

**OPINION OF THE RULES AND REFERENCE COMMITTEE
THE BEDFORD/WALTON HILLS DEMOCRATIC PARTY**

SYLLABUS

This opinion is the accompanying document to the rules of the endorsement procedure of the Bedford/Walton Hills Democratic Party. The Committee hereby explains its rationale of the fair and independent endorsement process it will use for candidates for office beginning in 2019.

By the Action of the Committee, a *per Committee* opinion.

I. INTRODUCTION

It is a shame that we have gotten to this place. It is a shame that we have to codify rules to ensure a fair endorsement process in order to properly vet and evaluate candidates for office.

It is a shame we are where we are.

Why are we here? Or, the better question is, rather, what has gotten us here?

The answers are this, in no particular order:

- 1.) July 10, 2008.
- 2.) A breakfast on a cold Saturday in November of 2012.
- 3.) A disgruntled candidate for Cuyahoga County Executive.
- 4.) Officeholders we have not seen in well-over a decade.
- 5.) Overly-ambitious candidates coupled with those who want to thwart the jurisdiction of this Party in an effort of nothing more than one-upmanship.
- 6.) The 2018 Democratic Primary Election for Common Pleas Judge involving six (6) candidates.

Moreover, we believe, as the arbiters of the rules of the Democratic Party as they pertain to our two communities, it is our solemn duty to create those rules that will best serve the Party, ensure integrity in our actions, and allow us to continue to earn the public's trust. The endorsement

of candidates is one of the most serious actions a political party of any stripe can take, therefore we should have a process that is one where its integrity is beyond reproach, and one that is viewed as fair.

But before we address these points, let us first enumerate the clear facts pertaining to the endorsement of candidates.

I. ASSERTION OF TERRITORIAL JURISDICTION

- 1.) The Bedford/Walton Hills Democratic Party (formally known as the Democratic Party of the City of Bedford and Village of Walton Hills, Ohio; hereinafter known as “BWHDP,” and/or the “local Party unit.”) is the officially recognized unit of the Democratic Party for the political subdivisions of the City of Bedford and Village of Walton Hills in Cuyahoga County, Ohio.
- 2.) The BWHDP is recognized by the Ohio Democratic Party (hereinafter, “ODP”), the Cuyahoga County Democratic Party (hereinafter, “CCDP”), and is chartered by and through the CCDP.
- 3.) The BWHDP is the successor organization to the Bedford Democratic Club (hereinafter, “BDC”), and was established in March of 1951.

II. INITIAL ENFORCEMENT AUTHORITY OF PARTY RULES AND BY-LAWS

- 4.) As the officially recognized local Party unit for the aforementioned subdivisions, it is the BWHDP that is the first and initial authority on the application of the CCDP Constitution, By-Laws, and Rules, within the two political subdivisions. The CCDP rules

that are being referred to generally and specifically within this opinion are found within Article I, Section 5 of the CCDP Constitution and By-Laws; Article III, Section 3 of the CCDP Constitution and By-Laws; and Article VI of the CCDP Constitution and By-Laws.

- 5.) The BWHDP also has the sole and exclusive authority to enforce and adjudicate any matters falling under the Constitution and By-Laws of the Bedford/Walton Hills Democratic Party.
- 6.) The Party Rules apply to the following individuals, regardless of the status of their activity within the Bedford/Walton Hills Democratic Party, if they are a “dues paying” (e.g., social) member, or their personal acknowledgement that they are subject to these provisions:
 - a. Members of the Cuyahoga County Democratic Central Committee who reside and serve within the electoral precincts of the City of Bedford and Village of Walton Hills, Ohio.
 - b. Members of the Cuyahoga County Democratic Executive Committee who reside within the City of Bedford and Village of Walton Hills, Ohio.
 - c. Elected Officials who are declared, by stating their Party in the most-recent Primary Election, to be Members of the Democratic Party who reside and/or serve [within] the City of Bedford and/or Village of Walton Hills.
 - i. The level of the Office is notwithstanding.
 - d. Appointed Officials, who are declared, by stating their Party in the most-recent Primary Election, to be Members of the Democratic Party who reside and/or serve

within the City of Bedford and/or Village of Walton Hills, and have lent their name and the title of the Office they hold to an endorsement.

- e. Candidates for Office (all branches of government; all levels) who are carrying the Democratic Party banner.

