

JUDICIAL COMMITTEE APPEAL TO VOID LNC DECISIONS OF OCTOBER 6, 2024

George Phillies, on behalf of Appellants, appeals to the Judicial Committee to void the decisions of the Libertarian National Committee made during its Special Meeting of October 6, 2024 for violation of the Libertarian Party Bylaws.

JURISDICTION

The Judicial Committee has subject matter jurisdiction over “voiding of National Committee decisions.” Bylaws, Article 8, Section 2, subsection (d). “Upon appeal by ten percent of the delegates credentialed at the most recent regular convention or one percent of the Party sustaining members the Judicial Committee shall consider the question of whether or not a decision of the National Committee contravenes specified sections of the bylaws.” Bylaws, Article 7, Section 12.

PETITIONERS

This petition is brought on behalf of a group of credentialed delegates from the 2024 Libertarian National Convention that exceeds “ten percent” as required by Article 7, Section 12 of the Bylaws. A validated list of credentialed delegates is attached with over the 93 signatures that are required for an appeal. Attachment A.

AFFECTED PARTIES

The parties affected by these decisions include:

- (a) Members of the Libertarian National Committee;
- (b) Credentialed delegates of the 2024 National Convention who brought this appeal;
- (c) Over 140 sustaining members of the party who also support bringing this appeal;
- (d) All members of the Party who have an expectation that Bylaws be followed;
- (e) The 51 Affiliate Parties, whose rights to be governed by our Bylaws are impinged.

FACTUAL BACKGROUND

On August 25th, 2024, the Libertarian National Committee voted 8-6 to create an investigatory committee to “investigate allegations of misconduct against Secretary Caryn Ann Harlos, which if true cast doubt on her fitness to continue in office, and report resolutions if allegations are well founded.” The members appointed to the investigatory committee were Adrian Malagon, Jonathan McGee, Pat Ford, Dustin Nanna, and Stephen Nekhaila.

On October 6, 2024, the investigatory committee returned a secret report, allegedly 31 pages, to members of the Libertarian National Committee, but not to members or the public.¹ The

¹ This report was not released to sustaining members of the Libertarian Party, even though it pertained to alleged misconduct in office by a national officer that would be of concern to a sustaining member. The bylaws state that all committees of the National Committee “shall conduct all votes and actions in open session,” which seems inconsistent with a secret report of misconduct. Bylaws, Article 7, Section 15.

investigatory committee presented two charges broken into five specifications against Caryn Ann Harlos. All charges, specifications, and motions were related to the submission of a certificate of nomination for Chase Oliver and Mike ter Maat to the Colorado Secretary of State and/or disputes about whether such action was consistent with the Secretary's duties to the Libertarian Party. The specifications, charges, and further motions are contained in Attachment B.

At its October 6, 2024 meeting, the Libertarian National Committee acted on motions on the specifications, charges, and further motions. Motions adopting Specification 2 of Charge 1, Charge 1 itself, the three Specifications of Charge 2, Charge 2 itself, and the two consequent motions all clearly passed. These eight motions are the subject of this appeal.

ARGUMENT

The Libertarian Party's purposes are established in Article 2 of the Bylaws and include "nominating candidates for President and Vice-President of the United States, and supporting Party and affiliate party candidates for public office." The 2024 National Convention nominated Chase Oliver for President and Mike ter Maat for Vice President and the Bylaws require the Libertarian National Committee to "provide full support for the Party's nominee for President and nominee for Vice-President," a duty that applies to every member of the committee individually. Bylaws, Article 14, Section 4.

The Secretary of the Libertarian National Committee is required by the Bylaws to keep the records of the party, including the nomination records for President and Vice-President. Bylaws, Article 6, Section 5. The Secretary is also required to provide "full support for the Party's nominee for President and nominee for Vice-President," which includes submitting nomination certificates to state election officials to ensure the candidates qualify for the ballot in as many states as possible. Bylaws, Article 14, Section 4.

