

Brief from the Convention Oversight Committee Regarding the Petition Requesting the Overturning of a Decision of the National Committee

Our Statement of Principles says: *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.*

This basic principle-that no one has a claim on the Life, Liberty or Property of another-is the basis for our Party and our philosophy. However, the Petitioners seem to have forgotten this basic Principle. They are demanding that others be forced to subsidize their attendance and participation in our Convention. In any dispute involving the interpretation of our Bylaws, we must *never* contravene our basic Principle: ***No one may demand the unwilling support of another.***

A decision by the Judicial Committee that Delegates are not responsible for their share of the costs of a Convention would put that burden on others who have not agreed to accept it. That violates the fundamental Libertarian Principle. For that reason alone this Petition must be denied.

Few, if any, of the petitioners are aware of the costs involved in running a national convention, and mistakenly believe that the cost per person should be what they might expect for a state convention.

Five individuals signing this brief have experience running nine national conventions, and can tell you from experience that common costs are significant at a national convention. For example, a state convention with 50 people may not require the use of any audio-visual equipment. When you have a convention with over 500 in attendance, it's mandatory to have big screen monitors and sound systems, otherwise the people in the back half of the room will not be able to see or hear what's going on. In some years we have spent as much as \$40,000 on A/V alone!

Here are the common costs that we estimate are currently required for the 2012 Convention:

Audio-Visual Costs	\$23,000
Awards	1,800
Convention Booth Materials	300
Decorations, Balloons and Draping	5,000
Delegate Badges and Ribbons	1,200
Media Room	2,500
Parliamentarian	1,100
Printed Materials	1,500
Secretary Setup	500
Security	750
Shipping	3,000
Signage for Seating	1,000
Speakers	6,000

Staff Lodging	2,932
Staff Meals	2,750
Staff Travel	3,200
Volunteer Costs	500
Website	1,500
Total	\$58,532

It all adds up to a lot of money, and most of these costs would exist even if we held the event in a public park!

With close to \$60,000 in common costs – and that figure does not include the \$40,000 for food and beverage and the 1,125 hotel room nights required to get the convention hall for “free” – we need to be fiscally responsible to the Party and *all* our members.

Some may believe that holding a national convention is the Libertarian Party’s main purpose. However, of the eight purposes described in Bylaw Article 3, nominating a candidate for President is only one – and there are insufficient funds for the LNC to fund *all* of the party’s purposes. While there is an obligation to hold a convention, there is nothing in the Bylaws stating who is required to pay for it or prohibiting those attending from paying a share of the costs.

Some argue that membership dues ought to be sufficient to cover the cost of a convention, but there are two problems with that position.

First, we only have around 12,000 non-life members who are each required to pay \$25 annually (set in the bylaws) to sustain membership in the LP. It’s not possible to cover even the basic overhead of an office on \$300,000 per year let alone absorb the costs of a national convention every other year.

Second, there is no requirement in the bylaws for a delegate to be a dues-paying member of the Party. It is theoretically possible for all the delegates at a national convention to be only members of affiliate parties, not the National Party. So why should only sustaining members of the National Party be asked to shoulder the entire burden?

Delegates, Alternates and other attendees incur costs for their transportation to the Convention site. They pay for their accommodations. They pay for their meals. Are the Petitioners suggesting that someone else pay for these costs, too? Shall we require those that can afford to fly to pay into a fund to pay for the bus tickets of others? Should those who can afford a hotel suite be forced to pay for standard rooms for others? If we start calling the cost of an airline ticket a fee or the nightly rate at a hotel a fee, does that make it no longer allowable to charge the Delegates for those costs? Just calling the costs a “fee” does not absolve the Delegates the responsibility to pay their share of the overhead and common costs.

There are five basic approaches for how to pay for convention costs:

- 1) Require that some delegates pay more so that others may pay less or not at all.
- 2) Require that non-attending members pay for those who are attending.

- 3) Require taxpayers to pay for our events, as do the Republicans and Democrats.
- 4) Request that others voluntarily contribute to pay for those who can't or won't pay.
- 5) Require that all attendees pay for their share of the costs.

