

BEFORE THE JUDICIAL COMMITTEE OF THE LIBERTARIAN PARTY

Date: 10/18/2021

Petitioner: Caryn Ann Harlos

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

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

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

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

Appearing on Behalf of Petitioner: DL Cummings

Petitioner's Supplemental Brief Answering Judicial Committee Questions Regarding the Social Media Policy

1. *Petitioner stopped being a National Social Media Volunteer in 2019.*

Attached to this Brief is the most current Conflict of Interest Disclosure of Petitioner from September 4, 2021, and the last one which listed "social media volunteer" which was April 25, 2019, well before this term.

2. *The argued application of the social media policy as argued by the Party Chair is a frightening expansion of the power of the National Committee not given to it by the delegates.*

Chair Bilyeu's appeal to the title of the Policy as referring to the "Libertarian Party" to make it refer to LNC members is ill-placed. By such logic it applies to everyone in the Party, including state chairs and state social media volunteers leading the way for the national Party to justify interference in the personal social media accounts of anyone who holds any position, anywhere, in the Party. It does not take much imagination to see how the internal battle that happened with the former national Chair's interference in New Hampshire, the current events in Delaware, will now move to that front. In fact, there are already calls to do so based upon disagreements with messaging of some state parties. The scene is set, in light of the extreme expansion of authority of the National Committee to redefine the Non-Aggression Principles as "perceived abuse," to tear this Party apart.

Further, titles are reference markers in documents and are not law, nor should they be treated as such.

3. *The Non-Aggression Pledge does not, and never has been, applied to “perceived abuse.”*

When it comes to “perceived abuse,” the Petitioner will once again point to the Facebook post by Ms. Susan Hogarth (Exhibit J) to an LNC list discussion as an example of “perceived abuse” if this standard is going to apply equally to all. Examples could be multiplied, including Mr. Phillips just yesterday posting the acronym for “you can f*ck the right off” to those who disagree with him on his personal social media—something he does frequently on both his personal social media and in official LNC discussions without any reprimand from the National Committee.¹ Similarly, Mr. Richard Longstreth intruded into the personal life of the Petitioner by contacting her spouse which was “perceived” by the Petitioner as trying to cause marital dissension for his own ends. Ms. Whitney Bilyeu’s and Ms. Erin Adams’ continued misrepresentation of claiming that the Petitioner accused the LNC of “trying to make her commit suicide” (an accusation which Mr. Richard Longstreth in fact DID make to the Petitioner without reprimand by the National Committee) is in actual fact “perceived” as abuse by the Petitioner and is very likely actionable defamation if she believed in such a cause of action.² Please see Exhibit F for Mr. Longstreth’s accusation to the Petitioner and this link for the actual statement in complete context by the Petitioner which is the exact opposite from what Ms. Bilyeu and Ms. Adams have publicly claimed: <https://www.youtube.com/watch?v=tpHT3Wdh7-8>.³ That clip also demonstrates that Petitioner told many on the National Committee that she “perceived” their actions as abusive and asked them to stop.

This is not an exercise in finger-pointing, but it is an exercise in demonstrating that the complaints against the Petitioner are a pretext to rid the National Committee of a minority voice since the standards are not applied equally.

4. *The Social Media Policy on its face does not apply to LNC members in any reasonable interpretation*

Portions of the Policy will be reproduced in full here with commentary to demonstrate this fact. Highlights and other emphases are added.

¹ Mr. Phillips’ Facebook account contains many insults to people who disagree and attacks against the Petitioner. His social media presence, along with that of Erin Adams, is very similar to that of the Petitioner and easily “perceived” as abusive.

² These repeated statements by Ms. Bilyeu and Ms. Adams are more than worthy of censure themselves.

³ Petitioner’s exact words were—in reference to the idea that some LNC members were purposefully trying to do such a thing—**“I hate to think this about anyone, so I don’t believe this.”** The context is an unbidden thought she had which she immediately repudiated.

Guidelines for the use of Social Media by Libertarian Party

Purpose For many of us, social media is a part of our daily lives and helps us communicate professionally and personally with those who care about what we do. This document updates those guidelines to reflect current practices, processes and tools in a rapidly changing social media environment.

