

DID MI'S APRIL 19 DISTRICT CONVENTIONS JUST BECOME A CLUSTERF^#K TOO?

There's something disturbing in the Rules and By-Law Committee Meeting Materials handed out for Saturday's meeting: the distinct possibility that the RBC will overturn the results of MI's April 19 Convention, the only thing approaching a real exercise in democracy this year. It's the problem of how to assign uncommitted delegates as supporting Obama.

First, the document pretty much throws out the possibility of doing a 69-59 split, which is what the MDP recommended.

If the RBC determines that any of the pledged delegate positions should be restored to the MDP, the first question presented is whether the results of the January 15, 2008 primary should be used in any way in allocating the results.

On the one hand, if the RBC does determine that Michigan should be allowed to send some pledged delegates to the Convention, there must be some basis for allocating those delegates among presidential candidates (preferences). A fundamental principle of delegate selection is expressed in the provision of the Charter requiring that delegates be chosen through processes which "assure that delegations fairly reflect the division of preferences expressed by those who participate in the Presidential nominating process." Similarly, Rule 13(A) of the Delegate Selection Rules provides that, "Delegates shall be allocated in a fashion that fairly reflects the expressed presidential

preference or uncommitted status of the primary voters....” In this case, it can be argued, there is no basis for ensuring “fair reflection” of presidential preference other than to use the results of the January 15 primary.

On the other hand, it can be argued that the primary as a whole could not possibly have served as a “fair reflection” of presidential preference because most of the candidates then running for the nomination were not on the ballot.

It then proceeds by considering a whole bunch of possibilities pertaining to the original Clusterfuck, the January 15 primary, apparently believing the RBC can only address those results. It rules out categorically giving all the uncommitted delegates to Obama.

Nevertheless, there is no specific authority whatsoever in the Delegate Selection Rules or the Call for the RBC to award delegate positions won by the “Uncommitted” preference to a particular candidate or candidates.

It continues to consider whether there’s a way to at least give the candidates who were not on the ballot (and therefore covered by “uncommitted”) the ability to influence who gets picked as an elected delegate.

On the other hand, it can be argued that the voters expressing the “Uncommitted” preference were expressing a preference for at least one of the candidates whose names did not appear on the January 15 ballot, rather than rejecting the entire field. Therefore, following the principle of fair reflection of presidential preference, it can at least be said that the “Uncommitted” delegate

positions should be considered as being allocated collectively to the candidates whose names did not appear on the ballot: Senator Barack Obama, former Senator John Edwards, Senator Joseph Biden and Governor Bill Richardson.

ased on this logic, a strong argument can be made that in awarding delegate positions to “Uncommitted” status in the unusual circumstances presented by the Michigan challenge, the RBC would at least have the authority to make special provisions for the exercise of candidate right of approval in the selection of delegates to fill these pledged “Uncommitted” positions.

[snip]

At the least it would appear that the RBC could grant to those candidates—the ones who withdrew their names from the January 15 primary ballot – collectively the right to exercise candidate right of approval with respect to the eligibility of persons to be considered to fill the “Uncommitted” pledged delegate slots. It is possible that these candidates—only one of whom actively remains in the race—could work out among themselves the mechanics of approving the persons to be considered for the “Uncommitted” pledged delegate positions.

This is a legalistic way of suggesting that maybe those candidates not on the ballot could decide, together, who should be eligible to become delegates (it doesn’t say so, but of course all the people not on the ballot in January—Biden, Richardson, Edwards, and Obama—are either supporters of Obama or are Obama).

But here’s the problem. To do that—to give the uncommitted delegates to Obama (which they sound

inclined to do), they'd have to redo the District Conventions.

As noted, the MDP is in the process of completing the selection of delegates as if no sanction had been imposed, filling all delegate positions originally provided by the Call, and allocating those positions based on the results of the Jan. 15 primary. **If a determination is made to award the positions originally allocated to the "Uncommitted" preference collectively to the candidates whose names were not on the ballot and to allow them to exercise candidate right of approval, then the RBC presumably would have to require the MDP to undertake a new selection process, including filing by delegate candidates and candidate right of approval, to fill those positions.** [my emphasis]

Wonderful. Not only is our January primary the biggest clusterfuck in the nation. But our April District Conventions are on their way to becoming clusterfucks too.