

**Report to the New Democratic Party membership on  
the Events of the Federal NDP Convention in  
Edmonton Alberta (April 8-10, 2016)**

**Version 2**

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**By Dale Jackaman**

*NDP Member (2003-Present), Federal Campaign Manager 2015,*

*Federal NDP Candidate (2004, 2008, 2011)*

*Provincial NDP Candidate (2005)*

Chair: Bring Back Tom Mulcair Campaign

Licensed Private Investigator

- **Includes new information on the 'Kudatah' movement referenced on pages 2, 3 and 10 and changes to the statistical data based on actual convention voting numbers.**
- **Includes recommendations to the Federal NDP administration on page 12.**

## **To the Members of the New Democratic Party of Canada and the Bring Back Tom Mulcair Campaign**

Many of us were shocked and angry at the leadership review vote results at the 2016 federal convention in Edmonton. We expected Tom to pass this test handily, but when the results came out they did not make sense given the national leadership polling results at the time. We were frustrated and angry along with a lot of other people. Many of us are still angry to this day.

We believe that the integrity of the delegate body was compromised by an unconstitutional delegate selection system that damaged the integrity of our proportional voting system. Flaws that were taken advantage of by specific groups opposed to the NDP, Tom Mulcair, and the social democratic leanings of the party. As a result, collective decisions were made by an illegitimate delegate body that were inconsistent with the will and interests of the membership.

This report will show just how the corrupted delegate system affected the leadership vote.

From the outset, those of us in the Bring Back Tom Mulcair campaign sought to deal with our concerns internally. We contacted both the President and Executive Director of the party, made them aware of the issues described below, and asked specific questions that we hoped would restore our faith in the integrity of the delegate body and the decisions they made in Edmonton. Unfortunately, we did not receive a suitable response to our very simple questions. As long time donors, volunteers, staff, and candidates we saw no reason for the party to deny us the very basic information we sought. In fact, the reluctance of the party to provide us with this very basic information increased our level of concern.

The seriousness of the issues we discovered in the delegate accreditation process in Edmonton compelled us to pursue this matter further. Given that our concerns were not dealt with in a suitable manner internally, we reluctantly pursued this matter externally and professionally. We feel that members, volunteers, and supporters of the NDP and this group have a right to know about these issues. The administration of the delegate accreditation process at the Edmonton convention violated our constitution, compromised the integrity of the delegate body, and caused the loss of our leader, Mr. Tom Mulcair.

As such, please consider the following information in our report.

Sincerely,  
Mr. Dale Jackaman

## OUR CASE IN BRIEF

Here are some **facts** that we know to be true.

- The NDP constitution contains an explicit formula for proportional representation of delegates based upon membership in each Electoral District Association (EDA) at our conventions (Article V, Section 6). This formula was **not** adhered to at the Edmonton convention of April 2016.
- Many delegates registered independently online and in person and were given 'fake' credentials to represent ridings that they did not reside in.
- The practice of issuing fake delegate credentials and the location of the convention created a situation whereby Alberta as a province, and quite likely Edmonton as a city, was overrepresented in the delegate body.
- A Forum Research poll conducted March 15, 2016, less than four weeks before the Edmonton convention, found that Tom Mulcair had only 19% approval among all voters in Alberta compared to 67% nationally amongst NDP voters.
- In early 2016, according to Alberta based newspapers, conservative opponents of the NDP in Alberta attempted to sabotage the Alberta NDP convention in the 'Kudatah' by signing up one-thousand new members to control the delegate body. They were supposedly thwarted by the provincial NDP who applied individual applicant vetting using social media searches by a contractor we were unable to contact when this report was initially written in March 2017. We have since made that contact and were told that the numbers were indeed much higher, over 1500 people were vetted and rejected, and this vetting effort involved both the provincial and federal wings of the party. (Please note that NDP members in Alberta are automatically members federally.)
- The efficacy and accuracy of vetting individuals for political affiliation by viewing publicly available (open source) social media material is hit and miss at best. As a licensed professional cyber crime investigator, I doubt if I could guarantee better than a 75% hit rate for that many individuals over that period of time. Not everyone makes public their political affiliation over social media. Not everyone is on social media.
- Only approximately eight-hundred and fifty delegates voted in the actual leadership review vote, a number so small that any discrepancies in the process itself would have made a huge difference in terms of the percentage of the vote.
- A number of Tom Mulcair-hostile groups knew of the 'fake' delegate loophole and did take advantage of the situation to boost their negative votes. Those numbers are unknown but they primarily came from the Toronto area. Sources have confirmed that the administration of the party was aware this was going on.

## A Closer Examination of the Facts and Implications

The letter and spirit of the constitution of the NDP mandates a proportionally representative delegate body based upon the number of party members living in each Electoral District Association (EDA), plus youth and affiliate delegates. The decision to grant accreditation to individual party members, regardless of their place of residence, to represent EDA's other than their own, in effect created a new category of delegate - the 'fake' delegate.

With such a small delegate body (1,659) representing a large general membership (60,000+) it would take very little to significantly alter the votes. Consider the following;

- If just 100 fake delegates who intended to vote against the leader in the leadership review were disqualified, then the results would have been flipped (to 51% against a leadership contest), and the leader would then have the option to stay on or resign. Or even less given that only 850 delegates actually voted.
- If just 333 fake delegates intended to vote against the leader but were disqualified, then the result would have 60% against a leadership race. Or half that, that given that only 850 delegates actually voted.

Of course, we don't know how many 'fake' delegate credentials were issued - the party refuses to answer this question - but it could have been *more* than 333.

**Tom Mulcair had only 19% support in Alberta as a demographic sub group vs 67% nationally amongst NDP voters as a sub group; the fake delegate situation becomes even more critical in any close vote as a result of the location of the convention.** See polling results below.

