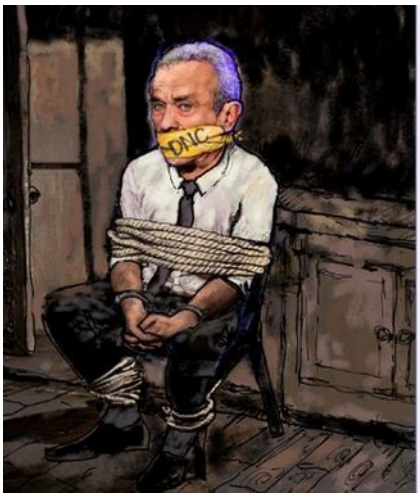
Exposing the DNC Plan
to Rig the 2024 Election Part 2…
DNC votes to rig the Primary Calendar



"The corrupt DNC has used
everything in its toolkit
to destroy Kennedy,
but their strategy is clearly failing"

Tony Lyons,
National Coalition Against Censorship
August 28, 2023

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Note: The opinions expressed in this article are my own
and do not represent the opinion of any political candidate.
But I am hoping someone will do something
to stop the DNC from completely rigging the 2024 election.

Exposing the DNC Plan to Rig the 2024 Election Part 2…

DNC votes to rig the Primary Calendar

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1 Introduction

In **Exposing the DNC Plan to Rig the 2024 Election, Part 1**, I exposed the Democratic National Committee (DNC) plan to rig the 2024 election by changing the rules to prevent even declared Democrats from participating in the the Delegate Selection process.

In this article, we will addressing the DNC plan to rig the 2024 election. The DNC blackmailed New Hampshire and Iowa into complying with DNC Primary Calendar changes.

The DNC has also threatened to blacklist Robert Kennedy Jr. for failing to comply with their new Primary Calendar rigging and having the audacity to give speeches in both Iowa and New Hampshire.

2 The real problem with letting New Hampshire and Iowa go first

On February 3, 2020, Joe Biden got only 15% of the vote in the Iowa Caucuses. On February 11, 2020, Biden only got 8% of the vote in the New Hampshire Primary. But on February 29, 2020, Biden won the South Carolina primary with 49% of the vote.

The reason Biden did so poorly in Iowa and New Hampshire is that both states require candidates to interact directly with the voters. Sadly, Biden has trouble speaking coherently in public. Meanwhile in South Carolina, voters are more influenced by million dollar TV ad campaigns.

The ability to campaign with million dollar TV ads rather than being forced to interact directly with the voters is the real reason Biden wants South Carolina to go first in 2024.

3 The DNC opens Pandora's Box

For more than 100 years, the New Hampshire Primary was the first primary in every Presidential Election cycle. 50 years ago, the Iowa Caucuses became the first caucuses in every Presidential cycle. Both New Hampshire and Iowa State laws require these processes. In 2022, the Republican National Committee (RNC) voted to honor this traditional calendar of Primaries for the 2024 election.

However, in February 2023, at the request of Joe Biden, the DNC voted to **move the South Carolina Primary ahead of both New Hampshire and Iowa.**

In addition, the DNC voted to blackmail both States and Presidential candidates by imposing severe penalties on Iowa, New Hampshire or any Presidential candidate who did not comply with the new DNC rigging of the Primary Calendar.

In response, both the Iowa and New Hampshire State legislatures made it clear that they will not comply with the DNC rule change. Iowa made it clear they will move up the Iowa Caucuses to mid-January and New Hampshire made it clear they will move their Primary up to mid-January to maintain their state law and 100 years of tradition that they be the first primary in the nation.

Robert Kennedy Jr. has also indicated that he will not comply with the DNC Primary Calendar Rigging. He has opened a campaign office in New Hampshire. In fact, the only Democratic Presidential candidate who has pledged to comply with the DNC Primary Calendar RIgging is Joe Biden – the person who demanded the Calendar rigging in the first place. Complying with the new DNC rule that he not campaign in New Hampshire or Iowa gives Biden an excuse to avoid two States where he averaged only 12% of the vote in 2020.

The Republican National Committee issued this statement after the DNC voted to rig the 2024 Primary calendar:

“The DNC has decided to break a half century precedent and cause chaos by altering their primary process, and ultimately **abandoning millions of Americans in Iowa and New Hampshire.”**

The net effect of this DNC war against Iowa and New Hampshire is that **millions of declared Democratic voters** in Iowa and New Hampshire, who have no choice but to comply with the laws of Iowa and New Hampshire, will be deprived of their right to have a say in the selection of the Democratic Party nominee. The fact that these Democrats voted against Biden in 2020 should not deprive them of having a role in the 2024 Presidential Primary.

The DNC claims that the Supreme Court ruling in **Democratic Party v. Wisconsin (1981)** gives them a blank check to arbitrarily change any rules in whatever manner they want. Indeed, leaders of the DNC boast that this is just the beginning. They have **even more rule changes planned for the 2028 Presidential election!**

The chaos that would ensue by allowing the DNC to blackmail even more States would only further rig future elections and prevent any kind of meaningful change. In short, giving the DNC a blank check to alter election processes, in violation of state laws, and allowing the DNC to disenfranchise millions of additional Democrats would spell the end of our democracy.

Thankfully, as we will explain later in this article, the 1981 Supreme Court ruling merely applied to the Democratic Party right to **prevent “cross over” voting** by Independent voters who were not aligned with the Democratic Party. The Court ruling did not give the DNC the right to deprive rank and file declared Democrats of the right to participate in the Democratic Party Presidential Nomination process. Nor did it give the DNC the right to blackmail State legislatures into changing their 50 to 100 year old election laws. Nor did it give the DNC the right to punish Presidential candidates for the mere act of talking to the voters in early Primary states.

The February 2023 DNC rigging of the Primary calendar opened up a **Pandora's Box of Evils** which, if not challenged, threaten to destroy the foundation of our elections. States, citizens and Presidential candidates all have rights protected by the US Constitution. The Primary Calendar rigging by DNC party bosses in February 2023 violated all of these important rights.

But the insanity of the DNC 2023 Primary Calendar rigging goes beyond merely violating the rights of Democratic Party voters and Democratic Presidential candidates. It also places control of the US Senate at risk. New Hampshire has a Republican Governor and a Republican Legislature. However, New Hampshire currently has two Democratic Senators. For the DNC to throw the State of New Hampshire under the bus risks offending New Hampshire voters to the point that they replace both US Senate Democrats with Republicans. Should this occur, Democrats would lose control of the US Senate. This is a major risk just to try to re-elect an incumbent who has trouble remembering what day it is.

