There was no political strategy involving confidentiality in the trial either.

Note again that none of the allowable reasons for Executive Session were listed when entering Executive Session as required by the Policy Manual. But even if one of them had been listed, none actually qualify. They all would have been pretexts to hide Bylaws and due process violations behind closed doors.

The JC is an appeals body. It does not conduct a trial *de novo*. Because the trial was conducted in secret, the JC will not have access to the trial proceedings to examine

errors made by the LNC and judge the justice or injustice of their decision. Additionally, I did not have access to a recording or transcript to prepare my petition, briefs, evidence, and other appeals documents to the JC. Further, it will be harder for me to clear my good name from the frivolous and defamatory accusations made by the IC (including the motion to create same) and the Libertarian National Committee because the public was not permitted to view my defense – despite over 50 LP members joining the gallery at the beginning of the Zoom meeting before Executive Session was entered.

The violation of the Bylaws was clear; it was intentional; and it was prejudicial. If this LNC is allowed to continuously violate the Bylaws with no penalty, then the Bylaws are a dead letter. **The due process violation of the Executive Session alone is sufficient reason to overturn my suspension due to the emphasis on due process placed by the 2022 National Convention and basic Libertarian principles. It is in effect intentionally denying me my Bylaws right to an actual appellate review.** Ironically enough, it could be considered gross malfeasance.

e) I was not given full time to adequately defend myself in trial

Even after I was well enough to meaningfully participate in preparing a defense, I asked numerous times for time frames and format only to be ignored again and again. I then, hoping to prompt a good faith negotiation, told the Chair the time that my Counsel would need. The response was a unilateral declination from the Chair with a schedule that was not nearly enough time. I know some might object, it was five hours! However, not all of that was Defense and considering there was a 31-page IC report that comprised a Gish Gallop of charges, anyone working in Defense knows that is nothing. There was no negotiation, no discussion, just a unilateral declaration that absolutely prejudiced my rights. Questions and lines of inquiry as well as potential witnesses simply had to be dropped. For one example see **Exhibit 11**, email summary of Dan Reale.

f) No recording for appellate review

As noted above, there is nothing for the JC to review except the paper filings and the statements allowed at a JC review. There is no way for the JC to know if anything "new" is snuck in by either side that is majorly different or in addition to what was presented. Although, there was a "court reporter" there, that individual was not a true court reporter and only recorded audio, and the Chair explicitly said the only purpose was to preserve for Court, not for the JC. It would be a violation of my rights to have an audio-only version or a transcribed version not only due to lack of consent, but also due the fact that visuals were displayed in my Defense. This deprives me of my Bylaws right to a complete JC review and potentially puts me in danger of an accusation of

violation of Executive Session to even defend myself to the JC. However, I never agreed to this stipulation. I stated that I understood that the LNC believed it was properly in Executive session but that I maintained it violated our Bylaws and Policy Manual 1.02.5; thereby I never agreed to secrecy. In addition to being against the Bylaws, it is against fundamental fairness to allow one "side" to record and the other to not.

g) I was improperly excluded from active participation

In its original trial resolutions, one of the Stipulations was that only I or Dr. Moulton could question witnesses. I attempted to object and was silenced unilaterally by Mr. Malagon (who continued to do so through the Executive Session even when I was only asking if any of my witnesses should stay for their rebuttal and without the direction of the Chair showing his continued malice---remember again, this is a person seeking my position and definitely has motivation for personal gain). This is blatantly against the due process rules of RONR as follows:

63:26: Despite a temporary suspension pending trial, I retain all my rights during trial. While some may say that is simply an example and not a rule, the following citations put that to rest.

63:30: "At the trial, the evidence against the accused officer or member is presented by the managers for the society, and the officer or member has the right to be represented by counsel and to speak and produce witnesses in his own defense." That right means nothing if I cannot question my accusers and being in a virtual setting, I could not directly speak with my counsel except over text.

63:33(b): "The chair asks the accused how he pleads…". Obviously, I have the right to speak there.

63:33(d): […] "Up until the completion of the closing arguments, no one is entitled to the floor except the managers and the defense; and they must address the chair except when questioning witnesses." Note that this explicitly states that I have the right to question witnesses.

63:33(i): Again notes that objections and questions on evidence may be made by the defense, which includes me.

63:33(ii): Notes that the defense (which includes me) can put a question to a witness.

63:33(iii): Notes that the defense (which includes me) is entitled to make certain motions.

Prior to trial and during the public portion. Keith Thompson made a Point of Order to which the Chair ruled that my silence was only required during this preliminary opening and that once the trial started, I would be entitled to full participation including questioning witnesses. However, in secret, she stated she ruled opposite prior and that I could only testify and only Dr. Moulton could question witnesses.

Mr. McGee then tried to claim that the resolution passed by the threshold required to suspend a rule of order. Ordinarily he would be correct, but apparently, he is not familiar with and was not advised of RONR 25:2(7) which states that no rule protecting a minority of a particular size [in this case one-me] can be suspended in the face of a negative vote as large as the minority protected by the rule. Additionally, he was apparently unfamiliar with and was not advised of RONR 63:32fn10 which allows the procedures in this process can be varied by adoption of a special rule of order for disciplinary proceedings (plural), not just for this one case.

h) I was not questioned about multiple items in IC report

It is a basic **fairness right** in RONR 63:12 that an IC make a reasonable attempt to meet with the accused to hear his side of the story. There were MULTIPLE instances in which this did not occur.

In the "Executive Summary" report released without my consent to the public it falsely stated that I "unilaterally attempted to intervene in other states' nomination processes until Ms. McArdle intervened." That is categorically and utterly false. There was zero evidence produced of such an accusation which materially damages my reputation. In fact, I was – unprompted – invited to meetings in Florida and Pennsylvania to which I declined specifically so as to NOT to do such things. There were no witnesses interviewed by the IC that would have any direct knowledge of any such accusation, and I was never asked about this and never given an opportunity to defend during the investigatory process.

Another accusation that made it into the Charges was made that I attempted to defraud donors through a GoFundMe to go to Washington DC. I was NEVER questioned about that but it is fully answered below when the Charges are refuted in detail.

The IC report also claimed I attempted to direct the Executive Director to send documentation to Montana which was in fact merely an inquiry as requested by the

Campaign on which the Chair was copied. I was never asked about that email. I had way past that time talked with Montana Chair Sid Daoud (one of many chairs conspicuously absent from the IC's interview list) and asked him how his Board came to decide to put the ticket on the ballot which he described as through sheer force of his will, not through any efforts of any Reconciliation Committee or other LNC action.

The IC further did not ask me (or misrepresented me) about what the Colorado SoS requested from Mr. Hall. They did not ask for information specifically about Colorado, they asked for an explanation about how our Presidential and Vice-Presidential nomination process works pursuant to the Bylaws. It was not Colorado-specific in the slightest and is a banal and routine request. Since the Chair basically called me a liar to the Board (not publicly) but on a secret list claiming that Secretaries of State never ask this, it is very odd that the IC never made any inquiry with the Colorado Secretary of State. I have dealt with Secretaries of State for national members both as a multi-term Secretary and also upon request in my term as Region 1 Representative, and this request is in fact quite routine. No past staff members nor I was asked about this pretty inflammatory claim by the Chair.

Further, although critical social media posts are expressly allowed by our Rules, I was never specifically questioned about any of them. Instead, my professional reputation was smeared. If critical social media posts were not allowed Mr. Malagon and the Chair should be before a similar tribunal. But they are not because these kinds of posts are allowed.

Lastly, regarding alleged threats of litigation, I was also not specifically asked about any of those, and pointing out liability, **as the Chair has done many, many times**, is not a suspendable offense and in the report the IC acted as if it were the Office of Worst Interpretations and Inevitable Results rather than an impartial committee that was not at the bidding of an outside interest group. There was no protest from any of the same people about similar comments as long as they concerned people (LNC members or members) from an "out group," and the full fury came down when I dared to disagree with the "in group."

i) Trial Manager acted improperly as prosecutor

The LNC's Trial Manager acted improperly as a prosecutor in complete contradiction to RONR 63:27. This was most evident in his unqualified citation of RONR 63:34: "A member who votes for a finding of guilt at a trial should be morally convinced, on the basis of the evidence he has heard, that the accused is guilty," which was at first stated in his opening and corrected by Defense counsel that this citation is true but incomplete

as it neglects the fact that the moral conviction of guilt has to be of a **valid charge,** that is, a particular kind of act or conduct that entails liability to penalty under the governing rules, not merely of some accusation (RONR 63:24). Even after this correction, the Trial Manager repeated the same incorrect statement without qualification in his closing. The LNC or any other body can think I am “guilty” of any number of things, such as having pink hair, but if that is not a particular kind of act or conduct that entails liability to penalty under the governing rules, it is not a removable offense.

In our justice system by analogy, if the prosecution and the judge are repeatedly allowed to say the standard is "by a preponderance of the evidence" instead of "beyond a reasonable doubt" in a criminal trial, that would be reversible error. If the prosecutor and judge are repeatedly allowed to say a defendant is guilty of grand larceny (including in the charges) if he steals something worth more than $5 even though the actual threshold is $1,000, that would be reversible error. The jury may have wrongly convicted someone who was caught red-handed with a $7 item. Similarly, the Trial Manager and the Chair left the impression that it is possible for the LNC to convict based on what the Charges say even when the Charges do not meet the Rules’ threshold of cause.

This confusion of roles was also evident in his choice of witnesses none of which were even attempting to be exculpatory in even the most remote sense of the word and was further cemented by the fact that it was the Trial Manager that made the motion to impose the most severe penalty.

i) Advisory Parliamentarian for the Trial Manager was improperly permitted to enter into the proceedings as a factual witness

Jonathan M. Jacobs was introduced as an advisory parliamentarian to the Trial Manager, for the meeting. Pursuant to RONR 47:50, “During a meeting, the work of the parliamentarian **should be limited** to giving advice to the chair and, when requested, to any other member [my addition: such as the Trial Manager in this situation]. [emphasis added].

Further in RONR 47:52, it states, “Only on the most involved matters should the parliamentarian actually be called upon to speak to the assembly; and the practice should be avoided if at all possible.” In a trial setting such as this, it is reasonable for a parliamentarian advising one side on parliamentary matters to testify on that subject alone. Mr. Jacobs’ testimony went far afield of this narrow subject to include mutual complaints made to the National Association of Parliamentarians, which is their province, and attempted to get into highly personal relations between him and me which further buttresses my good faith past assertion that his personal conflicts in this matter

render him disqualified to be advising in this matter without violating my rights. At no time was his parliamentary skills and knowledge in question, even when we disagree, as 12 out of 10 parliamentarians will tell you, is common.

