

Joint Report
of the 2008
Libertarian Party
Bylaws and Platform Committees

Adopted 15-16 February 2008

Bylaws Committee Members:

M Carling (NY), Chairman, Registered Parliamentarian, National Association of Parliamentarians
Seth Cohn (NH)
Dan Karlan (NJ), Member, National Association of Parliamentarians
Rob Latham (UT)
Frank Manske (CA)
Rob Oates (ID)
Heather Scott (TN)
Aaron Starr (CA), Member, National Association of Parliamentarians
Blay Tarnoff (NY), Member, National Association of Parliamentarians
Alfredo Torrejon (OR)

Platform Committee Members:

David Aitken (CO)
Audrey Capozzi (NY)
Robert Capozzi (VA)
Steve Dasbach (VA)
Bruce Dovner (CA)
Donny Ferguson (VA)
Dan Grow (MI)
Henry Haller (PA)
Brian Holtz (CA)
John Howell (IL)
Viki Kirkland (FL)
Ann Leech (OH)
Hardy Macia (NH)
Alicia Mattson (TN), Chair, Member, National Association of Parliamentarians
Adam Mayer (OR), Member, National Association of Parliamentarians
Guy McLendon (TX)
Rob Power (CA)
Jon Roland (TX)
Bonnie Scott (VT)
Glenn Tatum (GA)

The proposals herein are jointly recommended by both the Bylaws Committee and the Platform Committee. They will be jointly presented to the delegates between 4:45pm and 6:00pm on Friday, May 23rd. ~~Red strikethrough indicates text to be deleted.~~ Blue underlining indicates text to be added.

Statement of Principles

Bylaws Cmte Recommended 8-0
Platform Committee Recommended Unanimously
Survey Support 93.0%

Problems:

The drafters of the early Bylaws left a backdoor, either deliberately or accidentally, allowing the Statement of Principles to be amended by a series of 2/3 votes.

The Statement of Principles contains some awkward and embarrassing language that nearly all Libertarians would like to see elided.

The straightforward approach to amending the Statement of Principles requires the affirmative vote of 7/8 of the registered delegates which is impossible to achieve because 7/8 of the registered delegates are never on the convention floor at the same time.

Solution:

In a single step (to preclude any risk of the process being hijacked midway through), open the backdoor, make the most critical and least controversial amendments to the Statement of Principles, then close and forever padlock the backdoor.

Benefits:

- *Makes the Statement of Principles something all Libertarians can be proud of.*
- *Protects the Statement of Principles against future revision by fewer than 7/8 of the delegates voting.*

To Suspend the Rules for the purpose of voting once en banc on the adoption of the following four motions together, without secondary motions or incidental main motions, to take effect in the listed sequence, with debate limited to a total of fifteen minutes for all questions. (2/3 vote needed per RONR pp. 184-85, 252-53)

Motion 1:

Amend Bylaw Article 14, Section 2 as follows:

Article 4, Section 1, shall not be amended by a vote of less than ~~7/8 of all registered delegates~~ 2/3 at a Regular Convention. (2/3 vote needed per Bylaw Article 14, Section 1)

Motion 2:

Amend Bylaw Article 4, Section 1 as 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~~ 2/3 at a Regular Convention. (2/3 vote needed per Bylaw Article 14, Section 2, as amended above)

Motion 3:

Amend the Statement of Principles as follows:

We, the members of the Libertarian Party, ~~challenge the cult of the omnipotent state and defend the rights of the individual.~~

~~We~~ hold that all individuals have the right to exercise sole dominion over their own lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

Governments throughout history have regularly operated on the opposite principle, that the State has the right to dispose of the lives of individuals and the fruits of their labor. Even within the United States, all political parties other than our own grant to government the right to regulate the lives of individuals and seize the fruits of their labor without their consent.

