

ELECTION ANOMALIES

by LNC Secretary Alicia Mattson

As I did following the 2012 and 2014 conventions, I performed a full audit of the election results for the 2016 convention. Details in an appendix to the 2014 convention minutes demonstrate that our process of manually tallying delegate ballots has not just the potential for a lot of errors, but there actually are a lot of errors. The mistakes happen because humans are working in high pressure, fast-paced situations.

Documenting our mistakes is not an effort to criticize the good-faith efforts of our convention volunteers. Knowing that these problems exist is just a necessary first step to actually finding solutions for the problems for our future conventions. Because of the 2014 report, the 2016 Bylaws and Rules Committee proposed, and the 2016 convention delegates adopted, a new rule requiring the state delegations to use ballots for all elections, requiring tellers to double-check state tallies, and requiring an on-screen review of the Secretary's spreadsheet where the state details are recorded and totaled. My knowledge of the nature of past errors inspired me to make additional conscious efforts avoid errors while compiling the state tally sheets into the final results. After my assistant read numbers to me from state tally sheets, I read them back out loud to confirm what I thought I heard and to keep my brain out of auto-pilot mode. The time pressures and loud background noise are hard to overcome.

Vote-for-One Elections

The good news is that in the 2016 vote-for-one elections (President, Vice-President, Chair, Vice-Chair, Secretary, Treasurer), I found no blatant counting errors made by delegation chairs that weren't caught onsite. As explained below there were questions about how a ballot should have been interpreted. I can't say for certain that this is an improvement over past years because these details weren't available in past years when state delegations were not required to use individual ballots, and they only turned in the tally sheet. Most states this year used the index cards provided by the tellers (though a few opted to use scraps of paper) for the individual ballots. Having pieces of paper that can be sorted into piles for each candidate, and that can be quickly double-counted by a teller seems to have generated accurate results.

There were cases where delegations initially turned in more votes than they were entitled to, but those mistakes were caught onsite and corrected before the results were announced.

Under Robert's Rules, only ballots on which the voter has indicated a preference for one of the candidates are counted towards the total votes cast for purposes of computing a majority (RONR, 11th ed., p. 415 lines 28-35). Some state chairs didn't know how to handle it when a delegate wrote "abstain" on their ballot. These should not be counted in the total number of votes/ballots cast, but even when they were, the Secretary's tally team was able to correctly exclude them when recording the delegation's totals.

Some state chairs handled it correctly when a voter wrote "not Person X" on their ballot. In that case, the voter has not indicated a preference for a specific candidate, so it is not a vote, and it is the equivalent of an abstention. In the Chair's election, one ballot in Colorado had "(just say no to)" written in small print in the top corner, and then lower on the ballot in larger print was written the name of Candidate X. The delegation chair counted it as a vote for Candidate X. I do not know if that treatment correctly reflected the intent of the voter or if any effort was made by the delegation to clarify its intent.

Some delegates just refuse to do the normal thing and write a candidate's name on their ballot. Perhaps it makes them feel clever, but it can cause confusion and waste time while tellers try to clarify the intent. The FL tally sheet in round 1 of Vice-President had one vote for an acronym not recognized by the Secretary's tally team, but the delegation chair clarified it was actually a novel way to vote for Derrick Grayson, so that's how it was counted. In the Chair's race, one delegate from Missouri turned in a folded up campaign flyer for Candidate X, and the state delegation counted it as a vote cast for Candidate X. That may have been the voter's intention, however without some sort of positive action such as the delegate writing the candidate's name, this should not be accepted as a proper vote. The delegate should have asked to cast a proper ballot.

On round 1 of voting for President, one ballot from Arizona had “Feldman” on one side in one handwriting, and “McAfee” on the other side in a different handwriting. I do not know if the delegation noticed it, or if they made an effort within the delegation to clarify the intent, but the affiliate tabulated it as a vote for Feldman.