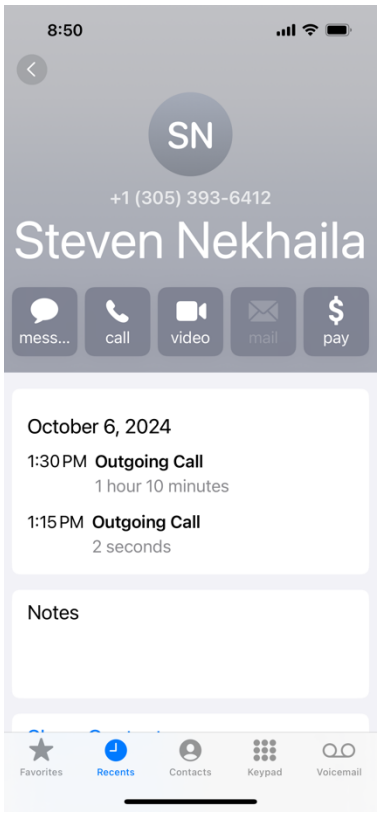
My due process rights were inevitably harmed both during trial and during the period of the IC when the parliamentarian acted as both advisor and witness before both bodies (and an adverse witness during the trial). Parliamentarians, like lawyers and other professionals, are automatically given more gravitas due to their position which is presumptively one reason behind these sensible rules. And while I am aware that the parliamentarian has stated in his contract with the Party that he may give testimony, he cannot contract away my due process rights nor the Party's obligation to follow its parliamentary authority. If the parliamentarian wished to testify as a factual opinion witness or testify on issues beyond the parliamentary process of the trial, he could have, and should have, solely as a Party member and not also as an advisor to ostensibly insure a fair outcome. Any testimony on strictly parliamentary issues would of course be appropriate. Mr. Jacobs' testimony went far afield of these matters in an extremely emotive manner far beyond that reasonable for an expert parliamentary witness.

j) Irrelevant witnesses called and key witnesses ignored

The list of witnesses called by the IC showed a clear disregard for obtaining the entire truth. First, completely irrelevant witnesses such as Erin Adams and Jessica Fenske were called, but more importantly, absolutely important witnesses were omitted such as Ballot Access Coordinator Bill Redpath, Ballot Access Expert Richard Winger, "friendly" Colorado witnesses who were key to facts in the case such as Bette Rose Ryan (who submitted the electors), Sean Vadney who appeared on both slates of electors, Wayne Harlos, but most importantly, past LNC Chairs or staff familiar with the submission process, and shockingly **anyone from the campaign**, or in light of the lurid charges, any state chairs about alleged interference or obstruction or any of the GoFundMe donors, one of whom is difficult to miss in his vocal criticism of the LNC and his association with an opposing caucus. It appears that the IC was simply content to simply take the Chair's word on everything, doubt everything I said, and move forward to a narrative that led inevitably to a predetermined conclusion. Failing to conduct an interview with someone as obvious as the Campaign Manager Steve Dasbach is far beyond odd.

Additionally, there was the potential of legal liability over the actions of a staff member in assisting in subverting the placing of our candidates on the ballot that was scheduled to be interviewed and did. Not happen but was never attempted to be rescheduled despite the long time period and being under the direction of the LNC as an employee. There

was no indication that anyone was “obstructed” from being interviewed. Additionally, after it was revealed that it was Mr. Nekhaila who suggested the phone call to the Secretary of State and submission of the documents, I was not made aware that he denied this to the Committee until 10/6/24 and was not asked further on it (and was not asked during my initial interview as this was information I sent to the IC after going through phone records and reconstructing that day). That information alone warranted an additional interview since the IC knew of this denial of Mr. Nekhaila (now personally retracted to me) a good two weeks before submitted their report. After learning of his denial, he and I spoke for over an hour on 10/6/24, see below,



During that conversation, in which I related the near exact conversation, he admitted to me with chagrin that does refresh his recollection as to what happened. To my knowledge, he never corrected the record and should have immediately done so or resigned the Committee. I cannot know if he corrected this during the consideration of the charges as I was outrageously excluded from defending myself.

k) Public LNC Business List deleted during preparation of appeal

In preparing this appeal, there were multiple public emails I wished to review, but the LNC, without a vote, simply deleted it from public view, potentially prejudicing me, and

any amici, from this resource which was a member right prior to the decision (which I understand may be appealed next year) to keep their non-Executive Sessions in the dark (see https://groups.google.com/access-error?continue=https://groups.google.com/g/lnc-business-list-public).

II. Charges and Specifications Must be the Actual Reason and not a Pretext for Different Reasons

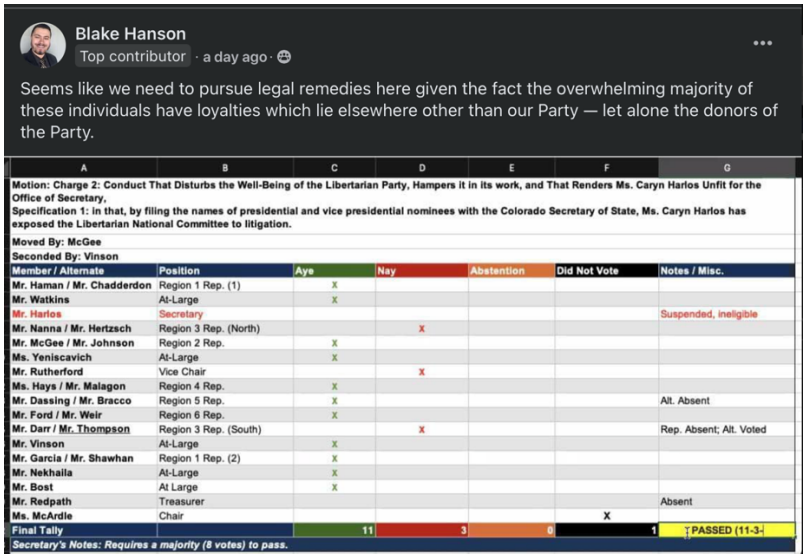
a) This attempted removal is not supposed to be about my derivative suit

As has been reported by Reason Magazine[9], who confirmed the genuineness of the source and Third Party Watch[10], who also confirmed the genuineness of the source (as did I during a period of time I was "relieved of all of my obligations and duties and thus have no duty to reveal the source), the Chair allegedly stated in the October 6, 2024 Executive Session which was represented in open session to be entirely about the charges against me and not involving the derivative suit at all, that a reason (if not THE reason) I had to be removed was to remove my standing to maintain the derivative suit. Whether or not that is legally valid I leave to the Court if raised; the fact is that is that would be an absolute pretext to removal, and if able to be proven true, would open the Party to serious legal liability and would be fraud upon the members.

I have also learned that this reason was part of the discussion in the IC as to why they had to recommend charges. Once again, if able to be proven true, and my removal stands, that would open the Party to serious liability and would be fraud upon the members. Mr. Malagon can claim this our threats. The lawyers on the JC know that these are simple facts that do not make them any less true if refrain from saying them.

In fact, the attempt to remove me itself exposes the Party to litigation, Would it have teeth? I have no idea. But the mere possibility of a lawsuit (and yes people have seriously talked about it even if they did not send officious letters) is not grounds for LNC removal unless actions taken in gross malfeasance. The Party's perilous finances cannot freeze us from our Bylaws and lawful duties. For an example of such a "threat," please see below:

[9] https://reason.com/2024/10/10/libertarian-party-secretary-files-lawsuit-to-remove-party-chair-angela-mcardle/
[10] https://thirdpartywatch.com/2024/10/12/news-from-the-lnc-secret-session/



Blake Hanson
Top contributor · a day ago ·

Seems like we need to pursue legal remedies here given the fact the overwhelming majority of these individuals have loyalties which lie elsewhere other than our Party — let alone the donors of the Party.

A	B	C	D	E	F	G
Motion: Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Harlos Unfit for the Office of Secretary, Specification 1: in that, by filing the names of presidential and vice presidential nominees with the Colorado Secretary of State, Ms. Caryn Harlos has exposed the Libertarian National Committee to litigation.						
Moved By: McGee						
Seconded By: Vinson						
Member / Alternate	**Position**	**Aye**	**Nay**	**Abstention**	**Did Not Vote**	**Notes / Misc.**
Mr. Haman / Mr. Chadderdon	Region 1 Rep. (1)	x				
Mr. Watkins	At-Large	x				
Mr. Harlos	Secretary					Suspended, ineligible
Mr. Nanna / Mr. Hertzsch	Region 3 Rep. (North)		x			
Mr. McGee / Mr. Johnson	Region 2 Rep.	x				
Ms. Yeniscavich	At-Large	x				
Mr. Rutherford	Vice Chair		x			
Ms. Hays / Mr. Malagon	Region 4 Rep.	x				
Mr. Dassing / Mr. Bracco	Region 5 Rep.	x				Alt. Absent
Mr. Ford / Mr. Weir	Region 6 Rep.	x				
Mr. Darr / Mr. Thompson	Region 3 Rep. (South)		x			Rep. Absent; Alt. Voted
Mr. Vinson	At-Large	x				
Mr. Garcia / Mr. Shawhan	Region 1 Rep. (2)	x				
Mr. Nekhaila	At-Large	x				
Mr. Bost	At Large	x				
Mr. Redpath	Treasurer					Absent
Ms. McArdle	Chair				X	
Final Tally		**11**	**3**	**0**	**1**	**PASSED (11-3-**
Secretary's Notes: Requires a majority (8 votes) to pass.						

Testimony was also given about another likely lawsuit involving serious Federal charges having to do with activities of the Chair. That testimony was made even more credible by the fact that the witness is experienced in filing and pursuing legal matters (see **Exhibit 11**, email summary of Dan Reale). Additionally, the Campaign itself can still sue over the Chair's clown nose video and Mr. Malagon's libelous X statement that Mr. Oliver probably has STDs if they so choose.[11]

9:39

Adrian F Malagon
6.9K posts

Posts Replies Highlights Media

Adrian F Malagon @A... · 6d
No regrets...probably a few STDs though.

reason
@reason
Follow

Chase Oliver isn't surprised that he fell short of other recent Libertarian presidential tickets, but he has no regrets—and he has some choice words for his party.

Chase Oliver calls Libertarian Party presidential run 'honor of my li...
From reason.com

19:30 · 11/6/24 · 10K Views

Adrian F Malagon @A... · 6d
A tale of two state affiliates: one gets it, the other one is Louisiana.

Libertarian Party of Connecticut
Connecticut is trending and we're seeing a

This latest comment by the Chair has led to persons considering a potential class action for diversion of membership funds away from the Party purpose to elect Libertarians.

[11] Accusations or even insinuations of a loathsome disease is libel *per se* whether or not Libertarians believe those laws should exist or not.

but rather to further Trump's "America First" plan. There have also been demands for refunds of donations, membership fees, and convention ticket purchases. There are more screenshots. They would be redundant. If the LNC were really concerned about E&O deductibles, this reckless behavior by the Chair (including the clown nose "endorsement video) would have been officially rebuked by the LNC.

