Party Law and Government Overreach in the Electoral Process

William J. P. Mulgrew, III

Juris Doctor (2011),
Widener University School of Law

Bachelor of Science in History-Politics (2008),
Drexel University

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The degree of government control over our lives, our families, our communities, and our trades and professions did not happen overnight. It was, rather, a gradual process that spans more than 150 years. Each successive generation of Americans came and went, permitting an expansion of that power, because failing to anticipate its abuses, lacking historical memory, or both. Across the United States, government control extending into most aspects of the electoral process is taken for granted. It is almost forgotten that things were not always this way. Today, political parties continue to have governing committees on the national, State, and local level (“Party committees”), which are an important, final bastion of how political parties are private entities. Party committees have a significant impact on elections, especially where endorsing or recommending candidates before a primary. At the same time, Party committees are filled with many longstanding practices where many of us have lost sight of their origins or what the underlying rationales were. Why, for instance, are Party committee members selected by primary on the State and local level? Can Party committees remove members or adopt additional criteria for membership, even if a person is chosen by primary? Who decides whether to hold an “Open” or “Closed” Primary? To what extent may the State regulate the nomination of candidates by political party?

Worsening our lack of historical memory is the omission of party organization in most civics curricula. In order to help shape the direction of our parties and, through those we elect, our communities, it is incumbent upon us to rediscover, as though seeing for the first time, the foggy bottom of these practices. We must do so now, because the Far Left, once again, is seeking to expand government overreach. The Far Left wants Party committees to be recharacterized as public entities. If an organization loses its status as a private entity, for instance, then it can be controlled by legislation and by judicial activists under the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution. The timing is not accidental. It is intended to defeat the America First Movement which recently gained control of many governing committees of the Republican Party.

Ironically, at the American Founding, religious establishments existed in most States, and our country moved in the direction of disestablishment. But our country did the opposite for political party organization and the election process. To demonstrate this, Pennsylvania will be used for the sake of simplicity and because the gradual overreach of government here is similar to that of other States.
Conduct of Elections in the 19th Century.

Once upon a time, there was a separation between State and political party throughout the United States. Citizens necessarily banded together as private, unincorporated associations and, gradually, county and State conventions emerged out of local structures. National political parties came last. Every association agreed upon its own set of rules, called party law. Nominations of candidates for public office were decided by party officers under a caucus system. Voters enrolled in parties by private registration controlled by Party committees. Before 1869, in a world without birth certificates, driver’s licenses, or Social Security numbers, there was no statewide mandate in Pennsylvania for voter registration by county officials.

So too was the preparation of ballots (then, called “tickets”) undertaken by parties. The 1871 Revised Statutes of Pennsylvania are illustrative. Nowhere will one find any mention of political parties in that codification. Instead, the sheriff of each county was responsible to post in a local newspaper, “Enumerate the officers to be elected,” and, “Give notice how the tickets are to be prepared and voted, as directed by law.”¹ The statute assumed that political parties prepared and circulated their own tickets, and went no further than to direct for separate tickets based on “judiciary,” “state,” “county,” “township,” and “borough,” to help the tabulation process.² On Election Day, the county commissioners would provide to the judge of election in each precinct “a sufficient number of boxes, to contain the tickets,” among other things.³

Today, Party committeepersons typically hand out poll cards or “sample” ballots near the polling stations on Election Day, showing their Party’s nominees. In the past, it was the ballot.

The statutory law, as clearly seen, was then “hands off” when it came to political parties. That parties prepared ballots, enrolled their own members, and nominated candidates were not “public functions,” a nebulous expression used by judicial activists a century later to justify government control. The only realistic means of understanding public functions is to examine history.

The common law followed a similar course as to the internal affairs of a party. In 1898, the Supreme Court of Pennsylvania held as a matter of common law and equity jurisdiction that political parties “must govern themselves by party law” and, in the absence of a property dispute, the “courts cannot step in to compose party wrangles,

¹ Pennsylvania Revised Statutes Elections § 28, at 106 (David Derickson & W. M. Hall, eds., 1871).
² Id. § 49, at 108.
³ Id. § 41, at 107.
or settle factional strife.”\textsuperscript{4} The court agreed with the New York Court of Appeals that membership in a political party committee “is a privilege which may be accorded or withheld, and not a right which can be gained independently, and then enforced” in the courts. Even where elected a committeeman by voters within a precinct, if “the committee refused to admit him as a member, or to confirm his election, he was remediless against that refusal.”\textsuperscript{5}

In that case, several members of the Democratic Party of Allegheny County sought an injunction against their Chairman, Joseph Howley, who, while seeking re-election, was filling vacancies with persons favorable to himself while erasing names of his opponents from the membership roll.\textsuperscript{6} Howley’s conduct — which he did not deny — made no difference in the court’s view, because the question was whether equity had jurisdiction to “force warring Democrats to associate with each other, when they are adverse to such association?” The answer was “no.”\textsuperscript{7}

From this history, the State went no further than giving public notice of which public offices were up for election, requiring voters to offer their ballots in-person by a date certain, having a sufficient number of boxes to house the ballots, and tabulating the same after the polls closed. These were the only real public functions in the electoral process. Everything else was privatized.

\begin{center}
\textbf{Gaining Control over Ballot Access.}
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Towards the end of the 19th Century, Progressives began demanding so-called “reforms” in the electoral process. They realized the ticket system made voters too dependent on political parties for information. The need for information was just as intense then as it is now. In fact, many newspapers in the 19th Century either began as the official organs of a local political party or were otherwise loyal to one party or another.\textsuperscript{8} Within many communities, one would find the “Republican” newspaper and the “Democrat” newspaper. In fact, many newspapers selected their name to reflect the party affiliation, some of which continue today as historical relics even though the partisan loyalty is gone. The lofty idea of a “professional,” “unbiased” journalist came later.

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\textsuperscript{5} \textit{Id.} at 274 (quoting McKane v. Adams, 25 N.E. 1057, 1057 (N.Y. 1890)).
\textsuperscript{6} \textit{Id.} at 273-74.
\textsuperscript{7} \textit{Id.} at 274.
\end{flushright}
As Pennsylvania’s population increased after the Civil War, public awareness grew over the problem of voter fraud. It wasn’t for lack of criminal penalties but a realistic means of enforcement. There was, for instance, no one looking over the shoulders of a judge of election, if fraudulent ballots were permitted to be cast. A related problem was a class of persons who offered their votes for sale. After the Civil War, Republican Party officers colloquially referred to their purchased votes as “soap,” probably, as a euphemism for cleaning out the Democrats. Historians uncovered cancelled checks for large amounts of money drawn to cash on Election Day by Chester Alan Arthur in New York City, where Arthur ran as the vice president running mate with James A. Garfield in 1880. After they won, Arthur and party leaders boasted about all their “soap” at a private dinner where newspaper reporters had eavesdropped.