The only known error in the vote-for-one elections was made by the Secretary on round 1 of voting for Vice-President. Four delegates cast votes for people who were verified by staff as not being eligible, so they were illegal votes. (See RONR p. 416 lines 2-5) The names were removed from the display of results, however those 4 were not added to the denominator when calculating the percentages received by each candidate. The denominator used was 869, though it should have been 873, which would have very slightly reduced the percentages each of the candidates received. As no candidate received a majority even with the smaller denominator, this did not change the outcome. These illegal votes were as follows:

GA - Milo Yiannopoulos
KY – Donald Trump
KY – Doug Stanhope
NJ – Henry George

Vote-for-Multiple Elections

The larger number of errors by delegation chairs happened during the At-Large and Judicial Committee elections, in which delegates can vote for multiple candidates. During these elections, things were very rushed, and the number of delegates in the room was dwindling. Most of the tellers had departed as well, and only two were left to assist when it came time to double-check the At-Large and Judicial Committee submissions from delegation chairs. With such time constraints and so few tellers, it was impossible for us to double-check the state tally sheets onsite in these elections. The ballots cannot just be sorted into a pile for each candidate because almost all of the ballots have multiple candidates on them, and using manual tally sheets takes more time and provides more opportunities for mistakes.

In 2014, 5 of the 40 reporting state delegations in the At-Large election (12.5%) had errors on their tally sheets. In 2014, 5 of the 33 reporting state delegations in the Judicial Committee election (15.15%) had errors on their tally sheets.

In 2016, the error rates by delegation chairs increased, possibly due to being even more pressed for time and having an even larger number of candidates on the ballot. 13 of the 46 reporting state delegations in the At-Large election (28.26%) had errors on their tally sheets. 12 of the 46 reporting state delegations in the Judicial Committee election (26.09%) had errors on their tally sheets.

None of the errors impacted the outcome of any of the elections.

The errors listed below for the At-Large election were only caught during my audit after the convention, not before results were announced at the convention. The results in the body of the minutes reflect the numbers reported onsite, not accounting for these errors below.

Because the Judicial Committee results were not completely tabulated onsite, I was able to complete the audit and correct the errors noted below before I published the election results. The results in the body of the minutes are already adjusted for these errors.

At-Large Election Errors (not caught before onsite results announced)

By Secretary's tally team:

- The Kansas tally sheet was not included in the onsite results, as it was folded up in the envelope with their individual ballots and didn't make it to the Secretary's table, leaving the impression that delegation had departed. The Kansas tally sheet included votes for: Buchman – 1, Goldstein – 1, Herd – 2, Perry – 2, Redpath – 1, Ruff – 2, Scheetz – 1, Starchild – 2, Werther – 1
- One vote for Sam Goldstein on the Rhode Island tally sheet was mistakenly attributed to Daniel Hayes.

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By Delegation Chairs:

- AL – reported 3 votes for Buchman, actual was 2
- AL – reported 8 votes for Feldman, actual was 9
- AL – reported 2 votes for Ludlow, actual was 3
- AL – reported 7 votes for Peralo, actual was 6
- AZ – reported 14 votes for Buttrick, actual was 15
- AZ – reported 5 votes for Ruff, actual was 7
- AZ – reported 4 votes for Werther, actual was 5
- AZ – crossed out 2 votes for BetteRose Ryan, should be counted even if candidate withdrew
- CA – reported 9 votes for Feldman, actual was 8
- CA – reported 5 votes for Ludlow, actual was 6
- CA – reported 10 votes for Peralo, actual was 11
- CA – reported 4 votes for Scheurer, actual was 3
- CA – reported 3 votes for Scheetz, actual was 4
- CA – reported 10 votes for Starchild, actual was 11
- CA – reported 8 votes for Werther, actual was 9
- CO – reported 7 votes for Goldstein, actual was 8
- CT – missed that one ballot had votes on back resulting in all the changes below
- CT – reported 3 votes for Redpath, actual was 4
- CT – reported 1 vote for Ruff, actual was 2
- CT – reported 0 votes for Scheurer, actual was 1
- CT – reported 1 vote for Scheetz, actual was 2
- CT – reported 3 votes for Starchild, actual was 4
- CT – reported 1 vote for Werther, actual was 2
- IN – reported 1 vote for Feldman, actual was 3
- IN – reported 12 votes for Ludlow, actual was 13
- IA – reported 2 votes for Buchman, actual was 4
- IA – reported 4 votes for Buttrick, actual was 5
- IA – reported 0 for Hayes, actual was 1
- IA – reported 0 for Peralo, actual was 1
- IA – reported 6 for Redpath, actual was 5
- MA – reported 5 votes for Peralo, actual was 4
- MA – reported 0 votes for Campbell, actual was 1
- MA – reported 0 votes for Lark, actual was 1
- MS – reported 6 ballots, actual was 7
- MS – reported 0 votes for Buttrick, actual was 1
- MS – reported 3 votes for Goldstein, actual was 4
- MS – reported 1 vote for Hayes, actual was 2
- MS – reported 2 votes for Jacobs, actual was 3
- MS – reported 0 votes for Peralo, actual was 1
- NJ – reported 0 votes for Craig, actual was 1
- NY – reported 11 votes for Perry, actual was 12
- OH – reported 12 votes for Goldstein, actual was 13
- OH – reported 3 votes for Scheurer, actual was 4
- WI – reported 3 votes for Peralo, actual was 2