Would any of these succeed? They have more credibility than a hollow threat by LPCO when they broke their own bylaws and violated the national bylaws (the latter part as testified to by their own parliamentarian Jonathan B. Jacobs during the trial).

b) This attempted removal cannot be about disagreement strategy

The Chair's strategy has the super-majority support of the LNC. A minority member disagreeing is not grounds for removal (though it is noteworthy that she does not have the support of any officer which should give her pause on her approach or persuasive abilities to those elected to those offices at convention). It is disturbing that this appears to be the second time that this has been tried by an LNC and has an extremely chilling effect on future minority voices and ultimately puts disenfranchisement of the delegates at the whim of the LNC on pretext. The burden to do so, not merely the vote burden (a minority view by definition is not supported by many votes by definition), but the factual and evidential burden, must be extraordinarily high. It may be inconvenient for the Chair or others to have disagreement but that is part of being on a Board. There is no right to not have dissent. The body can set rules for dissent consistent with the Bylaws and member rights, but I have broken none of them. Current buyer's remorse about past passed Rules are not cause for removal. See below for more detail as well as in the responses to Charges.

Before I left the Caucus, I was told by Mr. Malagon (remember, he is the proven biased Chair of the IC and is now seeking the Secretary position that he was instrumentally in attempted to have vacated – conflict of interest anyone?) that the LNC intended upon targeting Treasurer Bill Redpath and Vice-Chair Mark Rutherford for removal. I would show you the screenshots but Mr. Malagon deleted all of his Facebook messages to me on this point and others relevant to the issues of the trial even after the LNC was already being sued in a derivative lawsuit by Beth Vest and threatened with several others which would trigger in law an automatic legal hold on relevant materials. At-Large Representative Ms. Yeniscavich did likewise with relevant messages. The destruction of potential exculpatory materials alone also can be enough to reverse this decision. A deletion of a few messages here and there is usual and understandable (sent to wrong person, spellcheck messed up in an embarrassing way, etc.) but this was mass deletion going back months.

c) This attempted removal cannot be about outrageous and libelous COINTELPRO accusations

The Chair made a claim about me, worldwide on an account with over 80K followers and retweeted by accounts with an unknown number of followers including one with nearly as many more, using her Party title that is libelous *per se* under Colorado law[12] in stating that I am some kind of domestic spy with the insinuation that this is the reason I was subject to removal. The Chair spreading absolutely false information about this process is in fact obstruction by creating the worst possible narrative one can about a Libertarian would be enough to void this removal; and could expose the Party to legal liability as it was said in her official capacity as her account bears a handle containing LNC Chair as does her bio without disclaimer. Quite frankly, this is beyond outrageous. Let's honestly ask ourselves. How far have we fallen as a Party? None of this is any kind of threat of a libel action; it is merely to show the hypocrisy of one of the Specifications of which I am alleging guilty of exposing the Party to litigation while it is broke. We are still broke. And the Chair still made this reckless comment.

[12] One might claim it is fair game as I am a public figure, but even under the public figure standard it would fail as it was made in reckless disregard for the truth, but it would also fail as I am also a private person working in fields where confidentiality is a prerequisite and being a spy would definitely damage professional opportunities.

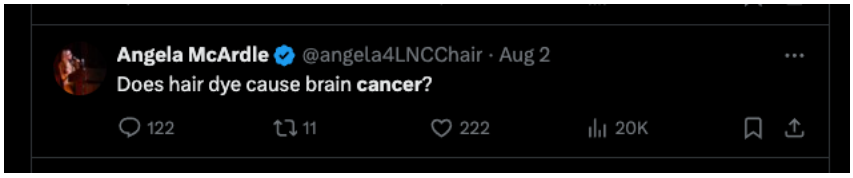
Sauces, gooses, and ganders come to mind.
This cannot be said to be mere parody or ironic use as the Chair has seriously made similar accusations about opposition within the party using the same terms to the point it is a common meme on X.

d) This attempted removal cannot be revenge against leaving a caucus or faction

Nor can this be a pretext for punishment for being of a wrong "faction" or leaving a caucus of which the Chair happens to be a leading voice and who controls more than 2/3rds of the LNC:

IV. Fairness Demands that Standards be Applied Equally

I am not going to multiply screenshots. Anyone remotely familiar with X knows that both the Chair and Mr. Malagon routinely insult other LNC members and Party members on a highly regular basis, going far beyond policy but into personal attacks. I will give just one by the Chair, using an account with her title before she chaired the August meeting making rulings on whether or not I would be "investigated" for things she herself has done. This is not fairness. This is malicious targeting on personal qualities which is NOT protected by the Policy Manual and for which I could have filed a harassment complaint, but let it go.



There are many more. I can provide at the JC's request. Considering this is during the time frame that the Chair was openly hostile to me on the LNC Business List, it is beyond implausible this was just some innocent question because perhaps she wanted to change her own hair color.

The Chair or anyone else no longer liking someone on the Board is not cause for removal and cannot be a pretext or motivation for same.

V. Specified Causes for Removal and Specifically Disallowed Causes for Removal Under the Party Rules

LP Bylaws 6.7 states:

> The National Committee may, for cause, suspend any officer by a vote of 2/3 of the entire National Committee […]

a) Cause Defined

Cause is not defined in the LP Bylaws, but due to the decision of the delegates at the 2022 National Convention (as described earlier), cause (and procedure) was defined in the Policy Manual in the following provision currently numbered 1.01.4 (bold added):

> 4) Removal from Office
>
> No Party Officer or At-Large Member shall be subject to removal from office **except for failure to perform the duties of office or gross malfeasance**. The process for removing Officers and At-Large Members shall be the trial procedure as outlined in the Party's parliamentary authority. The Officer or At-Large Member's membership rights can be suspended by a 2/3 vote while the matter is being investigated if necessary to prevent potential harm to the Party.

The LNC went further and noted one item that specifically could **not** be cause for removal in the Policy Manual in the following provision currently numbered:

> Mere criticism, even if harsh, of the policies, decisions, and business practices of the LNC by other members of the LNC shall not be considered harassment or grounds for removal from office for Officers and At-Large Members. Rules of decorum shall apply to all official interactions.

This is not limited to social media but any "non-official interaction" to which rules of decorum would apply which in contra-respect means they do not apply in private settings such as personal social media accounts.

Like many terms, be they in law, bylaws, or Policy Manuals, the principles of interpretation of RONR are illustrative in which original intent, as far as it can be determined and RONR 56:68(1), should be followed as wise counsel. Additionally, the common factors used in legal definitions should be as well. The intent of the Policy Manual provision *can* be determined as there are recordings discussed and linked above and none of them match the circumstances in this matter, not only is one explicitly excluded, none of the two others (failure to perform the duties of office or gross malfeasance) is even alleged; misconduct is. While mere "misconduct" or "conduct that disturbs the well-being of the Libertarian Party" may be valid causes under RONR, the LP Bylaws specifically state those provisions only apply when they don't conflict with higher rules such as the Policy Manual. **No valid cause under our Rules was contained in any of the Charges and as such should be thrown out.**

In fact, **Charge Two is completely disallowed under the Policy Manual** (it is a RONR charge word-for-word and the Policy Manual overrides RONR) and further Charge One only alleged gross misconduct which is NOT the same as gross malfeasance. This is not just a matter of failing to use magic words in the charges conforming with the Policy Manual; the Particulars don't match with the definitions either. Misconduct is an umbrella term that includes nonfeasance, misfeasance, and malfeasance which is then amplified by the word "gross." The LNC made no attempt at the trial to even handle this matter continually alleging misconduct (not attempting to prove the "gross" element even on that element) instead of gross malfeasance. And it is too late to change that approach at the appellate level. This was something that must have been shown at the trial level, and it was not even attempted.

In examining definitions and the original intent, some truths can be sussed out regarding firstly, malfeasance. It involves intentionally committing an illegal or unauthorized wrongful act and always involves dishonesty, illegality or knowingly

exceeding authority for improper reasons (i.e., bad faith). The amplifier of "gross" adds the following elements:

- flagrant or extreme, especially in badness or offensiveness
- extremely bad wrong;
- flagrantly illegal act; or
- flagrantly unauthorized under the Bylaws
- extreme bad faith

Thus, with regarding to these Charges (including Charge Two which is already disqualified under our Policy Manual):

- None of the acts were extreme in badness or offensiveness
- None of the acts alleged are extremely bad wrongs.
- None of the acts are flagrantly illegal (in fact I followed Colorado law).
- None of the acts are flagrantly unauthorized by the Bylaws.
- None of these acts were flagrantly in bad faith.

VI. Brief Explanation of Relationship Between Charges and Specifications and Appellate Deference in this Regard

RONR defines a "charge" as something that "sets forth an offense—that is, a particular kind of act or conduct that entails liability to penalty under the governing rules—of which the accused is alleged to be guilty" (RONR 63:24). The Specifications support the Charge but if the Charge itself is an invalid Charge under our governing documents, then the Specifications become irrelevant. Both Charges are invalid on their face as not conforming to the Policy Manual when the IC could have easily attempted to have done so but chose not to, in my mind, because it is obvious that the elements of gross malfeasance are not met and "hindering the work of the Libertarian Party…." isn't even an allowable charge for removal. However, the Specifications will also be answered in full in order to exercise full prudence, but the JC does not even need to reach them if it finds one or both of the Charges invalid on their face.

It is also noted, that the LNC could have chosen, knowing there would be an Appeal, to vote on a penalty for each Charge separately but did not, thus if one Charge is voided, the entire final vote should be vacated as it is unknown if someone would have moved to amend to censure or not voted to suspend on just one Charge. It was the LNC's choice to meld the two Charges together, and they stand or fall, together.

VII. Charge 1 Gross Misconduct in Office

a) Specification 1: in that Ms. Caryn Ann Harlos violated the autonomy of the Libertarian Party of Colorado by submitting the names of the presidential and vice-presidential nominees to the Colorado Secretary of State (LP Bylaws, Article 5.5).

This Specification was never voted on. The reason is unknown but its absence (see **Exhibit 12**, parliamentary opinion of Robert Balch-sent separately from exhibit package as it is password protected) undercuts any credible allegation of potential litigation mentioned in a future Specification and will be dealt with there.

It is important though to point out as it cuts to the heart of everything here, persons like to truncate LP Bylaws 5.5 on affiliate autonomy to their own benefit and ignore the limiting phrase "except as provided by these bylaws." The LP Bylaws explicitly give a process for nominating our Presidential and Vice-Presidential candidates, and a process for replacing them (as well as for having no candidate at all). Affiliates have ZERO autonomy in that regard. The LP Bylaws (2,1, 2.4) give the purpose of the Party. The LNC has no autonomy in that regard and in fact affirmed by a unanimous vote its support for the nominated candidates.