Two facts are undisputed: (1) The Libertarian National Committee Chair ordered the Secretary not to submit a nomination certificate for Chase Oliver and Mike ter Maat to the Colorado Secretary of State to ensure their placement on the ballot and (2) the Libertarian National Committee Secretary did submit a nomination certificate to the for Chase Oliver and Mike ter Maat to the Colorado Secretary of State.

Charge 1, Specification 2 claims that Ms. Harlos failed to follow a legitimate instruction of the National Committee Chair by filing paperwork regarding the presidential ticket, exclusive of the electors, with the Colorado Secretary of State.

The alleged order by the National Chair was illegitimate. Our Bylaws, Article 14, Section 3 provide "*the National Committee shall respect the vote of the delegates at nominating Conventions and provide full support for the party's nominee for president ... as long as their campaigns are conducted in accordance with the platform of the party .*" Assuredly, ensuring that Chase Oliver and Mike ter Maat were placed on the Colorado ballot for the fall general election is an aspect of full support. Contrariwise, preventing these two gentlemen from having their names appear on the Colorado ballot, as the National Chair attempted to do, is the opposite

of full support. It is opposition. The alleged order of the National Chair to Harlos, ordering Harlos not act to place Oliver on the Colorado ballot, is an explicit violation of the Bylaws, Article 14, Section 3, and is therefore illegitimate. The Nuremberg precedent, familiar to generations of American schoolchildren following the Nuremberg war crimes trials, makes clear that disobedience to an illegitimate or illegal order is not a crime; disobedience to illegal orders is a duty.

The Chair's order violated Article 14, Section 4 of the Bylaws, while the Secretary's action upheld Article 14, Section 4 of the Bylaws.

Charge 1, Specification 2 further claims that Harlos violated Article 6, Section 5 of the Bylaws. The Secretary is charged with performing such duties as are assigned by the Chair or the National Committee. However, that charge is an affirmative specification, allowing the Chair to tell the Secretary to do things. That statement does not permit the National Chair to tell the Secretary not to perform the Secretary's duties, as the same section charges the Secretary with keeping such records as necessary. A decision of the National Convention to nominate a presidential candidate is certainly a necessary event to be recorded. Records, however, are only effective when supplied to the people who need them. In this case, the Colorado Secretary of State needed confirmation that Chase Oliver is our Presidential candidate. The Secretary dutifully supplied the Colorado Secretary of State with the needed documentation. The Secretary's action was a legitimate performance of her Bylaws-assigned duties.

Charge 2, Specification 2 relies on secret documents, namely a 31-page report of the Investigatory Committee chaired by Adrian Malagon. The documents are not open to the membership and delegates, making it impossible for them to appeal, because the membership and delegates do not know what is said in the document being appealed.² Keeping the report secret is a substantial due process violation of the rights of members and delegates to appeal, in violation of Article 7, Section 12. Charge 2, Specification 2 relies on secret documents and is therefore invalid; it should therefore be voided.

The Libertarian Party Bylaws require all members of the Libertarian National Committee to "respect the vote of delegates at nominating conventions and provide full support for the Party's nominee for President and nominee for Vice-President." Secretary Caryn Ann Harlos was providing full support for Chase Oliver and Mike ter Maat by submitting their certificate of nomination to the Colorado Secretary of State. An attempt by a state party affiliate or National Committee officer to delay or interfere in submission of the certificate of nomination to the Colorado Secretary of State would be in direct violation of the Libertarian Party Bylaws. Punishing a National Committee member for executing duties required by the Bylaws of the Libertarian Party is contrary to those bylaws, therefore all eight motions that were passed based on that conduct must be voided.

² The claim that the documents are not open to the membership is proven by my correspondence with the National Committee. Attachment C.