Had these errors been caught onsite, the At-Large election results would have been:

Candidate	Votes	Percent
Sam Goldstein	249	59.005%
Bill Redpath	227	53.791%
Mark Feldman	177	41.943%
Darryl Perry	171	40.521%

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Starchild	158	37.441%
Daniel Hayes	150	35.545%
Jennifer Werther	143	33.886%
John Buttrick	139	32.938%
Charles Peralo	125	29.621%
Kevin Ludlow	120	28.436%
Jason Scheurer	117	27.725%
Joe Buchman	114	27.014%
Mark Hinkle	103	24.408%
Kimberly Ruff	98	23.223%
Andy Jacobs	86	20.379%
Steve Scheetz	70	16.588%
Mark Herd	64	15.166%
Roger Gary	34	8.057%
Boyd Kendall	23	5.450%
Alicia Mattson (withdrew)	6	1.422%
Jim Lark (write-in)	4	0.948%
Larkin (write-in)	3	0.711%
Gary Johnson (write-in)	2	0.474%
Guy McLendon (write-in)	2	0.474%
Jeff Wood (write-in)	2	0.474%
Campbell (write-in)	2	0.474%
BetteRose Ryan (write-in)	2	0.474%
Gregson (write-in)	1	0.237%
Candle (write-in)	1	0.237%
Linnabary (write-in)	1	0.237%
Wortham (write-in)	1	0.237%
Hancock (write-in)	1	0.237%
Craig (write-in)	1	0.237%

Judicial Committee Election Errors (all caught and corrected before results were published)

By Delegation Chairs:

- AL - delegate voted twice for Chuck Moulton on same ballot, and tally sheet counted both votes
- AL - delegate voted for write-in "Ryan", but was not listed on tally sheet
- AZ - delegate crossed out "Buttrick" but it was counted on tally sheet
- GA – reported 1 vote for Roots, actual was 2
- GA – reported 1 vote for NOTA, but that was from an "All Candidates" ballot, and our rules say that a vote for NOTA will not be counted if the same ballot contains votes for other candidates
- IA - reported 4 votes for Moulton, actual was 5
- MS - tally sheet counted a NOTA vote on the same ballot with other names
- MS – a vote for Stevens was credited to Linnabary
- MO – a vote for Moulton was credited to Mortenson
- NV – tally sheet counted a NOTA vote on the same ballot with other names
- NH – reported 6 ballots, actual was 5
- NY - delegate voted twice for Chuck Moulton on same ballot, and tally sheet counted both votes
- NC - delegate voted twice for Roger Roots on same ballot, and tally sheet counted both votes
- NC – 2 votes for Maden were credited to Mortenson
- OH – reported 2 votes for Carling, actual was 3
- OH – reported 1 vote for Maden, actual was 0
- OH – reported 6 votes for Moulton, actual was 5
- PA – reported 5 votes for Wiest, actual was 6

Conclusion

I take the time to do the audits and report these results because I think it is important that we understand the realities of how error-prone our elections are. In some cases that knowledge can help us reduce the number of similar human errors in the future, but errors will be par-for-the-course as long as humans are manually tabulating results under great time pressures and while other convention business continues in a noisy room. My preference is that these problems be addressed by electronic voting. Not only would that give us more accurate results, but it would also allow us to conduct elections in much less time. More efficient elections would also allow more delegates to participate in them before they departed the convention.