This raises an important question… What kind of crazy people in the DNC would vote to disenfranchise millions of Democratic voters in New Hampshire and Iowa – and place Democratic control of the US Senate at risk? To answer this question, we need to take a closer look at who actually controls the DNC to better understand how it has gotten so corrupt.

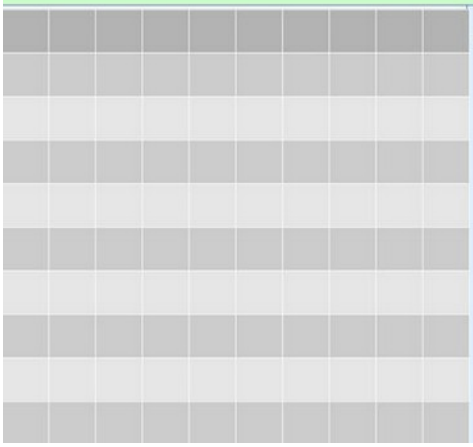
4 How did the DNC get so corrupt?

I am not the first person to claim that the DNC is completely corrupt. However, many people have no idea who is in the DNC. We will therefore briefly describe the structure of the Democratic Party and how members of the DNC are selected.

Starting from the bottom up, each State is divided into Legislative Districts. Each Legislative District includes about 100 Precinct and each Precinct includes about 1000 voters. In even numbered years, anyone in a precinct can file to run to be the Precinct Committee Officer – also known as the PCO - for that Precinct. Often the person who files will run unopposed – in which case they are automatically elected even if they only get one percent of the vote.

If your precinct already has a PCO and you want to run against them, you should print 200 to 300 one page fliers explaining why your neighbors should vote for you. You can then take these fliers door to door. If you win the election, your two year term of office starts in January of the following odd numbered year. All elected PCOs can attend a Reorganization meeting where they will re-elect the current LD Chair or elect a new Chairperson. They will also elect two State Committee Members (one man and one woman).

A typical Legislative District (LD) Organization



Washington State has 49 Legislative Districts (LDs).
Each Legislative District consists of
about 100 Precincts.
Each of the 100 boxes on the left represent a single precinct.
Each Precinct has about 1000 voters.
About 50 of the 100 Precincts have elected "Precinct Committee Officers"
also known as PCOs.
These 50 PCOs meet once a month.
In January of every odd year, they hold a "reorganization" meeting where they elect
A new chair and 2 State Committee Members.
They may also elect 2 County Committee members.

The LD Chair and LD State Committee Members represent your LD at the State Party Reorganization meeting – which is held at the end of January during odd numbered years. In Washington, there are about 150 members participating in the State meeting (three from each of the 49 Legislative Districts).

At the State Reorganization meeting, these 150 members elect a State Chairperson, a State Vice Chair Person, and a number of “DNC Elected Members”. The number of DNC Elected Members varies depending on the number of voters in your State who voted for Democrats in a previous election. Washington State has two DNC Elected Members – one man and one woman. California which is much larger than Washington has about 20 DNC Elected Members. The total number of DNC elected members for the entire nation is 200.

The Democratic National Committee (DNC) consists of these 200 Elected Members plus 50 State Party Chairs and 50 State Party Vice Chairs – which brings the total number of members to 300. So where do the other 147 corporate members of the DNC come from?

5 The Presidential DNC Corruption Problem

There are also 100 other Democratic Party insiders which include Democratic Governors and other Democrat Party insiders. In theory, these 400 people would meet and vote on the DNC Chair. However, there is a provision that **if a Democrat such as Biden is President, then he gets to choose who he wants to be the DNC Chair. In 2021, Biden chose a corrupt corporate lobbyist named Jaime Harrison to be the chair of the DNC.**

Jaime Harrison was the former chair of the South Carolina Democratic Party. He is therefore strongly in favor of moving South Carolina ahead of New Hampshire and Iowa. However, what Harrison is most noted for is that from 2008 to November 2016, he was a principal at the Podesta Group, which at the time was run by Hillary Clinton bundler Tony Podesta (Clinton's 2016 campaign manager).

While at the Podesta Group, Harrison lobbied for major corporations included Lockheed Martin, Wells Fargo, BP America, Merck and Bank of America. So Harrison was a corporate lobbyist whose job was to help Wall Street Banks, War profiteers, Oil companies and drug companies buy off the US Congress. One of his clients, American Coalition for Clean Coal Electricity, which represents coal companies like Murray Energy and Peabody Energy, fought against President Obama's Clean Power plan during the period in which Harrison was registered to lobby for them.

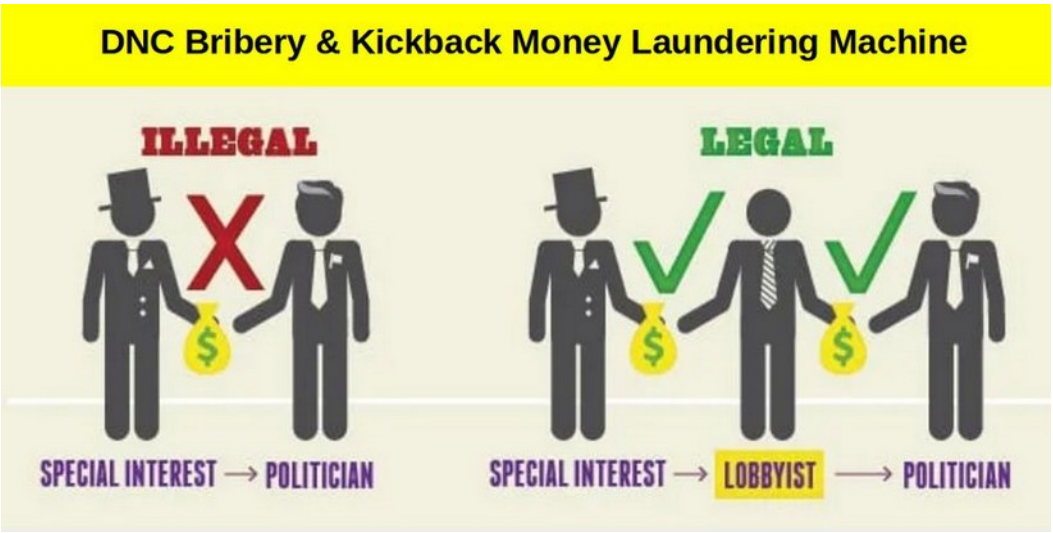
But the corruption goes deeper than merely appointing a corporate lobbyist as chair of the DNC. Sadly, the DNC Chair has the power to select 75 additional members to the DNC. In 2021, Harrison chose a bunch of corrupt corporate lobbyists to join the DNC. He then put these corporate lobbyists in charge of the most important committees that control the DNC. For example, two-thirds of DNC Rules Committee members are corporate lobbyists, including ten at-large DNC members appointed by Harrison.