**(Forum Research Poll conducted on March 15th, 2016,** Less than a month before the convention). The question was: "Do you approve or disapprove of the job Tom Mulcair is doing as interim leader of the NDP? "

### *Region*

%	Total	Atl	Que	ON	Man/Sask	AB	BC	English	French
Sample	1567	149	340	574	137	153	214	1239	328
Approve	35	28	42	36	25	19	40	33	42
Disapprove	33	34	27	32	41	50	30	35	28
Don't know	32	39	31	32	34	30	30	32	30

Compared to a national average of 67% for Tom Mulcair.

### Federal Vote Preference

%	Total	Cons	Lib	NDP	Green	Bloc	Other Parties
Sample	1567	487	621	192	82	55	65
Approve	35	21	37	67	35	45	32
Disapprove	33	49	30	12	27	34	46
Don't know	32	30	33	21	37	21	21

**Source:** Forum Research. Released: March 16, 2016 (in the field March 15, 2016)

(The link to this file was removed from Forum Research's website. I have included a new link to the original PDF file here.

[https://bringbacktommulcaircampaign.files.wordpress.com/2018/02/forum\\_research\\_poll.pdf](https://bringbacktommulcaircampaign.files.wordpress.com/2018/02/forum_research_poll.pdf)

The party's decision to grant delegate credentials to party members living in some ridings which had already filled their own constitutionally prescribed allotment, by assigning them to represent other ridings that could not send a full contingent, violated the proportional representation formula contained in Article V, Section 6 of our constitution. ***This action corrupted the delegate accreditation process, resulted in a delegate body that was not representative of the general membership, and this illegitimate body took actions and made decisions that ran counter to both its will and interests of the general membership.***

### Article V Section 6

The NDP system of proportional representation at our conventions is, like any other proportional system, designed to represent in a legislative body (in this case the delegate body) each individual, political group or party in proportion to its actual voting strength (in this case the membership in each EDA, and affiliated groups) in the electorate (general membership). Article V, Section 6 of the NDP Constitution contains a simple formula for the delegate selection process to ensure that there is proportional representation for each Electoral District Association based upon the number of members who live within each.

Article V, Section 6(b) reads as follows:

*Electoral District Association Delegates: Each electoral district association shall be entitled to: i one (1) delegate for 50 party members or less; ii one (1) additional delegate for each additional 50 party members or major fraction thereof; and iii one (1) additional credential reserved for a youth delegate.*

This makes it clear that the proportionality for each Electoral District Association (EDA) is based upon the number of members in the party that reside within their geographic boundary. This formula was, doubtlessly, enshrined in our constitution to ensure that one or more EDAs did not have a disproportionate say in decisions made at our conventions. Proportional representation is an important democratic principle designed to reinforce equality among members of a group or body, and it is a keystone policy of the NDP, both internally and externally. In the case of the

Edmonton convention, this principle was not upheld. The President of our party has personally confirmed this fact.

### **“Fake Delegates” Explained**

In addition to accrediting duly elected delegates to represent their own local EDA, the convention administrators made the inexplicable decision to also accredit members who were not elected by their EDA. There is no provision in the constitution for granting delegate credentials to members who were not duly elected to represent an EDA, or who were not representing an affiliate group. In fact, the administration has created a new category of delegate, the “fake” delegate.

The party’s decision to accredit these fake delegates - those who lived in an EDA that had filled their own delegate allotment but who were assigned ad hoc to represent another EDA that could not send a full allotment - is the root of the problem. Unfortunately, during the course of our inquiry we learned that this practice of accrediting extra “fake” delegates has been employed in past conventions as well as in Edmonton. The party admits to this fact and has attempted to use past precedent as an excuse for this unconstitutional and unethical practice in Edmonton. We reject this defence. The party membership may not have been burned in the past but it certainly was in Edmonton.

Breaking a rule, or in this case violating Article V Section 6 of our constitution, in the past does not make the same action legitimate in the present. This defence is the logical equivalent of arguing that the offside rule should be removed from the hockey rulebook because a referee missed several offside calls in a row. We find the argument that ‘we’ve broken the rules in the past, so they do not exist in the present.’ to be unacceptable.

### ***Fake delegates registering online***

Please examine the following two screen captures from the NDP Convention website (<http://edmonton2016.ca/faq> : Accessed March 7, 2017):

#### **How can I attend the Convention?**

There are few ways in which you can attend convention. If you are an NDP member or intend to join, you should attend convention as a delegate representing a local Riding Association or affiliated union local. Register here and we’ll help you figure out the rest:

[https://secure.ndp.ca/register/index.php?event\\_id=edmonton2016&language=e](https://secure.ndp.ca/register/index.php?event_id=edmonton2016&language=e)

## **I want to attend Convention, but was not elected by my Riding Association, can I still come?**

Yes! If you were not issued a delegate credential/EasyCode you are still able to attend Convention. When you register online you simply choose the “register without easycode” option and we will allocate you one after you’ve registered. Please note that you will not be a part of your Riding Association’s delegation, as the credential we allocate you will have come from another Riding Association.

The above practice - issuing delegate credentials to random party members to represent an EDA that they do not live in - is a clear violation of Article 5 Section 6.