ENDNOTES

by LNC Secretary Alicia Mattson

These endnotes were created by the LNC Secretary who is a Professional Registered Parliamentarian. The quoted passages are from Robert's Rules of Order Newly Revised (RONR), 11th edition. It represents the opinion of the Secretary that these are relevant passages for the referenced situation.

¹ RONR p. 614 line 26 – p. 615 line 2, "Cases of contested seats in a delegation will seldom arise except in political conventions. In the rare event of a contest between two delegates or groups of delegates and serious doubt as to which is entitled to be seated, the committee should omit both from the list and report the fact of the contest to the convention as explained below. If, on the other hand, after hearing the facts, the committee thinks the contest is not justified, it should enter on the list only the names of the delegates whose claim it finds to be legitimate. The same rules apply to the more common case of delegates chosen by a local unit that is not entitled to representation or has chosen delegates in excess of its entitlement."

Also p. 616 lines 2-35, "If there is an unresolved contest between delegates, the particulars should be stated, as well as the fact that the names of the contesting or contested delegates do not appear on the roll. The committee chairman concludes the report by saying, 'On behalf of the committee, I move that the roll of delegates hereby submitted be the official roll of the voting members of the convention.'" The report with the attached list of names should then be handed to the chair or to the secretary.

Unless there is debate or proposed amendment, the chair, before taking the vote on the adoption of the report, asks, "Are there any questions on the report?" If seat(s) are contested, an amendment can be offered substantially in this form: "To amend by adding 'provided that the name of George J. Morse be added to the roll of delegates as submitted, as a delegate from the state of Missouri.'" The name of the rival delegate can then be offered in a secondary amendment, for example, "to strike out 'George J. Morse' and insert 'Frank Norton.'" Whether or not a contest is reported, it is in order to move such amendments or even to move to substitute an entirely different set of delegates for any delegation in the reported list, but no such amendment is permitted to include more names than those of a single challenged delegate or delegation all of whom are challenged on the same grounds, together with any claimants involved. On an amendment proposing changes in the list of delegates, none of the delegates involved in the case can vote. Those seated by the committee, though contested in a case not yet reached, can vote on all cases except their own. On the question of adopting the Credentials Committee's report or on motions connected with its consideration, only those persons whose names are on the list of voting members reported by the committee (as this list stands after any amendment already approved by the convention) are entitled to vote."

² RONR, 11th ed., p. 75 lines 7-10, "During the meeting or series of connected meetings (called a "session," 8) in which the assembly has decided a question, the same or substantially the same question cannot be brought up again, except through special procedures."

Also, RONR, 11th ed., p. 336, lines 6-16, "Renewal of motions is limited by the basic principle that an assembly cannot be asked to decide the same, or substantially the same, question twice during one session—except through a motion to reconsider a vote (37) or a motion to rescind an action (35), or in connection with amending something already adopted (see also pp. 74–75). A previously considered motion may become a substantially different question through a significant change in the wording or because of a difference in the time or circumstances in which it is proposed, and such a motion may thus be in order when it could not otherwise be renewed."

³ RONR, 11th ed., p. 349 lines 8 – 19, "When the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his duty to declare the fact, at least before taking any vote or stating the question on any new motion—which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum,

as explained above. Any member noticing the apparent absence of a quorum can make a point of order to that effect at any time so long as he does not interrupt a person who is speaking.”

Also p. 422 lines 9-15, “In roll-call voting, a record of how each member voted, as well as the result of the vote, should be entered in full in the journal or minutes. If those responding to the roll call do not total a sufficient number to constitute a quorum, the chair must direct the secretary to enter the names of enough members who are present but not voting to reflect the attendance of a quorum during the vote.”

⁴ RONR, 11th ed., p. 411 lines 12-14 indicates that when counting a rising vote, “Those in the affirmative are always counted first. In all but small assemblies, the doors should be closed and no one should enter or leave the hall while a count is being taken.”