Pennsylvania, like other States, began looking for ways of increasing the integrity of elections. Beginning in 1869, county assessors (the same persons responsible for valuing real property for taxes) were for the first time made responsible for maintaining a voter registry, collecting the poll taxes, visiting each dwelling to ensure the voter had not died or relocated out of the county, and adjudging any complaints by citizens whether they were erroneously omitted from the registry. For the City of Philadelphia, the same responsibilities were carried out by the Board of Aldermen, who were authorized to appoint the judges of election and inspectors in every precinct and three canvassers for each precinct to manage the voter registry.

12 Id. § 21-24, at 56-57.
The 1869 statute, for the first time, authorized the courts of common pleas to appoint “two judicious, sober and intelligent citizens of the county” to act as poll watchers in each polling station.\(^{13}\)

When these measures did not prove to be enough, Pennsylvanians adopted the Pennsylvania Constitution of 1873. For the first time, it required election boards to have minority party representation, where voters elected a judge of election and had one vote for inspector, with the top vote-getter as the Majority Inspector and the second-place winner as the Minority Inspector.\(^{14}\) It mandated a secret ballot.\(^{15}\) After it became apparent that the Board of Aldermen in the City of Philadelphia were controlled by the Republican machine to facilitate election fraud, the Pennsylvania Constitution of 1873 required uniformity of conducting elections and registering voters, including cities of the same class.\(^{16}\) The Pennsylvania General Assembly, in 1874, repealed the authority of the Board of Aldermen to appoint election boards and canvassers.\(^{17}\)

But as long as parties were printing their ballots, so it was thought, they had some means of observing whether purchased votes were taken to the ballot box, even though cast secretly and tabulated after the polls closed. Australia was the first to adopt an official ballot and, for that reason, the idea was commonly called the Australian Ballot. Progressives therefore advocated for the State to undertake the function of printing an official ballot, listing the names of all candidates seeking office.

That, however, came at a price. It created a new domain of regulation called *ballot access*. The State gained control over who appears on the ballot, ostensibly setting minimum standards only. Thus, in 1893, the Pennsylvania General Assembly passed a statute, “That all ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereinafter provided.”\(^ {18}\) The ballots would on their face “contain the names of all candidates whose nomination for any office specified in the ballot shall have been duly made,” showing their political party or political body affiliation.\(^ {19}\)

\(^{13}\) *Id.* § 11, at 53.


\(^{15}\) *Id.* § 4.

\(^{16}\) *Id.* § 7; KLEIN & HOOGENBOOM, *supra* note 9, at 359.

\(^{17}\) Act of Jan. 30, 1874, No. 1, § 26, 1874 Pa. Laws 31, 42.

\(^{18}\) Act of June 10, 1893, No. 318, § 1, 1893 Pa. Laws 419, 419.

\(^{19}\) *Id.* § 14, at 425.
The 1893 statute also directed for the ballots to contain a notation, “For a straight ticket mark within this circle,” and to also leave blank spaces next to each office for write-in votes.

Present-day judicial activists now rationalize ballot preparation as a “public function.” This is legal fiction. Once upon a time, the judiciary was cognizant of the State’s power grab, particularly for those judges old enough to remember how things used to be. Thus, in 1904, the Supreme Court of Pennsylvania cautioned, “It is never to be overlooked therefore that the requirement of the use of an official ballot is a questionable exercise of legislative power and even in the most favorable view treads closely on the border of a void interference with the individual elector. Every doubt, therefore, in the construction of the statute must be resolved in favor of the elector.”

20 Id. § 14, para. 3.
21 Id. § 14, para. 4.
22 In re Independence Party Nomination, 57 A. 344, 345 (Pa. 1904).
Gaining Control over Political Party Recognition.

Together with ballot access is State recognition of political parties. Simply put, the State cannot print an official ballot without knowing the *bona fide* political parties submitting nominees. Initially, this was presented to the public as registration. Gradually, however, the State thereby gained control over who or what qualifies as political parties.

Under the 1893 Pennsylvania statute, who would get the benefit of having their name on the official ballot? The statute provides:

Any convention of delegates, or primary meeting of electors, or caucus held under the rules of a political party, or any board authorized to certify nominations representing a political party, which, at the election next preceding, polled at least two per centum of the largest entire vote for any office cast in the State, or in the electoral district or division thereof for which such primary meeting, caucus, convention, or board, desires to make or certify nominations, may nominate one candidate for each office which is to be filled in the State, or in the said district or division, at the next ensuing election by causing a Certificate of Nomination to be drawn up and filed as hereinafter provided.\(^{23}\)

All other candidates, not going through a political party, were to submit nomination papers. That covered third-party candidates, as well as any “sore losers” who sought but did not win their party’s nomination. For nomination papers, statewide candidates needed signatures of voters equivalent to 0.5% of the largest entire vote for a statewide candidate in the last election, and county and local candidates needed signatures of voters equivalent to 2% of the largest entire vote for a candidate in the last election for the jurisdiction where the public office is sought.\(^{24}\)

Once the State gained control over political party recognition, one can expect that it entrenched the monopoly of the two-party system. That a disaffected group may bolt and form a new political party regularly occurred throughout the 19th Century, and was a significant inducement for Party committees to exercise greater care and attentiveness to their community. In fact, the Republican Party, itself, was a fusion of Barnburner Democrats, Whigs, and antislavery activists from the Liberty Party.

Today, Pennsylvania law requires a statewide political party to have polled at least 2% of the largest entire vote for a statewide candidate in the most recent election. However, statewide political parties must additionally so poll at least 2% in a minimum of 10 counties.\(^{25}\) The Pennsylvania legislature also enacted the so-called “Sore Loser” Law

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24 Id. § 3, at 420.
25 25 P.S. § 2831(a).
that a candidate who ran in the Primary and lost cannot subsequently file nomination papers in the same election as a third-party or independent candidate.\textsuperscript{26}

In the 1960s and 70s, the U.S. Supreme Court made several rulings regarding recognition of political parties in cases arising in other States. It agreed that a 5% requirement of signatures by voters for third-party or independent candidates to gain ballot access was reasonably-related to an important State interest of “avoiding confusion, deception, and even frustration of the democratic process at the general election.”\textsuperscript{27} But the Court agreed that a 15% requirement was too high as to make “it virtually impossible for a new political party” to gain ballot access.\textsuperscript{28} The Court agreed that States can impose reasonable filing fees on candidates who file nomination petitions, as “a legitimate interest in regulating the number of candidates on the ballot.” This would “prevent the clogging of its election machinery,” and “avoid voter confusion” from “overcrowded ballots.”\textsuperscript{29}