RULING REQUESTED

The requested action of the Judicial Committee is that the decisions of the LNC shall be overturned by the Judicial Committee and found to be null and void for violation of the Bylaws, that in consequence Caryn Ann Harlos shall be restored to her authorities, rights, and duties as Secretary and all other positions within the party from which she was suspended, that National Committee actions consequent to these decisions such as a trial are invalid, and that a statement should be inserted in party minutes preceding each voided decision, each motion and vote, stating that the decision has been overturned by the Judicial Committee.

The appellant will present the appeal or have the appeal presented by another Sustaining Member of the party.

ATTACHMENT A
The Appellants

AARON GOSS
Aaron Ramos
Adam Neumeyer
Alexander Keller
Amber Howell
Andrea Holt
Andrew Amelang
Andrew Jacobs
Andy Binsley
Angela Thornton
Anthony D'Orazio
Avens O'Brien
Bethany Extine
Brennan Barrington
Brett Borden
Brittany Kosin
Carol Unsicker
Carter Cole
Caryn Ann Harlos
Casey Crowe
Charles Larkin
Chris Powell
Christine Austin
Cody Graves
Colin McKinney
Dan Lewis
Daniel Windham
Danny Dolan
Darin Kinser
Donna Gundle-Krieg
Dustin Coffell
Elizabeth Coquillard
Gail Lightfoot
Glen Lewis
Greg Baldwin
Greg Hertzsch
Greg Perry
Heide Alejandro-Smith
Honor (Mimi) Robson
Howard Blitz
Ilya Schwartzburg
Jack Aiken

Jake Porter
Jami Van Alstine
Janel Holmes
Jason Jawuith
Jeff Coleman
Jocelyn Fry
Joe White
John Morrisey
John Phillips
Joseph Brungardt
Joseph Buchman
Justin Tucker
Keith Thompson
Ken Willey
Kenneth Feagins
Kenneth Mattes
Kevin Kahn
Kevin Litten
Kristin Alexander
Lana Leguia
Laura Owens
Lorenzo Gaztanaga
Luke Lomax
Mark Hinkle
mark tuniewicz
Mary Gingell
Mathew Adams
Matthew Johnson
Michael Fitch
Michael Pakko
Michael R Lopez
Michael Schultheiss
Nathan Madden
Nolan Schmidt
Olivia Hayse
Pauline Phipps
Peter Everett
Phil Gray
Pietro Geraci
Raymond Walden IV
Richard Longstreth
Rose Leatherman
Russell Brooksbank
Ryan Graham
Stephanie Berlin
Stephen Meier

Steve Perkins
Susan Hogarth
Taylor Bakken
Thomas Knapp
Thomas Watercott
Todd Hagopian
Travis Cartwright
Tyler Danke
Tyler Harris
Wayne Harlos
Wendy Hamlin
Y Gilotte

ATTACHMENT B

Charges & Specifications

Resolved, that when the meeting adjourns, it adjourns to Saturday, November 9, 2024 at 1:00 p.m. EDT to be held virtually.

Resolved, that Ms. Caryn Ann Harlos is hereby cited to appear at said adjourned meeting for trial, to show cause why she should not be removed from the office of secretary on the following charges and specifications:

Charge 1: Gross Misconduct In Office

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

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).

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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

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.

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*.

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).

Resolved, that from the time official notification of this resolution is delivered to Ms. Caryn Ann Harlos' address until disposition of the case, all of Ms. Caryn Ann Harlos' authority, rights, and duties pertaining to the office of secretary and of all Libertarian Party Committees are suspended.

Resolved, that Mr. Jonathan McGee act as the manager for the Libertarian National Committee.

ATTACHMENT C

My correspondence with the LNC.