Teams within the Libertarian Party lead and support social media use and citizen engagement activities. **The purpose of this document is to inform Libertarian Party employees and qualified volunteers** about the processes and best practices for setting up and managing social media channels and constituent engagement processes **through the Libertarian party** to support the work of the party. The Libertarian Party has produced a separate set of guidelines for the personal use of social media **as a Libertarian party employee or qualified volunteer.**

The Libertarian Party has an integral role in setting standards for the use of social media. **The various teams** within the Libertarian Party work together to ensure that constituents have a consistent user experience, **content is presented with a common look and feel**, and that guidelines and best practices are being followed for all constituent-party interactions.

Unless the National Committee is arguing that they also have the authority to determine that everyone is on a social media team, despite never conferring with each other, it is obvious from the face and purpose of this document, that it has nothing to do with LNC members who are not part of any team. The further referenced subsection on “personal use” is referring to guidelines for those same people who were earlier referred to as “teams” comprised of “Libertarian Party employees and qualified volunteers” who work with **official content** that has a “common look and feel.” None of that applies to the Petitioner who has no idea who the present Facebook and Twitter “teams” even are or the current guidelines for a “common look and feel.”

B. How do I set up a new official Libertarian Party social media account or engagement activity?

This header makes it clear once again that the focus is on people who set up “official” accounts and work on them in the voice of the Party.

C. How do I moderate social media in my professional capacity?

Libertarian Party employees or qualified volunteers may in their professional capacity be involved in moderating, encouraging dialogue and responding to questions on social media and blogs. For this activity, employees are expected to follow the following guidelines.

Loyalty

Libertarian Party employees and qualified volunteers have a duty of loyalty to the Libertarian party as their employer. They must act honestly and in good faith and place the interests of the party ahead of their own private interests.

Confidentiality

Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

Public Comments

Libertarian Party employees or qualified volunteers may comment on public issues but must not engage in any activity or speak publicly where this could be perceived as an official act or representation (unless authorized to do so).

Employees must not jeopardize the perception of the Libertarian Party in the performance of their duties through making public comments or entering into public debate regarding Libertarian Party policies. Libertarian Party employees must not use their position in the party to lend weight to the public expression of their personal opinions.

Once again, the whole context is speaking in the “voice of the Party.” Petitioner does not claim to speak in the voice of the Party. And the fact is that the National Committee does not even enforce this properly amongst its actual social media volunteers. It is a weapon now dragged out when someone is critical of them.

Service to the Public

Libertarian Party employees and qualified volunteers must understand that the party is here to serve the public and provide that service to the public in a manner that is courteous, professional, equitable, efficient, and effective and overall positive, refraining from the negative. Employees must be sensitive and responsive to the changing needs, expectations, and rights of a diverse public in the proper performance of their duties. It is necessary to the positive development of the party to avoid hostility in social media communication as this can be conceived as a violation of the Non Aggression Principle.

This above section which was inquired about during the hearing is part of “**C. How do I moderate social media in my professional capacity?**” quoted above. That is the context. The context is not even the personal pages of social media volunteers, and in that context, it makes sense with the exception of the mention of the Non-Aggression Principle which in any context is

a completely inappropriate eisegesis by the National Committee and needs to be struck in its own right.

The rest of the policies follow suit and leads directly to the “personal use” section which continues in the subsection lettering showing clearly that it is referring to the same people who do the “official” activities which precede it.

I. Does being a Libertarian employee or qualified volunteer impact my personal use of social media?

All employees and qualified volunteers are required to comply with the Standards of Conduct as a condition of their employment or extended volunteer capabilities. This requires Libertarian employees and qualified volunteers to conduct themselves in a manner that maintains and enhances the public’s trust and confidence in public perception. The Libertarian Party and the mainly the LNC and chair communicates Standards of Conduct expectations through training and support programs offered, as well as through internal tools. To comply with the Standards of Conduct, employees and qualified volunteers must conduct themselves in a way that separates their personal and professional use of social media and must avoid all real, potential and perceived conflicts of interest if deemed necessary. Employees must maintain impartiality in the performance of their duties and avoid making public comments or entering into public debate regarding government policies outside of Libertarian scope particularly in support of other parties. This commitment starts from the time the LNC or the chair in-trusts the employee or qualified volunteer with the capability of conducting social media presence for the representation of the Libertarian party, and they must conduct themselves accordingly throughout their employment or service as a volunteer in this capacity. This is only to be applied in instances where an employee or qualified volunteer slanders or defames the party or individual within the party or expresses a position or policy that is directly in violation of the bylaws, platform, statement of principles, or the Non-Aggression Principle.