ALL VOTES ARE LINKED TO THE EMAIL IN WHICH IT WAS CAST.						
BALLOT 20240731-01			Ballot Ends 8/7/24			
Motion: Whereas, Chase Oliver and Mike Ter Maat received the nomination at the 2024 Libertarian National Convention, be it resolved that the Libertarian National Committee gives them their full support and encourages our members to donate to, volunteer with and support them.						
Co-Sponsors: Ford, Haman, Hays, Yeniscavich						
Member/Alternate	**Yes**	**No**	**Abst.**	**Did Not Vote**	**Alt Vote**	**Notes/Misc**
Bost	X				N/A	
Darr/Thompson	X					
Dassing/Bracco	X					
Ford/Weir	X					
Garcia/Shawhan (2)	X					
Haman/Chadderdon	X					
Harlos	X				N/A	
Hays/Malagon	X					
McGee/Johnson	X					
McArdle	X				N/A	
Nanna/Hertzsch	X					
Nekhaila	X				N/A	
Redpath	X				N/A	
Rutherford	X				N/A	
Vinson	X				N/A	
Watkins	X				N/A	
Yeniscavich	X				N/A	
RUNNING TOTAL	17	0	0	0	With a vote of 17-0-0-0 the Motion PASSED.	
Tally last updated at:		3:41:36 PM		11/12/2024		
Secretary's Notes:						

LP Bylaws 14.4 makes it an obligation of the LNC to give its full support to our candidates and to respect the will of the delegates. Thus, support for the candidates is not optional. It is mandatory no matter how many times it has been flouted. While it has been mentioned multiple times, logically the "full support" doesn't mean sacrificing one's first-born son, it certainly must include putting the candidate on the ballot in states where we have ballot access without any petitioning or filing fee to the extent permitted by state law and in accordance with the procedure of state law.

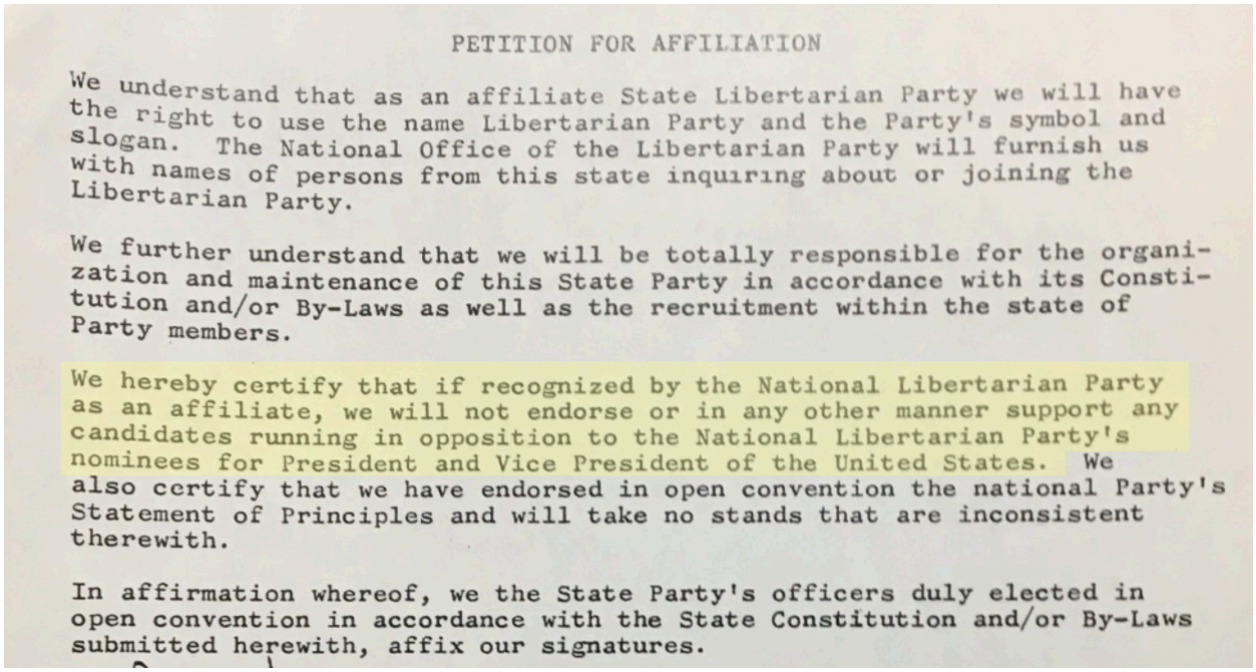
I have read the response of the LNC to the Phillies appeal and the spin was amazing. To claim there was no timeframe for "full support" is beyond Clintonesque spinning. Do we need bylaws telling us to breathe and bathe? To show how stunningly ridiculous this is, let's review the Bylaw 14:4 in full:

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

This support begins ONCE THE PARTY HAS A NOMINEE. The most basic of support is to ensure they are on the ballot, particularly when a state already has automatic ballot access.

In fact, LP Bylaws 5.6 allows disaffiliation of an affiliate for cause. As cause is not defined in the Bylaws or in the Policy Manual, it is certain that failure to honor the will of the delegates is a definite cause, and it is in fact a discussion with fellow LNC member Steven Nekhaila over a potential disaffiliation motion that prompted my call to the Secretary of State in which they asked me for the Nomination Certificates. Conducting an action which follow the Bylaws and can prevent an allowable disaffiliation cannot in any world be violating autonomy.[13] Additionally, Colorado was affiliated in 1972. We know that the affiliate agreements in that time frame contained the following language (sample Petition for Affiliation from the 1970s and Excerpt from November 30, 1974 LNC Minutes confirming this language was in all agreements):

[13] I note that Mr. Nekhaila was the first to enthusiastically and publicly support my submission of the paperwork on the public LNC email list yet hypocritically "convicted" me of the same though being on the LNC for the same amount of time as I and a former top 5 state chair that is familiar with filing procedures (see **Exhibit 13**, email of Steven Nekhaila dated July 8, 2024). If he now believes this was wrong, he should immediately resign. This is not sour grapes. He was instrumental in this whole affair.



PETITION FOR AFFILIATION

We understand that as an affiliate State Libertarian Party we will have the right to use the name Libertarian Party and the Party's symbol and slogan. The National Office of the Libertarian Party will furnish us with names of persons from this state inquiring about or joining the Libertarian Party.

We further understand that we will be totally responsible for the organization and maintenance of this State Party in accordance with its Constitution and/or By-Laws as well as the recruitment within the state of Party members.

We hereby certify that if recognized by the National Libertarian Party as an affiliate, we will not endorse or in any other manner support any candidates running in opposition to the National Libertarian Party's nominees for President and Vice President of the United States. We also certify that we have endorsed in open convention the national Party's Statement of Principles and will take no stands that are inconsistent therewith.

In affirmation whereof, we the State Party's officers duly elected in open convention in accordance with the State Constitution and/or By-Laws submitted herewith, affix our signatures.

5. CRANE called for consideration of affiliation petitions, indicating receipt of petitions from Indiana, Kansas, Connecticutt, Oregon and Arkansas.
ROYCE moved THAT THE PETITION FOR AFFILIATION FROM THE STATE OF INDIANA BE GRANTED.
- Motion PASSED -
HOWELL moved THAT THE PETITION FOR AFFILIATION FROM THE STATE OF KANSAS BE GRANTED.
CRANE noted that Kansas and remaining petitions were not accompanied by Constitution & Bylaws.
HOWELL withdrew motion.
DUKE moved THAT THE PETITION FOR AFFILIATION FROM THE STATE OF KANSAS BE GRANTED ONLY IF COPIES OF THEIR CONSTITUTION AND BYLAWS ARE RECEIVED BY DECEMBER 31st, 1974.
HOWELL questioned whether constitution and bylaws were required by national constitution.
WESTMILLER reported that constitution required a petition signed by 10 members, the endorsement of the national Statement of Principles and the stipulation that affiliates not endorse any candidates for President and Vice President other than those elected at a national convention.
NOLAN said Execom had required constitution and bylaws from all previous affiliates, setting a precedent; said documents were required for reference and certain constitutional functions.

In no sense of the word was the autonomy of Colorado which voluntarily submitted itself to the national Bylaws by becoming and remaining an affiliate violated see **Exhibit 12**, parliamentary opinion of Robert Balch-sent separately from exhibit package as it is password protected). And if its autonomy was not violated, there was no credible threat of a lawsuit, but mere air on the wind that would have been dismissed nearly immediately at little to no cost considering the paralegal and legal talent on the LNC that won a 6th Circuit trademark appeal which is far more complicated.

b) Specification 2: in that Ms. Caryn Ann Harlos failed to follow the legitimate instructions of the Libertarian National Committee Chair by filing paperwork regarding the presidential ticket, exclusive of the electors, with the Colorado Secretary of State (LP Bylaws, Article 6.5).

Though the Specification does not state this, it has been characterized that I disobeyed some directive to not personally send in anything to any Secretary of State. That is simply untrue. I was in the process of sending the Certificate of Nomination to the Arizona Secretary of State when Chair McDonald indicated it would be easier and more secure if he did so as we were worried about deadlines and lost mail.

There were general instructions that the Executive Director would be sending Certificates of Nominations to all state chairs which is completely different than the instructions agreed upon by myself and the Chair at the 2024 convention which were that the forms would be sent to **both** the state chairs and the Secretaries of State immediately after convention by the Executive Director. This is confirmed by both email and the Executive Director's beginning of a spreadsheet of Secretary of State contact information and deadlines (see **Exhibits 15** and **16**, email dated May 30, 2024 and Excel spreadsheet). There was no controversy about that decision, and it was under those conditions that I consented to stay several additional hours to sign an additional set. It was only later after some states, contrary to the LP Bylaws and their affiliate agreements and RONR affiliate obligations, indicated they would not or were reluctant to put the candidates on their ballot line. The Chair then unilaterally decided outside of any custom, Bylaw, or Rule that the Certificates would be sent ONLY to the state chairs. If we know those state chairs are going to submit properly there is no harm, no foul, though we risk not knowing who certain state chairs are, them going AWOL, them forgetting or any other number of problems which is why we have always made sure we sent to the Secretaries of State in addition to anyone else.