The Court sustained, as constitutional, a State law disqualifying third-party candidates if they were a candidate in the Republican or Democrat primaries or had been a registered Republican or Democrat within a year before the general election.\textsuperscript{30} In the 1990s, the U.S. Supreme Court upheld State laws which prohibited “fusion” tickets, where a candidate is nominated by more than one political party in the same election.\textsuperscript{31} Americans have failed to think critically of the abuses that can happen if the State is put in charge of political party recognition, for the same reasons why we don’t want the State recognizing religious denominations. During World War II, the Pennsylvania General Assembly amended the Election Code in 1941 to add a proviso on Party recognition:

\begin{quote}
Provided, however, That the words “political party” and the words “political body”, as hereinabove defined, shall not include any political party, political organization or political body composed of a group of electors, whose purposes or aims, or one of whose purposes or aims, is the establishment, control, conduct, service, protection, or interest of a group of electors.
\end{quote}

\textsuperscript{26} 25 P.S. § 2911(e).
\textsuperscript{27} Jenness v. Fortson, 403 U.S. 431, 442 (1971).
\textsuperscript{28} Williams v. Rhodes, 393 U.S. 23, 24 (1968).
seizure or overthrow of the Government of the Commonwealth of Pennsylvania or the United States of America by the use of force, violence, military measures, or threats of one or more of the foregoing.  

The statute came roughly a year after Congress passed the Smith Act which, among other things, criminalized any willful advocacy, or distribution of writings, which sought the “overthrowing or destroying any government in the United States by force or violence, or by the assassination of any officer of any such government.”

What was supposed to restrain 20th Century Communists is now becoming turned against American Patriots. As a result of the January 6, 2021 Debacle, the Far Left is improperly recharacterizing America First Republicans, as well as anyone who questions the integrity of our elections, as “terrorists.” The intent to facilitate one-party rule under the official ballot is obvious. And where this power has been entrenched for more than 100 years, it remains to be seen whether the judiciary will interpose for our protection against the whims of wealthy and powerful elites.


Gaining Control over Primary Nominations.

That remarkable 1893 Pennsylvania statute references nominations of candidates by “primary meeting of electors, or caucus held under the rules of a political party . . .” That assumes the existence of something left out of many history books and civics courses: By 1893, some political parties held their own “primary meetings,” that is, they conducted private elections where enrolled voters nominated candidates for public and party office. The omission of this history is not accidental. Today, the Far Left wants to indoctrinate the public into the belief that primaries are a public function, where that was not originally so. It was no more of a public function then, say, a private corporation conducting a stockholders’ election.

After the 1893 statute, it did not take Pennsylvania Progressives very long to begin demanding the State take over the administration of primaries. In 1906, Governor Samuel W. Pennypacker, a Republican, signed into law the Uniform Primaries Act.\textsuperscript{34} Primaries were now administered by election boards the same way as general elections, and it imposed the requirement of holding primaries for nominations of candidates for public office.\textsuperscript{35} King Caucus was now dethroned for federal, State, county, and local office. Candidates seeking to be nominated in a primary were obligated to submit nomination petitions. Candidates for U.S. Senate, for State Senator, and for justice or judge needed only 200 signatures. Candidates for State Representative and for countywide office needed only 50 signatures. Candidates for municipal office, for delegate to a party’s State or national convention, and for all other party offices needed only 10 signatures.\textsuperscript{36}

The Act gave Party committees the option whether to nominate presidential electors by primary.\textsuperscript{37} If the Party committees opted for primary, then candidates for presidential electors had the option, but not the obligation, to indicate on the ballot if they were pledged for a particular nominee.\textsuperscript{38}

Recognizing a dangerous practice where campaigns were trading beer for votes, the Act required all liquor stores to be closed on Election Day.\textsuperscript{39}

\begin{itemize}
\item\textsuperscript{34} Act of Feb. 17, 1906, No. 10, 1906 Pa. Laws Extra. Sess. 36.
\item\textsuperscript{35} Id. § 2, para. 2.
\item\textsuperscript{36} Id. § 5, at 39.
\item\textsuperscript{37} Id. § 2, para. 4, at 37 (“This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.”).
\item\textsuperscript{38} Id. § 4, para. 3, at 39.
\item\textsuperscript{39} Id. § 8, para 2, at 40.
\end{itemize}
However, the Uniform Primaries Act did not deprive Party committees of control over their own private enrollment of voters. Perhaps for this reason, it was not perceived as a threat that the Act permitted the State to also facilitate elections to Party committees. For all party officers, including delegates to State or national conventions, it created two primaries per year: A Winter Primary in February and a Spring Primary in June, except the Spring Primary was held in April during presidential years.\(^\text{40}\) Delegates to State and national conventions were required to be held in the Spring Primary, and the parties had discretion whether to elect all other party officers (e.g., the precinct committeemen) in either primary.\(^\text{41}\)

The statute also assumed the existence of a State committee and county committee as the governing structures for the political parties. Chairs of the State party committee were obligated to give written notice to the Pennsylvania Secretary of State as to State or national delegates to be chosen in each county, and chairs of the county party committee were obligated to give written notice to the county commissioners as to party officers to be chosen in the county.\(^\text{42}\)

Like everything else, once the State is put in charge over something, it gradually increases its power.

For primaries, this initially began with policing racial discrimination. In 1927, the U.S. Supreme Court held that Texas law violated the Equal Protection Clause of the Fourteenth Amendment by excluding African Americans from voting in the Democratic


\(^{41}\) See id.

\(^{42}\) Id. § 3, paras. 2-3, at 37.
The Court did not address the question whether the Texas Democratic Party could engage in racial discrimination. After that decision, the Texas legislature repealed the statute and added a new one, which delegated to the Executive Committee of the Texas Democratic Party whether to limit who qualified to vote in Democrat primaries. In 1932, the Democratic Party of Texas passed a resolution which restricted primaries to white voters only. In 1944, the U.S. Supreme Court held the decision by the Democratic Party of Texas qualified as State action, because the State delegated to it the task of determining who qualified to vote in the primaries, and it was likewise unconstitutional. The Court extended the Fifteenth Amendment’s protection against racial discrimination in the right to vote as including primaries.\textsuperscript{44}

Notwithstanding the pain and wrongfulness of racial discrimination, it bears mention the Fifteenth Amendment was adopted in 1870, when State-administration of primaries didn’t exist. It, thus, cannot be correct that the “right of citizens of the United States to vote”\textsuperscript{45} can refer to the internal affairs of a political party and its chosen method of nominating candidates. Nevertheless, the Court entertained the fiction that primaries were a public function.