III. FREE SPEECH CONSIDERATIONS

- 7.) While we acknowledge that individuals have a right to endorse whomever they choose, and that political speech has been held as, indeed, the highest form of free speech found in the United States, we believe that, as will be laid out in this opinion, that the rules that accompany this opinion are those that would pass the “reasonable man” standard, and are truly requests and encouragement for strong consideration, rather than directives.
- 8.) We also acknowledge that there are those who do not recognize the authority and rules of the ODP, CCDP, and/or BWHDP, and will do whatever they want, whenever they want. We encourage their participation in the political process, and urge they do it conventionally, such as sharing their thoughts with us.
- 9.) We further acknowledge that candidates – especially those who are incredibly ambitious – like to “bank” endorsements early as a show of force – especially in a contested primary – of elected officials, Central and/or Executive Committee Members, City and/or Ward Leaders, and other Party, Organized Labor, or Civic Luminaries. We understand the logic in doing this, as well as the political strategy, however, we find this counter-productive to our efforts. While we cannot direct neither officials nor candidates to cease this practice, we respectfully request that you hold off doing this within the City of Bedford and/or Village of Walton Hills, or, at the very least, please communicate with us,

so we can stave off a possible difficult situation such as what we faced in the 2018 Democratic Party Primary for Common Pleas Court Judge.

IV. BACKGROUND OF THE BEDFORD/WALTON HILLS DEMOCRATIC PARTY ENDORSEMENT PROCESS

- 10.) The BWHDP has a fairly rigorous endorsement process consisting of
 - a. A known, on the record, declaration of candidacy.
 - b. A one-on-one interview with the Democratic Leader, and/or their designee.
 - c. An extensive questionnaire, including a writing sample, and look-back period.
 - d. Determination for referral to the Executive Committee screening panel or non-referral to the Executive Committee, thus ending the process.
 - e. If referred, screening before a panel consisting of, at minimum, a quorum of the Members of the Executive Committee.
 - f. Executive Session deliberations by the Members of the Executive Committee Screening Panel.
 - g. A vote on the question of endorsement, where a 60% super-majority of the members of the panel must agree in order to confer endorsement.
- 11.) The one-on-one meeting with the Democratic Leader is at least sixty (60) minutes in length.
- 12.) As it relates to the candidate questionnaire, these can end up being more than thirty (30) pages long when attachments and exhibits are submitted.
- 13.) The screening panel has the Members of the Executive Committee sitting *en banc* and questioning candidates for a minimum of sixty (60) minutes.

- 14.) There are no waivers of this process for incumbent officeholders.
- 15.) Any candidate, regardless of status of incumbency, who does not engage in this process will not be considered for endorsement at all.

V. ORIGINS AND EVOLUTION OF THIS ENDORSEMENT PROCESS

- 16.) In 2008, Special Agents of the Federal Bureau of Investigation and the Internal Revenue Service raided the offices of several Cuyahoga County officeholders – all Democrats; all supported in prior elections by the then-Bedford Democratic Club; these raids followed the arrest, a year prior, of the then-Cuyahoga County Recorder – an individual once-supported by the former Bedford Democratic Club. In the spring of 2008, the resignation of the Ohio Attorney General – a Democrat, who, in the prior statewide elections, was supported by the then-Bedford Democratic Club. Finally, in 2009, the then-Cuyahoga County Sheriff resigned his office, following his office being raided by Agents of the Ohio Bureau of Criminal Investigation and Identification.
- 17.) In 2009, our own Democratic Leader, when as an incumbent officeholder, received unfavorable news coverage due to a “police incident” at his home, *ergo*, even at our level, we needed to evaluate whom we support as a local Party unit.
- 18.) Finally, from 2009-2012, news reports in the Cleveland Media Market implicated or associated numerous officials with connections primarily to the City of Bedford as being involved in some way, shape, or form with the County corruption scandal. On other occasions, news reports used the names of Bedford and Bedford Heights interchangeably, and without proper delineation.

- 19.) What was glaring from all of this is that there was, and in some way still, a trust gap between the electorate – especially in the City of Bedford – and the Democratic Party. This was a huge wake-up call to this local Party unit, and in 2008-2009, we were at a wonderful transition point due to a change in leadership, the adoption of a new Constitution and By-Laws; a re-branding, including name and seal; and the way business was conducted. In doing this, we were hoping for a fresh start with the people we serve.
- 20.) Although the senior leadership of the local Party unit had bought into these changes, we faced resistance from those hoping to keep the Party as-is. They did not have the same inflection point as we did.
- 21.) During the transition of Democratic Leaders from Leader Rose Grossenbaugh to Leader Andrew Mizesak, Leader Mizesak began the process of meeting with candidates prior to the City and Ward Leader Screening Meeting, instead of just taking orders, and reporting back to the Members of the Executive Committee. Leader-Designate Mizesak wanted a more-educated Executive Committee, and more of a data-driven candidate screening process. However, there was one Member of the Executive Committee at that time, who just expected Executive Committee Members to blindly go along with whomever they recommended, with as little information as possible.
- 22.) In 2011, the candidate questionnaire was introduced, to much pushback by an individual whom, by his own doing, has become an influential force within the Party at the County-level. By his own admission to the Democratic Leader, he shared he told an officeholder that he “did not have to do this ridiculous 30-page questionnaire, and that [the Leader] should have let him know about the questionnaire, and gotten his approval.” The questionnaire was subsequently used in 2013 for Mayoral and Council candidates.

