The Embarrassment
of the Corrosive 24th District State Senatorial Legislative Committee Lawsuit

On Monday, March 23rd, Judge Dillon will hear a lawsuit and intervention submission that have been respectively submitted by the 24th Senatorial Legislative District Committee (24SLDC) and Republican Nominee Candidate Dan Moxley to the Western District Federal Court. The suits are against Virginia State Code 24.2-509-B, otherwise known as "The Incumbent Protection Act." Their purpose is to declare that code "unconstitutional" because it violates the "freedom of association" of the 24SLDC.

Perhaps you believe the challenge to this code is a good thing because it takes the choice of how a political party selects its candidate out of the hands of the "self-serving" incumbent and places it in the hands of the "unbiased" Party Committee. Perhaps you think this is a good thing because it leads to getting rid of State Senator Emmett Hanger.

Before I get into the matter I need to say two things: (1) I cannot abide Senator Hanger's political positions for the last several years. Over the years he has gone from fundamentally conservative to something else. But I do like the man personally – he is fundamentally a very nice person. But liking him personally does not cause me to support him politically. (2) If the Incumbent Protection Act enables a politician whose politics are counter to that of the party to stay in office then it is definitely a bad thing. But there is also the question of what does the word "protection" mean. If it means it protects the incumbent from the misdeeds and mean spirit of a few who have gained control of a political party committee for their own selfish agenda then that is a different matter.

The following are my takes on the matter.

1 – Two bills were submitted for the 2015 Session of the General Assembly, SB 1255 Elections; method of nominating party candidates., by Senator Ralph Smith and HB 1518 Primary elections; voter registration by political party., by Delegate Steve Landes. Senator Smith's bill would have remove the ability of an incumbent to override the choice of an LDC. The incumbent protection aspect would have been removed from the Code. Delegate Landes' bill would have eliminated the opportunity for a Democrat to vote in a Republican Primary and vise versa, which one of the major roots for why conventions are supported by Conservatives instead of primaries. Neither bill received active support by the public – so we need to try again during the 2016 Session.

To my knowledge those on the 24SLDC who voted for the lawsuit made no effort to support, directly or indirectly, either bill. In other words, given the opportunity they made no effort to remedy the issue by way of legislation. Instead they attacked this Virginia Law and the Members of the General Assembly during the 2015 General Assembly Session by going to Federal Court to force Virginia to change her Laws.

(NOTE: This lawsuit was rejected by 45 % of the weighted vote of the 24thSLDC. The Augusta County Republican Unit and the Madison County Republican Unit opposed the lawsuit and stated into the minutes of the 24SLDC they would not participate or be responsible for the lawsuit in any manner.)

2 – I am not certain how anyone who truly supports the U. S. Constitution can be

comfortable with using a Federal Court to force a State to abandon one of its laws on the grounds that it violates the "freedom of association" of a few, not all, of the members on a small committee of a Large Political Party – particularly when that Party itself refuses to be involved in the lawsuit.

The Republican Party of Virginia (RPV) supports 24.2-509-B. The RPV's Bylaws, Article V (Legislative District Committee), Section D (Duties), Paragraph 1.a states: *"The Legislative District Committee shall determine whether candidates for Legislative District public office shall be nominated by Mass Meeting, Party Canvass, Convention or Primary, where permitted to do so under Virginia Law."*
(My underlining.) So it is the Party itself that denies a LDC the freedom to do what it wants if the incumbent choose otherwise. Thus those of the 24thSLDC who want the lawsuits are breaking the Bylaws of the RPV, the very organization of which they are a part. The RPV is a State Corporation so the circumstance is in that manner a breaking the law of Virginia.. I am surprised and dismayed that the RPV does not take these individuals to task. By not doing so the RPV is eroding itself from within.

But back to the matter of using the Federal court to force a State to do away with one of its laws. These same people would, and have, complained bitterly when Liberals have used to the Federal Court undo State laws these people support. They say the 10th Amendment has been violated in that powers not delegated by the Constitution to the U. S. Government are reserved to the State Governments. There is nothing in the Constitution in regards to a State Political Party that is incorporated by that State? So if the RPV is not claiming injury what right does the Federal Government have in the internal matters of a pertaining to State Government? I can understand the Federal Government having a voice how officials are selected for national offices such as president, members of Congress, and Federal Judges. Oh my gosh, it does – right there in Articles I, II, and III! This lawsuit boils down to: "Its fine if I do it to get what I want, but you can not do it if I don't want what you want." It is called pick-n-choose when it comes to the 10th Amendment.

But all of the above aside, what is happening is no different in nature than what these same individuals and their cohorts have attempted before. They have illegally attempted to prevent individuals from challenging their controlling leadership of local party units – the consequence being that the District Committee brought them to heel. They have attempted to turn District Committee meetings into chaos. They have leaked private Republican Party matters to newspapers. They have attempted to prevent local Republican officials from running as Republican nominees. They never attempt solutions by face-to-face interaction with State and Federal elected officials. If they would be successful with doing away with 24.2-509-B then they will be free to attack Federal elected officials in their congressional districts – which seems to be their ultimate objective.

I want to finish this essay with a very blunt summary. What these individuals are doing is
1 – Absurd. It is an attempt at using a vigilante, sue-happy method.
2 – Back-Biting. It has all the aspects of being an ugly catfight.
3 – Corrosive. It breeds revenge and ill feelings.
4 – Destructive. It destroys the Party more and opens the advantage to Democrats.
5 – Embarrassing. Democrats are laughing at us all the way to the polls. The public, especially those who are Republicans are asking, "What in the hell is going on?"