The last two options are permissible under our Principles. The first three are not.

In many past Conventions much of these basic costs were borne by those who bought more expensive packages. Losses from these events were borne by those who didn't attend. After discussing the philosophical underpinnings of how we operate conventions, this Convention Oversight Committee (which has a broad spectrum of members) came to the unanimous conclusion that this was an involuntary transfer of assets from one group to another and that the basic overhead should be apportioned among everyone who attends.

We did not believe it to be fair or principled for some package purchasers to be required to subsidize those unwilling to pay their share of the costs, so we developed the *There Ain't No Such Thing As A Free Lunch* package. A pro rata share of the convention costs is built into the price of *every* package, not just the TANSTAAFL package. To say that no one attending should pay for the overhead costs means removing that \$94 cost from every package. Currently we have sold 427 packages of all kinds. Requiring us to refund that \$94 from every package sold leaves a \$40,000 hole in our budget right now. How would the Judicial Committee suggest that hole be filled?

There have been some concerns that charging everyone attending the 2012 Convention will be an excuse to start charging delegates excessive amounts in order to limit attendance at future conventions. We know of no reason not to limit, in our Bylaws, the amount that can be charged. At least most of us on the Convention Oversight Committee would support a limit of \$100 per attendee to cover the reasonable and customary overhead costs and will vote in favor of such a limit if proposed.

But if Principle alone is not enough to convince this Judicial Committee to deny this Petition, then please consider the submission included as part of our brief authored by Thomas Balch, one of the authors of Robert's Rules of Order Newly Revised (RONR). Mr. Balch is one of the world's leading authorities on parliamentary law. His analysis of our Bylaws and RONR lead him to the conclusion that a registration fee is allowed. (Please see attached document)

In addition, the Party's attorney, Gary Sinawski, wrote a memo as to the legal implications of charging attendees their share of the costs and concludes that there are no legal barriers to charging attendees, and a second memo about the unique conditions in Florida. Sinawski is very skeptical of the claims being made about Florida and believes that we are protected by the "U.S. Supreme Court's decision in *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214 (1989). That decision stands for the proposition that political parties have the right to organize and govern themselves as they see fit, which certainly includes the right to charge registration fees to convention delegates."

Mr. Sinawski suggests several options of how to deal with the Florida issues. Two of them are principled: have the LPFL pay the costs for their delegates *or* treat the Florida delegates like all other delegates and have them pay their own way. One is not principled: let the Florida delegates be subsidized by other attendees. Obviously we support either of the principled positions!

We would also point out that Ron Paul delegates to the Republican National Convention in *Tampa, Florida*, have been told to expect expenses of at least \$5000 including airfare, hotel, *credentialing and floor access fees*. (emphasis added) If Republicans holding their national convention *in* Florida can charge their delegates, we can certainly charge them in Las Vegas!

We believe you'll conclude as we have that the only reasonable and principled position is that the people who incur the costs be responsible to pay them. Those costs are incurred by every attendee at this Convention by attending, just as costs are borne by every passenger on an airplane or every guest sleeping in a hotel room.

To find otherwise is to negate the very Principle this Party is based on.

We urge the Judicial Committee to deny the Petitioner's claim and rule that collecting each person's portion of the costs of the Convention is not a violation of our Bylaws and is, instead, an affirmation of our basic Principles.

Our Bylaws allow it and our Principles demand it.

Respectfully Submitted by:

Ruth E. Bennett, 2012 Chair
Convention Oversight Committee
Convention Director-2012, 1987, 1981

Alicia Mattson
LNC Secretary
2012 COC Member

William Redpath
LNC Treasurer
2012 COC Member

Stewart Flood
Regional Representative
2012 COC Member

Kevin Knedler
LNC At-Large Member
2012 COC Member

Brett Pojunis
LNC member At-Large
2012 COC Member

Nancy Neale
2012 COC Member
Convention Director-2004

Michael Colley
COC Chair 2010
Advisor 2008, 2012

BetteRose Ryan
Michele Poague
Convention Directors 2008
Advisors 2012

Dave Walter
Convention Co-Director, 1989. 1996