23.) Prior to 2016, the Democratic Leader would also be invited to periodic gatherings where certain candidates would be “ordained” as the preferred candidates of key Party luminaries, and those in the room who were either City and/or Ward Leaders, and/or elected officials, would be told “these are the people we need to support. Make sure you have your votes. (paraphrased).” Some of these candidates would, clearly, be the most politically advantageous, but sometimes ill-prepared for the office they were seeking.

24.) Oftentimes at the polls, or prior to Election Day, we hear “Why should I support this candidate,” or “I did not know who any of the judges were, so I did not vote for them,” or “I was not sure who the Democrat is, so I did not vote for any of them,” or “I voted for the name because they have been around for a while.” We find this problematic, because one of our primary functions, in addition to electing Democrats to office, is to educate the people of the communities we serve. What better way to educate our constituents than by having extensive knowledge about the people seeking their votes and wanting to hold a position of public trust. We find this as our highest duty when it comes to candidates for Judicial Office, as they have the ability to deprive us and our fellow citizens of life, liberty, and property. The questionnaire is a solid metric that allows the Executive Committee to evaluate candidates based solely on objective standards in a side-by-side, apples-to-apples comparison. This is a complete reversal from the days of “Well, I supported that individual because I thought they were nice.”

VI. NEGATIVE IMPACTS TO OUR ENDORSEMENT PROCESS

25.) We have discussed *ad nauseum* the impact of the County corruption scandal, but what else has happened is that candidates for office have had surrogates sit down with the

Democratic Leader and threaten retribution to the Leader and to the Members of the Executive Committee if they proceed with an endorsement in a race. These threats, made by yet another Party luminary, were intended to thwart our process in the 2013 Bedford Mayor's race, and to put on notice our Central Committee Members who did not support this luminary's preferred candidate.

26.) Also, in the 2013 Bedford Mayor's race, the outgoing Mayor of Bedford, as expressed in the Leader's Report and Recommendation for that race, called a former Executive Committee Member from Walton Hills to find out ways to "take out" the Leader (an expletive was used to describe the Leader) in order to prevent an endorsement.

27.) Just prior to that, in a presentation in April, 2013, the Leader made, what he thought, was not a serious comment, when he referred to a candidate for County Executive as "our next County Executive." That candidate, when they did not receive the endorsement of the BWHDP, attempted to use that statement against the Leader and the Executive Committee, arguing that was an implied endorsement. As a result of the endorsement of the BWHDP going in a different direction than that which was desired by this candidate and the outgoing Mayor of Bedford, the Leader and Members of the Executive Committee were threatened in several ways – including with litigation, harassed (including on social media), and bothered by that faction all of the way until the Primary Election in 2014. This process requires us to also choose *our* words carefully.

28.) We also take this process so seriously because, as a local Party unit, we have, time and again – and it truly seems like every even-numbered year – to be completely blunt, get burned by candidates and incumbent officeholders who do not give a damn about our

two communities, yet expect our support time and again. While the Leader jokes about a certain Judge not seeing the BWHDP in a long time, that jurist is **not** the worst offender. In the 2018 cycle of incumbent judges who were on the ballot, there were two (2) incumbent Democrats who had not visited with or made any contact to the BWHDP since, at the very least, the year 2000.

29.) Under a previous County Chairman, there was an unofficial “rule” that incumbent officeholders were automatically granted the endorsement of the Cuyahoga County Democratic Party. Because of this “rule,” incumbents had no reason to meet with the City and Ward Leaders, travel to the local Party units, and earn the support of those front-line Party activists, volunteers, and officers (inclusive of the Central and Executive Committees). This also created a horrible sense of entitlement that still permeates our Party today that the endorsement at any level does not have to be earned and should automatically be conferred upon incumbents.

30.) We disagree... strenuously, at that... and believe wholeheartedly that the endorsement should be worked for and earned, and that each term allows us an additional time period of time to evaluate the additions to the overall body of work of the candidate or incumbent officeholder. Nothing is automatic, or absolute. Every candidate for office, regardless of status of incumbency, if they want the BWHDP’s endorsement, which also then translates to the Democratic Leader’s recommendation and our votes at the County Level, **MUST** engage us in this process.

31.) The flip side to this is that there are times we have had to rescind an endorsement due to the truly despicable behavior of an officeholder – such as a Member of the Bedford Board of Education in 2011, whom we endorsed in 2007. When that individual

sent an email asking several public officials “What is the City of Bedford doing to attract white families,” the Executive Committee did the right thing and detached our name and support from that individual.