A second avenue of State control over primaries emerged when Democrat committees in the southern States increasingly refused to support the Civil Rights Movement and began flirting with third party candidates for U.S. President. In the 1960 presidential election, for instance, Democrat committees in Alabama, Louisiana, and Mississippi ran a slate of unpledged presidential electors and, in Georgia, removed any obligation of electors to be pledged for John F. Kennedy. As a result, unpledged electors won the popular vote in Alabama and Mississippi, and cast their electoral votes for Harry F. Byrd instead of Kennedy.

One way of reigning in “faithless” electors was for parties to enact rules that candidates for presidential electors must be pledged for a particular candidate. The Alabama legislature adopted that rule by statute, however. In 1952, the U.S. Supreme Court upheld the constitutionality of that law. The Court reasoned, “Such a provision protects a party from intrusion by those

\textit{Towards the end of the 20th Century, some States began experimenting with “open” primaries, where voters can choose a Party’s nominees for public office even though not registered in that Party.}

\textsuperscript{43} Nixon v. Herndon, 273 U.S. 536 (1927).
\textsuperscript{44} Smith v. Allwright, 321 U.S. 649 (1944).
\textsuperscript{45} U.S. Const., amend. XV, § 1.
with adverse political principles.” The Court didn’t view it as a serious intrusion onto political parties, since it merely required candidates to disclose information to voters.

Towards the end of the 20th Century, some States began experimenting with “open” primaries, where voters can choose a Party’s nominees for public office even though not registered in that Party. At first, the U.S. Supreme Court held the line of the right of association of political parties under the First Amendment. In 1986, the Court struck down a Connecticut law which required “Closed” Primaries, where the Republican Party of the State of Connecticut adopted rules for an Open Primary. In 2000, the Court struck down a California statute which mandated open primaries without consent of the governing body of a political party. The Court agreed that the process of political parties nominating their candidates is not “wholly public affairs that States may regulate freely.” Thus, “the Court has recognized that the First Amendment protects the freedom to join together in furtherance of common political beliefs,” and “a corollary of the right to associate is the right not to associate.” A mandatory open primary “forces political parties to associate with—and to have their nominees, and hence their positions, determined by—those who, at best, have refused to affiliate with the party, and, at worst, have expressly affiliated with a rival.”

As a result, Party committees have authority to determine if their Primary will be Open or Closed. In the same case, however, the U.S. Supreme Court created the blueprint for the so-called “Jungle Primary.” It reasoned, in dicta, that there was no constitutional problem if States were to create a “a nonpartisan blanket primary,” where every voter, “regardless of party affiliation, may then vote for any candidate, and the top two voter getters . . . then move on to the general election.”

In 2004, California voters defeated Proposition 62, which tried to create a Jungle Primary. But it became law in 2010 through Proposition 14. In the meantime, the State of Washington adopted a Jungle Primary in 2004. As an ironic display of bipartisanship, the Washington State Republican Party, Washington State Democratic Central Committee, and Libertarian Party of Washington State joined together in a lawsuit, challenging the constitutionality of the law. The U.S. Supreme Court upheld it. Only Justices Scalia and Kennedy dissented on the grounds that it violated the First

49 Id. at 572-73.
50 Id. at 574 (citation and internal quotations deleted).
51 Id. at 577.
52 Id. at 585-86.
Amendment rights of association of the political parties.\(^{54}\)

The Far Left wants Open Primaries, or Jungle Primaries, as means of permitting Democrats and leftists to combine with RINOs to defeat America First candidates. In his dissenting opinion, Justice Scalia recognized that the Jungle Primary resulted from “the special role that a state-printed ballot plays in elections.”\(^{55}\) This is the closest any member of that Court had reached on the original compromise from the late 19th Century, where political parties were previously free to print their own tickets before the emergence of the official ballot and State-administered primaries. As a result of the Jungle Primary, however, “Not only is the party’s message distorted,” Justice Scalia reasoned, “but its goodwill is hijacked.”\(^{56}\) This is a consequence of having tolerated government control over primary nominations.

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### Gaining Control over Party Enrollments.

Looking back at the early 20th Century, we might view the political parties as either supporting or acquiescing to the State’s power grab over the Primary because it was regarded as a way of ensuring a fair process. One can imagine whether private elections in the old Primary meetings became abused, in the same way that Joseph Howley, Chairman of the Allegheny County Democratic Party, could unilaterally add and erase names from the Party’s registry of members. But each successive generation of Americans has failed to contemplate what sort of abuses might occur if the State is in control. Basically, it created yet another domain of regulation: State control over the enrollment of voters in political parties.

Of course, by 1906 many States maintained voter registries; but there was no reason to designate a voter’s party affiliation.\(^{57}\) That was exclusively managed by Party committees. In Pennsylvania, the Uniform Primaries Act permitted voters to ask for their party’s ballot, on the voter’s say-so, at the Primary. If the voter was challenged as not being a member of that party, then he — yes, a “he” before 1920 — was required to take an oath at the ensuing general election that he voted for a majority of his party’s candidates.\(^{58}\)

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\(^{54}\) *Id.* at 462 (Scalia, J., joined by Kennedy, J., dissenting).

\(^{55}\) *Id.* at 465.

\(^{56}\) *Id.* at 466.

\(^{57}\) In Pennsylvania, the 1874 Uniform Elections Act did not impose the requirement of including a voter’s party affiliation. *See* Act of Jan. 30, 1874, No. 1, § 1, 1874 Pa. Laws 31, 31-32.

In 1913, Pennsylvania Governor John K. Tener, a Republican, approved an open enrollment law, where voters, as of right, can register in the political party of their choice and the government would include the party-designation on the registry.®® Ironically, if a person was already registered to vote, the statute permitted same-day Party enrollment as the Primary, if the voter took an oath before a registrar that “at the last preceding November election at which he voted, he voted for a majority of the candidates of that party . . .”®

Open enrollment is an indirect Open Primary, but there doesn’t appear to have been any serious opposition to it. That was probably the case, where open enrollment at public expense can rapidly grow the size of parties. At the same time, the American people in the Progressive Era overwhelmingly failed to contemplate an ugly world filled with interparty raiding and Fifth-Generation Warfare, where the Far Left uses operatives to enroll in the Republican Party, pretend to be one of us, and seek to infiltrate and subvert Party committees. As will be seen, that demonstrates why Party committees retain the authority to adopt additional criteria for membership, even if an individual is elected by primary.