You can download the names and biographies of all 75 Harrison appointed members at the following link: https://kennedydemocrats.us/free-downloads

These 75 corrupt corporate lobbyists, plus the President appointed Chair and Vice Chair, brings brings the total members of the DNC to 477. It was these 477 DNC members – directly or indirectly appointed by Biden – who voted to rig the 2024 Primary Calendar schedule.

These corporate lobbyists spend more than $100 million every year influencing federal policies. They specialize in Dark Money, Soft Money and other money laundering processes. They represent Wall Street Banks, Weapons makers, Big Tech and Big Drug companies. **In the 2020 election cycle, the DNC raised nearly $493 million and spent over $462 million, according to OpenSecrets.**

In short Biden and his corrupt Corporate Lobbyists have turned the DNC into a Bribery and Kickback Money Laundering Machine:



In addition, all of these DNC members, most of whom are corporate lobbyists are Super Delegates to the National Convention - where they can not only vote on the next Presidential nominee – but equally important establish the DNC rules and policies for the next Presidential cycle. So they not only rig the 2024 election, they can also rig the 2028 election.

You can read about these DNC party bosses at the following link: https://www.readsludge.com/2020/02/28/corporate-lobbyists-control-the-rules-at-the-dnc/

Here is another article listing the backgrounds of several more corporate lobbyist DNC members:

https://www.readsludge.com/2020/02/24/top-dnc-committee-is-packed-with-corporate-lobbyists/

Here is another article listing the backgrounds of several more corporate lobbyist DNC members:

https://www.readsludge.com/2021/10/08/harrison-nominates-new-corporate-lobbyists-to-join-the-dnc/

Even though the 447 members of the DNC have taken for themselves the ability to write the rules for how the Democratic Party Nominee is chosen, there is no way of knowing who these people really are as there is no official party website listing all 447 members of the DNC.

6 Potential DNC Rule Changes to Rig the 2028 Election

If the DNC really does have a blank check to change the rules in any way that they want, here are just some of the rule changes the DNC could make for the 2028 Presidential Election.

#1 Adopt the Washington "Eliminate Precint Caucuses" Rule Nationwide

Imagine if a new "Presidential Election Year" virus comes out and the DNC decides it is too dangerous to hold Precinct Caucuses. Or perhaps the DNC decides it is just too time consuming and too expensive to hold Precinct Caucuses – and that too many "non-loyal" Democrats vote at Precint Caucuses. They could take the Washington "Eliminate Precinct Caucuses Rule nationwide. This would deprive millions of rank and file Democrats in every state of a meaningful chance of participating in the Delegate Selection process.

But why stop at just eliminating Precinct Caucuses? The DNC could also eliminate Legislative District caucuses, County Caucuses and Congressional Caucuses because they take too much time and cost too much or are too dangerous.

For that matter, why bother with the State Primaries and State Conventions? It would be much quicker and less expensive and much safer to just let the members of the DNC decide who should be the 2028 Democratic Party nominee!

#2 Raise more barriers to State Primary Ballot Access

State Primaries often have too many Presidential candidates to choose from. Many of these candidates are not "real" Democrats but people like Kennedy who are critical of the DNC and their corporate lobbyists. To insure that only real Democrats get on the State Primary, the DNC can decide to let State Party chairs decide who gets on the State Primary Ballot. Or better yet, skip the State Party chairs as they might not be real Democrats either. Just let the DNC decide who is a real Democrat and who gets on the State Primary ballot.

#3 Change the Primary Calendar to Make it More Representative of what the entire nation looks like

Rather than letting a southern State like South Carolina go first, or a northern State like New Hampshire go first, or a Midwest State like Iowa or a western State like Nevada go first, the DNC could adopt a much fairer rule by letting every State in the nation go first on the Primary calendar. Just hold all 50 State primaries on the same day! To avoid having to go to the polls during snowy weather, the National Primary could be moved to the first Tuesday in June. Call it Super Duper Day.

To increase voter turn out, and make it harder for Russia to interfer with the election, the DNC can require every State Primary use only mail in ballots that are designed and approved by the DNC to be tamper proof. For example, the DNC could bring back the punch cards with the hanging chads.

#4 Add more penalties for Presidential candidates who ignore the new DNC Rules

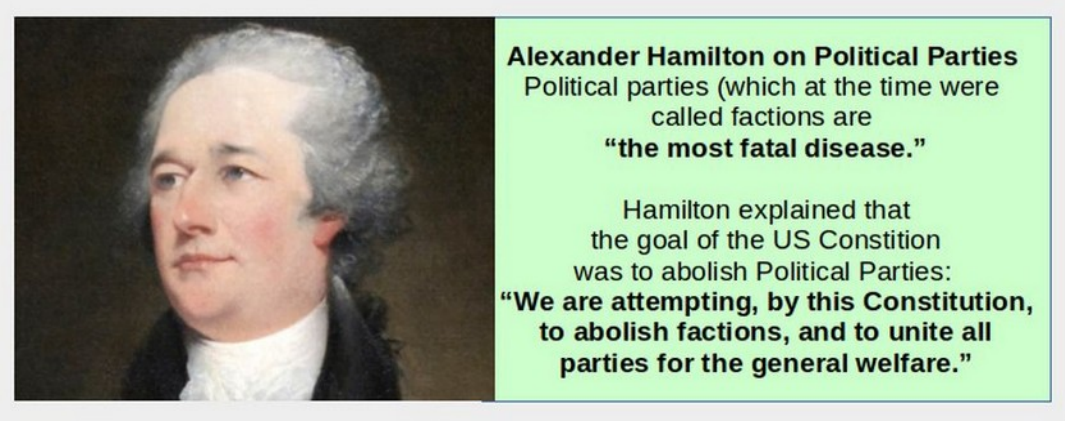
Instead of just punishing Presidential candidates who campaign in Iowa or New Hampshire, the DNC could punish candidates who campaign in any State that keeps their Precinct Caucuses and Legislative District Caucuses. Or the DNC could require a Clot Shot mandate where they punish any candidate who refuses to get a Clot Shot. Of course, the DNC might not make all of these rule changes for the 2028 election. It might save some for the 2032 election.

