

## COMMENTS ON THE COMPLAINT AGAINST MICHAEL GOLOJUCH, JR

**Bart Dame**  
**National Committeeman**  
**Democratic Party of Hawai'i**

1) The accused member has claimed, and the Investigating Committee has agreed, that there is no rule requiring that teleconferencing be provided to allow members to participate in the election of officers. The "majority report" of the Investigative Committee writes: "There is no bylaw, neither DPH nor LGBT Caucus, that explicitly states that teleconferencing capabilities must be made available at any meeting." And later: "*Although this section indicates that members may exercise their voting rights via "telephonic/electronic appearance", this is not in itself sufficient to demand the availability of teleconferencing.*" I wish to develop the idea, hinted at in the second statement, that even if the provision in the Caucus Bylaws which permits teleconferencing is not, "in itself sufficient" for claiming teleconferencing was required, it should not be considered in isolation, but in context of the more authoritative rule in the DPH Bylaws which EXPLICITLY says:

***"The Bylaws [of a caucus] shall provide for democratic selection of officers and representatives to the State Central Committee...."***

Taken together, and applied to the specific decision to hold the election meeting in a location where teleconferencing would not be available instead of another location where it would be, the explicit RIGHT of caucus members to participate in the "democratic selection of officers and representatives to the State Central Committee" does REQUIRE that the right to democratic participation be upheld UNLESS there was a "**compelling interest**" which forced the Caucus to hold the meeting at the ILWU Meeting Hall. This is the standard that courts, and particularly Democrats, have applied in cases of infringements on the right to vote. Any such restrictions are suspect and must pass the "**strict scrutiny**" standard. Michael's claim that it was done in order to "maximize participation" due to the better parking at the other location, is not credible. Party Headquarters has often held meetings with larger crowds than that which might have been reasonably expected for the Caucus meeting. And Michael was certainly aware that the use of teleconferencing capabilities allows for the participation of a lot more members. Michael's professed rationale does NOT come close to meeting the "compelling interest" standard.

So even if it correct to say there is no rule that REQUIRES the use of teleconferencing as a *general proposition*, in the specific context of the decision as to where to hold the meeting, the strict scrutiny standard does apply and it would require the use of teleconferencing unless the organization is forced by circumstances to forgo it. It is beyond dispute that Michael knowingly chose a location that would prevent the participation of a large number of caucus members.

The next question is whether that was intentional or inadvertent. Nowhere in his response does Michael express regret for the exclusion of so many members, including Oahu members who might have made the extra effort to attend in person had they received adequate advance notice that the normal use of teleconferencing would not be available.

It think it is reasonable to conclude Michael consciously intended to exclude the votes of members whose support he could not count on. Such a conclusion is supported by evidence of Michael's past behavior, such as when he suppressed an election challenge against him in 2016, by cancelling the vote when he became aware the conference call included a lot of members he thought were supporting his rival.

Also relevant is evidence submitted by Mary Hackney, which I believe should have been included in the report and presented to the OCC, wherein she alleges, and I quote from the "Addendum" she submitted to the Investigative Committee:

*"At the August 21, 2018 election meeting of the LGBT Caucus, I was sitting behind Michael's mother, Carolyn. I voiced my displeasure regarding the change of meeting date and time and the fact that there was not conference call capability provided. **Carolyn brought up the Kupuna Caucus election meeting. Carolyn stated that Michael wanted to prevent the same kind of chaos that occurred at the Kupuna Caucus election meeting.** I agree that it was chaotic. But, this is totally undemocratic and skewed."*

Members of the OCC should be allowed to decide for themselves if this testimony from Hackney is credible or not. I believe it both reflects what Michael's think was, and rings true as the sort of thing Carolyn would say. This particular problem reflects a broader structural problem. A small group of members have joined multiple caucuses in order to leverage their power. Once they get control of a caucus, they try to create barriers for participation from new members. The tendency for incumbent power holders to try to hold on to their position is nothing new. But it is something a party which calls itself "Democratic" must struggle against, both the impulse within ourselves, but when we see it in others.

The OCC has an opportunity to stand up and do the right thing. I urge the OCC members to thank the Investigative Committee members for their service but to decide an injustice was committed against members of the LGBT Caucus, that it was done deliberately, that they were deprived of their fundamental right to participate in the selection of their own officers. I believe this violation was egregious enough to merit a reprimand of Michael Golojuch as the person most responsible for this injustice.

If, once again, party officers decide to let Michael skate, you will be empowering him to continue this pattern of his to abuse his position so long as he thinks he can get away with it. So far, his confidence in being able to "get away with it" has been well-placed. You can, and should, change that.