There is absolutely nothing there that refers to the LNC members’ personal accounts, and it is in fact the LNC that entrusts others with conducting the official social media presence of the Party. The only instance in which this policy may affect an LNC member is if they were also a social media volunteer, but the requirement of impartiality which conflicts directly with their fiduciary duties at times, so even in such a case it is very arguable it would not. In any event, that is not remotely the case here.

It is frankly abusive for the National Committee to try to take a clear policy for actual social media volunteers and use it to remove a duly elected officer. Thus, by their own standard (which the Petitioner rejects), the members of the LNC that testified at the hearing have violated the Non-Aggression Principle and should themselves be suspended. This is the kind of result the over-reach and over-extension of their powers leads to. It will be a dystopian nightmare for many in this Party.

POTENTIAL CONFLICTS OF INTERESTS DISCLSOURES

SEPTEMBER 4, 2021

Cumulative LNC Potential Conflicts of Interest
As of September 4, 2021

Erin Adams

- Elected Chair of the Libertarian State Leadership Alliance 2018
- Co-Host, Drunk N Disorderly
- Chair, North Central Oklahoma Libertarian Party
- State Coordinator/Board Member, Libertarian Party Radical Caucus

Whitney Bilyeu

- Member, Steering Committee of the Foreign Policy Alliance
- Husband is Treasurer of the Harris County Libertarian Party
- Chair of the Libertarian Party of Texas

Rich Bowen

- Deputy Treasurer of New Jersey Libertarian Party
- Southern NJLP Vice Chair

Matthew Bughman

- City of Milwaukee Police Department (Employer)
- Law Enforcement Action Partnership, formerly Law Enforcement Against
- Prohibition (member)
- Libertarian Party of Wisconsin State Committee

Laura Ebke

- Senior Fellow w/Platte Institute in Nebraska (Public Policy think tank, my work occasionally takes me to work in other states for work on occupational licensing reform w/legislatures and other policy groups).

T.J. Ferreira

- Local, state, national, and international involvement with Libertarian party and campaigns
- Interim Executive Director, Libertarian Party of California
- Board member for a credit union in Southern California
- Board Chair of Center for Financial Empowerment (<https://www.center4fe.org/>), a non-profit organization which helps break the cycle of poverty through financial education.
- Founder and Executive Director of The Porcupine Group, a non-profit organization for promoting Open Source software projects.

Alex Flores

Pat Ford

Tim Hagan

Jared Hall

- Libertarian Party of Indiana Political Director

Caryn Ann Harlos

- Page Owner/Admin multiple FB groups/Pages, largest of which is Libertarian Party USA
- Runs a liberty activist YouTube channel
- Runs LP-adjacent YouTube channel (Cult of RONR)
- Secretary, Libertarian Party of Douglas County
- Policy Committee Member, Colorado RCV
- Secretary, Libertarian Party of Colorado
- Husband is Chair of Libertarian Party of Colorado
- Candidate, LNC Secretary 2021
- Invited speaker to various Libertarian conventions and Libertarian/libertarian events

Jeff Hewitt

- Elected to Riverside County Board of Supervisors
- Member, West Riverside County Council of Governments

Susan Hogarth

- Board member, Libertarian Party Radical Caucus
- Campaign Manager, John Stafford Stanley for Alderman

Richard Longstreth

- Works for Lowe's Home Improvement
- Member of the Libertarian Party Radical Caucus

Chris Luchini

- Chair of the Libertarian Party of New Mexico

Ken Moellman

- IT volunteer with Jo Jorgensen campaign
- IT volunteer for the Libertarian Party of Kentucky
- Elections Committee member for the Libertarian Party of Kentucky

Dustin Nanna

- Vice-Chair and acting Chair of the Libertarian Party of Ohio
- 12th Congressional District Central Committee rep
- Steering Committee, City of Delaware Ohio
- Midwest Regional rep for the Libertarian Youth Caucus

Steven Nekhaila

- Treasurer/Secretary, Libertarian Party of the Florida Keys
- Chair, Libertarian Party of Florida
- Alumni member, Young Americans for Liberty

John Phillips

- County Chair
- Gas Station Owner/Operator
- Executive Board (CFO) of Decatur Defenders - an anti-violence organization
- Incorrigible Smart Ass