7 Why our Founding Fathers did not want political parties

in 1787, when delegates to the Constitutional Convention gathered in Philadelphia to hash out the foundations of their new government, they entirely omitted political parties from the new nation's founding document. The writers of the Constitution believed that political parties should play no role in the new government. This is why there is no mention of political parties in the US Constitution. **John Adams wrote that "a division of the republic into two great parties … is to be dreaded as the great political evil."**

Even in electing the president, the founders assumed the absence of political parties. The Constitution established an Electoral College — elected or appointed in the states— to meet, deliberate, and choose the best person for president. The runner-up automatically would become the vice president. In 1788, George Washington won a large majority of electoral votes and became the nation's first president. John Adams, who won the second highest number of electoral votes for president, became vice president.

Alexander Hamilton once called political parties "the most fatal disease" of popular governments. Hamilton explained that the goal of the US Constitution was to abolish Political Parties: "We are attempting, by this Constitution, to abolish factions, and to unite all parties for the general welfare."

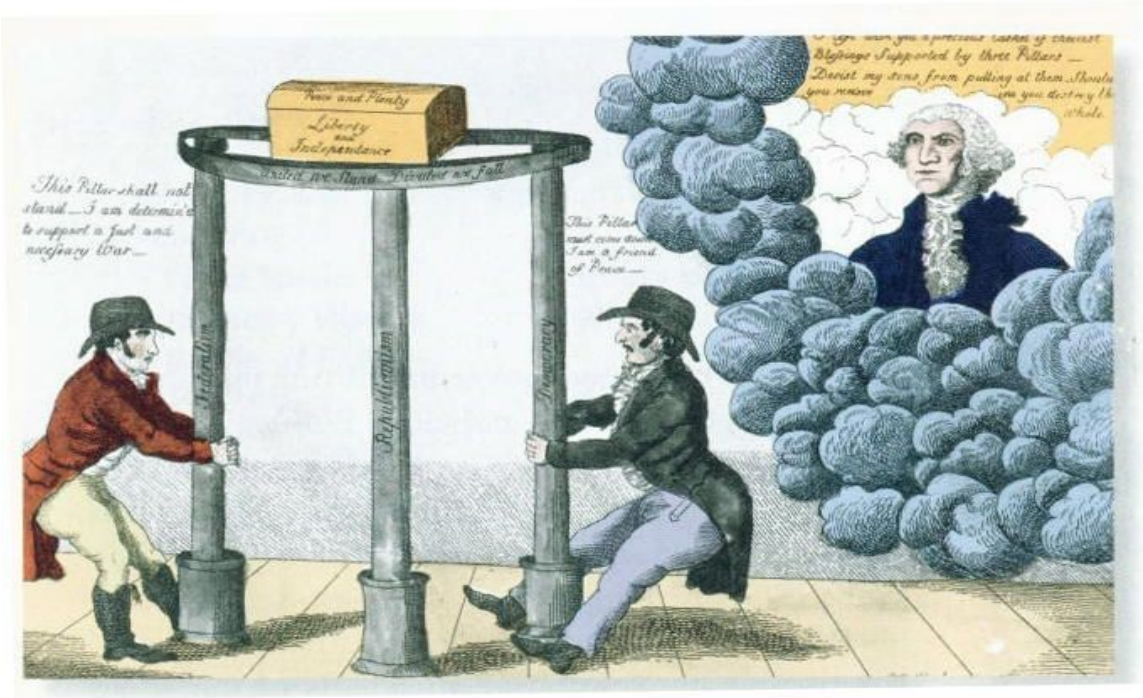


In 1796, when Washington gave his Farewell Address, he warned of the divisive influence of political parties. He stated that the parties were likely “"to become potent engines by which . . . unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government." In the same speech, he added: “The common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people **to discourage and restrain it.”**

George Washington on Political Parties

In his Farewell Address, Washington warned that political parties were likely “to become potent engines by which unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government”

In this 1800 political poster, Washington is in Heaven warning that the political parties will tear apart the pillars of Democracy.



The Chest on top says “Peace and Plenty, Liberty and Independence.” The three pillars holding up this treasure are Federalism, Republicanism and Democracy with Federalism standing for a strong federal government and Republicanism standing for States rights and local government.

8 How to Stop the DNC from rigging the 2024 Election

Now that we understand why the DNC is so corrupt, and what will happen if the DNC Blank Check is allowed to continue, we will review the Supreme Court decision, **Democratic Party v Wisconsin (1981),** which the DNC claims gives them a blank check to rig elections in any manner they want.

We will argue that the US Constitution gives specific rights to citizens and States that can not be ignored by the DNC – and thus the DNC attempts to violate the voting rights of citizens and the election rights of States are both in violation of the US Constitution.

We believe that the US Constitution requires that the voting rights of individuals for equal treatment should have the highest protection. Not even the right of States to control their own elections has a higher priority that the equal protection of the voting rights of US citizens.

In addition, we believe the right of States to control their own elections is more important than the right of political parties to determine their own rules. In the balancing tests of these three rights, the rules of political parties can not be allowed to violate either the equal protection voting rights of citizens or the right of States to control their own elections.

The issue here is not who the Democratic Party nominee is, but rather how the Nominee is chosen. We contend that the DNC Blank Check policy has no constitutional basis. The current process is more about corruption and power of party insiders than about nominating the best candidates or reflecting the wishes of the voters.

Background of the 1981 Supreme Court case Democratic Party v. Wisconsin

In 1980, the DNC refused to seat the Wisconsin delegation at their national convention, claiming that Wisconsin had violated their party rules which required that voters declare themselves to be Democrats in order to participate in the Wisconsin Delegate Selection process.

Wisconsin argued that such a pledge would violate their state laws and would reduce voter participation. The Wisconsin Supreme Court agreed with the Wisconsin Legislature.

The Democratic Party then appealed the decision to the US Supreme Court. By a vote of 6 to 3, the US Supreme Court overturned the Wisconsin Supreme Court – deciding that the Wisconsin election law did not have a compelling interest which out weighed the right of the Democratic Party to protect their Delegate Selection Process from “cross over voting” – which is voting by Independents and Republicans who have not publicly declared themselves to be Democrats.

We will look first at the Supreme Court Majority Opinion and then read sections of the Supreme Court Dissenting Opinion.

9 Democratic Party v Wisconsin Majority Opinion

Here is a link to the Supreme Court decision in Democratic Party v. Wisconsin. https://supreme.justia.com/cases/federal/us/450/107/

At the end of the web page is the argument of the three Supreme Court justices who maintained that the right of the State to control elections and increase voter turn out was greater than the right of the Democratic Party to avoid cross-over voting.

