

DSA-backed candidates cannot legally be seated in Congress

Support dismantling the Constitution? You cannot take the oath

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American institutions are remarkably resilient because of the extraordinary vision of our Founders. During the past 125 years — arguably the most volatile period in global history — America has been a symbol not just of freedom but also stability because of our Constitution.

The rise of socialists as a major force within the Democratic Party presents the nation with a serious and novel legal question that speaks to the core of the resilience critical to the republic's existence.

It is not against the law in this country to be a communist or a socialist. Socialist Eugene V. Debs ran for president from prison. You can be, in essence, an enemy of the state and get elected to Congress.

Whether you can legally take and hold office is another question entirely.

In the 20th century, presidents and congresses took pains to guard against the external influence on America of the Soviet Union and other communist regimes. Today, McCarthyism is a pejorative, but much of what Sen. Joseph McCarthy warned regarding the infiltration of communist sympathizers has come to pass in government, Hollywood, media and schools.

Americans legally elected but unable to faithfully and truthfully take the oath of office because they support dismantling the Constitution cannot be seated. If you cannot take the oath, then you cannot serve.

The oath is not to the voters in any particular district, but rather to the Constitution of the United States of America.

This is not some legal parlor trick. The Founders warned of internal threats to the republic. Article VI of the U.S. Constitution mandates that senators, representatives and all executive and judicial officers “shall be bound by Oath or Affirmation, to support this Constitution.”

Today, the oath for members of Congress is administered as follows: “I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all



enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.”

Democratic Socialists of America, with its clear Marxist-Leninist platform and wholesale desire to change both the Constitution and the American way of life, is an internal threat to the nation. The 2026 DSA campaign agenda supports severely restricting the Supreme Court’s judicial review, abolishing the presidency and disbanding the U.S. Senate to create a unicameral legislature.

That would eviscerate separation of powers, the three coequal branches of government and the protection of minority groups — all hallmarks of the American system.

DSA also supports noncitizen voting (which should shock no one) and government ownership of private industries.

Make no mistake: DSA’s radical agenda would precipitate a collapse of the entire system into one monarchist institution or militant ideology. What the party is proposing is, in substance, not that dissimilar to what Adolf Hitler did after his election in Germany: dissolve the Reichstag and consolidate power at every level.



The Constitution and 250 years of jurisprudence are a guard against what became socialism and its societal structure, communism. Private enterprise and private property, for instance, were cornerstones of our founding, predating the Constitution itself.

James Madison, in Federalist No. 44, specifically discusses the importance of the private right to contract. Both he and Alexander Hamilton wrote extensively regarding commerce. Madison also wrote extensively on the importance of private property rights.

Virtually every major plank of the DSA platform is patently unconstitutional. There is no legal mechanism to advance the party's agenda.

DSA-backed Democrats cannot legally take the oath. Every member must swear to "support and defend the Constitution." If you want to collapse the structure of our government and do not believe in the components of the Bill of Rights, then you cannot swear that you will uphold the Constitution. Those elected to Congress also must swear to "bear true faith" to the Constitution.

Additionally, DSA-backed members of Congress will be required to undergo background checks for security clearances. During that process, the subject of the investigation completes an affirmation that they have never attempted to, nor been affiliated with, any effort or organization dedicated to the violent overthrow of the U.S. government. DSA-backed Democrats cannot safely be granted security clearances.

Soviet plants within the government, such as Alger Hiss and Harry Dexter White, were a legitimate and grave concern for the government in the Cold War era. The American Communist Party was stripped of its legal standing at the federal level by the Communist Control Act of 1954, after the Internal Security Act of 1950, which sought to combat communist infiltration of the federal government and labor unions.

Even though such efforts to ban Communist Party members and sympathizers from federal and state office ultimately either failed, drove the Marxist movement underground or were overturned by the courts, the threat must still be addressed, particularly now, when adherents to those ideologies are gaining power over the Democratic Party.

As I have argued in these pages before, the oath must still matter. It was created to help protect the integrity of the system and the rule of law.

We are being tested, and it is vital that we pass. House Speaker Mike Johnson and other Republicans must prepare now for this decisive and groundbreaking legal fight to prevent DSA from increasing its foothold in Congress.

Tom Basile is the host of "America Right Now" on Newsmax TV