

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

**Robert Schadler,
Petitioner Below, Petitioner**

vs) **No. 11-1211** (Mineral County 11-C-58)

**Mineral County Republican Executive Committee,
Respondent Below, Respondent**

FILED
June 8, 2012
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

MEMORANDUM DECISION

Petitioner Robert Schadler appeals the Circuit Court of Mineral County’s July 25, 2011, order denying his request for declaratory relief. Petitioner is represented by counsel Harley O. Staggers Jr. Respondent, the Mineral County Republican Executive Committee (“MCREC”), is represented by counsel John H. Shott.

This Court has considered the parties’ briefs and the record on appeal. The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. The Court finds that just cause exists for summary affirmance in a memorandum decision pursuant to Rule 21(c)(3) of the Revised Rules of Appellate Procedure.

Petitioner was an elected member of the MCREC. By letter of December 26, 2010, other members of the MCREC notified petitioner that they were removing him from the committee because he had publicly supported a Democratic Party candidate in a contested general election race where there was a bona fide Republican Party nominee. The other members asserted that petitioner’s actions violated the By-Laws of the Republican State Executive Committee of West Virginia. Petitioner filed a petition for declaratory judgment asking the circuit court to declare that the MCREC had no authority to remove him. Petitioner argued below, and he argues to this Court, that because West Virginia Code § 3-1-9 provides for the election of members to a political party executive committee, but is silent on any means to remove members, then a political party executive committee has no authority to remove a member. The circuit court denied petitioner’s request for declaratory relief and he appeals to this Court.

This Court has stated that “it is a well settled principle that political committees have very broad powers in matters of party regulation, and the courts, respecting that power, seldom find basis of justification for interference therewith.” *State ex rel. Zagula v. Grossi*, 149 W.Va. 11, 19, 138 S.E.2d 356, 361 (1964) (citations omitted). Because the statute is silent on the issue of removal, and

because of our well-settled policy of not interfering with intra-party disputes, we affirm the circuit court's refusal to grant declaratory relief to petitioner.

Affirmed.

ISSUED: June 8, 2012

CONCURRED IN BY:

Chief Justice Menis E. Ketchum

Justice Robin Jean Davis

Justice Brent D. Benjamin

Justice Margaret L. Workman

Justice Thomas E. McHugh