Note that all the Court decided was that the DNC could have procedures to reduce cross over voting. The ruling is not a blank check. In fact, the current DNC rigging of the Primary Calendar is not even about crossover voting. Instead, it is about depriving millions of Democratic Party voters in New Hampshire and Iowa from having a role in the Nomination process.

Here are some quotes from the Supreme Court Majority decision (bolding is mine to show that the Opinion is limited to protection from cross over voting – not a blank check to do whatever the DNC wants:

Rules of the Democratic Party... provide that only those who are willing to affiliate publicly with the Democratic Party may participate in the process of selecting delegates to the Party's National Convention. Wisconsin election laws allow voters to participate in its Democratic Presidential candidate preference primary without regard to party affiliation and **without requiring a public declaration of party preference...**

When the National Party indicated that Wisconsin delegates would not be seated at the 1980 National Convention because the Wisconsin delegate selection system violated the National Party's rules, an original action was brought in the Wisconsin Supreme Court on behalf of the State, seeking a declaration that such system was constitutional... and that they (the Democratic Party) could not lawfully refuse to seat the Wisconsin delegation.

Concluding that the State had not impermissibly impaired the National Party's freedom of political association protected by the First and Fourteenth Amendments, the Wisconsin Supreme Court held that the State's delegate selection system was constitutional and binding upon appellants, and that they could not refuse to seat delegates chosen in accord with Wisconsin law.

Held: Wisconsin cannot constitutionally compel the National Party to seat a delegation chosen in a way that violates the Party's rules. Cousins v. Wigoda, 419 U. S. 477, controlling. Pp. 450 U. S. 120-126.

(a) The National Party and its adherents enjoy a constitutionally protected right of political association under the First Amendment, and this freedom to gather in association for the purpose of advancing shared beliefs is protected by the Fourteenth Amendment from infringement by any State, and necessarily presupposes the freedom to **identify the people who constitute the association and to limit the association to those people only.**

(b) Wisconsin's asserted compelling interests in preserving the overall integrity of the electoral process, providing secrecy of the ballot, increasing voter participation in primaries, and preventing harassment of voters, go to the conduct of the open Presidential preference primary, not to the imposition of voting requirements upon those who, in a separate process, are eventually selected as delegates. Therefore, such asserted interests do not justify the State's substantial intrusion into the associational freedom of members of the National Party. Pp. 450 U. S. 124-126.

93 Wis.2d 473, 287 N.W.2d 519, reversed.

STEWART, J., delivered the opinion of the Court, in which BURGER, C.J., and BRENNAN, WHITE, MARSHALL, and STEVENS, JJ., joined. POWELL, J., filed a dissenting opinion, in which BLACKMUN and REHNQUIST, JJ., joined, *post,* p. 450 U. S. 126.

JUSTICE STEWART delivered the opinion of the Court.

The charter of the appellant Democratic Party... provides that delegates to its National Convention shall be chosen through procedures in which only Democrats can participate...

The question on this appeal is whether Wisconsin may successfully insist that its delegates to the Convention be seated, even though those delegates are chosen through a process that includes a binding state preference primary election in which **voters do not declare their party affiliation**. The Wisconsin Supreme Court held that the National Convention is bound by the Wisconsin primary election results, and cannot refuse to seat the delegates chosen in accord with Wisconsin law. 93 Wis.2d 473, 287 N.W.2d 519.

The Wisconsin Supreme Court entered a judgment declaring that the State's system of selecting delegates to the Democratic National Convention is constitutional and binding on the appellants. 93 Wis.2d 473, 287 N.W.2d 519. The court assumed that the National Party's freedom of political association, protected by the First and Fourteenth Amendments, gave it the right to restrict participation in the process of choosing Presidential and Vice Presidential candidates to Democrats. Id. at 511-512, 287 N.W.2d at 536. It concluded, however, that the State had not impermissibly impaired that right...

Moreover, the court reasoned that, to whatever extent appellants' constitutional freedom of political association might be burdened by the Wisconsin election laws, **the burden was justified by the State's "compelling . . . interest in maintaining the special feature of its primary . . . which permits private declaration of party preference.**

Democratic Party Rule 2A can be traced to efforts of the National Party to reform its nominating procedures and internal structure after the 1968 Democratic National Convention… This Commission concluded that a major problem faced by the Party was that rank-and-file Party members had been underrepresented at its Convention, and that the Party should

"find methods which would guarantee every American who claims a stake in the Democratic Party the opportunity to make his judgment felt in the presidential nominating process."

My Note: The current DNC rigging of the Primary Calendar has the oppose effect of Rule 2A. Instead of guaranteeing the right of every Democrat to participate, it eliminates the right of millions of Democrats in New Hampshire and Iowa from participating!

...The Commission stressed that Party nominating procedures should be as open and accessible as possible to all persons who wished to join the Party. The 1972 Democratic National Convention also established a Commission on Delegate Selection and Party Structure (Mikulski Commission). This Commission reiterated many of the principles announced by the McGovern/Fraser Commission, but went further to propose binding rules directing state parties to restrict participation in the delegate selection process to Democratic voters. .. In 1974, the National Party adopted its charter and by-laws. The charter set the following qualifications for delegates to the Party's national conventions:

"The National Convention shall be composed of delegates who are chosen through processes which (i) **assure all Democratic voters full, timely and equal opportunity to participate** and include affirmative action programs toward that end, (ii) assure that delegations fairly reflect the division of preferences expressed by those who participate in the presidential nominating process, . . . [and] (v) **restrict participation to Democrats only. . . ."**

Democratic National Committee, Charter of the Democratic Party of the United States, Art. Two, § 4 (emphasis added).

My Note: At the time of the ruling, the DNC had a requirement that the Delegate Selection process should be open to ALL DEMOCRATS – not merely to Democrats in States that voted for Biden in the 2020 Primary and not merely Democratic Party Insiders – such as is now proposed by the DNC for Washington State.

Rule 2A took its present form in 1976. Consistent with the charter, it restricted participation in the delegate selection process in primaries or caucuses to "Democratic voters only who publicly declare their party preference and have that preference publicly recorded." But the 1976 Delegate Selection Rules allowed for an exemption from any rule, including Rule 2A, that was inconsistent with state law if the state party was unable to secure changes in the law.