There was also a general direction with the Reconciliation Committee that all attempts would be made to mediate with the states prior to the Secretary of State deadlines (but the LNC conveniently ignores that the September 6, 2024 deadline was NOT the only one in Colorado) but what is left unspoken is what is said above, which I and the LNC became aware of in July (thus my earlier believe that the only deadline was September 6, 20240. Even if the states were still not willing to follow the contract (LP Bylaws) they voluntarily entered to, the Chair had zero intention of sending any Certificates of Nominations directly to the Secretaries of State unless asked to by a state chair completely contrary to years to past practice and in violation of our own bylaws duties which do not include not upsetting contract-breaking state chairs. That is also a huge hole that the LNC leaves out. I told both the Chair and the LPCO State Chair in no uncertain terms that it was my duty to sign the form which I did back in June and sent to Hannah Kennedy. I was never told not to submit to Colorado (which is not in the authority of the Chair to begin with). The signed document was sent to Ms. Kennedy primarily due to the fact that we both were under the mistaken impression that Colorado required its whole checklist of forms to be submitted at once, and not piecemeal. In

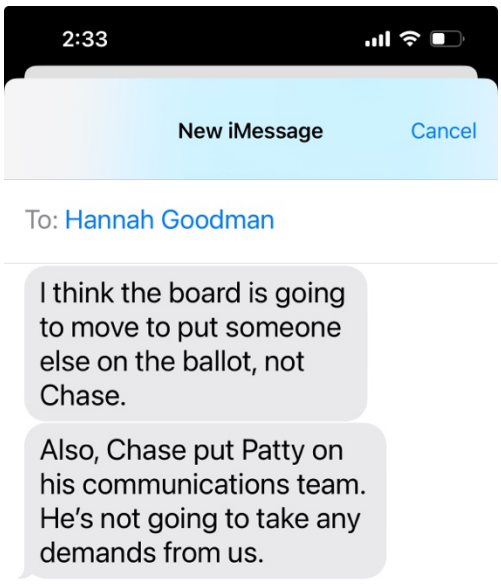
other words, I **had already signed the form back in June**, and we were waiting to see if the Chair could coax the LPCO State Chair into sending us the Acceptance of Nomination of the Electors.

So, getting back to the relevant timeline, in June, after receiving an email request forwarded to me from the Colorado Secretary of State by Bob Johnston, I signed, had notarized and sent the Certificate to Hannah Kennedy. At that time, LPCO had decided it was not going to put anyone on the ballot, and the Reconciliation Committee, which at that time included myself, worked to persuade LPCO otherwise. During this time period (June 2024), I had multiple discussions with the Chair about this situation, and we agreed that as long as they were maintaining this position of putting no one on the ballot **AND** there was still hope for them to put our ticket on the ballot that we could afford to wait to send in those documents. Additionally, as I already indicated both by phone to the Chair and by email (see **Exhibit 17**, email dated June 11 regarding Colorado forms), I was under the mistaken belief that all of the documents in the Colorado checklist had to be mailed in at once and since if LPCO remained obstinate, they were not likely to turn in their electors from convention, and such that would be out of our hands, but I made it clear to the Chair in personal discussions that it was my duty ultimately to do our part even if it were for naught. At that time, I was completely ignorant of LPCO law on Presidential electors as that frankly is none of the national Party's business unless they chose to disaffiliate a state to failing to perform its duties in submitting them if that was the requirement under the law of any particular state.

As a correspondence from an official Party source (the Presidential Campaign) containing an official request from a state (the Colorado Secretary of State with the specific forms to be signed by National) was sent to me, the Chair was usurping my authority as Recording Secretary by unilaterally deciding they would only be sent to the LPCO State Chair. As it was possible that negotiations might still be successful with LPCO, it was not a huge deal at the time as we both agreed that this situation would not come to a head until it was obvious there was no realistic or reasonable hope.

The situation came to a head on July 2, 2024 when the LPCO held a Board meeting in blatant violation of their own Bylaws and the national Bylaws and declared they would be submitting nomination papers and putting Robert F. Kennedy Jr. and Nicole Shanahan on the Colorado Libertarian Ballot line and released a statewide media release on this issue and fundraising off it (see **Exhibit 18** – media release from Colorado). This is a very reasonable indication, particularly since the mediation with the Oliver campaign ended with no resolution the day before the vote the LPCO State Chair told me the Board was putting someone else on the ballot (she did not say who) and

that they expected that a candidate had to take “demands” from them, the chutzpah of which is beyond cockerate:



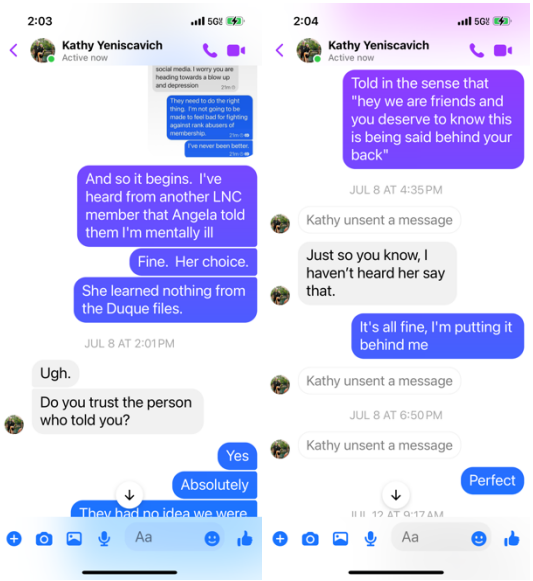
Any inaction or lack of statement by the national Party would have suborned fundraising fraud, and there is little doubt this was in the mind of the LPCO as Campaigns Manager Jacob Luria stated in a Colorado chat that this was ultimately about RFK Jr.’s money:

Note that Mr. Luria states we can “always pull him off the ballot” but never mentions putting on the nominated candidates, and what he said is patently incorrect. Kennedy would have had to voluntarily withdraw which he had no intention of doing in Colorado,

though he ended up on the ballot as an Independent (see **Exhibits 19** and **20** – emails from the attorney for the Colorado Secretary of State.

Also around that time I learned from Kathy Yeniscavich that a paid staff member just prior to this occurring was in a Mises Organizer state organizers chat group attempting to obtain contact information for Amarilys just prior to that, and she and I had multiple phone conversations that this could expose the Party to legal liability as it appeared this staff member was part of this effort and since the Chair was also in this group it was more than likely that she was aware of this (see **Exhibit 21 -** screenshots of conversations with Ms. Yeniscavich [name of staff member redacted]).

Ms. Yeniscavich was also aware that the Chair was on a campaign to very personally attack me to other LNC members (and of all people, Ms. Yeniscavich was already aware of the trust issues I had with the Chair following the release of the "Angela Files" by Miquel Duque which revealed why she was pretending to comfort me and be on my side against the 2021 LNC, she was simultaneously and cruelly belittling me to other at the exact same time and at one point positioning herself to take the Secretary spot):



You can see I told Kathy that I was just going to leave it be at that point.

I understand humor. And I do understand that it is a common joke about "autistic Libertarians," but the Chair has gone way over the line in her "jokes" and comments about the real mental health/disability issues that many very good Party members suffer, such as depression and uses it as a weapon when it suits her.

(posted in mid-October—yes, very impartial and prudent Chair knowing a fellow LNC members does have autism as do loved ones and children of Party members)

This is all relevant in that it establishes the reasonableness of my growing belief that the Chair was working against our candidates in Colorado. I did express my concerns in a "whistleblower" email in July 2024, over a month before the motion to form an investigatory committee to LNC counsel and nothing was done, leading further credence to my reasonable belief that this matter is overblown due to retaliation. This complaint was prompted by the Chair inserting herself into the dispute that the LPCO State Chair was having with the Colorado SoS over the electors submitted by the Campaign which if successful, would have resulted in an incomplete submission for our candidates:

From: Angela McArdle [redacted]
Sent: Wednesday, July 17, 2024 6:06:03 PM
To: Caleb Thornton <Caleb.Thornton@coloradosos.gov>; Hannah Goodman [redacted]; Jeffrey Mustin <Jeffrey.Mustin@coloradosos.gov>
Cc: Eli Gonz [redacted]; James Wiley [redacted]
Subject: Re: Unauthorized Filing of Nomination Paperwork

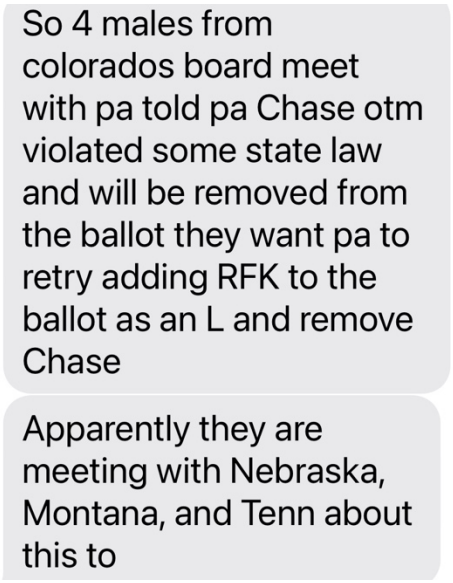
Good Afternoon Mr. Mustin:

I am the Chair of the national Libertarian Party, and I am requesting that the false electors be withdrawn.

Please advise.

Angela McArdle
Chair, Libertarian National Committee

The Chair never tried to negotiate with the Campaign to see if they would voluntarily withdraw their electors in favor of the ones elected at the Colorado convention, and there is good reason for that – LPCO refused to let any of the electors sign Acceptance of Nomination forms with the names of our candidates on them, only RFK Jr. and his running mate (see **Exhibits 22** and **23** statements of Wayne Harlos and Sean Vadney, electors selected at the LPCO convention). The Chair can claim there were "secret" negotiations going on, but the Chair has a duty to inform the LNC and particularly the recording secretary and every public sign indicated to the contrary, including a message from TJ Kosin regarding Colorado's efforts to get other states on board with them:



This was not the only reasonable grounds for my belief that the Chair was working in coordination with the LPCO Chair to achieve these results (which would have potentially granted more fundraising ability to the Joint Fundraising Agreement at the expense of the Libertarian candidates' ballot access) because the former Treasurer Alison Spink contacted me, unprompted when we were not even anything other than the remotest X acquaintances and began a conversation which implicated the Chair and to which Ms. Yeniscavich was made aware (and deleted her parts of that conversation in violation of the law potentially opening the Party up to legal liability for spoliation of evidence as she was aware this was a potential legal issue) as follows (see **Exhibit 21** - screenshot from conversation with Alli – who is Alison Spink – sent to Ms. Yeniscavich [name of staff member redacted]).

More concerning is that it required me to sound the alarm for any investigation to be conducted regarding this staff member despite knowledge of their activities by the Chair of the Party's Employment, Policy, and Compensation Committee ("EPCC"), Ms. Yeniscavich, and the Party is still exposed to potential liability for knowingly having a staff member potentially sabotage our own national candidates against our Bylaws which can be viewed as a conspiracy. Ms. Yeniscavich did absolutely nothing but required me to file a written complaint, which I did despite voicing fear of retaliation from the Chair, which has obviously come to fruition. I also filed an internal Judicial Committee Appeal with LPCO which was voided when they *de facto* rescinded their July 2, 2024, nomination and filed a notice with the Denver Post that they would be nominating Presidential and Vice-Presidential candidates under a "vacancy committee" which was to be held August 12, 2024 (see **Exhibit 24**, Denver Post ad) closing off any internal LPCO appeal process as committee decisions are not appealable under the LPCO Bylaws.