***Rather than upholding the provisions of Article V Section 6, which mandates a proportionally representative delegate body based on EDA membership, the party administration actively undermined it. As a result, the delegate accreditation process in Edmonton was corrupted and the body of delegates gathered was not proportional to the membership of each EDA as mandated in our constitution. As such, we must conclude that this body of delegates was not a true representation of the general membership, and thus unable to make legitimate decisions on its behalf.***

***We would like to point out that each vote cast by a ‘fake’ delegate diminished the weight of every vote cast by an legitimately elected, youth, or affiliate delegates from every other EDA in the country***

It has been confirmed to us by the party that these fake delegates filled slots that were willingly abdicated or surrendered by EDA’s that were unable to fill their own slate. The process described to us by the party administration was that each of these EDA’s was asked to voluntarily surrender their unused delegate spots to the party. The administration then allocated those surrendered credentials to whomever they saw fit, or whomever was next in the queue assembled via the convention website. They claim that since one EDA willingly surrendered their unused delegate slots, and an individual willingly filled it, that the process is legitimate. We disagree. We suspect those persons surrendering such unused spots knew not the implications of such an action, or at least the implications of several ridings doing the same with several delegate allocations each.

On the surface, this practice looks harmless, but it is far from so. One particular and predictable outcome of this practice is the inherent creation of bias in favour of the host city and region. The closer someone lives to a convention, the less likely they are to face obstacles to attending. It is fairly obvious that if a member is not required to purchase airfare, accommodations, or prepared meals, the likelihood of them attending rises exponentially. In fact, in a city of 900,000 plus residents with strong party roots, such as Edmonton, it is fair to say that hundreds more

members would likely be interested in attending a convention than there would be available slots in their own EDA.

To take this argument to its logical extreme; if 1000 members from a single condo building on Whyte Ave. wanted to attend the Edmonton convention, and enough delegates spots were surrendered by other ridings, then there would be no rationale for rejecting those unelected delegates so long as they were acting in good faith. One condo building, or housing complex, or EDA could have a majority voice at a convention with a delegate body of 1,800 that represented 60,000+ plus members if they had registered in such a manner and were slotted into enough 'surrendered' delegate spots. Fair to the membership as a whole? No it is not. And this scenario is made even more critical when you factor in that only about 850 people actually voted.

While we believe this misguided initiative was likely undertaken in an effort to raise funds via the collection of extra delegate fees, (and to fill otherwise empty seats in low turnout conventions), and concede that this may have been a common practice at past NDP conventions, we also believe that it unambiguously compromised the proportionality of the delegate body at this convention, and perhaps others.

We would assert that the constitution of the NDP was conceived in such a way as to - **deliberately** - ensure there was proportional representation of our members at conventions based upon the number of members in each EDA. There is a proportional formula in Article V, Section 6 for a reason, and actions were taken by the NDP administration in the lead up to this convention (and perhaps others) that undermined the rights of the membership as enshrined in our constitution.

### ***Fake delegates registering at the door***

In addition to the online registration of unelected fake delegates, the NDP administration for this convention also signed up an unknown number of unelected fake delegates at the door. We believe, and have heard anecdotal evidence from a number of sources, that the vast bulk of the delegates who signed up in this fashion came from Alberta. This evidence stands to reason since it would be illogical for someone fly into a convention from another province without having first secured their delegate credentials. Similar to the unelected fake delegates who signed up online, unelected delegates who registered at the door were also accredited to ridings that they did not reside in, but had no requirement to cast votes or assume policy positions on behalf of the members or the demographic of that riding.

In what can only be seen as a partial recognition of the issues and claims contained in this report, the party administration eventually put in an ad-hoc rule for this convention stating that EDAs had to give permission to bring in these fake delegates, and that delegates could only be transferred between EDAs in the same province. Both are meaningless in terms of ensuring a truly representative vote on behalf of the general membership. After all, a delegate from Edmonton no more represents the will of someone from Red Deer, as someone from Toronto

represents Thunder Bay, or from Montreal represents Quebec City, or from Vancouver represents Kelowna. As such, we cannot accept the notion that the voluntary, random, and effectively 'blind' 'swapping of delegates between EDAs within a province, or limiting the practice to EDAs within the same province, is an acceptable substitute for the proportional representation of each EDA as enshrined in the constitution.

We would like to add at this point that we believe the EDAs who surrendered their delegates must be forgiven for granting permission as they were acting in a very selfless manner to - seemingly - assist our party. Taking a couple delegates at a time from one riding or two may not seem like a big deal, but as you will see the effects of this occurring in a widespread manner could prove devastating to very notion of proportional representation, and the idea that delegates are supposed to reflect decisions that are consistent with the will of the general membership. In short, these selfless acts, when taken together, may have proven to be self-destructive.

### **Attempts to resolve the issue internally**

As we began to discuss this issue with other New Democrats from across the country, and investigate the publicly available evidence, we eventually decided that our concerns had to be brought to the attention of the party. We wanted these concerns to be resolved quickly with as little disruption as possible. As such, we wrote to the President of the NDP to raise her awareness of them.

In our first email we asked for some non-specific information which would not violate the privacy rights of our members, but would still shed some light on the geographic composition of the delegate body in Edmonton. In this email we requested three bits of information to help allay our concerns; a raw tally of the delegates accredited to each EDA and each affiliated group; a separate raw tally of all delegates sorted by the first three letters of their home postal code (ie: K1A, T4A, N3T, etc); and the total number of delegates who voted on the leadership question and the exact results. All of this information was nonspecific to protect the privacy rights of individuals, and easily retrievable from our party database. It was my hope that this information would allay our concerns or indicate if further investigation was required.