In 1975, the Party established yet another commission to review its nominating procedures, the Commission on Presidential Nomination and Party Structure (Winograd Commission). This Commission was particularly concerned with what it believed to be the dilution of the voting strength of Party members in States sponsoring open or "crossover" primaries. ..thus recommended that the Party strengthen its rules against crossover voting, Openness, Participation and Party Building: Reforms for a Stronger Democratic Party 68 (Feb. 17, 1978) (hereafter Openness, Participation)… it specifically recommended that

"participation in the delegate selection process in primaries or caucuses . . . be restricted to Democratic voters only who publicly declare their party preference and have that preference publicly recorded."

Accordingly, the text of Rule 2A was retained, but a new Rule, 2B, was added, prohibiting any exemptions from Rule 2A. Delegate Selection Rules for the 1980 Democratic Convention, Rule 2B...

The issue is whether the State may compel the National Party to seat a delegation chosen in a way that violates the rules of the Party. And this issue was resolved, we believe, in *Cousins v. Wigoda,* 419 U. S. 477.

In *Cousins,* the Court reviewed the decision of an Illinois court holding that state law exclusively governed the seating of a state delegation at the 1972 Democratic National Convention, and enjoining the National Party from refusing to seat delegates selected in a manner in accord with state law although contrary to National Party rules.

Certiorari was granted "to decide the important question . . . whether the [a]ppellate [c]ourt was correct in according primacy to state law over the National Political Party's rules in the determination of the eligibility of delegates to the Party's National Convention."

Id. at 419 U. S. 483. The Court reversed the state judgment, holding that "Illinois' interest in protecting the integrity of its electoral process cannot be deemed compelling in the context of the selection of delegates to the National Party Convention.

The *Cousins* Court relied upon the principle that "[t]he National Democratic Party and its adherents enjoy a constitutionally protected right of political association." *Id.* at 419 U. S. 487. *See also id.* at 419 U. S. 491 (REHNQUIST, J., concurring). This First Amendment freedom to gather in association for the purpose of advancing shared beliefs is protected by the Fourteenth Amendment from infringement by any State. *Kusper v. Pontikes,* 414 U. S. 51, 414 U. S. 57; *Williams v. Rhodes,* 393 U. S. 23, 393 U. S. 30-31. *See also NAACP v. Alabama ex rel. Patterson,*

We must consider, finally, whether the State has compelling interests that justify the imposition of its will upon the appellants. *See Cousins,* 419 U.S. at 419 U. S. 489. [Footnote 28] **"Neither the right to associate nor the right to participate in political activities is absolute**." *CSC v. Letter Carriers,* 413 U. S. 548, 413 U. S. 567.

The State asserts a compelling interest in preserving the overall integrity of the electoral process, providing secrecy of the ballot, increasing voter participation in primaries, and preventing harassment of voters. But all those interests go to the conduct of the Presidential preference primary -- not to the imposition of voting requirements upon those who, in a separate process, are eventually selected as delegates. Therefore, the interests advanced by the State do not justify its substantial intrusion into the associational freedom of members of the National Party.

The State has a substantial interest in the manner in which its elections are conducted, and the National Party has a substantial interest in the manner in which the delegates to its National Convention are selected. **But these interests are not incompatible, and, to the limited extent they clash in this case, both interests can be preserved.** The National Party rules do not forbid Wisconsin to conduct an open primary. But if Wisconsin does open its primary, it cannot require that Wisconsin delegates to the National Party Convention vote there in accordance with the primary results if to do so would violate Party rules. Since the Wisconsin Supreme Court has declared that the National Party cannot disqualify delegates who are bound to vote in accordance with the results of the Wisconsin open primary, its judgment is reversed.

Note on the McGovern/Fraser Commission
The McGovern/Fraser Commission adopted guidelines to **eliminate state party practices that limited the access of rank-and-file Democrats to the candidate selection procedures,** as well as those that tended to dilute the influence of each Democrat who took advantage of expanded opportunities to participate. Mandate for Reform at 12. For example, the guidelines required that the delegates ultimately chosen, and their apportionment to particular candidates, had to reflect the candidate preferences of Democrats participating at all levels of the selection process...

It may be the case, of course, that the public avowal of party affiliation required by Rule 2A provides no more assurance of party loyalty than does Wisconsin's requirement that a person vote in no more than one party's primary. But the stringency, and wisdom, of membership requirements is for the association and its members to decide -- not the courts -- **so long as those requirements are otherwise constitutionally permissible.**

My Note: The question now is whether it is constitutionally permissible for the DNC to disenfranchise millions of Democratic Voters in New Hampshire and Iowa by voting to rig the Primary Calendar in a manner that violates State laws.

The State attempts to add constitutional weight to its claims with the authority conferred on the States by Art. II, §1, cl. 2, of the United States Constitution:

"Each state shall appoint, in such Manner as the Legislature thereof may direct, a number of Electors, equal to the whole Number of Senators and Representatives to which a State may be entitled."

See In re Green, 134 U. S. 377, 134 U. S. 379; *McPherson v. Blacker,* 146 U. S. 1, 146 U. S. 27-28; *Ray v. Blair,* 343 U. S. 214; *Oregon v. Mitchell,* 400 U. S. 112, 400 U. S. 291 (opinion of STEWART, J., joined by BURGER, C.J., and BLACKMUN, J.); *see also Cousins v. Wigoda,* 419 U. S. 477, 419 U. S. 495-496 (REHNQUIST, J., concurring in result).

In *Cousins,* despite similar arguments by Illinois. all nine Justices agreed that a State could not constitutionally compel a national political convention to seat delegates against its will. *See id.* at 419 U. S. 488; *id.* at 419 U. S. 492 (REHNQUIST, J., concurring in result); *id.* at 419 U. S. 496 (POWELL, J., concurring in part and dissenting in part).

10 Democratic Party v. Wisconsin Dissenting Opinion

Now let’s read the Dissenting Opinion

JUSTICE POWELL, with whom JUSTICE BLACKMUN and JUSTICE REHNQUIST join, dissenting.

Under Wisconsin law, the Wisconsin delegations to the Presidential nominating conventions of the to major political parties are required to cast their votes in a way that reflects the outcome of the State's "open" primary election. That election is conducted without advance party registration or any public declaration of party affiliation, thus allowing any registered voter to participate in the process by which the Presidential preferences of the Wisconsin delegation to the Democratic National Convention are determined. The question in this case is whether, in light of the National Party's rule that only publicly declared Democrats may have a voice in the nomination process, Wisconsin's open primary law infringes the National Party's First Amendment rights of association.

