

Proposal F Minority Report: Make Elected Libertarians Automatic Delegates at Convention

We, the undersigned minority, encourage delegates to outright reject the committee proposal. While it certainly is admirable to reward elected Libertarians this proposal is unworkable with potentially disastrous unintended consequences. We note some of these below:

- 1. The maximum number of potential delegates at convention would become unknowable as the National Party often does not even know the total number of elected Libertarians if they are not reported by the affiliates. Advance planning of conventions, including booking convention sites, requires at least this minimal information.*
- 2. The proposal does not require that the potential delegate be elected as a Libertarian, and thus, our Party could be subject to a take-over by a coordinated re-affiliation from another Party or would-be Party who would gain an out-of-the-box ballot qualified Party. It is noted that there is a safeguard in the proposal but if any take over attempt already had a certain number of non-ex-officio delegates who got in through the state convention process, they could pad their numbers to 2/3 or 3/4 or 7/8 and then gut the Statement of Principles without anyone being the wiser until it was too late.*
- 3. Affiliates who are burdened by oppressive ballot access laws would be highly disadvantaged and have their voices diluted by states with easy ballot access. While it is true that it is impossible to ever have complete equity between the affiliates, the government has made it so that some states are effectively crippled until we succeed in changing those laws.*
- 4. The proposal includes elected partisans from other parties (such as those who initial ran on the the Republican ballot line who have signed the pledge and paid dues). The proposal also includes officials appointed to fill vacancies in elected offices (the office must be subject to a vote of the general electorate, not the official themselves) and may arguably include appointed offices (offices that are always appointed and never elected, but subject to a recall vote of the general electorate).*

Further although the rationale for the proposal claims that this is a cost-effective way to recognize these elected officials, is it really? Is having an unknown maximum number of delegates a cost-effective way to plan a convention? How would non-ex-officio delegates know who potentially to target internal party advocacy campaigns? And as to the alleged benefit of having them share their experiences at convention, time is already at a premium at these conventions and there is no guarantee that this could be done or would be so beneficial as to risk the above consequences. Lastly this is a proposal that is similar to proposals floated in the past that were either never presented or voted down. The Bylaws Committee should not be seeking to introduce the same proposals for which there has been no indication of widespread need or support. It is not the job of the Committee to find solutions in search of problems.

We urge you to soundly reject this proposal.

*Signed,
Caryn Ann Harlos, Chuck Moulton, Kim Ruff*

Proposal G Minority Report: Expand Report from the Bylaws and Rules Committee

We, the undersigned minority, encourage delegates to initially reject the committee proposal so that it may be amended by substitute with a more straightforward approach.

There is no process codified in our bylaws or convention rules (see LP Rule 4) for considering minority reports from the Bylaws and Rules Committee even though LP Bylaw 11.6.b explicitly allows any two (2) Bylaws and Rules Committee members to join together in a minority report. The Platform Committee has used such a process for years as codified in LP Rules 5.3 and 5.4.

The committee proposal creates a totally new Bylaws and Rules Committee report process which addresses this long-standing problem. Instead of re-inventing the wheel, our amendment would apply the Platform Committee minority reports process to the Bylaws and Rules Committee.

*Signed,
David Demarest, Caryn Ann Harlos, Chuck Moulton, Kim Ruff*

Proposal N Minority Report: Require Endorsed Candidates to Affiliate with the Libertarian Party

We, the undersigned minority, encourage delegates to reject the committee proposal to allow for subsequent amendment for the following reasons:

Although not directly mentioned as such, this has always been understood to be the “anti-fusion” bylaw or at least the potential “anti-fusion” Bylaw provision. We believe that if we are going to be explicitly allowing fusion candidates that the proposal should directly address that particularly if the purpose is clarity of rights and responsibilities. The way it is currently written, there is a danger of delegates voting for its adoption without fully realizing the scope of its effect. The committee proposal explicitly allows endorsement of fusion candidates (candidates who have multiple ballot lines, such as L/R, L/D, or L/G/C). Do we want to allow such candidates? The committee proposal explicitly allows endorsement of partisan candidates running under another ballot line without the LP ballot line, such as a Republican candidate without the Libertarian ballot line who is a LP national member (has signed the pledge). Do we want to allow such candidates?