Erik Raudsep

- Owns Iron Homes Inspections
- Coalition Director, Libertarian Party North Carolina
- County Chair, Libertarian Party of Durham County

Valerie Sarwark

- At-large member for the Southern New Hampshire Libertarian Party
- Director of Operations for Wedge Squared Strategies, LLC consulting firm

David Sexton

(none)

David Valente

- Federal Employee
- National Board Member, The People

John Wilford

- District Representative for Libertarian Party of Texas
- Vice-chair for Libertarian Party of Denton County
- Bookkeeper for Libertarian Party of Texas

POTENTIAL CONFLICTS OF INTERESTS DISCLSOURES

APRIL 25, 2019

Cumulative LNC Potential Conflicts of Interest

Erin Adams

- Board Member, The Feldman Foundation
- Co-host of the Crossover TV show
- Elected Chair of Libertarian Party of Oklahoma 2018
- Elected Chair of the Libertarian State Leadership Alliance 2018
- Networking Director for Roads to Freedom Foundation

Phil Anderson

(none)

Whitney Bilyeu

- Member, Steering Committee of the Foreign Policy Alliance
- Husband is Vice-Chair of the Harris County Libertarian Party

Joe Bishop-Henchman

- Employer has Aeris Stewart as summer intern

Sam Goldstein

(none)

Tim Hagan

- Treasurer, Libertarian Party of Nevada

Caryn Ann Harlos

- Social Media Volunteer, national Libertarian Party
- Page Owner/Admin multiple FB groups/Pages, largest of which is Libertarian Party USA
- Husband Wayne Harlos was elected Chair of the CO affiliate in March 2017
- Runs a liberty activist YouTube channel (Pink Flame of Liberty)
- Runs a LP-centric podcast (The Big L Podcast)

Jeff Hewitt

- Mayor, Calimesa, California
- Member, Libertarian Millennial Caucus
- Member, West Riverside County Council of Governments

Susan Hogarth

- State Chair, Libertarian Party of North Carolina
- Board member, Libertarian Party Radical Caucus

Jim Lark

- Secretary, Board of Directors, Liberty International (formerly known as International Society for Individual Liberty)

- Board of Advisors, Students For Liberty
- Board of Advisors, Freedom and Entrepreneurship Foundation (Fundacja Wolności i Przedsiębiorczości) in Poland
- Secretary, Jefferson Area Libertarians
- Member, Faculty Network, Foundation for Economic Education
- Secretary, Libertarian Party of Virginia

Victoria Paige Lee

- Healthcare policy advisor- Larry Sharpe campaign
- Tennessee liaison- The Feldman Foundation
- Carroll County Chair- Libertarian Party of Tennessee

Richard Longstreth

- Works for Lowe's Home Improvement
- Member of the Libertarian Party Radical Caucus

Jeff Lyons

- Libertarian Association of Massachusetts, Executive Committee Member (Membership Director)
- Young Americans for Liberty: Chapter President at Bunker Hill Community College YAL Legacy Society
- Member of the LPCaucus
- Member of the Libertarian Veteran Caucus
- Thinks Bill Weld is a good libertarian

Alicia Mattson

- Secretary, Libertarian National Campaign Committee

Alex Merced

- Senior Policy Advisor for the Larry Sharpe for Governor Campaign
- Media Director of Manhattan LP

Dustin Nanna

(none)

Steven Nekhaila

- Treasurer, Libertarian Party of the Florida Keys
- At-large director, Libertarian Party of Florida
- Alumni member, Young Americans for Liberty

Justin O'Donnell

(none)

Brent Olsen

- Northern Vice-Chair, Libertarian Party of California

- Chair, Kings County affiliate in the in Libertarian Party of California
- Employee, CA Dept of Corrections
- Wife is Treasurer for the Kings County affiliate of the Libertarian Party of California

John Phillips

- Candidate for VP
- County Chair
- Gas Station and Owner/Operator
- Executive Board (CFO) of Decatur Defenders - an anti-violence organization
- Secretary Libertarian Unity Caucus
- Incurrigible Smart Ass

Bill Redpath

- Treasurer of Fairvote (formerly the Center for Voting and Democracy)
- Treasurer, Citizens in Charge Foundation
- Treasurer, Citizens in Charge
- Vice Chair, Libertarian Party of Virginia

Nick Sarwark

- Ex-officio member of the Executive Committee of the State Committee of the Arizona Libertarian Party

Elizabeth Van Horn

(none)