Because I believe that this law does not impose a substantial burden on the associational freedom of the National Party, and actually promotes the free political activity of the citizens of Wisconsin, I dissent

My Note: Checks and balanced in weighing the rights of political parties versus the rights of states and the rights of citizens. Where the parties infringe on the rights of states to control their elections and on the rights of individuals to free and fair elections, the rights of states and citizens can in some cases outweigh the rights of parties. In Democratic Party (1981), the Supreme Court merely found that parties had a right to prohibit cross over voting. But this does not mean that this ruling gave parties the right to do whatever they want. Instead, the ruling stated that the parties needed to stay within the bounds of the US Constitution.

In fact, while the rights of citizens and of states is specified in the US Constitution and clarified in the Amendments to the US Constitution, the rights of political parties are not mentioned at all. Clearly, the rights of States and citizens should be protected from blackmail imposed by entrenched and power hungry party bosses.

The Wisconsin open primary law was enacted in 1903. 1903 Wis. Laws, ch. 451. It was amended two years later to apply to Presidential nominations. 1905 Wis Laws, ch. 369. See 93 Wis.2d 473, 492, 287 N.W.2d 519, 527 (1980). As the Wisconsin Supreme Court described in its opinion below:

"The primary was aimed at stimulating popular participation in politics, thereby ending boss rule, corruption, and fraudulent practices which were perceived to be part of the party caucus or convention system. Robert M. La Follette, Sr., supported the primary because he believed that citizens should nominate the party candidates; that the citizens, not the party bosses, could control the party by controlling the candidate selection process; and that the candidates would be more directly responsible to the citizens."

As noted in the opinion of the Court, the open primary law only recently has come into conflict with the rules of the National Democratic Party. The new Rule 2A was enacted as part of a reform effort aimed at opening up the party to greater popular participation. **This particular rule, however, has the ironic effect of calling into question a state law that was intended itself to open up participation in the nominating process and minimize the influence of "party bosses."**

The analysis in this kind of First Amendment case has two stages. If the law can be said to impose a burden on the freedom of association, then the question becomes **whether this burden is justified by a compelling state interest.** *E.g., Bates v. Little Rock,* 361 U. S. 516, 361 U. S. 524 (1960). The Court in this case concludes that the Wisconsin law burdens associational freedoms.

It then appears to acknowledge that the interests asserted by Wisconsin are substantial, *ante* at 450 U. S. 120-121, but argues that these interests "go to the conduct of the Presidential preference primary -- not to the imposition of voting requirements upon those. In my view, however, any burden here is not constitutionally significant, and **the State has presented at least a formidable argument linking the law to compelling state interests.**

In analyzing the burden imposed on associational freedoms in this case, the Court treats the Wisconsin law as the equivalent of one regulating delegate selection, and, relying on *Cousins v. Wigoda,* 419 U. S. 477 (1975), concludes that any interference with the National Party's accepted delegate selection procedures impinges on constitutionally protected rights. It is important to recognize, however, that **the facts of this case present issues that differ considerably from those we dealt with in Cousins.**

In *Cousins,* we reversed a determination that a state court could interfere with the Democratic Convention's freedom to select one delegation from the State of Illinois over another. At issue in the case was the power of the National Party to reject a delegation chosen in accordance with state law because **the State's delegate selection procedures violated party rules regarding participation of minorities, women, and young people**, as well as other matters. *See id.* at 419 U. S. 479, n. 1.

The state court had ordered the Convention to seat the delegation chosen under state law, rather than the delegation preferred by the Convention itself. In contrast with the direct state regulation of the delegate selection process at issue in *Cousins,* this case involves a state statutory scheme that regulates delegate selection only indirectly. Under Wisconsin law, the "method of selecting the delegates or alternates [is] determined by the state party organization," Wis.Stat. § 8.12(3)(b) (1977). Wisconsin simply mandates that each delegate selected, by whatever procedure, must be pledged to represent a candidate who has won in the state primary election the right to delegate votes at the Convention.

In sum, Wisconsin merely requires that the delegates "vote in accordance with the results of the Wisconsin open primary."

While this regulation affecting participation in the primary is hardly insignificant, it differs substantially from the direct state interference in delegate selection at issue in *Cousins.*

This difference serves to **emphasize the importance of close attention to the way in which a state law is said to impose a burden on a party's freedom of association**. *Cf. Marchioro v. Chaney,* 442 U. S. 191, 442 U. S. 199 (1979). All that Wisconsin has done is to require the major parties to allow voters to affiliate with them -- for the limited purpose of participation in a primary -- *secretly,* in the privacy of the voting booth. **The Democrats remain free to require public affiliation from anyone wishing any greater degree of participation in party affairs. In Wisconsin, participation in the caucuses where delegates are selected is limited to publicly affiliated Democrats. And, as noted above, the State's law requires that delegates themselves affirm their membership in the party publicly.**

In evaluating the constitutional significance of this relatively minimal state regulation of party membership requirements, I am unwilling -- at least in the context of a claim by one of the two major political parties -- to conclude that every conflict between state law and party rules concerning participation in the nomination process creates a burden on associational rights. Instead, I would look closely at the nature of the intrusion, in light of the nature of the association involved, to see whether we are presented with a real limitation on First Amendment freedoms...

As a result, **it is hard to see what the Democratic Party has to fear from an open primary plan.** Wisconsin's law may influence to some extent the outcome of a primary contest by allowing participation by voters who are unwilling to affiliate with the Party publicly. It is unlikely, however, that this influence will produce a delegation with preferences that differ from those represented by a substantial

number of delegates from other parts of the country. Moreover, it seems reasonable to conclude that, insofar as the major parties do have ideological identities, an open primary merely allows relatively independent voters to cast their lot with the party that speaks to their present concerns…

By attracting participation by independent voters, the Wisconsin plan may enlarge the support for a party at the general election.

It is significant that the Democratic Party of Wisconsin, which represents those citizens of Wisconsin willing to take part publicly in Party affairs, is here defending the state law. Moreover, the National Party's apparent concern that the outcome of the Wisconsin Presidential primary will be skewed cannot be taken seriously when one considers the alternative delegate selection methods that are acceptable to the Party under its rules. Delegates pledged to various candidates may be selected by a caucus procedure involving a small minority of Party members, as long as all participants in the process are publicly affiliated. While such a process would eliminate "crossovers," it would be at least as likely as an open primary to reflect inaccurately the views of a State's Democrats. In addition, the National Party apparently is quite willing to accept public affiliation immediately before primary voting, which some States permit. As Party affiliation becomes this easy for a voter to change in order to participate in a particular primary election, the difference between open and closed primaries loses its practical significance. In sum, I would hold that the National Party has failed to make a sufficient showing of a burden on its associational rights.