We, on the contrary, ~~deny the right of any government to do these things, and~~ hold that ~~where~~ governments ~~exist,~~ ~~they~~ must not violate the rights of any individual: namely, (1) the right to life -- accordingly we support the prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action -- accordingly we oppose all attempts by government to abridge the freedom of speech and press, as well as government censorship in any form; and (3) the right to property -- accordingly we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives and property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market. (2/3 vote needed per Bylaws Article 4, Section 1, as amended above)

Motion 4:

Amend Bylaw Article 4, Section 1 as 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~~ ~~2/3~~ at a Regular Convention.

and Bylaw Article 14, Section 2 as follows:

Article 4, Section 1; and Article 14, Section 2 shall not be amended by a vote of less than ~~7/8~~ ~~2/3~~ at a Regular Convention. (2/3 vote needed per Bylaw Article 14)

Convention Committee Deadlines

Bylaws Cmte Recommended 8-0

Platform Cmte Recommended Unanimously

Survey Support 92.1%

Problem:

The current deadlines for committee appointments encourage a late start to the work, which encourages a late completion the day before the convention, which means the delegates don't see the proposals until it's time to vote on them.

Solution:

Appoint the committees earlier.

ARTICLE 11: CONVENTIONS

7. Convention Committees:

- a. The Bylaws and Rules Committee shall consist of ten Party members appointed by the National Committee no later than ~~three~~ twelve months before a Regular Convention.
- b. The Platform Committee shall consist of 20 members selected as follows:
 - One member by each of the ten affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations as of the most recent Regular Convention. These members shall be selected no later than the last day of the ~~fifth~~ twelfth month prior to the Regular Convention.
 - Ten members appointed by the National Committee, including no ~~less~~ fewer than five members from states other than the ten having the largest Party memberships as of the most recent Regular Convention. These members shall be appointed no later than the last day of the ~~fifth~~ twelfth month prior to the Regular Convention.
- c. The Credentials Committee, composed of ten members, shall be selected as follows:
 - Five members chosen by the National Committee no later than the last day of the sixth month prior to the Regular Convention.
 - One member by each of the five affiliate parties having the largest sustaining memberships as determined for Convention delegate allocations as of the most recent Regular Convention. These shall be selected by each of the affiliate parties no later than one month prior to the Regular Convention.

Platform Debate

Bylaws Cmte Recommended 7-0
Platform Cmte Recommended Unanimously
Survey Support 95.2%

Problem:

The Platform Committee has increasingly been doing its work in advance of the convention when there is ample time for reflection and consideration of alternative language. The Platform Committee also has increasingly been publishing its work well ahead of the convention so that delegates have time to consider the proposals. Last minute changes hurriedly made on the convention floor without time for reflection have sometimes left our platform in a suboptimal state.

Solution:

Encourage delegates to read the Platform Committee report well ahead of the convention and to persuade the Platform Committee, rather than their fellow convention delegates, to make changes as may be needed, while still allowing for the possibility of amendment on the convention floor. A similar rule was adopted for bylaws debate at the 2000 convention and has worked well.

Benefits:

- *Helps ensure the platform is well-written.*
- *Helps ensure the delegates have time to consider platform changes.*

RULE 7: DEBATING AND VOTING -- PLATFORM

4. Recommendations for which there is no minority report shall be debated and voted upon in the following manner:

- The Platform Committee Chair, or some other person designated by him or her, shall read the proposed recommendation and shall have up to two minutes to explain the recommendation.
- ~~The Convention Chair shall then open the recommendation to discussion and amendment for a period of 15 minutes. At the end of 15 minutes, a vote will be taken on whether to bring the recommendation (as amended, if this is the case) to a final vote. If a majority vote is in favor of immediate consideration, the vote to accept or reject the recommendation must follow immediately. If a majority vote is against immediate consideration, the proposed recommendation shall be tabled for later consideration after all other recommendations receiving a favorable majority vote from the Platform Committee have been considered.~~

The Convention Chair shall then open the recommendation to debate without amendment for a period of up to 15 minutes before bringing the matter to a vote. If the recommendation fails, the Convention Chair shall inquire if any amendments are proposed from the floor. If there are such proposals, the Convention Chair shall request a vote on whether to consider amendments, and with majority approval may consider amendments for a period of up to 10 minutes.

