

WHY IS THE DNC IGNORING MI'S CITIZENS' LEGAL COMPLAINTS ABOUT THE CLUSTER\$%@#?

The Democratic Party's charter requires that the Party:

Establish standards and rules of procedure to afford all members of the Democratic Party full, timely and equal opportunities to participate in decisions concerning the selection of candidates, ... and further, to promote fair campaign practices and the fair adjudication of disputes. (Charter, Article I, Section 4)

Yet both the Democratic National Committee and the Michigan Democratic Party appear to be violating that requirement in their selection of which challenges to the MI Clusterfuck to hear at the May 31 Rules and Bylaws Committee meeting.

At least one group of ordinary Michigan citizens submitted a complaint that appears to fulfill all legal requirements. Yet the MDP has failed to follow its own rules on how to assist with and respond to that complaint—and it also did not comply with the requirement that it publish the names of those selected in the April 19 district conventions (which triggers a deadline for the submission of complaints). And the DNC will only hear the two state party-led complaints at the May 31 Rules and Bylaw Committee, thereby violating the requirement that "all members" of the party be able "to participate in decisions concerning the selection of candidates."

This complaint is similar to the petition I

launched in April, in that its solution would reflect a compromise number between the results of the January 15 Clusterfuck and a 50-50 split: it works out to be the same 69-59 that the "Blue Ribbon Commission" has proposed. Also, like my petition, this complaint calls for the super-delegates to receive no vote.

But it's different in two ways. First, it advocates giving MI's elected delegates just half a vote each, not the full vote I suggested (in that respect, I like mine better, but then I didn't get off my ass and file an official complaint; though this complaint has the advantage that it matches what the rules call for). More importantly, the complaint justifies its solution based on the MDP's and the DNC's own rules.

My favorite part of the petition is that it notes that, on March 26, a Court ruled the January 15 primary unconstitutional. That meant, the petition asserts, that the,

Michigan Presidential Primary of January 15, 2008, was "invalid, inoperable, and without effect." The result was non-binding.

And since the DNC's own rules stipulate that,

Delegates shall be allocated in a fashion that fairly reflects the expressed presidential preference or uncommitted status of the primary voters or, **if there is no binding primary, the convention and/or caucus participants.**
[my emphasis]

In the absence of a binding primary, the presidential preference must be judged by the preferences of the participants in "the convention and/or caucus." MI had district conventions, on April 19. And Obama supporters vastly outnumbered Hillary supporters—generally by at least 2 to 1, and in places by much greater margins. In other words, the legal

preference of MI's voters is that Obama—not Hillary—get the larger proportion of delegates.

Now, I don't actually think that solution—any more than accepting the results of the Clusterfuck—is fair, though it does make for good legalese. The other proposed solutions, based on the fact that the MDP delegation allotments provide Hillary a much greater percentage of the delegates than her 55% vote total would dictate (for example, the allocation gave Hillary 80% of all alternate slots), are actually quite reasonable.

But the MDP and the DNC ignored it, in violation of their own rules.

Here's the complaint and here are the rules on which it is based. I've seen a group of the notarized signatures to the petition. I won't post those, since they include home addresses, but I will say at least one (I think two, actually) are officers in the 15th Congressional District Democratic Party, so this is not just a bunch of DFHs whning.