

Expel more Democrats!

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This week, a State legislature finally took a step most legislatures have rarely, if ever, taken since the Civil War. The Tennessee House of Representatives expelled two members for disorderly conduct and inciting visitors to disrupt legislative proceedings. These expulsions struck even official Washington like thunderclaps, provoking a firestorm of criticism. But in fact the criticism, at least on one side, is ill-taken. To say that these critics made light of the offenses the expelled members committed, would be true, but facile. In fact, CNAV calls on Republican supermajorities everywhere to expel *more* “colleagues” – for infidelity to the Constitution.

When may a legislature expel a member?

The U.S. Constitution prescribes no definite standards of evidence on which either chamber of Congress may expel a member. Instead, Article I Section 5 reads in relevant part:

Each House [of Congress] may determine the Rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The Senate of the United States has expelled fifteen of its members since its inception. It expelled fourteen of the fifteen in the first two years of the War Between the States, for support of the Confederacy. Before then, the Senate expelled Senator William Blount of Tennessee for conspiracy to incite war against Spanish Florida and Louisiana, a plot tantamount to treason, which the Senate treated as such. In fact, the House of Representative impeached Blount, but the Senate dismissed the impeachment for lack of House jurisdiction. But the Senate then expelled Blount on its own authority. The Senate has

never again expelled any of its members, though many have resigned instead. (Senate expulsion was the major plot-theme of the motion picture *Mister Smith Goes to Washington* in 1939.)

The House has expelled five of its Members, three during the War Between the States. After that the House expelled Michael Myers of Pennsylvania for his Abscam activities, and Jim Traficant of Ohio for ten different counts, all involving some form of financial chicanery.

Expulsions from State legislatures

State legislatures have indeed expelled their members. The New York State Senate and Assembly have expelled or tried many, usually for fraud, bribery, or some such. But on April 1, 1920, the Republican Speaker and Assembly majority expelled five members of the Socialist Party. They charged that the five could not be “consistent and loyal” Assemblymen while belonging to a party calling itself Socialist. But the Assembly did not permanently disqualify them, so they stood for re-election and won. After that, the Assembly expelled three of them all over again; the other two resigned in protest.

This is likely the one case in which a legislative chamber expelled a member for actual or potential infidelity to the Constitution of the United States or of any State, short of actual treason. Tellingly, today’s Democratic Party promotes programs and associations worse than the Socialists ever dreamed of doing.

More relevant to the “index cases,” Tennessee’s legislature has expelled only two members since the War Between the States. That is, it expelled only two – before April 6, 2023.

Why did Tennessee expel two of its members?

CNAV has covered the “Tennessee Three” and why three Republican Tennessee House members wanted to expel them, here and here. Briefly: on March 27, 2023, one Audrey “Aidan” Hale, 28, shot her way into the Covenant School in Nashville, Tennessee. She (or, as her supporters insist, “he”) killed the pastor’s daughter, one pupil who tried to summon aid, and a third pupil for an unknown motive. All three children were nine years old. She also killed the headmistress, a substitute teacher, and a janitor. But one member of staff, hiding under a desk, did summon aid. Two Metro Nashville police officers entered the building, made their way to the sounds of gunfire, brought Hale to battle, and killed her. At least one influencer has all but suggested their tactics should be required reading at American police academies.



Watch Video At: https://youtu.be/KA_e7xij8nU

Two supremely ironic kinds of protest broke out after this episode. First, “transgender activists” counted Hale as a victim, along with her victims. We now know she, a likely disgruntled alumna, been planning this attack for months. Some victim! (In fact she was probably under the influence of testosterone, which increased her aggressiveness.)

Second, the usual advocates for gun control suggested that with stricter gun laws, the three pupils and three staff of the school might still be alive. The irony here is that the perpetrator, as a transgender, was their ideological ally. That irony was and still is utterly lost on the gun-control advocates.

Leading up to resolutions to expel

We now come to March 30, 2023. The Tennessee House was then debating House Bill 322, a bill to enhance school safety. Among its recommendations was providing for armed and trained “resource officers” in schools. But of course that wasn’t good enough for the gun-control advocates. They protested the ready availability of what they called “weapons of war” to civilians. One can infer only one thing from their remarks: they seek a regime in which no person, except:

1. A law-enforcement officer,
2. An active-duty military service member,
3. A Very Important Person, or
4. His bodyguard,

shall own, carry, or so much as touch, much less discharge, a firearm. And that flatly violates the Constitution, particularly its Second Amendment. Never mind, scream the protesters. Which is more important, they ask – kids, or “adult toys,” as one person calls firearms? Except that they propose, not to repeal the Second Amendment, but simply to ignore it. Justice Clarence Thomas must be clearing his throat to read these accounts. (See *New York State Rifle and Pistol Association v. Bruen*, 597 U.S. _____, 2022.)

On the day in question, gun-control advocates filled the gallery of the Tennessee House. At first they maintained a polite silence, as the House Rules require. But then Reps. Justin Jones, Justin Pearson, and Gloria Johnson marched to the well of the House without permission. Then they raised bullhorns and led the gallery in a chant of,

| No action, no peace!

The House Speaker then called a recess.