⁵ RONR, 11th ed., p. 19, lines 3-15, “In some organizations, a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if it were prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization, the established custom should be adhered to unless the assembly, by a majority vote, agrees in a particular instance to do otherwise. However, if a customary practice is or becomes in conflict with the parliamentary authority or any written rule, and a Point of Order (23) citing the conflict is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority or written rule must thereafter be complied with.”

⁶ RONR, 11th ed., p. 280, lines 10-15, “Whenever a member doubts the result of a voice (viva-voce) vote or a vote by show of hands—either because the result appears close or because he doubts that a representative number of the members present have voted—he can call for a Division of the Assembly, thereby requiring the vote to be taken again by rising. “

⁷ RONR, 11th ed., p. 59, lines 17-24, “Secondary motions may be seen as related to the following fundamental principle of parliamentary law: Only one question can be considered at a time; once a motion is before the assembly, it must be adopted or rejected by a vote, or the assembly must take action disposing of the question in some other way, before any other business (except certain matters called ‘privileged questions’) can be introduced. By this principle, a main motion can be made only when no other motion is pending.”

Also p. 430, lines 4-6, “A nomination is, in effect, a proposal to fill the blank in an assumed motion ‘that _____ be elected’ to the specified position.”

Also p. 260, lines 32-35, “[Suspend the Rules] Can be made at any time that no question is pending. When business is pending, Suspend the Rules takes precedence over any motion if it is for a purpose connected with that motion.” See also p. 263-265.

Also p. 408, lines 9-13, “Interruptions during the taking of a vote are permitted only before any member has actually voted, unless, as sometimes occurs in ballot voting, other business is being transacted during voting or tabulating.”

⁸ LP Convention Rule 7.3, “When all the delegations have submitted their votes, the Secretary shall declare the voting closed.”

⁹ RONR, 11th ed, p. 407 lines 1-4, “It is a fundamental principle of parliamentary law that each person who is a member of a deliberative assembly is entitled to one—and only one—vote on a question.”

Also p. 260, lines 19-26, "When an assembly wishes to do something during a meeting that it cannot do without violating one or more of its regular rules, it can adopt a motion to Suspend the Rules interfering with the proposed action—provided that the proposal is not in conflict with the organization's bylaws (or constitution), with local, state, or national law prescribing procedural rules applicable to the organization or assembly, or with a fundamental principle of parliamentary law."

Also p. 263, lines 15-18 and 24-28, "Rules which embody fundamental principles of parliamentary law, such as the rule that allows only one question to be considered at a time (p. 59), cannot be suspended, even by a unanimous vote... Likewise, since it is a fundamental principle that each member of a deliberative assembly is entitled to one—and only one—vote on a question, the rules may not be suspended so as to authorize cumulative voting (pp. 443–44)."

Also p. 19, lines 3-15, "In some organizations, a particular practice may sometimes come to be followed as a matter of established custom so that it is treated practically as if it were prescribed by a rule. If there is no contrary provision in the parliamentary authority or written rules of the organization, the established custom should be adhered to unless the assembly, by a majority vote, agrees in a particular instance to do otherwise. However, if a customary practice is or becomes in conflict with the parliamentary authority or any written rule, and a Point of Order (23) citing the conflict is raised at any time, the custom falls to the ground, and the conflicting provision in the parliamentary authority or written rule must thereafter be complied with. If it is then desired to follow the former practice, a special rule of order (or, in appropriate circumstances, a standing rule or a bylaw provision) can be added or amended to incorporate it."

¹⁰ RONR, 11th ed., p. 263, lines 1-7, "Rules contained in the bylaws (or constitution) cannot be suspended—no matter how large the vote in favor of doing so or how inconvenient the rule in question may be—unless the particular rule specifically provides for its own suspension, or unless the rule properly is in the nature of a rule of order as described on page 17, lines 22–25."

Also p. 263 line 29 – p. 264 line 5, "Rules protecting absentees cannot be suspended, even by unanimous consent or an actual unanimous vote, because the absentees do not consent to such suspension. For example, the rules requiring the presence of a quorum, restricting business transacted at a special meeting to that mentioned in the call of the meeting, and requiring previous notice of a proposed amendment to the bylaws protect absentees, if there are any, and cannot be suspended when any member is absent."