The Court does not dispute that the State serves important interests by its open primary plan. Instead, the Court argues that these interests are irrelevant, because they do not support a requirement that the outcome of the primary be binding on delegates chosen for the convention. This argument, however, is premised on the unstated assumption that a nonbinding primary would be an adequate mechanism for pursuing the state interests involved.

This assumption is unsupportable, because **the very purpose of a Presidential primary, as enunciated as early as 1903, when Wisconsin passed its first primary law, was to give control over the nomination process to individual voters**. **Wisconsin cannot do this, and still pursue the interests underlying an open primary, without making the open primary binding.**

If one turns to the interests asserted, it becomes clear that they are substantial. As explained by the Wisconsin Supreme Court:

"The state's interest in maintaining a primary and in not restricting voting in the presidential preference primary to those who publicly declare and record their party preference is to preserve the overall integrity of the electoral process by encouraging increased voter participation and providing secrecy of the ballot, thereby ensuring that the primary itself and the political party's participation in the primary are conducted in a fair and orderly manner."

"In guaranteeing a private primary ballot, the open primary serves the state interest of encouraging voters to participate in selecting the candidates of their party which, in turn, fosters democratic government. Historically, the primary was initiated in Wisconsin in an effort to enlarge citizen participation in the political process and to remove from political bosses the process of selecting candidates."

The State's interest in promoting the freedom of voters to affiliate with parties and participate in party primaries has been recognized in the decisions of this Court. In several cases, we have dealt with challenges to state laws restricting voters who wished to change party affiliation in order to participate in a primary. We have recognized that **voters have a right of free association that can be impaired unconstitutionally if such state laws become too burdensome.** In *Rosario v. Rockefeller,* 410 U. S. 752 (1973), the Court upheld a registration time limit, but emphasized that the law did not absolutely prevent any voter from participating in a primary, and was "tied to a particularized legitimate purpose" of preventing "raiding," [Footnote 2/12] *id.* at 410 U. S. 762.

In *Kusper v. Pontikes,* 414 U. S. 51 (1973), we struck down an Illinois law that prevented voters who had participated in one party's primary from switching affiliations to vote in another party's primary during the succeeding 23 months. We concluded that **such a law went too far in interfering with the freedom of the individual voter, and could not be justified by the State's interest in preventing raiding.**

Here, Wisconsin has attempted to ensure that the prospect of public party affiliation will not inhibit voters from participating in a Democratic primary. Under the cases just discussed, the National Party's rule requiring public affiliation for primary voters is not itself an unconstitutional interference with voters' freedom of association. *Nader v. Schafer,* 417 F. Supp. 837 (Conn.) (three-judge court), *summarily aff'd,* 429 U.S. 989 (1976). But these cases do support the State's interest in promoting free voter participation by allowing private party affiliation. The State of Wisconsin has determined that some voters are deterred from participation by a public affiliation requirement, and the validity of that concern is not something that we should second-guess.

The history of state regulation of the major political parties suggests a continuing accommodation of the interests of the parties with those of the States and their citizens. In the process, "the States have evolved comprehensive, election codes regulating in most substantial ways, with respect to both federal and state elections, **the time, place, and manner of holding primary and general elections, the registration and qualifications of voters, and the selection and qualification of candidates."** *Storer v. Brown,* 415 U. S. 724, 415 U. S. 730 (1974).

Today, the Court departs from this process of accommodation. It does so, it seems to me, by upholding a First Amendment claim by one of the two major parties without any serious inquiry into the extent of the burden on associational freedoms and without due consideration of the countervailing state interests.

The delegates selected must be approved by the candidate they are to represent, Wis.Stat. § 8.12(3)(b) (1977), and must pledge that they are affiliated with the candidate's party and will support their candidate until he or she fails to receive at least one-third of the votes authorized to be cast at the Convention, § 8.12(3)(c).

It is not fully accurate to say, as the Court does, that the "election laws of Wisconsin allow non-Democrats -- including members of other parties and independents -- to vote in the Democratic primary."

The Wisconsin statute states that, "[i]n each year in which electors for president and vice-president are to be elected, the voters of this state shall at the spring election be given an opportunity to express their preference for the person to be the presidential candidate *of their party.*" Wis.Stat. § 8.12(1) (1977) (emphasis added). Thus, **the act of voting in the Democratic primary fairly can be described as an act of affiliation with the Democratic Party.**

11 Conclusion… The rights of Voters and States should outweigh the rights of the DNC

The only way to restore the rights of Democratic Voters in Washington, New Hampshire and Iowa is to take the DNC to Court. If the changes recently made by the DNC are not challenged in Court and ruled Unconstitutional, I as a registered voter in Washington state will no longer be able to participate in selecting the Democratic Party nominee at a Precinct caucus as I have done for more than 40 years – because in 2023, the DNC eliminated the Precinct caucuses in Washington state. My rights as well as the rights of more than a million other Democrats have been violated.

I therefore sympathize with the millions of Democrats in New Hampshire and Iowa who have seen their entire State Delegate selection process – going back 100 years – thrown under the bus by an extremely corrupt corporate lobbyist controlled DNC.

If the DNC is allowed to rig the 2024 Primary Calendar in favor of their preferred candidate (Biden), what's to stop them from further rigging the 2028 election?

Finally, while Democratic Party v Wisconsin did not consider the rights of Presidential candidates to campaign in Every State – and not just in the States approved by the DNC, this question needs to be addressed by the courts BEFORE the 2024 election because the DNC is highly likely to punish Robert Kennedy Jr. because he had the audacity to make speeches in Iowa and New Hampshire!

Punishing Kennedy for making speeches in these two states not only violates Kennedy's First Amendment right to give a speech on any topic he wants and in any State that he wants. But this punishment also violates the rights of Democratic voters in Iowa and New Hampshire who might want to listen to Kennedy's speech. It also violates the rights of all Kennedy supporters in the US – because the DNC is openly rigging the entire 2024 election against Kennedy.

Finally, not allowing Presidential candidates to speak freely harms the nation and harms future elections. Why would anyone even bother to run for President if the DNC is allowed to simply rig the election against them and appoint their own corrupt corporate candidate?

My hope is that the US Supreme Court will recognize the important of protecting Voter rights, Candidate rights and State rights – by limiting the power of the DNC to rig the 2024 election.

Thanks for taking the time to read this article. As always, I look forward to your questions and comments. You can reach me at **David Spring at Proton Mail dot com**

David Spring M. Ed.