In her cordial response to our initial email NDP President, Marit Stiles, offered some information but not that which we had requested. The delegate information she provided was at the provincial level; the number of delegates by province. Ms. Stiles wrote: "At the Edmonton Convention, there were 1382 delegates from Electoral District Associations; 416 from Ontario, 354 from the host province of Alberta, 241 from British Columbia, 155 from Quebec and 116 from Saskatchewan, with the balance from the other provinces and territories." This information did not address our concern, which we had explicitly laid in the original email, namely that a few EDA's in particular may have had a grossly disproportionate say in the decisions taken at the convention. Ms. Stiles also provided provincial level information about the affiliate delegates ("...the bulk of whom were from Alberta (101), Ontario (98) and British Columbia (44)"), and

indicated that no record of the number of votes cast was kept and did not care to offer an estimate. (See 'Addendum B' for copies of all correspondence)

While I appreciated her taking the time to respond, the information provided by Ms. Stiles in this initial response did nothing to allay our concerns that certain EDA's may have had a grossly disproportionate say in the votes and decisions taken at the Edmonton convention, so we tried again.

In response to Ms. Stiles we wrote the following;

"Initially, we believed that a tally of delegates by postal code (first three letters and number) would suffice, but even that would not provide us with an accurate view in hindsight. **We believe the only way to establish the confidence we seek is for the party to provide us with two tallies; a tally of eligible delegates by riding and a second tally of actual delegates by their home riding** - not the ridings they were issued credentials for, but the riding they actually live in. As such, there should be two tallies for the 338 EDAs and these tallies should include the special delegates (ie: Ottawa Centre Eligible = 24, Ottawa Centre Actual = 13). The bare minimum requirement for confidence in this case would be the actual delegate tally."

At this point, it is worth recognizing that the party did not 'owe' us this information, but that we were hopeful that hundreds of hours of work in service to our cause would at least yield some information related to my question. We were wrong. We did not receive a response to this email from Ms. Stiles.

We found the decision to not offer a further response to our legitimate concerns troubling, so we decided that the issue of fake delegates and the undermining of our constitution was significant enough to raise with our federal NDP caucus. As such, we sent an email to each member along with an earlier version of this report. We received a direct response from caucus which essentially said this was a matter for the NDP executive and had nothing to do with them. Ironically, after not receiving a response from Ms. Stiles to our previous email that was directly addressed to her, we received a response to this one which was addressed to others. In her response she wrote:

*"The rules that applied to delegate accreditation in Edmonton were the same as those that have applied in all recent NDP conventions. Past practice provides that EDAs may assign credentials to any member, regardless of whether they live in the riding. In the event an EDA has unused credentials the Party has traditionally made these available to other interested members in goodstanding [sic] And it is standard practice that delegates can register in person at Convention....It is the norm of course that the host province is well represented. That said, the participation pattern roughly mirrors the distribution of members across the country and no EDA had more than its eligible number of delegates"*

We found this response both disappointing and troubling. First, she employs the fallback argument that 'we've always done it this way before, so we were right to do it again.' Second,

the claim that “no EDA had more than its eligible number of delegates,” is presented without the evidence that we had asked for, which would have validated her claim. Instead of providing evidence to refute our claim, we were simply asked to accept her response at face value and politely go away. Had she provided any evidence to address our concerns, we may well have done just that, but she did not.

Having raised our concerns about the delegate accreditation process and the possible corruption of the delegate body internally, and having not received an appropriate response, we feel compelled to share our concerns with you; the members of the Bring Back Tom Mulcair Campaign and the membership at large. The nature of our investigation and attempts to resolve the issue internally was quite time consuming, which explains the delay in releasing this information to our members.

### **The Alberta Factor**

According to a letter from the NDP President Marit Stiles, it is quite normal for a host city and province to be “well represented.” Extra representation, however, is something completely different. Alberta and Edmonton, in this particular case, would already have extra (but constitutionally protected) influence over the proceedings at this convention because logic dictates that it is easier and more affordable for delegates to attend from the host region. The same logic holds true for independent delegates not elected by their EDAs, but who registered online or in person and who were accredited to represent an EDA other than their own. **In short, NDP members in Alberta had a very disproportionate say in the decisions taken at this convention compared to NDP members in other provinces.**

The reason why Alberta having more delegates than they were constitutionally allowed matters is that, outside of the obvious moral and ethical issues, Albertans as a population feel less positively about the current NDP leader than those living elsewhere - by a wide margin. Recall that the Forum poll results from just a month prior to the Edmonton showed that just 19 percent of Albertans approved of the performance of the leader, which was 16 percent less than the national average, and 46 percent lower than New Democrat supporters. **In fact, the same poll showed that of all regions, party supporters, and genders Albertans (19%) were the least likely demographic subgroup to express approval for the leader - less likely than even Liberals (37%) or Conservative (21%) voters.** Regardless of the case in question, the overrepresentation of any such outlier subgroup in a delegate body would dramatically misrepresent the views of the general membership.

**More troubling than Alberta receiving a disproportionate number of delegates in violation of our constitution, and the fact that Albertans were dramatically less likely to approve of the leader than any other group of Canadians, is the fact that opponents of the NDP in Alberta had tried to infiltrate a provincial convention and manipulate the internal democratic processes of that party a mere two months prior to the federal convention.**

The so-called ‘Kudatah’ movement consisted of 1500+ conservative activists who attempted to infiltrate the provincial party, but were prevented from doing so thanks to a determined effort by

provincial party officials, who vetted every new member and delegate (even examining their social media posts) and disqualified those found to be infiltrators or held ill will for our movement. That vetting was not completed until *after* the federal convention. The success rate of such a vetting process is questionable, in particular if not done by a professional open source trained investigator.