¹¹ RONR, 11th ed., p. 262, lines 8-17, "When the purpose of a motion to Suspend the Rules is to permit the making of another motion, and the adoption of the first motion would obviously be followed by adoption of the second, the two motions can be combined, as in "to suspend the rules and take from the table (34) the question relating to ..." The foregoing is an exception to the general rule that no member can make two motions at the same time except with the consent of the assembly—unanimous consent being required if the two motions are unrelated (see also pp. 110, 274–75)."

¹² RONR, 11th ed., p. 394, lines 12-22, "During debate, during remarks by the presiding officer to the assembly, and during voting, no member should be permitted to disturb the assembly by whispering, walking across the floor, or in any other way. The key words here are disturb the assembly. This rule does not mean, therefore, that members can never whisper, or walk from one place to another in the hall during the deliberations of the assembly. At large meetings it would be impossible to enforce such a rule. However, the presiding officer should watch that such activity does not disturb the meeting or hamper the transaction of business."

¹³ Though the delegate referenced Section 73, given the circumstances, he likely intended to cite Section 63. RONR, 11th ed., Section 63 (in Chapter 20) is found spanning p. 654-669, and it addresses procedures for discipline of a member for improper conduct.

Also in Chapter 20, p. 643 line 6 – 15, “Although ordinary societies seldom have occasion to discipline members, an organization or assembly has the ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes. No one should be allowed to remain a member if his retention will do this kind of harm. Punishments that a society can impose generally fall under the headings of censure,* fine (if authorized in the bylaws), suspension, or expulsion. The extreme penalty that an organization or society can impose on a member is expulsion.”

Also in Chapter 20, p. 646 lines 26 – 28 regarding offenses by members of the assembly during the meeting, “Although the chair has no authority to impose a penalty or to order the offending member removed from the hall, the assembly has that power.”

¹⁴ RONR, 11th ed., p. 347 line 21 – p. 348 line 16, “In the absence of a quorum, any business transacted (except for the procedural actions noted in the next paragraph) is null and void... Even in the absence of a quorum, the assembly may fix the time to which to adjourn (22), adjourn (21), recess (20), or take measures to obtain a quorum. Subsidiary and incidental motions, questions of privilege, motions to Raise a Question of Privilege or Call for the Orders of the Day, and other motions may also be considered if they are related to these motions or to the conduct of the meeting while it remains without a quorum... The prohibition against transacting business in the absence of a quorum cannot be waived even by unanimous consent, and a notice (pp. 121–24) cannot be validly given.”

¹⁵ RONR, 11th ed., p. 25 lines 9–11, “When the time of a meeting has arrived, the presiding officer opens it, after he has determined that a quorum is present, by calling the meeting to order.”

Also p. 349 lines 8–16, “When the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his duty to declare the fact, at least before taking any vote or stating the question on any new motion—which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum, as explained above.”

¹⁶ RONR, 11th ed., p. 263 line 29 – p. 264 line 5, “Rules protecting absentees cannot be suspended, even by unanimous consent or an actual unanimous vote, because the absentees do not consent to such suspension. For example, the rules requiring the presence of a quorum, restricting business transacted at a special meeting to that mentioned in the call of the meeting, and requiring previous notice of a proposed amendment to the bylaws protect absentees, if there are any, and cannot be suspended when any member is absent.”

¹⁷ RONR, 11th ed., p. 405, lines 2-7, “A plurality that is not a majority never chooses a proposition or elects anyone to office except by virtue of a special rule previously adopted. If such a rule is to apply to the election of officers, it must be prescribed in the bylaws. A rule that a plurality shall elect is unlikely to be in the best interests of the average organization.”

¹⁸ RONR, 11th ed., p. 223, line 33 – 35, “To call for the orders of the day, a member rises and, addressing the chair without waiting for recognition, says...”

¹⁹ RONR, 11th ed., p. 643, lines 6-11, “Although ordinary societies seldom have occasion to discipline members, an organization or assembly has the ultimate right to make and enforce its own rules, and to require that its members refrain from conduct injurious to the organization or its purposes. No one should be allowed to remain a member if his retention will do this kind of harm.”