5. Recommendations for which there is a minority report shall be debated and voted upon in the following manner:

- Spokespersons for both the majority and minority positions shall each have two minutes to present their views.
- The Chair shall then open consideration of both positions for five minutes, during which time any delegates may express their views without offering amendments. After five minutes, there will be a vote on which of the two reports shall be considered for purposes of adopting a recommendation. The report receiving the greater number of votes shall then be discussed and voted upon in the manner described in Section 4b.

Style Committee

Bylaws Cmte Recommended 8-0
Platform Cmte Recommended Unanimously
Survey Support 91.7%

Problem:

Only the delegates assembled in convention can approve minor corrections to the Platform, Bylaws, and Convention Rules. In the past, Robert's Rules of Order granted considerable discretion to the Secretary to make such corrections, but recent editions do not.

Solution:

Provide the possibility of making minor corrections subject to strict rules and strict review.

ARTICLE 14: AMENDMENT

3. A Style Committee composed of the Secretary, the most recently selected chairman of the Platform Committee, and the most recently selected chairman of the Bylaws and Rules Committee may propose stylistic changes to the Platform, Bylaws, and Convention Rules. Changes shall be non-substantive in nature, such as corrections to spelling and grammar, capitalization, active versus passive voice, breaking up run-on sentences, correcting references, reordering, and renumbering. Notification of any proposed changes shall be sent by the Secretary to the Chair of each affiliate party at least 30 days prior to being submitted to the National Committee for ratification by a two-thirds vote. Ratified changes shall be automatically appealed to the Judicial Committee.

ARTICLE 9: JUDICIAL COMMITTEE ARTICLE 9: JUDICIAL COMMITTEE

2. The subject matter jurisdiction of the Judicial Committee is limited to consideration of only those matters expressly identified as follows:

- a. suspension of affiliate parties (Article 6, Section 6),
- b. suspension of officers (Article 7, Section 8),
- c. suspension of National Committee members-at-large (Article 8, Section 5),
- d. voiding of National Committee decisions (Article 8, Section 11),
- e. challenges to platform planks (Rule 7, Section 9),
- f. challenges to Resolutions (Rule 8, Section 2), **and**
- g. suspension of Presidential and Vice-Presidential candidates (Article 12, Section 5), and
- h. verification that Style Committee changes do not materially change substantive meaning (Article 14, Section 3).

Widowed Platform Sections

Bylaws Cmte Recommended 8-0
Platform Cmte Recommended 10-1
Survey Support 95.2%

Problem:

In Portland, the convention deleted all the planks in Section IV: Foreign Affairs but did not delete the widowed section.

Solution:

Provide for automatic deletion of widowed sections.

Benefits:

- *Helps ensure coherency of our platform.*
- *May save time at conventions.*

RULE 7: DEBATING AND VOTING -- PLATFORM

2. After the adoption of the convention agenda, the convention will vote whether to delete planks from the existing platform. This will be accomplished as follows:

- a. The Credentials Committee shall issue five signature tokens to each delegate.
- b. Tokens shall only be issued to delegates. Delegates are responsible for transferring possession of unused tokens to their alternates if necessary.
- c. Each delegate may cast each token as a recommendation for deletion of one plank by noting on the token the plank to be deleted and signing the token.
- d. A delegate may cumulate recommendations by casting any number of tokens for deletion of the same plank.
- e. Delegates will be given until one hour prior to the scheduled start of the platform report to mark their tokens and deliver them to the Secretary.
- f. Prior to the scheduled start of the platform report, the Secretary shall review the tokens received and tabulate and report the tokens submitted for deletion of each plank.
- g. As its first item of platform business, the convention shall vote whether to delete each of those planks that received a number of tokens for deletion equal to 20% or more of the number of credentialed delegates. Such votes shall be cast without amendment or debate.
- h. The deletion of all planks in a platform section shall cause the deletion of that section upon the close of the convention, including the section heading and any introductory or other text.