

ELECTIONS:
POLITICAL PARTIES:
AMERICA FIRST PARTY:

The candidates for president and vice-president of the America First Party should be certified out by the Secretary of State for the election to be held in November, 1952.



August 28, 1952

Honorable Walter H. Toberman
Secretary of State
State of Missouri
Jefferson City, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department reading as follows:

"Enclosed are the papers of the America First Party, which were filed with this office on August 26, 1952.

"We respectfully request that you advise us whether or not said Party should be placed on the ballot for the General Election in November."

The papers to which you refer are, first, the record of the organization of the America First Party of Missouri at a state convention held at the Aztec Room of the President Hotel in Kansas City, Missouri, Monday, August 25, 1952, at which meeting a temporary state chairman, temporary state vice-chairman, temporary state secretary and temporary state treasurer were selected, and a platform of such party adopted.

Secondly, the presidential electors of the America First Party and the nominees of such party for president of the United States and vice-president of the United States are contained in such papers. The nominee of the America First Party for president of the United States is Douglas MacArthur, and the nominee for vice-president of the United States of such party is Harry F. Byrd.

Thirdly, such papers contain a certification by the

Honorable Walter H. Toberman

August 28, 1952

temporary officers of the state committee of the America First Party and a copy of the emblem of such party.

In the case of State ex rel. v. Kortjohn, 246 Mo. 34, the Supreme Court of Missouri said with regard to the establishment of a new political party in this state, l.c. 42 and 43:

"There is nothing to be found in the statute laws of Missouri preventing the organization of a new political party at any time the electors of the State see fit to so organize and declare principles. It may be true that we have made no express provision for an emergency of this kind, but it is equally true that from a legislative standpoint we have not placed a ban upon the organization of a new party, and personally I do not think we could place such a ban without treading dangerously near the constitutional inhibitions. We may regulate political parties after their organization in the exercise of the police power of the State, but that and no other power can suppress the alignment of our citizens with either old or new parties.

"For such new organization there must be a starting point, and because the law makes no express provision for the starting point, it does not follow that the citizens believing in given principles cannot meet and organize in the old and accustomed ways, but when organized they must follow the regulations as prescribed by law."

We believe, therefore, that the America First Party was properly formed in this state. Such party adopted a platform and principles and creed in opposition to the platform, creed or principles of the other political parties of this state.

Since the founding convention of the America First Party selected candidates for president and vice-president of the United States, and also selected presidential electors for such party, we believe that such party is entitled to

Honorable Walter H. Toberman

August 28, 1952

a place on the ballot for the November election of 1952, and that the names of the candidates of the America First Party for president and vice-president of the United States should be by your office certified out to the county clerks and boards of election commissioners.

CONCLUSION

It is the opinion of this department that the Secretary of State should certify to the county clerks and boards of election commissioners of this state the names of the candidates of the America First Party for president and vice-president of the United States for the election to be held in November of 1952.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

CBB:lrt