There was a clear violation of the NDP constitution that led to the overrepresentation of one region that could be only be described as being organically 'hostile' in their collective opinion of the leader, but the truth of what caused the current leadership race could be far more sinister. The conservative Kudatah movement in Alberta had a very strong ***motive*** for infiltrating the NDP convention, namely to sabotage the operations of our party. This movement had also recently proven that it had the organizational ***means*** to pull off such subterfuge, and the ***opportunity*** to do so thanks to the ad hoc and unconstitutional accreditation of fake delegates by party administrators **The confluence of these circumstances can only be described as 'The Alberta Factor' and we believe that they, in whole or part, explain the illegitimate deposition of our leader at this convention.**

We all know that Albertans vote differently on a broad range of issues than the rest of Canada, as do Quebecers and Ontarians and those living in other regions. Indeed, Edmontonians vote quite differently than Calgarians or those who live in Red Deer or Lethbridge. This, then, begs the question: *'Why should one province, or one region in one province have a disproportionate say in the decisions taken at our convention?'* There is, of course, no reason why they should, but especially given that our party has a proportionally representative delegate system for our conventions.

Every time an extra delegate was assigned from a riding that already had a full slate to a riding that did not, it diminished the weight of the votes of other elected delegates representing all other ridings. If one travelled all the way from Newfoundland, and paid their full delegate fees, then the weight of their vote would be diminished every time the party granted fake credentials. In the end, after these fake delegates were assigned, the votes of legitimately elected delegates from EDAs across Canada were worth less, yet their delegate fees remained the same. This is unfair to the delegates themselves, their EDA whose voice was illegitimately diminished, and the general membership that the assembled delegates were supposed to represent.

We argue that the delegate selection formula in our constitution was designed SPECIFICALLY to prevent such practices, and to ensure that each riding had a proportional voice at our conventions. This delegate selection formula has, over time or in this instance, been twisted for fundraising and seat filling purposes to the detriment of the spirit of the party constitution, proportional representation, and democracy itself. For a party that prides itself on supporting democratic proportional representation, it smacks of hypocrisy at the highest levels.

In hindsight, given what we know about the corrupted delegate accreditation process and the publicly available data about perceptions of Mr. Mulcair by the general public and NDP supporters alike, we believe that the will and interests of the general membership were not

properly represented in Edmonton. We are very confident in our belief that, had our constitution been upheld, and proportionality between EDAs and affiliates in the delegate body been upheld, that the decisions made in Edmonton would have differed greatly. Specifically that Mr. Mulcair would have had the confidence of a critical mass of NDP members across Canada. As a result, we do not believe that he would have felt obliged to offer his resignation following a properly delegated convention.

*Please read the ADDENDUM at the end of this report to see what can happen under the current system.*

### **Our Recommendations:**

Given that;

At the time of this writing it is clear that Tom Mulcair is leaving politics and will no longer be a part of our party moving forward. This should never have happened given the circumstances listed in this report.

Given the information and facts detailed in our report, the leadership review vote in Edmonton was illegitimate and should have been annulled. It wasn't.

The federal NDP party membership, Tom Mulcair, and all Canadians were denied democratic due process at the convention.

We recommend, and in fact we demand, that:

- 1) The party's executive needs to accept the results of this investigation and accept full responsibility for what transpired up to and including the convention as per this report.
- 2) That the practice of granting fake delegate credentials be stopped, permanently, given that it clearly violates the proportionally representative formula contained in Article V, Section 6.
- 3) That a full public apology be made to the full membership of the party, and to Tom Mulcair personally, and a statement that this will never happen again.

Mr. Dale Jackaman  
Campaign Director  
Bring Back Tom Mulcair Campaign  
[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)

## ADDENDUM A

### Scenarios that Would Explain the Effect of the Corrupted Delegate Body Upon the Leadership Review Ballot

We believe that the misguided practice of assigning these 'fake' delegates by the party administration violated our constitution. If you think the number of those fake delegates was too small to matter, then you are probably wrong. Just 250 fake delegates could have undermined the general will of the membership. To illustrate, here are three scenarios where such delegates could have taken decisions in violation of the will of the general membership.

#### **Scenario 1 - Unintended Regional Imbalance**

Enthusiasm in Alberta NDP circles is riding high, and members in that province are mobilized. Competitive elections are held for delegate spots, but many members wishing to attend as delegates are left disappointed. They add their name to the non-elected delegate 'queue' that was publicized on the NDP convention website. Some 250 members from the host region are in the queue, or plan to try and register at the door.

Other EDA's in Alberta are unable to fill their delegations. In the end, just over half of Alberta's total delegate allotment ends up not being filled by EDA's. At this point, the EDA's "surrender" their delegate spaces at the request of party administration and the queue is emptied. The result is that Alberta fills its allotment of 400+ delegates, which represents approximately  $\frac{1}{5}$  of all convention delegates, but a full 250 members (or 15% of all delegates) end up as accredited delegates at convention and reside in EDA's that are already fully represented.

The effects on proportionality are very negative and very significant. Those EDA's, already benefitting from a regional bias, are now further advantaged. Additionally, other EDA's from outside of Alberta see the weight of their votes diminished. The result is an unintended regional imbalance that violates the required proportional representation as defined in the constitution. Given the location of the convention (Alberta) the leader is also faced with a delegate body that is decidedly less supportive of his ongoing tenure than the general membership, and the assembled delegates vote disproportionately for a leadership race which is in direct conflict with the will of the general membership.

#### **Scenario 2 - Organized Internal Movement Undermining Will of General Membership**

A group of NDP members decide to organize against the leadership, but reside overwhelmingly in a few ridings that fill their slates completely. As long time activists they are well aware of the practice of issuing 'fake' delegate credentials and decide to exploit the loophole to depose the leader.

More than 200 members of this group were not elected, but still have the will and financial means to attend convention. Many Alberta EDA's have an enthusiastic local membership, but members find the costs or location of the convention to still be prohibitive in spite of it being located within the same province. Several Alberta EDAs are unable to fill their delegate slates, and surrender their credentials. The members of this group opposed to Mr. Mulcair's leadership

then receive their 'fake' credentials. Because of this process, the group now has 150 elected delegates and 200 additional 'fake' delegates added through the queue process. This group organizes and has large enough numbers to dramatically affect the votes and defeat or pass motions or constitutional changes.