Where nominating candidates for public office, the risk of interparty raiding may not be problematic if the law placed a fair time-limit for Party enrollment before the Primary. That, unsurprisingly, hasn’t happened. The U.S. Supreme Court has sustained, as constitutional, State laws requiring voters to have registered in a political party at least 30 days before a Primary. The Court reasoned that such a law prevents inter-party “raiding,” which bears on “the integrity of the electoral process.”®® But the Court struck down an Illinois law which imposed a requirement of Party enrollment 23 months before the Primary.®

®® Id. § 2, at 1044.
23 months was an effective technique to prevent inter-party raiding before the public could have known who the candidates are. 30 days, on the other hand, is a pittance. At best, it blocks voters who are too lazy to have switched parties earlier.

Besides Fifth-Generation Warfare, there is another looming problem no one foresaw from open enrollment in parties. That is to say, employment discrimination. Voter registrations are public records. An employer, or prospective employer, can ascertain whether an employee or job applicant is registered to vote — and their party affiliation — without having to ask. Similarly, notwithstanding a slew of antidiscrimination laws from the 20th Century, private employers remain free to discriminate on the basis of political viewpoints and party affiliation. After all, that is protected speech and association under the First Amendment. A few laws prohibit coercion before an election, but not retaliation after-the-fact. Thus, an employer can line-up all employees against the wall the day after the General Election, ask each of them who they voted for, and terminate the employment of any whose vote meets with the employer’s disapproval.

Political discrimination in the private sector was just as rampant in the 19th Century as it is now, but the crucial distinction was that employers had to do so openly, at risk of harming their goodwill in the community. Today, however, employers have the benefit of quietly discriminating on the basis of political party. They’re not obligated to ask, they can simply look-up the voter registration and then find some other pretextual explanation for the discriminatory action. The individual who lost a job, or a promotion, is left unawares, and the public is uninformed whether doing business with a person that regularly discriminates against the majority values and political viewpoints of the community.

The Final Bastion: Governing Committees of Political Parties.

Against the onslaught of the State’s power grab over the electoral process, the final bastion is a Party’s governing committees. Recall that, in Pennsylvania (as in other States), the courts recognized that Party committees are private associations and, in the absence of a contract or property dispute, there is no common law or equity jurisdiction to interfere in their internal affairs and governance. The Far Left, however, is committed to the authoritarian premise of “everything within the State, nothing outside the State,
nothing against the State.” Thus, to defeat the America First Movement, the Far Left wants Party committees to be recharacterized as public entities, in order to defeat their ability to manage and restrict their membership to those who are committed to America First principles.

In 1931, the Supreme Court of Pennsylvania held that statutory election codes did not derogate the rule at common law, that the judiciary cannot interfere in the internal affairs of a political party, merely by facilitating the election of party officers through primaries. The benefit conferred on parties by having their party officers chosen by Primary was the compromise of giving up their prerogative of printing their own ballots and conducting their own primary meetings, privately.

On March 22, 1966, the Supreme Court of Pennsylvania held that because political parties “perform public functions,” their internal affairs should under certain circumstances be subjected “to constitutional limitations and judicial

restraint.” On September 21, 2021, the Supreme Court of Pennsylvania gutted its 1966 holding, by confining it to circumstances where a party nominates a candidate for public office without a primary. Under the Pennsylvania Election Code, that rarely happens. By a nomination certificate, Party committees nominate candidates for a Special Election to fill a vacancy. Similarly, if a candidate for public office withdraws, or dies, after a Primary, then Party committees may nominate another candidate by filing a substitute nomination certificate.

In the 2021 case, a Republican Committeeman asserted that the Bucks County Republican Committee violated the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution, by removing him without express grounds whether he violated the bylaws and without affording him a full evidentiary hearing. That Republican Committeeman was disciplined, and removed, for campaigning in the 2016 Republican Primary Election against candidates for party office endorsed by the Bucks County Republican Committee. Nothing in the bylaws of that party committee made that an express ground for removal. The Supreme Court of Pennsylvania agreed that constitutional due process does not reach the internal affairs of a political party and the Bucks County Republican Committee was “permitted to construe its own governing rules and to disqualify elected occupants of its offices,” such as committeepersons, “from participation in its affairs by exercising its own judgment, free from judicial interference.” In a concurring opinion, Mr. Justice David M. Wecht stated he would overrule the 1966 decision.

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67 25 P.S. § 2779; see also, id. § 2784 (substitute nominations for special elections if the initial candidate withdraws or dies). If a candidate dies before the Primary, then a majority of voters who signed that candidate's nomination petition may appoint a successor. Id. § 2939.
68 Id. § 2939.
69 Mohn, 259 A.3d at 451-52.
70 Id. at 450-51.
71 Id. at 459 (quotation omitted).
72 Id. at 460 (Wecht, J., concurring).
The Supreme Court of Pennsylvania gutted its 1966 decision, because persuaded by First Amendment jurisprudence by the U.S. Supreme Court on the rights of speech and association. In 1975, the U.S. Supreme Court held that the internal affairs of a political party are protected by the right of association under the First Amendment.\(^73\) In that case, a credentials committee of the 1972 Democratic National Convention refused to seat delegates from Chicago, because the Chicago Democratic Party excluded African Americans from participation in party office. The Chicago delegates sued, claiming that State law superseded party law. Under the First Amendment, the U.S. Supreme Court disagreed.

In the late 1970s, the State of California amended its election laws, restricting the size, and term of office, of members of State political party committees, and restricting the term of office of (and imposing term-limits on) chairs of State political party committees with a requirement of rotating the regions where they are chosen from. The statute also prohibited pre-Primary endorsements by Party committees. The U.S. Supreme Court held these violated the First Amendment.\(^74\) The Court reasoned, “a State cannot substitute its judgment for that of the party as to the desirability of a particular internal party structure, any more than it can tell a party that its proposed communication to party members is unwise.”\(^75\) The Court further held that, “By requiring parties establish official governing bodies at the county level, California prevents the political parties from governing themselves with the structure they think best.”\(^76\) The Court noted that the California amendments had forced the Libertarian Party “to abandon its region-based organization in favor of the statutorily mandated county-based system.”\(^77\)

The Court established, as a normative principle of First Amendment jurisprudence, that election laws cannot burden the internal affairs of political parties “without serving a compelling state interest.”\(^78\) The effects of this jurisprudence are that State laws may create “default” rules for party organization with the right of Party committees to opt out if they so desire.