The minority is also not convinced that “member of another party” is always so difficult to define in practice, particularly in those majority states that do have partisan party registration. These potential loopholes described by the committee report are not solved by this amendment as Independent candidates could still simply sign the membership pledge and for all intents and purposes run the exact same non-Libertarian campaign they would have already. This certification does not automatically confer any additional Libertarian bona fides as compared to the moment prior to the signature, particularly when the primary intent of the membership pledge as a promise not to violently overthrow the government is kept in mind. While any solution may still have potential loopholes the minority does not believe that simply requiring payment of a small fee should be able to automatically qualify someone who is in fact a member of another party (for instance by being registered in another party while paying national party dues). The intended consequences of this proposal could be myriad and highly problematic.

We also note that this bylaw also contains the sentence that “No affiliate party shall take any action inconsistent with the Statement of Principles or these Bylaws.” That statement is notable because at first it does not seem to be related to the rest of the bylaw but makes perfect sense if understood as a statement that such an endorsement would de facto be an act inconsistent with the Statement of Principles and not merely a failure to make a membership payment.

Thus we counsel rejection in full so that members of the undersigned minority can offer a more nuanced amendment.

*Signed,
David Demarest, Caryn Ann Harlos, Kim Ruff*

Proposal O Minority Report: Reorganize Purpose Statement

We, the undersigned minority, encourage delegates to reject the committee proposal which purports to re-organize the Party Purpose Statement. Over the years, and as recently as last convention, attempts have been made to change the focus of the Party by adding a "Mission Statement" in addition to the already existing "Purpose Statement." The Committee's proposal has the same result without directly indicating that it is doing so.

*At first glance, this is not particularly apparent, but upon close review the Committee proposal does not merely "re-organize" the Party Purpose Statement, it fundamentally changes it from one thing to another. The current Purpose Statement explicitly states that the purpose of the Party is to "implement and give voice to the principles embodied in the Statement of Principles" and then gives multiples ways in which the Party would accomplish this purpose. The Committee proposal **demotes the Statement of Principles to a means rather than the intended ends**, which is certainly not a mere re-organization.*

We refer delegates to the language in Article 3 that directly follows:

The Statement of Principles affirms that philosophy upon which the Libertarian Party is founded, by which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a vote of 7/8 of all registered delegates at a Regular Convention.

*Reading these two Articles in tandem makes it clear that the Statement of Principles is the purpose of our Party not a vague political slogan that could be used by nearly any Party that exists in the country as very few are so bold to openly deny that they are destroying freedom and decreasing liberty. We are increasing liberty and promoting freedom by doing so via a very specific means —by way of the founding philosophy in the Statement of Principles which was intended to be the standard by which **everything is judged NOT as a mere means**. For example see Articles 5.2; 5.4; 5.7; and 6.2 in addition to the required super-quorum and super-majority required for amendment of the Statement of Principles.*

Additionally as far as the conversion of the paragraph into a list for improved readability that is a subjective opinion that changes year by year as evidenced by the several times that this very same bylaw has been transformed from list to paragraph at least once previously (see 1972 Bylaws and then 1989 Bylaws) and may very likely be proposed back to a paragraph again by a future committee with different style preferences.

It is also relevant that a proposal to further protect the required super-quorum and super-majority of the Statement of Principles was rejected by this same Committee. If that had passed, this "re-organization" might not carry as much import though we would still oppose. Thus we encourage outright rejection of this proposal and consideration of a related minority proposal to protect the Statement of Principles by closing an alleged and unintended "back door" which could allow a Party takeover.

*Signed,
David Demarest, Caryn Ann Harlos, Kim Ruff*

Proposal P Minority Report: Nominate Presidential and Vice-Presidential Candidates as a Ticket

We, the undersigned minority, encourage delegates to reject the committee proposal entirely. While well-intentioned and tempting to mimic the procedure that the old parties use to nominate their candidates, our separate nomination process keeps greater power in the hands of the delegates to nominate a balanced ticket and at least provides opportunity to prevent one popular and desirable candidate from bundling in a running mate that is less so. While it is true that this proposal provides that the delegates can vote to sever the ticket, it seems unlikely to happen and would create more problems than it purports to solve. Specifically, candidates are not going to be particularly comfortable or confident in investing resources into a dual ticket race when it is possible that it could be involuntarily split and further would make it difficult for the candidates to get to know each potential nominee on their own individual merits. Delegates will be aware of this disadvantage to the candidates as well and may, out of courtesy to a more popular candidate, be reluctant to sever the ticket knowing that the candidates did at least somewhat rely upon the partnership to their detriment.