On the morning of July 8, 2024, I had a phone call with fellow LNC member Steven Nekhaila who wanted to solicit support and strategize regarding a potential disaffiliation of LPCO and asking why the Certificates of Nomination had not already been sent in by me when they only required my signature. I told him my understanding that items could not be sent in piecemeal, and we were not likely to get the Presidential Electors from LPCO. He asked me who told me that, and I answered it was an assumption. He told me I should call the Secretary of State and inquire and if I could just send them in, it was our duty as an LNC to do everything that it is our responsibility to do. I called the Secretary of State and inquired. They asked me outright for the National Nomination papers and said they were waiting on them, and they already received Mike ter Maat's acceptance form. As I was asked by a government agency, now twice, and the conditions were obvious that the LPCO was not going to be put on the Libertarian Ballot line, I had the papers notarized and sent to the Colorado Secretary of State which is fully within my job duties not just under Secretary, but as an LNC member. Every single indication from both the Chair (silence) and the LPCO Chair was that there wasn't any chance that our candidate would be on the ballot line. It was my fiduciary duty, not to avoid irritating a belligerent state party, but to our candidates. It was further my duty to do it personally as the Chair made clear she would direct nothing to be sent to Secretaries of State, and as Recording Secretary I received two direct requests.

As the Chair made it clear that she would only direct the Executive Director to send the forms to the LPCO State Chair, and it was made clear at every LPCO board meeting, and relevant social media post that the LPCO or any of representatives put out, including their initial announcements against the candidates, would never put the official ticket on their ballot line, that duty fell to me. In fact, if Colorado had some strange law that any officer could sign, it would have been the duty of the Vice-Chair and the Treasurer to do under LP Bylaw 14.4. It is our obligation to the will of delegates. There was absolutely zero communication from the Chair to the broader LNC or more particularly to me about any continuing negotiations (only that my exercising of my member rights was making things difficult in Pennsylvania which is not my business), and I had been privately contacted by the now former LPCO Treasurer Alison Spink (before then I would not even have recognized, we were not special friends, she had just read my protest posts on Twitter) that Hannah Goodman should not take all the blame for this since she was 99% sure that this was known by, if not engineered by the Chair.

Knowing that often a Secretary of State will just take the first form filed (that was **never** said to me by the Colorado Secretary of State) but rather is just my experience with various controversies over the years including the now decades-old Oregon

controversy), it was my duty to ensure that our candidate was properly submitted by us, and anything else was out of our hands. The Chair has no authority to risk our submission or to negligently allow a competing submission over the head of the Recording Secretary without her consent and against other clear Bylaws. Without my involvement, the Colorado Secretary of State accepted Presidential Electors directly from the campaign and with the submission by Chase Oliver of his acceptance, the Secretary of State deemed the submission complete. This would not have been done but for my submission of the Certificate of Nomination.

This brings us to the issue of due dates, one of which keeps getting left out by the LNC. September 6, was not the only important due date, July 10th or 11th was another which was the last day that our candidates could file as write-ins. The campaign was not certain if they could withdraw their names after that date to my understanding, and to their understanding from research of a Colorado campaign volunteer that they could submit their own electors, they had to make a decision before that deadline. If they did not submit as write-ins, and any alleged negotiations (of which there were NONE directly to them, only social media smears) failed, they would not be on the ballot at all, and if somehow the Chair convinced them to change their mind despite the huge risk that they were fundraising on their very very publicized commitment to RFK, Jr., they might have had issues switching from one position to the other. Nothing was clarified until the July 22, 2024 email from the Colorado Secretary of State (see **Exhibit 19** – email from attorney for Colorado Secretary of State).

Any order of the Chair, direct or indirect, that usurped my elected duties or would cause me to risk violating the Bylaws is illegitimate and it is at my reasonable discretion when that point has been reached under my fiduciary duty. I have given plenty of reason for my reasonable discretionary decision above that is nowhere near the burden of proof of bad faith. The Chair has no **legitimate** authority to risk not having our candidate on the ballot line because she allegedly feared a frivolous lawsuit for following our Bylaws. There was zero chance that any "negotiation" would have put our ticket on the Colorado ballot line, only a chance they would put nobody. LPCO made it clear since its July 2, 2024 meeting that they would never do so, and their last contact with the campaign was on July 1, 2024 after which there were never any further attempts to come to an agreement, which, as the LPCO Chair stated, would require "meeting their [the LPCO's] demands." The LPCO has zero right to make demands of the campaign to fulfil their minimum duties as an affiliate.

The duty to give full support to the candidate in Bylaws 14.4 and our Party purposes particularly in LP Bylaws 2.4 completely trumps any "pie in the sky" and against all evidence "hope" that the LPCO candidate on the ballot line and considering that waiting

could drag the LNC into litigation by members, risk it violating its Bylaws, and having to itself sue the Colorado Secretary of State (with known past experiences with government agencies taking the "first filed" approach), I acted reasonably to protect our duties at no cost. Any delay risked our candidates not being on the Colorado ballot line and that duty trumps any alleged instruction by the Chair that is not supported by our Bylaws, i.e., that such is a state matter. It clearly is not (see **Exhibit 12**, parliamentary opinion of Robert Balch-sent separately from exhibit package as it is password protected).

1) I was absolutely within my authority to send in nomination certificates

The role of the Secretary in LP Bylaws 6.5 reads as follows:

> The Secretary shall be the recording officer of the Party and shall perform such duties as are assigned by the Chair or the National Committee. The Secretary shall attend all meetings of the National Committee and all Party conventions and shall act as Secretary thereof, keeping such minutes and records as necessary.

The LNC focuses on the boilerplate language of "and shall perform such duties as are assigned by the Chair" and ignores the primary purpose, that of Recording Officer. Neither LNC in the trial, nor the IC in its report, make any inquiry as to the duties of a Recording Officer which are in fact defined in RONR 47:32-33 as follows:

> 47:32: **Secretary.** The secretary is the recording officer of the assembly […]
>
> 47:33: ***Duties of the Secretary:***
>
> […]
>
> 7) To sign all certified copies of the acts of the society,
>
> [...]
>
> 9)… to conduct the general correspondence of the organization—that is, correspondence that is not a function proper to other offices or to committees.

In a national political party whose primary function is to field the Presidential and Vice-Presidential candidates, a request from a government agency for the official notarized

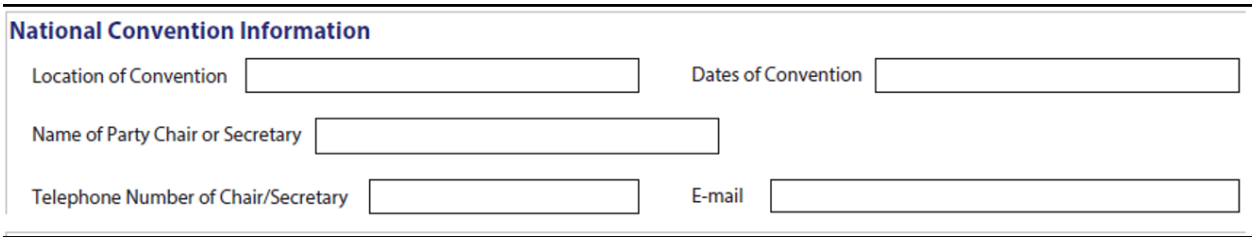
copy of a Certificate of Nomination is most definitely in control of the Secretary, and it is her job to make sure it gets done. The Chair may make requests and make delegations to staff or volunteers if the Secretary acquiesces, but the Chair cannot override this duty. If the Secretary is morally convinced that an order of the Chair (or anyone else for that matter) would prevent this duty from being carried out, it is her duty to do so, and the Secretary is a separate and distinct officer that is not chosen by the Chair, nor does she report to her. Her ultimate loyalty is to the Bylaws and the delegates assembled in convention.

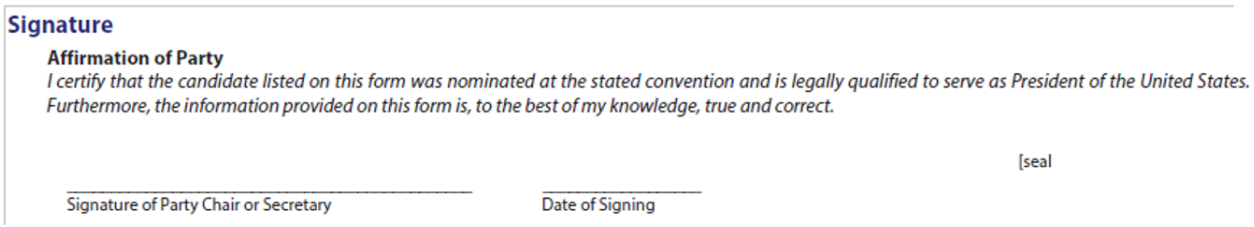
In this instance, I was made aware of these things at a minimum:

1. There was reasonable cause to believe that the Chair was not giving me all pertinent information regarding Colorado and may even be involved in keeping our candidates off the ballot (which compelled me to write the whistleblower email to counsel).
2. The Colorado Secretary of State requested me on two occasions (once indirectly through the campaign and once directly over the phone) to provide the Certificates of Nomination and on the phone call indicated that items could be sent in piecemeal.
3. The Chair instructed staff not to send anything to the Colorado Secretary of State and unilaterally declared this was solely a decision of the state chair (which is patently untrue) and against all custom and practice as well as fiduciary duty.
4. The campaign had only one or two days to decide whether to file as a write-in candidate which could prejudice their chance to ever get on the Colorado ballot line.
5. The LPCO state chair and the LPCO state board made it clear they were never going to put the duly nominated candidates on the ballot and had continued to make inflammatory and potential libelous comments about Mr. Oliver.
6. I had the support of key respected members of the LNC who concurred that this was within my job duties, including Mr. Nekhaila a former state chair of a top state (who was familiar with filing procedures), Mr. Nanna, the Chair of the Ballot Access Committee, and Mr. Redpath, a former national Chair, and the Ballot Access Coordinator.
7. The LPCO was already aware through their own parliamentarian that their attempted placement of RFK, Jr. on their ballot line violated the LP Bylaws.
8. In my past experience, although I was NOT told this by the Colorado Secretary of State, governments do not like getting involved in internal political matters and will often give priority to the first documents served. The Colorado Secretary of State actually told me they would look to the state

party's governing documents to see if they had the authority to nominate a Presidential and Vice-Presidential candidate and being one of the primary authors of that document, I knew that they did not.

9. The Nomination forms required by the Colorado Secretary of State required nomination at a national convention or a copy of a resolution passed by the national convention delegating that power to a lower today.





In light of all of these factors it was beyond reasonable for me to submit the Certificates to give the candidates a fighting chance to be on the Colorado ballot line. I did not know how the state would handle electors though the law as pointed out to me by Bette Rose Ryan was vague on this point so that my submission at this date could potentially ensure their placement though I made myself crystal clear to Ms. Ryan that my duty was fully discharged with submission of the Certificates of Nomination and that the national Party had no say or business in the submission of electors. Likewise, the national Party Chair had no business trying to withdraw any electors.