In the famous case of Democratic Party of United States v. Wisconsin ex rel. La Follette,\(^79\) the Court upheld, under the First Amendment, a rule of the Democratic Party that it can exclude delegates from the National Convention who were chosen under an “open Primary” of a State, where non-Democrats were permitted to vote for Democrat candidates. The Court reasoned, “the freedom to associate for the common advancement

\(^{75}\) Id. at 233.
\(^{76}\) Id. at 230.
\(^{77}\) Id. at 230 n.20.
\(^{78}\) Id. at 233.
of political beliefs, necessarily presupposes
the freedom to identify the people who
constitute the association, and to limit the
association to those people only.”80

Over the years, many other
courts have rejected the argument that
a Party committee’s restrictions on its
own membership can be equated with
restrictions on who votes in primaries.81
By virtue of open enrollment, Party
committees do not have any control over
who chooses to affiliate with a political party. For that reason, Party committees may
adopt additional restrictions on their membership for the purpose of safeguarding the
integrity of their First Amendment rights of speech and association and to thwart Far
Left efforts to create division.

Similarly, Party committees can discipline and remove their members, even if
having the right credentials, simply because their personality is too abrasive and they
don’t get along well with others. In Gordon v. Philadelphia County Democratic Executive
Committee,82 a “Progressive” Democrat was elected in the 2010 Primary as a Democrat
committeewoman in Ward 40B of Philadelphia. The Ward Committee refused to seat
her, claiming she violated a rule against being “unfaithful to the Democratic party” and
the best interests of that party, or “refuses, fails or neglects to work in harmony with the
Ward Committee . . .”83

Politics makes strange bedfellows. If the 20th Century Liberals couldn’t get
along well with the “Progressives” or “New Left,” then they had a right to kick them
out of their Democrat committees. Gordon, as well as the Philadelphia Democratic
Progressive Caucus and other Democrats who voted for Gordon, sued the Philadelphia
Democratic Executive Committee. They claimed the Executive Committee was a public
entity subject to the Due Process Clause of the Fourteenth Amendment of the U.S.
Constitution and violated due process by adopting a Bylaw which prevents the seating
of an individual elected by Primary.84 The Executive Committee compromised with
Gordon, by reinstating her. However, the Philadelphia Democratic Progressive Caucus
and other Democrats kept litigating the case, clearly seeking to have Party committees
recharacterized as public entities. Having lost in the Philadelphia Court of Common
Pleas for lack of standing and for mootness, they took an appeal to Superior Court.

80 Id. at 121-22 (citations and internal quotations deleted).
81 E.g., Max v. Republican Comm. of Lancaster County, 587 F.3d 198, 200-01 (3d Cir. 2009).
82 80 A.3d 464
83 Id. at 466.
84 Id. at 468.
The Superior Court of Pennsylvania held that the removal of Gordon did not bear “any relationship to the selection of party nominees for public office.” The principle of selecting public officials by the electoral process “entitles them to no relief,” because Gordon was elected to party office, not public office.  

Consequently, there is not a single court, to date, which held that the manner of choosing, or removing, members of a Party committee can be entirely controlled by the State. Even judicial activists in the 1960s looked for some restraining principle against wholesale control. Party committees are not public entities and are not controlled by the Due Process Clause of the Fourteenth Amendment or any similar guarantee under a State constitution.

Recognizing the Far Left’s Operatives and Rhetoric.

In essence, party law means that in the governance of their internal affairs, Party committees may do whatever they want, with the important exception that racial discrimination is prohibited — a rule most Party committees would, today, have voluntarily imposed on themselves. There is of course, always a danger whether party law becomes abused. But we do not solve that problem by increasing government control. Freedom has its own forms of self-regulation which do not require the State. If a Party committee undertakes unsavory practices or seriously demoralizes its members, then stakeholders may forbear with it for some time and try selecting better leaders under the Party’s rules or bylaws, or withhold their support, or create their own political action committees, under a different name, and win elections for public office without the Party committee. There is nothing new about this. It has been happening for hundreds of years.

Who is appropriate for membership in an organization is determined by its existing members only, not outsiders. This can be smeared as an “insider’s club,” but as a matter of reality that is characteristic of the entire private sector, for-profit and non-profit. There is a sound comparison between political party committees and churches. Both seek to engage their communities. Both regularly hold open many events to the public. Both earnestly hope their work will benefit the public. But that doesn’t transform them into public entities, having public functions, where the State can control their internal affairs and governance. The same reasons why we want a separation between Church and State, are the same reasons we do not want Party committees recharacterized as public entities.

85 Id. at 469-70.
Party committees and churches both restrict their voting membership to those adherents who have sufficient beliefs in common and do not create divisions or quarreling. Do not have “divisions among you,” St. Paul writes, “but be united in the same mind and the same judgment.” Churches discriminate on the basis of religious viewpoints. Party committees are the same way as to political viewpoints.

To illustrate the danger of a contrary rule, an activist U.S. Supreme Court, in 2010, decided the case of Christian Legal Society v. Martinez. The University of California Hastings School of Law — a public institution governed by the U.S. Constitution — allegedly imposed an “accept-all-comers” policy that student organizations were not permitted to refuse membership to any student for any reason. Therefore, the law school’s chapter of the Christian Legal Society was not permitted to refuse membership to students who openly disagreed with, or opposed, the organization’s religious viewpoints. The leftist bloc of the Court held the policy was reasonable and viewpoint neutral and did not violate the First Amendment. The dissenting justices pointed out the majority ignored First Amendment precedents, “The forced inclusion of an unwanted person in a group infringes the group’s freedom of expressive association if the presence of that person affects in a significant way the group’s ability to advocate public or private viewpoints.”

In essence, the Christian Legal Society chapter at the Hastings School of Law is not permitted to exclude from its membership anyone, even if an openly-practicing Satanist who desires to destroy that organization’s mission.

Having regained historical memory over party law and government overreach over the electoral process, we now must prepare ourselves for our current state of Fifth-Generation Warfare. The Far Left is creating para-Party organizations exclusively for the purpose to “take back” the Party committees controlled by America First leaders. Among other things, the Far Left is looking for ways of demoralizing Party committees and their stakeholders. Social media was an easy starting place, but contemplate the ways in which that can and will grow. Many State laws, such as Pennsylvania’s Campaign Finance Reporting Law, do not require public disclosure of donors for organizations devoted exclusively to campaigning for party office instead of public office. Using dark money or “no show” jobs, the Far Left can use hired operatives to submit direct mailings to Republican voters within any vicinity. They can even use design elements to make those mailings superficially appear as if from the Republican Party, with the legal disclaimer (“Paid for by . . .”) in small fine print.

86 1 Corinthians 1:10 (ESV).
87 561 U.S. 661 (2010).
88 Id. at 667-69.
89 Id. at 724 (Alito, J., dissenting, joined by Roberts, C.J., and Scalia and Thomas, JJ.) (quoting Boy Scouts of America v. Dale, 530 U.S. 640, 648 (2000)).
Where trashing the Party committees is now a full time job, a paid operative can be found appearing on talk shows and podcasts during ordinary work hours, where the rest of us volunteers have a day job.