From: George Phillies <phillies@4liberty.net>

Sent: Monday, October 14, 2024 12:09 PM

To: Chair <chair@lp.org>; Mark Rutherford <mark.rutherford@lp.org>; LP Treasurer <treasurer@lp.org>; LP Secretary <secretary@lp.org>; Adam Haman <adam.haman@lp.org>; Roman Garcia <roman.garcia@lp.org>; Andrew Chadderdon <andrew.chadderdon@lp.org>; Nick Shawhan <nick.shawhan@lp.org>; Jonathan McGee <jonathan.mcgee@lp.org>; Matt Johnson <matt.johnson@lp.org>; Dustin Nanna <dustin.nanna@lp.org>; Paul Darr <paul.darr@lp.org>; Keith Thompson <keith.thompson@lp.org>; Greg Hertzsch <greg.hertzsch@lp.org>; Meredith Hays <meredith.hays@lp.org>; Adrian Malagon <adrian.malagon@lp.org>; Otto Dassing <otto.dassing@lp.org>; Paul Bracco <paul.bracco@lp.org>; Pat Ford <pat.ford@lp.org>; Ben Weir <ben.weir@lp.org>; Travis Bost <travis.bost@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Robert Vinson <robert.vinson@lp.org>; Andrew Watkins <andrew.watkins@lp.org>; apostrophe3 <apostrophe3@gmail.com>

Subject: The Investigative Committee Report

As a Party Life Member, and lead author of an appeal of your recent actions on Caryn Ann Harlos, you are requested to send me a copy of Mr. Malagon's Committee report, so that I may exercise my membership rights under bylaws Article 7.12 to write a proper appeal to the Judicial Committee against your actions on Charge 2, Specification 2 of the report of charges and specifications.

I remind you that appeal documents are, of course, public documents.

Mr. Phillies,

Ms. Harlos objected to the report being released to anyone. Are you asking with her consent?

Meredith Hays
Region 4 Rep, Libertarian National Committee

On 10/14/2024 3:57 PM, Travis Bost wrote:
For what purpose is Mr. D'Orazio cc'd on this email?

Travis L. Bost
LNC At-Large

From: George Phillies <phillies@4liberty.net>

Sent: Monday, October 14, 2024 1:05:28 PM

To: Travis Bost <travis.bost@lp.org>; Meredith Hays <meredith.hays@lp.org>; Chair <chair@lp.org>; Mark Rutherford <mark.rutherford@lp.org>; LP Treasurer <treasurer@lp.org>; LP Secretary <secretary@lp.org>; Adam Haman <adam.haman@lp.org>; Roman Garcia <roman.garcia@lp.org>; Andrew Chadderdon <andrew.chadderdon@lp.org>; Nick Shawhan <nick.shawhan@lp.org>; Jonathan McGee <jonathan.mcgee@lp.org>; Matt Johnson <matt.johnson@lp.org>; Dustin Nanna <dustin.nanna@lp.org>; Paul Darr <paul.darr@lp.org>; Keith Thompson <keith.thompson@lp.org>; Greg Hertzsch <greg.hertzsch@lp.org>; Adrian Malagon <adrian.malagon@lp.org>; Otto Dassing <otto.dassing@lp.org>; Paul Bracco <paul.bracco@lp.org>; Pat Ford <pat.ford@lp.org>; Ben Weir <ben.weir@lp.org>; Steven Nekhaila <steven.nekhaila@lp.org>; Kathy Yeniscavich <kathy.yeniscavich@lp.org>; Robert Vinson <robert.vinson@lp.org>; Andrew Watkins <andrew.watkins@lp.org>; apostrophe3 <apostrophe3@gmail.com>

Subject: Re: The Investigative Committee Report

So that he is aware of the communication. By the way, my mail system has blind carbon copy, so you actually do not know to whom in toto my message was sent.

Apologies Madam Chair, I do wish to clear something up for Mr. Phillies since he appears to be confused:

It is not “Mr. Malagon’s Committee report.” It was the Investigatory Committee’s report. The IC was formed by the LNC. The report was unanimously adopted by open session vote and signed by all 5 members of the Committee which is why it was later presented to the LNC.

Adrian F Malagon
Region 4 Alt, Libertarian National Committee