After I notified the LNC of the submission, the Chair publicly rebuked me claiming that I usurped her authority (I did not) and risked litigation because I was aware that a signed agreement existed between LPCO and RFK. I knew of no such agreement. Later I found out it was a non-binding "Liberty Pledge" so this was used as a pretense to make this claim. I did absolutely nothing to provoke a justified lawsuit. I followed my duties and the Bylaws and the Chair was the one to potentially provoke a frivolous lawsuit (of which she and I with the supervision of Mr. Hall would have handily dispatched) with her completely inappropriate and indecorous public excoriation which was cited by the LPCO Chair in her attempts to invalidate the Certificates of Nomination.

This should raise a question in the minds of the Judicial Committee. If I *really* did not have the authority to submit those Certificates, why did the Chair not simply write the Colorado Secretary of State, perhaps with a supporting letter from counsel, withdrawing them? She did not because she knew I had the authority (despite the fact that Colorado threatened to sue if she didn't—did she put the Party in legal jeopardy?)[14]. She just didn't like that I did it, either because she really did want RFK Jr. on the Colorado ballot line or wanted it done later. It is my discretion when and how I do my job within the bylaws and if I reasonably feel that one of my core duties was in jeopardy, it was my responsibility to mitigate. (see **Exhibits 25** and **26** – parliamentary opinion of Sylvia Arrowood and explanatory email as to confusion caused by the means by which the Trial Manager questioned her without ever referring to her report or indicating that he had even read it.)

All of my actions comport with past custom and practice.[15] See:

- **Exhibit 27**: 6/7/04 email from former LNC Secretary Bob Sullenthrup detailing how Certificates of Nomination are sent to the Secretaries of State
- **Exhibit 28**: 6/2/16 email from former LNC Secretary Alicia Mattson stating that the standard practice is generation Certificates of Nomination for Secretaries of State [in which we are not already on the ballot]
- **Exhibit 29**: 6/25/16 email from former LNC Secretary Alicia Mattson noting her coordination of getting Certificate of Nomination with a Secretary of State
- **Exhibit 30**:7/17/16 report from former LNC Secretary Alica Mattson indicating her coordination with Secretaries of State
- **Exhibit 31**: Copy of 2020 Certificate of Nomination to Colorado sent and signed not by the LPCO state chair but by the national Party
- **Exhibit 32**: 5/9/20 email from former Chair Nick Sarwark to me detailing former Secretary Alicia Mattson's practice of coordinating with getting documents to Secretary of State
- **Exhibit 33**: 10/24 document from former Operations Director Robert Kraus, a multi-decade Party staff member indicating that Secretaries of State were always

[14] There is also a misstatement in the IC report that the LPCO "owns" its ballot line. No, it does not. Not under Colorado line for the Vice-Presidential and Presidential nominations and not under RONR since it voluntarily chose to become an affiliate. It does not matter there is no explicit bylaw stating they must put the official candidate on the ballot line (and I was earlier mistaken as to that importance), there are explicit national bylaws on choosing and vacating such candidates which LPCO is obligated to follow (see Exhibit 12, parliamentary opinion of Robert Balch-sent separately from exhibit package as it is password protected).

[15] This nomination is not BY FAR the only controversial nomination. There were numerous states extremely unhappy with the nomination of Bill Weld as Vice-President and the nomination of the entire ticket of Bob Barr and Wayne Allyn Root in 2008. The LNC, particularly its Secretary, did their duty

given copies of the Certificate of Nominations instead of relying solely upon state chairs

There is a very good reason for this practice that anyone who has tried to send out a bulk message to state chairs would know well. There isn't ever a current list of who they are, how to reach them, and even if that information is known, they can go AWOL or simply not pay attention. There are some states (and exception) which require the signature of the state chairs (Colorado is not one of those states) and those were and are handled specially as they come up. All of this is common sense and completely opposite to Angela's ahistorical and breaching unilateral command that she insists it must be handled only by the state chairs unless they request us otherwise. This flies against sense, our Bylaws, our corporate duties, and long-standing practice.

2) Assuming *arguendo* that sending in nomination certificates at that time was improper it does not meet the burden of gross malfeasance

I have a written opinion from a parliamentarian that my actions were in fact proper (see **Exhibits 25** and **26** – parliamentary opinion of Sylvia Arrowood and explanatory email as to confusion caused by the means by which the Trial Manager questioned her without ever referring to her report or indicating that he had even read it)
and although I am not the Party parliamentarian nor acting as one in any manner in this situation, one cannot discount the fact that I have such knowledge and that must play a factor in deciding the reasonableness of my belief as well as the past practice and involvement of prior LNC Secretaries. If the Trial Manager were not acting as a prosecutor, he would have inquired why her report clearly stated that I had the authority to send the Certificate of Nomination without any consent from the Chair yet in person said I did not have the authority to "file" that same documentation. This is just one of the many gotchas that were employed rather than the role of getting to the truth of the matter.

Thus, with this Specification (putting aside just for sake of argument its failure to allege a proper cause for removal, instead using "gross misconduct" which is NOT the same as "gross malfeasance":

- None of the acts were extreme in badness or offensiveness
- None of the acts alleged are extremely bad wrongs.
- None of the acts are flagrantly illegal (in fact they followed Colorado law).
- None of the acts are flagrantly unauthorized by the Bylaws.
- None of these acts were flagrantly in bad faith.

VII. Charge 2: Conduct That Disturbs the Well-Being of the Libertarian Party, Hampers it in its work, and That Renders Ms. Caryn Ann Harlos Unfit for the Office of Secretary.

Though I will respond to the below Specifications in the interest of thoroughness, I note that this Charge is completely out of order as the Policy Manual lists only two causes for removal: failure to perform the duties of office and gross malfeasance. This charge alleges neither and while it might be the basis for a censure (and a potential future member appeal rather than an automatic appeal), **it is not cause for removal by our very own Rules**, and if the JC has not already voided the removal due to the flagrant due process violations, this should be thrown out immediately as not included in the only two allowable causes. And since the LNC chose not to divide the question as to whether or not committing just one of them is a removable offense, if one is thrown out, the removal must be reversed.

a) Specification 1: in that, by filing the names of presidential and vice-presidential nominees with the Colorado Secretary of State, Ms. Caryn Ann Harlos has exposed the Libertarian National Committee to litigation.

This Specification should first of all should be thrown out immediately as the Charge is not a removable offense. Specifications on their own per RONR do not lead to any conviction but must be in support of a valid Charge. This Charge while facially valid if under RONR standard alone, our Policy Manual supersedes RONR and states that an officer can only be removed for failure to perform the duties of office and gross malfeasance, not "conduct that disturbs the well-being of the Libertarian Party, hampers it in its work…"

Here are the facts. Due to the actions of a rogue LPCO Board thumbing its nose at its own Bylaws and the LP Bylaws, there were LPCO party members preparing to sue the LNC if the Certificates were not submitted. Anything can be a pretext for litigation though in their case there would have been valid cause. I cannot be held to a removable offense for following the Bylaws particularly when there was no way out of that possible "threat," (which never came to pass, and pre-crime is only a thing in Minority Report), and the path I took was clearly within our Bylaws and my fiduciary duty to the corporation and the delegates. Further, LPCO made threats that the entire LNC violated its autonomy (with the implied threat of litigation as that was the basis of this first threat – and not the LNC did not find me guilty of that charge which would have

been the only – even if frivolous – basis) by reaffirming Chase Oliver and Michael ter Maat as its nominees (see **Exhibit 34**, petition circulated by the LPCO).

Further, the Chair herself exposed the Party to litigation by not being familiar with DC law regarding thresholds required to amend the Bylaws that have involve voting thresholds higher than 2/3 (and still has done nothing to fix that problem) leaving the Party in legal limbo for future conventions and for not refusing to hear points of order about contested delegates that the Chair uses as an excuse for why we were on such a precipe. The point being, organizations are always under threat of litigation, it must follow its Bylaws. Further, as stated earlier testimony was given about another likely lawsuit involving serious Federal charges having to do with activities of the Chair for which she was warned multiple times by emails from members. That testimony was made even more credible by the fact that the witness is experienced in filing and pursuing legal matters (see **Exhibit 11**, email summary of Dan Reale).

As far as allegations of refusal to mediate, firstly, I was not in conflict with the LNC, this is a conflict of their own making as I had done nothing wrong and explained that many times. What in fact was happening was the LNC interfering in my autonomy as a LPCO member. In my first conversation with Ms. Hays which lasted for many hours as I considered it girl chat and not the set-up it turned out to be, comprised mostly personal conversation of grievances in her life and the recent 6th Circuit decision (it was not unusual for many LNC members to have long personal conversations), there was zero, none, zilch, offer of any kind of mediation. At a future LNC meeting, I absolutely agreed with Ms. Hays' offer to facilitate a mediation between me and LPCO and was waiting for her next step which never came. Ever. In an even later phone call with the Minnesota Chair Rebecca Whiting about the LPCO situation, she asked about a mediation with LPCO (she never mentioned Ms. Hays), and I absolutely agreed and also asked her to get in touch with me when details could be worked out, to which I never heard back. The LNC can provide absolutely nothing in writing where these mediations were attempted to be arranged with Colorado and I ignored or refused because that never happened. There was nothing to "mediate" with the LNC as I followed my Bylaws duty and there was no legal adversarial relationship, and the Chair could have called me at any time to discuss. She is the one who broke off contact when I no longer followed the Caucus line. My rights as an LPCO member are separate and apart from any role I have on the LNC, and the only LNC action was in following the Bylaws and not risking our candidates being supplanted on the ballot at the whim of an extremely belligerent and abusive state board and committing fundraising fraud upon the voters of Colorado.