The end result is that these motivated and organized members who oppose the leadership went from having a proportionate voice based on our constitution to a disproportionate one. If some EDA's had members that wanted to attend, but were unable to due to financial, geographic, or other reasons they become victims of discrimination, and the well financed and organized internal group are able to pursue their own agenda, which runs counter to the will of the general membership.

### **Scenario 3 - Organized External Movement to Subvert the NDP**

Our conservative opponents have been humiliated by the success of the Alberta NDP government and vow revenge. In February 2016 some organize and try to infiltrate the rank and file of membership of the Alberta NDP, obtain delegate credentials, and undermine that party at its own convention. The Alberta NDP, to their credit, recognizes this movement, closes ranks, and begin vetting individual members and delegates, examining public statements and social media posts to ensure they in fact are members in good standing and acting with goodwill. By June, the Alberta and federal NDP had rejected over 1500 MEMBERSHIPS to protect the integrity of their convention.

As the loophole for the Alberta NDP convention closes, the conservatives vow to continue the fight, and some keen eyes read that the federal NDP is coming to Alberta to hold its own convention in a couple of months. They scan the NDP convention website and see in plain sight that they can join the party and become delegates even if they were not elected by their own "riding association." JACKPOT! A few hundred conservatives come together and decide to register to see if they can get credentials and cause problems at convention. They for sure want to take out the Leader of the NDP who is responsible for demolishing the credibility of the Harper Conservatives throughout the Senate Scandal. At the very least, they want to diminish his stature.

In the end, their plan works better than expected. The convention organizers are overworked and tired. Many regular elected delegates leave the convention early to catch long flights home, or because they believe that nothing of consequence could happen in the leadership review, mostly because nothing ever does. Everyone's guard is down. In the end, just 850 votes are cast, including those of the local conservatives who managed to get in, and the delegates vote 52% in favour of a leadership race.

***The true story of how conservatives in Alberta tried to destroy the Alberta NDP by sabotaging their 2016 convention can be read here:***

<http://calgaryherald.com/news/politics/a-peaceful-kudatah-ndp-opponents-want-to-take-down-party-from-within>

<http://www.calgarysun.com/2016/06/12/alberta-new-democrats-are-not-in-danger-of-being-taken-over-from-within-says-official>

## ADDENDUM B

### Correspondence Between Dale Jackaman and NDP President Marit Stiles and the federal NDP Caucus.

From: "Dale Jackaman" <[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)>

Date: September 14, 2016 at 11:52:27 PM GMT-4

To: <[maritstiles@gmail.com](mailto:maritstiles@gmail.com)>

Subject: Questions re: Edmonton Convention

Greetings Marit.

We're working hard down here at the 'Bring Back Tom Mulcair Campaign' trying to understand the delegate assignment process at our 2016 NDP convention in Edmonton. As such, we have some requests for you to help us facilitate this process.

The members of our group have great concerns about the issuing of "fake" EDA credentials to individual delegates who did not personally reside in those EDA's. Specifically, we have concerns that this ad-hoc delegate assignment process may have created a situation whereby some EDA's and regions obtained an undue amount of influence over the events at this gathering, and that this unbalanced representation of the party's membership resulted in an inaccurate representation of the will of the membership at large - specifically with regard to the leadership review process and the vote that precipitated the current leadership race.

We believe that we will be able to get a better understanding of any disparity in the representation of the membership by obtaining the following:

- 1) a raw tally of the delegates accredited to each EDA and each affiliated group;
- 2) a separate raw tally of all delegates sorted by the first three letters of their home postal code (ie: K1A, T4A, N3T, etc).
- 3) the total number of delegates who voted on the leadership question and the exact results.

The information requested for point 2 should be easily retrievable from our database and put into a spreadsheet before deleting all personal information fields except the first three letters/digits of the postal code. We understand that such information would have to be collected for the purpose of issuing tax receipts and ensuring compliance with federal party financing regulations, and generating these simple tallies won't create an issue with regard to the privacy or confidentiality of individual members since the information released to our group would only be in the aggregate.

As of Sept 14th, over 2500 New Democrat Party members and supporters have joined our Facebook group since its inception on August 29th, and our membership continues to grow by

an average of 130 supporters per day. To put this in perspective, our membership is now approximately 1/3 the size of the official Facebook group of UNIFOR's (2,451 vs. 7,682), and the total engagements of posts on our page (likes, comments, shares) this week is just under 1/2 that of the official NDP Facebook page (1.800 vs. 4.100). The 'Bring Back Tom Mulcair Campaign' Facebook page is growing rapidly and our members are enthusiastic, engaged, and mobilized. By voluntarily providing this very basic and general information from the Edmonton convention to our group you will be earning the good faith, trust, and confidence of our members regarding both the results of the leadership review process in Edmonton, and the integrity of the party and its staff and officials.

Thank you for your attention in this matter Marit. The members of our group look forward to hearing your response to these modest requests.

Sincerely,

Dale Jackaman  
The Bring Back Tom Campaign  
[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)

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2016-10-12

Hello Dale,

In response to the questions you have raised with respect to delegates to the Edmonton Convention, let me provide the following information.

At the Edmonton Convention, there were 1382 delegates from Electoral District Associations; 416 from Ontario, 354 from the host province of Alberta, 241 from British Columbia, 155 from Quebec and 116 from Saskatchewan, with the balance from the other provinces and territories.

As you know, it is EDAs that determine who is eligible to be credentialed on their behalf. With few exceptions, delegates are normally residents of the riding (or at least the province) in which the EDA is located. That said, situations arise where an EDA may give a credential to someone who is not currently living in the riding; for example, because the delegate is studying or working in another province while retaining a link to the riding and the EDA.