As our Party grows, we must be vigilant to keep close to our ideological reasons for existence that are not always the same as the interests of in-the-moment political expediency. It is not as if absent this proposal that any candidate would not get their preferred running mate as the delegates always have that option but without having to jump through an additional hoop. It becomes a question of who should bear the presumption of full choice: the candidates or the delegates? We believe that it serves the principles of the Party better to keep that presumption squarely in the hands of the delegates and decline to force them into an automatic package deal unless they "opt-out" as a collective which would have the unintended consequence of dampening the pressure to convince the minority delegates to be persuaded on the ticket since the majority can simply force the package deal, leading to more schism and factionalism. We forget that it is not just our candidates that bring value to the table; we are not beggars. We have a solid history and valuable ballot access that should require that the delegates themselves be sold on the ticket package and exercise their decision within the normal balloting process rather than through a separate, time-consuming, and dramatic opt-out which could cause embarrassment and discouragement to both candidates as well as potential negative media fodder.

Thus we counsel rejection in full in support of the method that has served our Party for decades. Similar measures have been tried in the past and failed. We believe that the Bylaws Committee should not continue to keep trying rejected measures but instead think out of the box to enable the Party to be the political vanguard it was created to be.

*Signed,
Caryn Ann Harlos, David Demarest, Chuck Moulton, Kim Ruff*

Proposal Q Minority Report: Add Alternative Certification Language for Pledge

We, the undersigned minority, encourage delegates to reject the committee proposal entirely. Since the founding of our Party there have been attempts after attempts to either remove or change the very simple membership Pledge with no proof that it is in fact a barrier to entry to libertarians who would like to be Libertarians.

The Committee cites the statistic that there are donors who never become members with a smuggled assumption that this proposal would change that situation. However that is without foundation. There have been fundraising pushes in the past (such as Project Archimedes which specifically asked people not to join but rather to give to assist on single-issue pushes). Not everyone will become a Libertarian Party member even if we simply declared everyone to be one by fiat.

Adding a multi-choice option can only mean one of two things: the alternative has a substantially different meaning than the current pledge or it doesn't but rather just explains it differently. If the former, the Committee proposal is nothing more than an attempt to alter our foundational ideology, and if the latter, why not have ten different wordings? Why not instead simply explain the present one on the website or in literature? The Libertarian Party of Colorado used to do just that with this language:

What does the pledge on the membership form mean? We ask our members to disavow the initiation of force. This does not mean that you cannot defend yourself; you DO have a right to defend your life, liberty, and property. It does mean that you cannot use the coercive power of government to forcibly achieve your personal, ethical, or religious goals. This commitment helps us maintain our principles and provides us with a measuring stick to determine if we have strayed from our common goal: a society where all relationships among persons are based on voluntary cooperation.

Main Party founder David Nolan concurred with this explanation but also reminded the LPCO of the primary reason for the Pledge which was to protect Party members from accusations of being domestic terrorists which was a very real danger in the 1970s---and have once again become one. The "alternative wording" makes a de facto decision that the membership language is merely ideological and ignores the very important exigent reasons for its existence, reasons for which we should not want to have an "opt-out" option. It doesn't take much imagination to come up with plausible future scenarios in which a violent and unstable person comes into our ranks, commits an atrocity, and in the subsequent media mayhem it is revealed that the Libertarian Party backed away from its very in-your-face assurances of "we no throw no bombs."

*Signed,
David Demarest, Caryn Ann Harlos, Joe Henchman, Kim Ruff*

Proposal R Minority Report: Define in Advance Party Agreement with Presidential Campaign

This proposal establishes that there be a default contract between the party and its presidential candidates, which is good. However, it requires that any future changes to the contract can only occur if moved on the Convention floor and approved by delegates.

We on the Bylaws Committee spent half an hour debating just two provisions of this draft contract. If contract-writing-by-committee was bad, imagine what contract-writing-by-convention will be like. It would neither be the most productive use of delegates' time nor the best way to carefully craft a binding legal document.

Unless this proposal is amended to permit future contract changes to be crafted by the LNC or some other entity, and not on the Convention floor, we urge delegates to vote against this proposal.