Keep in mind some guiding principles that carry over throughout the private sector: (1) We do not make the perfect the enemy of the good. (2) We judge others charitably rather than constantly assuming the worst about them. (3) It is always easier to criticize the leader than it is to be the leader. (4) It is always easier to *talk about the work* needed to be done than it is to *do the work*. (5) People who volunteer their time and money with a sincere desire to build a private organization have a tendency *not* to be the ones who publicly complain about it. Their grievances are kept within internal channels for the sake of not tearing it down.

Consequently, the attitude of faultfinding and public criticism of Party committees should be viewed with caution. That is not commonly seen by genuine, America First leaders and the Far Left is seeking a demoralization campaign. Under Fifth-Generation Warfare, anyone can lie by claiming to be committed to America First principles. Therefore, the tests for recognizing imposters and false teachers are, first, their fruits.\(^90\) Do they have a demonstrated history of volunteering and donating money for the election of America First candidates for public office? Do they have ties to the local community? Did they do the entry-level work to earn the trust of Party committees or did they come out of nowhere and demand to be put in charge?

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*Because Party committees do not control the enrollment of voters, the only means of guarding themselves from Far Left operatives is to adopt additional membership criteria...*

Second, the content of their statements must be considered, especially any snuck premises which assume that Party committees are public entities. Generally, Far Left rhetoric can be recognized whenever Party committees are compared to governments or public institutions or resort is made to the “Big Tent” metaphor.

If, for instance, membership restrictions on Party committees are equated as “disenfranchisement,” then that is a Far Left premise. Using primaries as a means of selecting members for Party committees was a form of bait-and-switch, where the State didn’t control the enrollment of voters into parties when it took control over primaries in 1906. It wasn’t until 1913 when the State also gained control over Party enrollments. Because Party committees do not control the enrollment of voters, the only

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\(^90\) *Matthew 7:15-16.*
means of guarding themselves from Far Left operatives is to adopt additional membership
criteria, whether an individual is chosen by primary or not. In essence, primaries are in
the nature of a recommendation for membership in a Party committee. Voters are not
members. Qualifications to get on the ballot are not the same for membership. Party
committees are free, if they so choose, to abolish the Primary as a means of selecting
their membership.

Because States can create “default” rules for party organization, Party committees
can opt out of the same. Nobody cares whether that happens except the Far Left, desiring
for Party committees to be controlled by legislation. If a faultfinder bellyaches that a Party
committee is ignoring the Election Code, then query whether that was desirable. We
don’t weigh the merits of the rule-change simply because it deviates from State control.

Whether Party leaders are called “dictators,” likewise, is a Far Left premise. So
long as Party leaders were chosen by their committee members, there is no dictatorship.
Whether authority over some subjects is centralized, or decentralized, is a matter of
wisdom and expediency over how the committee thinks it is best governed and for
allocating the work required to win elections. In fact, it is sometimes demoralizing in
Party committees to treat all members alike, where persons who made minimal efforts,
choosing not to commit the amount of work or money as others, are given the same
privileges and voting rights as those who gave more. Where Party committees hold
annual endorsement conventions, for instance, it is normal to expel members who failed
minimum attendance requirements. One has to earn the right to be there. Where the
private sector is driven by results, so too are Party committees in their structure.

Whether Party leaders are accused of having “hidden agendas,” this too is a Far
Left premise. We come to expect leaders in every organization in the private sector to
spend time on planning, most of which occurs privately. There’s a world of difference
between an open mind versus an empty mind; leadership cannot be effective if empty-
mined. Party committees are not public congresses. When Primary or Election Day
is looming, decisions need to be made quickly and there is little need, opportunity, or
desire for group discussions. With the availability of social media, there is no shortage
of critics who think those who work hard didn’t work hard enough.

Throughout the second-half of the 20th Century, so-called “moderate”
Republicans used the “Big Tent” as a means of rationalizing their inclusion. It is a
metaphor that the Republican Party is big enough and has enough room to accommodate
those who are ok compromising with Leftists on core beliefs. In Pennsylvania, the Big
Tent was a favorite expression of U.S. Senator Arlen Specter before he decided to
rejoin the Democratic Party in 2009. Specter claimed, “As the Republican Party has
moved farther and farther to the right, I have found myself increasingly at odds with
the Republican philosophy and more in line with the philosophy of the Democratic
What he said was partially true. The reality was that he always was in line with the Democratic Party but Republican voters were repeatedly told he was needed and they should hold their nose and vote for him. The Big Tent metaphor is similar in substance to the Far Left’s campaigns for “diversity” and “inclusion.” Today, Leftwing Academia complain that the America First Movement has defeated the Big Tent. “The Republican nominees 1988—2012, George H. W. Bush, Bob Dole, George W. Bush, John McCain, and Mitt Romney had backgrounds in the Republican establishment,” one academic writes, and used those ties and the Big Tent metaphor as a means of “attracting moderate voters.”

Big Tenters and America First Republicans are not on the same team. Any activist or organization that employs the Big Tent metaphor, even if claiming to be for America First principles, should properly be understood as sell outs. Like the 2008 and 2012 presidential elections, the Big Tenters are those who want the Republican Party to be a watered-down version of the Democratic Party and accustomed to finishing second-place at the polls.

For Party committees, divisive faultfinders are also recognized where they complain about unnecessary things, or where no one was harmed, or where nothing would have changed the outcome even if the grievance was heeded.

Contextually, some of these conversations will occur in private settings. Where a parade of horrors is made by former members claiming to be victims of their Party committees, be on guard. Internal discipline of Party committee members, like anything else in the private sector, is not an adversarial proceeding in a court of law. If complaining is made that a person was removed without “due process,” or the ability to call witnesses or be represented by a lawyer, then these are Far Left premises. Only governments, and persons to whom public functions are delegated, are regulated by the Due Process clauses in the U.S. Constitution. The internal discipline of Party committee members is not a public function, because Party committees are not public entities. It also bears mention that Robert’s Rules of Order only permits representation by a fellow member in disciplinary proceedings. Disciplinary procedures can be supplemented by Robert’s Rules of Order, but it is not that much different than the termination of employment by a private employer.

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93 Robert’s Rules of Order, Newly Revised § 63:30, at 627-28 (Henry M. Robert, III, et al., eds., 2020) (“Defense counsel can be attorney(s) or not, but must be member(s) of the society unless the trial body (that is, the assembly or the trial committee as the case may be) by vote agrees to permit attorney(s) who are not member(s) to act in this capacity.”).
Many volunteers in private organizations do not have formal training in *Robert’s Rules of Order*. Imperfections in procedure are meaningless without showing how the outcome would have been any different. And the faultfinder carries the burden of proving that. If someone was allegedly not permitted to call witnesses in a disciplinary matter, then identify those witnesses by name and tell us what they would have said that, if hypothetically accepted as true, would have changed the outcome? If the window to nominate someone for a leadership position wasn’t held open long enough, then identify by name the individual who was supposedly deprived of the opportunity. And why did that individual fail to request to be nominated sooner?