On the 1382 delegates attending the 2016 Convention, 19 were from provinces other than the province in which the riding was located. As you would expect, 10 of those delegates were currently living in the host province, Alberta, with the remainder coming from British Columbia, Ontario and Quebec.

There were 277 delegates representing Affiliate members, the bulk of whom were from Alberta (101), Ontario (98) and British Columbia (44).

In addition, delegates included members of Federal Council, Young New Democrat delegates, members of the Federal Caucus or former Party Leaders, drawn from across the country.

You had also asked about the specific vote count. I understand the tally sheets were destroyed with the ballots and so I don't have that information, only the percentage outcome of the leadership review. As you know, 52 per cent of voting delegates supported a review.

I am confident that the process followed in Edmonton respects the letter and spirit of the NDP constitution and that the outcome fairly represents the views of the eligible delegates.

I understand your position that responsibility for leadership review should be vested in the membership on a one-member/one-vote basis, as with the selection process. I expect this issue will be addressed at the 2018 Policy Convention.

Please feel free to contact me or Robert Fox, National Director, should you wish to discuss this further.

In solidarity,

Marit

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Hello Marit,

While we appreciate the information that was provided, it does not allay our concerns about the legitimacy of the Edmonton convention. Nor does it allow us to conclude whether or not the delegates that assembled were truly representatives of the membership and entitled to make decisions on our behalf. We would like to know the relative influence that each EDA, in actuality, had over the proceedings and the decisions that were made at this convention.

The spirit of the Constitution dictates that, since the New Democratic Party of Canada is a democratic organization based upon local membership (EDA's), no one group (regional, local, or other) should have undue influence over the proceedings apart from explicit exceptions.

As such, two questions remain for us: 'Did some EDAs have a disproportionate say in the conduct and decisions made in Edmonton?'; and if so 'Was this disproportionate voice significant enough to undermine the letter and/or spirit of our Constitution?' These are the questions we would like to have answered so that we can have complete confidence in the delegate selection process and the serious decisions and their consequences that were taken at the Edmonton convention.

While the provincial numbers are useful, and we appreciate the disclosure, they do not provide the information we are seeking as it relates to the residency of the delegates. Initially, we

believed that a tally of delegates by postal code (first three letters and number) would suffice, but even that would not provide us with an accurate view in hindsight. **We believe the only way to establish the confidence we seek is for the party to provide us with two tallies**; a tally of eligible delegates by riding and a second tally of actual delegates by their home riding - not the ridings they were issued credentials for, but the riding they actually live in. As such, there should be two tallies for the 338 EDAs and these tallies should **include the special delegates** (ie: Ottawa Centre Eligible = 24, Ottawa Centre Actual = 13). The bare minimum requirement for confidence in this case would be the actual delegate tally. Given the growing membership of our group and the level of mobilization within our membership, we believe this is a reasonable request and we are certain that this information is easily extractable from the database.

We would like reiterate our thanks and appreciation for the information that you have to date. It is very encouraging. However, it has not allayed our concerns about the legitimacy of the Edmonton convention, and does not in fact allow us to conclude whether or not the delegates that assembled were truly representative of the membership and entitled to make decisions on our behalf.

For us to have confidence in the decisions taken by delegates in Edmonton it is crucial for us to examine the two tallies requested above to ensure that the letter and spirit of our constitution were respected. Given the current state of our party, by every metric and standard, we feel it is important for the membership to have confidence in the executive, administration, leadership, and mechanisms that govern us.

Regards

Dale Jackaman  
Bring Back Tom Mulcair Campaign  
[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)

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### **Letter to all NDP MPs sent January 28th 2017**

To <NDP MP NAME>

I am writing you today because of an urgent and serious internal party issue that requires your immediate attention. This letter is exclusively intended for and addressed to all federal NDP MPs, so please feel free to discuss its contents openly with your colleagues.

My name is Dale Jackaman. I am an NDP activist and a three-time federal candidate in the Richmond BC riding during Jack Layton's era. Professionally I am a licensed private investigator in the province of British Columbia and am the President of Amuleta™, a private investigation firm based out of Vancouver, BC.

We have good reason to believe that the delegate selection process at our most recent federal convention in Edmonton was corrupted, and that his process allowed the unethical registration of hundreds of 'fake' delegates. This corrupted registration process allowed these fake delegates to cast votes and make important decisions on behalf of the general membership in a manner that was not in keeping with the spirit and letter of our party's constitution.

Following up on some tips received from other properly credentialed delegates and party members, we recently conducted an investigation of irregularities, and have documented the findings in a short report copied in below.

I have also included pertinent correspondence between myself (on behalf of a group of activists and party members) and current party President Marit Stiles and current National Director Robert Fox. In my initial contact with Ms Stiles and Mr. Fox we raised our concerns and requested some non-personal data about the accredited delegate body at the Edmonton convention. In response, I did not receive the basic information that was requested. Their responses, and the omission of easily retrieved and non-personal information requested about the delegate body, raised more questions and has further undermined my faith in that administrative process. However, given what I do know now, that data may not be needed other than to better determine the damage caused by the issues detailed below.

We believe, explicitly, that there was an ethical breach and a violation of the letter and spirit of the NDP Constitution during the delegate selection and accreditation process at the Edmonton convention. **Furthermore, we have discussed our concerns and the collected information with legal counsel, and believe that we have enough evidence to take this matter before the courts - if we so choose.** We are cognizant that this may not be in the interest of any party, at this particular moment, but that fact does not undermine our commitment to resolving what we see as a clear violation of our party's constitution and a massive breach of the rights of the general membership.