Signed,
Andy Craig, Joseph Bishop-Henchman, Kim Ruff

Proposal S Minority Report: Protect Party Name Rights for Affiliates

We, the undersigned minority, encourage delegates to reject the committee proposal entirely. The situation is much more complex than stated in the Committee report and based upon potentially dubious presumptions. Although the National Committee does presently have a registered trademark on the name "Libertarian Party" this was not obtained until 2001, thirty years after the founding of the Party and well after many state affiliates came into existence in their own right. The Committee proposal would completely exclude and disenfranchise state affiliates who refused to sign a post-facto agreement against their rights by effectively disaffiliating them from national participation yet still expecting that affiliate to support the national candidates and abide by all of the other rules. The relationship between the national party and the state affiliates is that of equals, not of satellites, and certainly not one in which it is appropriate to intimidate any affiliate into signing a document that was never required in order to exercise their Party rights and privileges. The Committee states that affiliates had previously signed such contract but that the national party lost them. Well, that fault is on them, and the Committee presumes that a state affiliate might exercise its valid right to disaffiliate and still exist only if it were "hijacked." However, the Party structure was designed to give state affiliates power if the national party were similarly hijacked, and when both sides have the same resources, cooperation happens. When only one side holds all the chips, authoritarian top-down control becomes a real possibility.

*Signed,
David Demarest, Caryn Ann Harlos, Kim Ruff*

Proposal V Minority Report: Require Credentials and Platform Committee Members to be Party Members

We, the undersigned minority, encourage delegates to initially reject the committee proposal so that it may be amended. The committee proposal imposes a dues paying national party membership requirement on committee members appointed by state parties (15/20 to the Platform Committee and 5/10 to the Credentials Committee), abridging their autonomy to select representatives who may be state members but choose not to join or financially support the national party. This centralizes power and envisions the LP as a top-down organization instead of a bottom-up organization. Our amendment would instead require only those committee members selected by the LNC (5/20 to the Platform Committee and 5/10 to the Credentials Committee) to be sustaining party members. Individual state parties which select committee members may (through their own bylaws) impose a sustaining national party membership requirement.

Signed,

David Demarest, Caryn Ann Harlos, Chuck Moulton, Kim Ruff

Proposal Y Minority Report: Duty to Defend Party Name

We, the undersigned minority, encourage delegates to reject the committee proposal entirely and would refer as well to the argument made in the minority report with the subject "Protect Party Name Rights for Affiliates." Delegates should know the background for this proposal. There are Facebook community groups such as the Libertarian Party Nudist Caucus which use the name "Libertarian Party" in their title as is routine for internal Party caucuses, whether serious organizations or less so. An example would be the Libertarian Party Radical Caucus, which has been in on and off existence since the 1970s using that very name arguably with the invitation of David Nolan and certainly well before any claimed trademark.

*In effect the Committee proposal would bind and require the LNC to expend time and money to sue its own activists. Not only is this a terrible proposition optics-wise, it is a potential bottomless pit. While there have been isolated cases in the past of confusion over whether or not a certain group or project was "official" those were handled on solid legal ground on an individual basis under the LNC's current duty to protect Party assets when they are actually threatened. In the case of caucuses there is no such threat or confusion but there certainly can be political motivations in future enforcements. And it should not have to be pointed out that if the Party doesn't want more "Libertarian Party Knights Who Say Ni" Caucuses or other more trollish enterprises this is precisely the wrong way to go about it but an excellent way to make sure there is a never-ending supply of targets for which the LNC will be **required** to pursue.*

Signed,

David Demarest, Caryn Ann Harlos, Chuck Moulton, Kim Ruff

Proposal Z Minority Report: Restructure Libertarian National Committee

We, the undersigned minority, encourage delegates to soundly reject the committee proposal. In our opinion it is fundamentally flawed and would do irreparable harm to the Libertarian Party.

The committee proposal's rationale rests on shaky assumptions. It suggests mirroring the RNC or DNC structure would be beneficial; however, we see that as cargo cult mentality without foundation. It assumes efficacy of representation is best measured by shared locality of some LNC members; however, we do not believe geography is the only (or most important) benchmark.

The committee proposal is unworkable in practice. In person LNC meetings would involve huge costs for meeting rooms (on the order of large state conventions) and LNC member out of pocket costs (travel, hotel room, etc.) – plus the opportunity cost of member time. Electronic meetings would not be manageable (online meetings are long and exhausting even with 10-20 people on the current Platform Committee, Bylaws and Rules Committee, and Libertarian National Committee... 130 would be insane). Discussion would be overwhelming (the Platform Committee has a gargantuan email volume even with just 20 people... keeping up with 130 people would be a full time job).

The committee proposal is a bait and switch. Although the LNC is expanded, the real day-to-day power will be vested with the executive committee. That executive committee is another layer of abstraction from LP members and convention delegates, which dilutes voting power, frustrates accountability, and curtails transparency. It is likely a few large states (e.g., CA, TX, etc.) would be able to stack the executive committee, giving them more power relative to small states, not less.

Signed,

Joseph Bishop-Henchman, David Demarest, Caryn Ann Harlos, Chuck Moulton, Kim Ruff