If any such lawsuit were brought by LPCO or RFK, it would have been handily dismissed as we have multiple paralegals and lawyers on the LNC and a professional

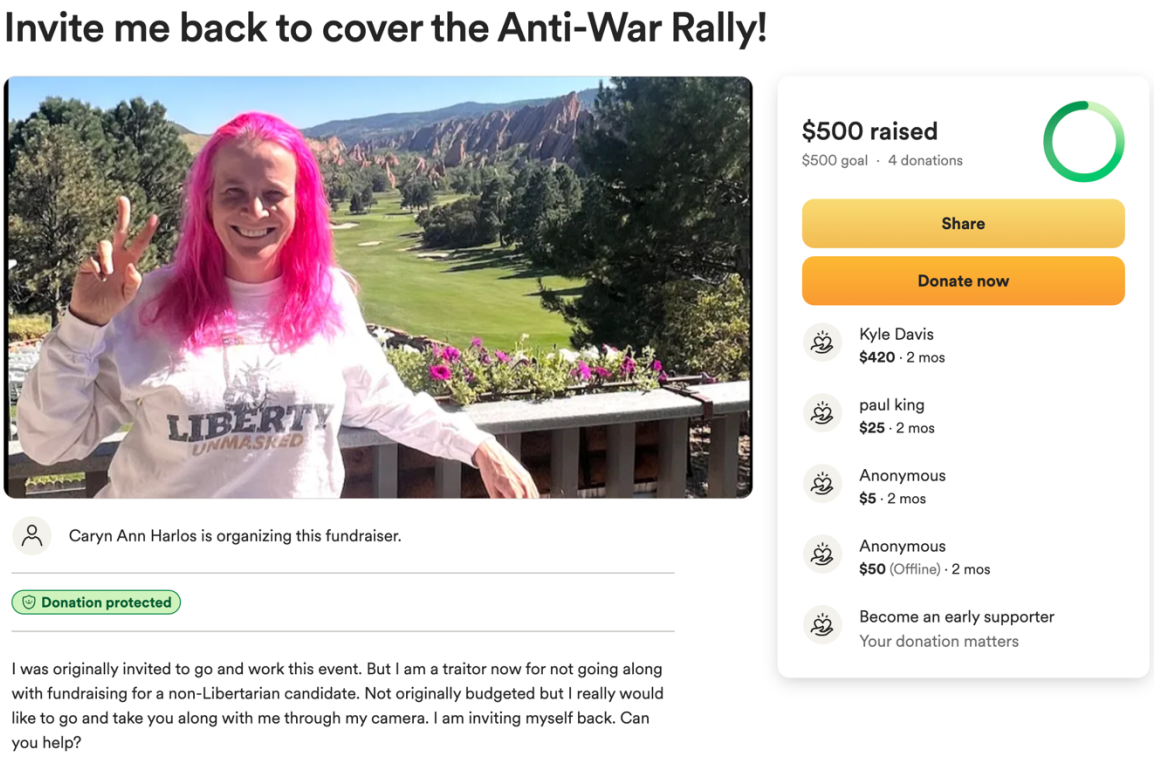
parliamentary opinion on the matter by a member of the Authorship Team was already obtained and paid for by others.

b) Specification 2: in that Ms. Caryn Ann Harlos has maligned various members of the Libertarian National Committee, specifically Mr. Adam Haman, and Ms. Angela McArdle, as detailed in On the Issue of Misrepresentation, On the Issue of Decorum and On the Issue of Investigation Interference.

This Specification should first of all should be thrown out immediately as the Charge is not a removable offense. But to address let's break them down into the three distinct parts:

Misrepresentation: In order to deal with this part ,I will have to repeat ONLY the part of the IC Report that deals with this issue which border on hysteria in its hyperbole.

> Particularly disturbing, however, was the Rage Against the War Machine GoFundMe that Ms. Harlos set up and promoted on X multiple times under false pretenses:



> The LNC Chair, who was the primary LP organizer, confirmed that Ms. Harlos never received an invitation to attend and work this event. Instead, Ms. Harlos exploited her public feud with the LNC Chair and other Board members to deceive the four donors who contributed to her $500.00 goal. She suggested two blatant falsehoods: first, that the LNC Chair or the Party would initially cover her travel expenses, and second, that they would no longer cover her expenses because they considered her a "traitor" for her opposition to the LNC's Joint Fundraising Committee (JFC) with the Kennedy Victory Fund (KVF).

This is laughable in its reach. First of all, the Chair is being untruthful. I was most definitely invited to attend with my airfare being covered by the Party. This was all done over text messages which the Chair must certainly has a copy. My phone for some reason stops showing any texts with the Chair as of May 2024 though we texted for years. I attempted recovery software to no avail. Since no one, I mean no one, dares call me a fraud, I spent nearly $500 of my own money to clear my name by voluntarily submitting to a voluntary test from a qualified polygrapher (see **Exhibit 35** – polygraphs results and qualifications of polygrapher)[16] with a test rating of 99% truthfulness on whether or not I was invited and my airfare was going to be covered. The polygrapher explained that was the highest score and commented "your body reactions are off the chart when I asked you to purposefully lie on the test questions, you are definitely not a sociopath." Even more ironic is that none of the donors were asked to be interviewed when the top donor is very well known on X and easy to find, and I would have easily put them in touch; the first donation was me and my husband from some superchats and an X payout. Kyle Davis, who basically made for the entire thing outside of $30 testified he never read the description, he donated because he wanted someone who would be there and tell the truth (he was going to go otherwise), was not "defrauded," and once seeing my polygraph results is positive that I was telling the truth despite the reasons given being irrelevant to his gift (see **Exhibit 36** – email testimony of Kyle Davis).

All of the actions and insults of the Chair and many on the LNC did indeed treat me as a traitor to the case (that is my personal subjective opinion I am entitled to have), and as proof I was definitely not welcome to return, Theodore Kosin testified that while at the event, he overheard on Autumn Paglia's radio the relaying of an order from the Chair to "have me removed" though I was doing

[16] It was not mentioned earlier, honestly because this whole removal is so contrived, but the Chair also claimed that I was aware and told her that the LPCO was considering RFK. This was also shown in the polygraph to be false. See also **Exhibit 38** – copy of chat with the LPCO Chair where my obvious shock in learning is on display).

absolutely nothing disruptive (see **Exhibit 37** – email testimony of Kyle Davis). There comes a point where you have to ask yourself, is everyone else lying or is it more possible that it is just one person. During the trial, I challenged the Chair to take the exact same polygraph with a similarly qualified polygrapher and that challenge remains. I understand that polygraphs are not admissible in criminal cases, but they are under certain circumstances in civil cases, and certainly here where I just have to meet a burden of rebuttable proof. I am going to be taking my phone to both the genius bar and T-Mobile to see if they can offer assistance in retrieving these texts.

I could have taken a lie detector test on every single thing I was accused of and gotten the same result. I chose these because no one, no one, accuses me of purposeful fraud. That is downright libel, and I needed to clear my own name. But I ask the JC in judging truthfulness, these are such inane things to be untruthful about. What kind of person does that and what does that say about their truthfulness in bigger things? No one helped me with this expense. It was that important to me. I have many faults, being a liar and committing fraud are not amongst them, and the way the IC Report (remember due process?) described it you would think I murdered Jimmy Hoffa. The bias is palpable.

Decorum (in non-official contexts): Due to the examples above which are numerous, this simply is not a removable offense due to the clear language of the Policy Manual, and if it were, the LNC would be nearly empty. The Chair herself regularly breaks decorum using a social media account that is tied to her Party title. I would argue even that is not a removable offense as it is not failure to perform the duties of office or gross malfeasance.

Investigation Interference. The IC complains that I spoke publicly about the publicly released charges against me. Are they the only ones with rights? Am I not allowed to defend my good name? I am not only an LNC member, but I am also a Party member and fully within my rights to speak with other Party members and with State Chairs that are part of my region. In fact, earlier we learned that LNC Member Meredith Hays reached out to Minnesota Chair Rebecca Whiting? Was she “interfering” on behalf of her significant other that spearheaded a libelous campaign against me but is now seeking the position I was rightfully elected to? Ms. Whiting is not in her region. She was not on the IC. Public accusations were made, and I had a human right to defend myself, and Party members had a right to hear from me if they wished.

c) Specification 3: in that Ms. Caryn Ann Harlos attempted to obstruct the investigation by falsely claiming that the convention had ruled regarding an investigating committee (post of August 26, 2024, 3:47:13 a.m. MDT).

I find in writing that I thought that the baseless and uninvestigated charge of fraud was the most overwrought reach. I was wrong. This one is:

> The most egregious example, however, may be an email Ms. Harlos sent on the LNC Business List the day after the IC was formed:
>
> **From:** LP Secretary <secretary@lp.org>
> **Sent:** Monday, August 26, 2024 2:47 AM
> **To:** LNC Business <lnc-business@lp.org>; 4eb01eb9.lp.org@amer.teams.ms <4eb01eb9.lp.org@amer.teams.ms>; businesslist-forward <businesslist-forward@lp.org>
> **Subject:** Preserving point of Order
>
> Last convention already determined this would be breach of continuing nature.
>
> A fair process including persons known for BOTH integrity and impartiality are required on an IC. Continue with this process without this requirement FOR ALL and you risk parliamentary Pascal's wager.
>
> And I know enough of you well enough that I know you know it's wrong.
>
> That's all I'll say on the matter. I was physicallly ill at the end and do not believe I articulated it as wwlll though I did raise.
>
> These things bring the party together in ways that are usually unintended.
>
> Talk to you soon.
>
> Get Outlook for iOS

If this is the most egregious example of alleged obstruction, they might have well said there was none. First, I was never asked about this email as is my absolute right under an RONR trial with due process. The email was grossly misinterpreted, and I find it difficult to believe it was not intentional. The IC interpreted this email as stating that I claimed that the convention delegates stated that an IC was required. I did not. They never asked what I meant and literally no one else I have shown this too came to such a conclusion. The point was that the process **was to be fair and in line with due process or you risk invalidating the results.** There is nothing controversial about stating that. The IC grossly misinterpreted it, never asked me about it, and provided zero proof or even attempted to that anything was obstructed. This was my opinion. LNC members state their opinions all the time. It is beyond words that this is somehow offending delicate sensibilities.

Instead of obstructing, I provided additional witnesses and topics that the IC never pursued despite not delivering their final report until about three weeks after my interview. The very obviously missing witnesses and facts have already been detailed above. If this is the most “egregious” example of obstruction, then I think we have discovered the most obvious example of a conclusion seeking a justification.

VIII. Standard for Removal Summarized in Conclusion

It there are clear Rules allowing what I did, you must reverse the LNC's decision. If there is any ambiguity about allowing what I did but a reasonable person would believe it was right, you must reverse the LNC's decision.

If none of the actions:

- were extreme in badness or offensiveness
- were extremely bad wrongs.
- were flagrantly illegal (in fact they followed Colorado law).
- were flagrantly unauthorized by the Bylaws.
- were flagrantly in bad faith.

you must reverse the LNC's decision.

CONCLUSORY REMARKS

I am a minority voice. I can live with that and mature persons on a Board can too. All I want to do is my job and finish my term. I can and will abide by any Bylaws-compliant rules (and Policy Manual rules that comply with the Bylaws) as I did here. I did my duty. I realize I will likely be outvoted on everything and that is life. But I was duly elected to this position and the burden of proof for the Party's documents for the severe and violative of the will of the delegates was not met here. We are not elected to a Board to be robots, to only follow Caucus marching orders (no matter what Caucus), or to be everyone's best friend. I was elected to be Secretary, and that is what I wish to do, and I am one of the best Secretary's this Party has ever had which likely why there was not any attempt to allege a failure to do my duties of office, in fact, I believe I fulfilled my fiduciary duties, which is not often an easy burden to bear as this action shows.

RELIEF SOUGHT

Full restoration of all rights, duties, and privileges as duly elected National Secretary and voiding of appealed decision.

Respectfully,
Caryn Ann Harlos