It is clear that the constitution of the New Democratic Party of Canada was violated as a result of decisions made by the party administration at the time. The desire to accredit as many delegates as possible for fundraising purposes resulted in the convention being stacked with 'fake' delegates from Alberta, and most likely a few ridings within that province. Do Alberta voters vote the same way as the rest of the country? No. Are they representative of the membership as a whole? No, they are not. Falsely accrediting candidates from one region, or just a handful of ridings, clearly violates the letter and spirit of our constitution whose goal is to provide proportional and equitable representation for members across the country.

Finally, if you think these claims are outrageous or implausible, please consider the eerily similar example of corruption of the NDP delegate selection process at the provincial level in Alberta. For more information about this similar and unfortunate incident, please read: "NDP beats back attempts at 'kudatah' infiltration." Calgary Herald, June 13th, 2016

<http://calgaryherald.com/news/politics/ndp-beats-back-attempts-at-infiltration>

The information contained in these articles begs the question; 'Was our federal party a victim of a nearly identical attack upon our institutions just two months earlier in that same province?' The ad-hoc delegate selection process at the Edmonton convention would certainly have allowed it, and only the suspension of the current leadership race and a thorough investigation of the delegation and the selection process at that convention will tell us for sure.

The tainted decisions made by this body of delegates - including the 'fake' delegates who should never have received their credentials - have cost our party dearly. They have taken radical decisions on behalf of an unsuspecting membership, not the least of which includes a new leadership race. **It is our firm belief that the decisions taken on behalf of the general membership by the tainted delegate body, including the leadership review ballot, be discarded.** At the very least and given the existential nature of the claim, we believe that the current leadership contest ought to be suspended while this matter is fully investigated in an open and transparent process on behalf of the membership.

As Members of Parliament, and after careful analysis and consultation with other delegate members, supporters, and part activists I ask you to look into the above stated matter and help resolve this very serious and urgent matter as quickly as possible for our members.

Sincerely

Mr. Dale Jackaman  
Richmond, BC

[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)

## **THE 2016 EDMONTON CONVENTION ETHICS ISSUES REPORT, IN BRIEF**

Our report identifies convention irregularities that would have impacted on the demographic makeup of the Edmonton convention's attendees. These irregularities would have negatively impacted on the representative nature of the delegate selection process at the expense of the probable voting intentions of the membership as a whole.

### **The issue of "fake delegates."**

These "fake" delegates came out of the flawed convention delegate process.

Note the two screen captures of the NDP convention website below. The statements are constitutionally questionable and defeat the purpose of using a properly constituted delegate system to represent the membership as a whole.

This flawed delegate selection process would have done significant damage to the convention's ability to fairly represent the membership as a whole.

### **Delegate sign ups at the door.**

The NDP administration signed up an unknown number of people at the door. They do this to bring in the registration fees, of course, but it does not make for a reasonable democratic representation of the NDP national membership as the bulk of these sign up came from Alberta.

## **EDA Issues**

We have asked for specific data from the NDP administration that has so far has not been forthcoming. We have copied below our correspondence with Marit Stiles, the new NDP President, and Robert Fox the NDP's new National Director. The details of these requests are in the letters we have written.

Aside from the fake delegates issue, the "delegate" numbers from Alberta, both real and fake, were disproportionately high compared to the national membership. We all know Albertans vote differently on a broad range of issues than the rest of Canada and we also know the federal NDP is at odds with the Alberta NDP on some key issues. Certainly, an unfairly weighted Alberta vote would not have been in the interest of the membership as a whole – or to Mr. Mulcair.

We are confident from the numbers we have gleaned elsewhere, that the results in all the delegate votes taken at the convention would have been significantly different from a full membership vote. And this includes ALL the elections done at the Edmonton convention and not just the leadership review.

Mr. Dale Jackaman  
Campaign Director  
Bring Back Tom Mulcair Campaign  
[dalejackaman@gmail.com](mailto:dalejackaman@gmail.com)

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**2016-11-03**

Dear Mr. Jackaman,

I write to address the concerns you raise in your letter to Members of the New Democratic Caucus dated January 27, 2017.

You allege there were irregularities at the 2016 Edmonton Convention in contravention of the constitution and there were delegates who were not properly accredited – but you provide no evidence to substantiate this claim.

The rules that applied to delegate accreditation in Edmonton were the same as those that have applied in all recent NDP conventions. Past practice provides that EDAs may assign credentials to any member, regardless of whether they live in the riding. In the event an EDA has unused credentials the Party has traditionally made these available to other interested members in goodstanding [sic]. And it is standard practice that delegates can register in person at Convention.

In the case of the Edmonton Convention, Federal Executive placed two additional constraints on the accreditation of delegates. Prior approval from the EDA leadership was required before a credential could be reassigned. And a credential could only be reassigned to a member from the same province.

You have expressed concern that Alberta delegates were over-represented at Convention. It is the norm of course that the host province is well represented. That said, the participation pattern roughly mirrors the distribution of members across the country and no EDA had more than its eligible number of delegates.

We conducted an analysis of the home province of the delegates, information which we provided to you in October, 2016. While representation from the Atlantic provinces and from Manitoba was low, representation from other provinces reflects the ranking of 2016 party memberships, with Ontario having the largest number of delegates, followed by Alberta, British Columbia, Quebec and Saskatchewan.

Having considered the constitution and past practice we find no grounds for a challenge to the eligibility of the delegates nor the legitimacy of their decisions.

Any EDA that believes we should change the rules governing accreditation of convention delegates is free to bring forward a resolution to Convention in February 2018. But in the interim, we are bound to abide by the rules and honour past practice – and we are confident that the Party did both in Edmonton.

In solidarity,

**Marit Stiles**

President

Canada's New Democrats | Le NPD du Canada

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End of Appendix and report by Dale Jackaman.