- 32.) Additionally, we have been sorely disappointed by candidates whom we have supported as well. We endorse them, and then we do not see them going forward. This happened with several candidates in 2018, and we are not happy about it. This does not bode well for their re-elections in 2024, as we feel used.

VII. THE ENDORSEMENT PROCESS GOING FORWARD

- 33.) By and through the adoption of the rules that accompany this opinion, we believe we have set clear and realistic expectations as it relates to the endorsement of candidates.

- 34.) First, and foremost, never again will we tolerate threats, harassment, and acts of intimidation towards the Democratic Leader, and/or Members of the Central and/or Executive Committee, or our elected officials as it relates to the support of candidates for office. We fully accept that there are those who will never like, accept, or abide by this process. That is their prerogative, and should they choose not to be a part of this, we understand. However, what is unacceptable is that people who are acting in good faith, who are trying to find the best public officials who will do the best work for their community, are being threatened for following their conscience. Is that not what we expect our elected representatives to do? To vote their conscience... to vote in a way they think will best benefit the people they serve?

- 35.) Unfortunately, the threats still come from those who want machine-style politics, and the threats have caused fear to be felt by those who are, to quote Teddy Roosevelt,

“actually in the arena.” These threats have caused Executive Committee Members to miss votes, to go against their own conscience, and the Democratic Leader to have to bargain with those making the threats to leave this team alone. Those making the threats do not care about the good people of our Executive Committee, and they only care about the advancement of the candidates for whom they are advocating.

36.) While most of this opinion is a request of all parties this applies to, we will issue one directive to the Members of the Executive Committee and to the Leadership: If you feel as if you are being threatened, you are hereby directed to report it to the Chair of the Executive Committee, and to law enforcement. Those who seek to threaten our Members have no place in this process, and you will be brought to justice. You will not hinder, you will not thwart, and you will not tamper with this process by or through threats. Those days are over. And, any candidate for whom these threats are being made, whether they know of this or not, will be immediately disqualified from this process for the current cycle, and possibly in the future.

37.) We also hereby request, as a direct result of the six-way (6) contested primary for Common Pleas Judge in 2018, that:

- a. We open a line of communication with our elected officials and former colleagues who still hold themselves out within the Party. Your opinion matters to us, and we want to know why you are supporting a given candidate. Please join us at a meeting or send in a letter of support.
- b. We understand why candidates like to build a bulwark of support by gathering the endorsements of elected officials early. However, in full disclosure, we are not a united house within the Democrats in Bedford and Walton Hills, and in our case,

while we ended up being mostly in agreement, it had a negative impact. The Executive Committee felt backed into a corner, and those elected officials and former elected officials, circumvented this process, which is why it is officially being codified. We ask that candidates refrain from engaging in this process – somewhat.

- c. We also request that any individual on the aforementioned list of officials and candidates also accept that there is also a “point of no return,” where the seeking or offering of an endorsement can have a negative impact upon the candidacy of that individual. Therefore, we will communicate to all relevant parties our timeline, where we are in it, and when the Executive Committee has entered its deliberation stages in order to prevent any actions that could result in sanction.
- d. We also need candidates and all others to please respect the deliberation process. Look at it almost like a Papal conclave, where the Executive Committee Members cannot be disturbed, or subjected to influence. Let the process play out in a fair way, and on its own timeline.
- e. We believe that we can use this process to begin to bridge the gap between the Executive Committee and our Officials who are not active within the Party. We are willing to consider your opinion, as we agreed on more races in general than we did not, but we need you to please give strong consideration to abiding by the rules of the endorsement process.
- f. We believe that should these conversations occur, and that there is buy-in by all sides, we will become an even more effective local Party unit, with an opinion of even greater weight and a united front of all who fly the Democratic Party flag.

38.) As a result of this action, our endorsement process and its components are not going anywhere. Because of that, we need candidates and other interested parties to stop asking why it must be so difficult, or if they have to do all of the pieces of it, or if it can be waived. We have heard the complaints about it, and we hear you, but you need to understand us: this part of the County is still reeling from scandals. We need to earn the public trust. You need to earn the public trust. This is a concrete step in doing so. If you do not want to complete the process, that is fine, just know that you will not have our endorsement, our Leader's recommendation, or our votes at the County level.

39.) Going forward, we believe this will create a stronger and more unified Bedford/Walton Hills Democratic Party where integrity is at the forefront.

**BY THE RULES AND REFERENCE COMMITTEE OF THE BEDFORD/WALTON
HILLS DEMOCRATIC PARTY.**

DATE: Thursday, January 24, 2019 at 7:23 PM EST.