If a faultfinder complains they were escorted off the premises of a Party event, then contemplate if they were not a member and were asked to leave, and refused to heed that request. These are not Social Justice Warriors, like Rosa Parks, who refused to sit in the back of a public bus. Like a church, it is a regular practice that some portions of Party committee events are held open to the public and others are not. Guests are commonly asked to leave when Party committees conduct internal business.

If a faultfinder complains that a Party committee filed court objections to a candidate’s nomination petition for ballot access, then ask whether a court hearing was actually held or not. If the objections were withdrawn and there was no hearing, then who cares? No one was harmed! If the faultfinder was the person who circulated the petition, then ask if a sheriff’s deputy served them with a subpoena to attend the court hearing or if they simply *voluntarily agreed* to testify. And if they voluntarily agreed to testify, without a subpoena or court order, then why are they harmed? Everyone who circulates nomination petitions has accepted a risk whether they may be haled into court to verify the authenticity of those signatures. If that is truly off-putting, then it bears mention that no one is forced to be a circulator.

Election laws commonly impose a short timetable to review signatures on nomination petitions and to file objections. In Pennsylvania, objections must be filed within *seven days* after the deadline to file nomination petitions.94 It frequently happens that there is enough evidence to file objections, but as the investigation continues, the objections are subsequently withdrawn as more facts come to light. For instance, your research might have initially found signatures of persons who were not registered

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94 25 P.S. § 2937.
Republican, because the State’s electronic database wasn’t updated soon enough to reflect their current registration. But after the database is updated, you find they were Republicans on the date of signing the petition. Moreover, a nomination petition could actually contain forgeries of signatures, but the candidate still mustered enough legitimate signatures to stay on the ballot.

In private settings, there’s an easy way to cut through the charade. Ask the faultfinder to admit whether the Party committee had authority to do whatever it is the faultfinder is complaining about. For instance, “Before I can even consider the merits of what you’re saying, do you agree the Committee had authority to remove you from membership?” The answer will tell you whether the faultfinder perceives the Party committee as a public or private entity. If the faultfinder responds, “No, because I was elected and that’s disenfranchising the Republican voters,” then that individual is either a Far Left operative or a well-intentioned but gullible individual who failed to guard against Far Left propaganda.

It is just as meritorious to remove gullible persons who failed to guard themselves against Far Left propaganda as it is to remove the Far Left operatives who deceived them. Everyone is duty bound to guard their hearts and minds against hollow and deceptive philosophy, and there is no moral obligation to tolerate their negligence in doing so.

In public settings, Far Left operatives, rhetoric, naysaying, and faultfinding should be characteristically ignored and, perhaps, even viewed as a badge of honor that a Party committee must be particularly effective to have drawn such attention. Ignoring the public setting is effective because it is calculated to drain our resources, including the commodity of time, where many Party committees operate on a volunteer basis. It should not be permitted to consume any more time than it was to read this essay. These tactics by the Far Left continue and fester so long as there is a spotlight. Deprive them of the spotlight and they are defeated. Amend the bylaws of a Party committee to block anyone affiliated with the Far Left’s para-Party organization, and they are defeated. By analogy to Robert’s Rules of Order, that can be done by way of a credentials committee, tasked with sending questionnaires to individuals seeking to join and reporting on their eligibility following a primary or appointment process.

Think of an angry, insubordinate co-worker who was terminated from his job and then complained about the employer on the Internet. Some groupies will hit the “Like” button for the Facebook rant, but that’s as far as it goes. Within a few weeks, everyone has forgotten about it and even the former co-worker also has to move on.

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The only sad thing from this entire process is the number of genuine, America First patriots who may become deceived as the Fifth-Generation Warfare continues to unfold and may join with the Far Left’s para-Party organizations. At this time, there is not much that can be done for them. We live in a world where it is easier to lie to others than it is to convince them they were lied to. Pray for them. Be as respectful as possible. Show them this essay, if it helps, but don’t hold your breath. By the time the Far Left operatives show their true colors, such as advocating for Open Primaries, Jungle Primaries or Big Tent Participation, it may be too little, too late. The damage was done. We cannot permit that to happen for the sake of appeasing an individual or a group of individuals.

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Recognizing Far Left operatives and rhetoric will require a discipline many of us are unaccustomed to. But by the grace of our Creator and with the benefit of historical memory, we must guard ourselves against the hollow and deceptive philosophy of the Far Left. Whether anything can be done to roll back the increasing control over the electoral process, that requires a lot more thought. At a minimum, however, we cannot surrender our Party committees to State control.

To summarize:

- Party committees are private organizations, not public entities controlled by legislation or constitutional due process.

- As private organizations, with First Amendment rights of speech and association, Party committees can establish additional membership criteria than mere political party enrollment. Party committees have complete authority, as any other organization in the private sector, to refuse to seat or remove individuals from membership.

- Over the past 150 years, the State has increasingly gained control over ballot access, over political party recognition, over Primary nominations, and over Party enrollments. Party committees are the final bastion of a private entity.

- The Far Left wants the State to gain control over Party committees as a means of defeating the America First Movement and creating either Open Primaries or Jungle Primaries.
• The Far Left is creating para-Party organizations with the avowed purpose to “take back” Party committees but, in reality, to divide and demoralize the Right where resources are lost fighting each other rather than the Far Left.

• Persons who publicly criticize Party committees should be viewed with caution, because individuals who donate their time and money to genuinely build a private organization tend not to be the ones who publicly tear it down.

• For persons criticizing Party committees and their leaders, examine whether the critics have a demonstrated history of support for America First candidates for public office. Words are not enough. Do they have long-standing ties to the local community? Did they donate their time for any campaigns? Did they donate their money to any campaign committees? Did they do the entry-level work or did they immediately demand control without first earning trust?

• For persons criticizing Party committees and their leaders, look for Far Left snuck premises which assume that Party committees are public entities, such as comparison to governments, or the “Big Tent” metaphor.

• In public settings, do not respond to criticism by Far Left operatives.

• In private settings, recognize naysayers and faultfinders where they complain about unnecessary things, or where no one was harmed, or where nothing would have changed the outcome even if the Party committee heeded the grievance.

• In private settings, disassociate with naysayers and faultfinders if you do not see any responsiveness to reason or their criticism belies Far Left premises, whether they have self-awareness or not.