The resolutions and their disposition

So on Monday’s session, Reps. Bud Hulse, Gino Bulso, and Andrew Farmer, all Republicans, filed resolutions to expel all three. But the grounds were not disrespect of the Constitution. Rather, the accusers accused the “Tennessee Three” of disorderly behavior – a phrase they might have lifted from the U.S. Constitution.

Then on Thursday, April 6, the Tennessee House took up each resolution, in turn. The House voted to expel Jones first, 72-25. Jones had in fact been in trouble for disorderly behavior before.

Expelled TN Lawmaker Justin Jones Arrested 14Times Previously In Very Same Capitol He Recently Led Insurrection In 🤪🤪🤪🤪🤪. Rules For Thee & Non For Me Self Victimization 🧑🧑🧑 Fu*kin 🤪 [#alaskanpatriotnetwork](https://t.co/bWfeanFFCJ) <https://t.co/bWfeanFFCJ>

— Doll Arntzen (@DollArntzen) [April 7, 2023](#)

Then the House voted to expel Pearson, 69-26. But when the time came to expel Rep. Johnson, the House failed, with four fewer votes to expel. This four-vote difference led one commentator to count:

| Four weak Republicans

— DLH4000 (@Haggarddlh) [April 7, 2023](#)

We now know why: Rep. Jody Barrett voted to *retain* Johnson, after first promising to vote to expel.

BREAKING: Tennessee GOP source tells me [@jodyforstaterep](#) originally promised to vote to expel Gloria Johnson but flipped at the last minute on the floor, saving her seat by 1 vote and giving the entire media the power to blast the party

How much did he sell out for?

— Jack Poso 🇺🇸 (@JackPosobiec) [April 7, 2023](#)

He then turned off his Twitter notifications, a clear indication of his mortifying embarrassment:

Jody turning off his Twitter notifications he knows he screwed up now. Nobody likes a seall out with no back bone to do what needs to be done in the times we are in.

— 🍊🍊🍊🍊🍊 Tweetin All Night 🍊🍊🍊🍊🍊 (@tweetinallnight) [April 7, 2023](#)

Commentator Jack Posobiec of *Human Events* was furious:

Exactly that's why I lit up the [@TNGOP](#) for not removing her

They claim it's about 'fairness' and then don't understand why the entire media is lying about them today

And then they'll whine about double standards. They're so close but not quite there yet <https://t.co/eGQcHbZ8g4>

— Jack Poso 🇺🇸 (@JackPosobiec) [April 7, 2023](#)

But the most stunning irony of all, was that Rep. Johnson actually accused her Republican colleagues of *racism* for expelling Jones and Pearson (both black) but not her! She should know better than to make a statement like that. In blunt fact, she cut deals to persuade enough Republicans, including Jody Barrett, not to expel her. And she could cut those deals because she's been in the House the longest of the Three, and knew whose pork-barrel riders to promise to support, and perhaps whose arms to twist.

National criticism

The votes to expel Jones and Pearson clearly has driven the political left over the edge.

As revenge for Democrats [@brotherjones](#) & [@Justinjpearson](#) being expelled from the Tennessee House for leading a direct action to shut down official proceedings in the state capitol, leftists on social media are urging arson attacks across the state. One of the people inciting... pic.twitter.com/LTSi8xIJvS

— Andy Ngô 🏳️‍🌈 (@MrAndyNgo) [April 7, 2023](#)

The Tennessee GOP did the right thing. These reps do not have the right to force legislation by bringing in mobs and using bullhorns to shout down the majority. The use of force proves that the plebs need guns. As long as the ruling class is violent the people need guns.

— eeverett2🇺🇸 Too awake for the woke (@eeverett64) [April 7, 2023](#)

The Post Millennial has [details](#) on these threats. Most are actually nonspecific, but one says,

Do we really need Tennessee? Burn that state to the ground and let nature have it back!

In other words, re-wild it! (Did someone by any chance read *Anecdote of the Jar*, by Wallace Stevens?)

Interestingly, Rep. Barrett pleaded yesterday afternoon that Gloria Johnson's attorney said the resolution had factual inaccuracies.

Official statement on my expulsion vote. pic.twitter.com/6PyF0Atnbf

— Jody Barrett – State Representative (TN69) (@Jodyforstaterep) [April 7, 2023](#)

An angry Jack Posobiec reminded Barrett that his sense of fairness came to nothing.

And she turned around and spat in your face, smearing you as a racist

Now, because of your poor judgement, the entire TN GOP is being attacked by the full force of the national establishment

How did your 'fairness' work out for you with the Left? <https://t.co/auZGirrEFa>

— Jack Poso 🇺🇸 (@JackPosobiec) [April 7, 2023](#)

Rep. Johnson did threaten to sue the House if it voted to expel her and the other two. So perhaps Rep. Barrett felt he could, by voting to retain, deny her standing to sue. That is, if we can believe his statement; if he cut a deal, he would scarcely want to admit that. So we can dismiss his statement as valueless, without corroboration from the attorney. Who, in any case, would have to explain why Tennessee courts would have any jurisdiction. As is true of the U.S. House of Representatives, the Tennessee House is the sole judge of member conduct.

More telling are these criticisms from federal officials and former officials:

The GOP kicked out legislators for protesting guns. Not censure, fine etc. expelled.
This is fascist in nature

— Adam Kinzinger #fella (@AdamKinzinger) [April 7, 2023](#)

What happened in Tennessee is the latest example of a broader erosion of civility and democratic norms. Silencing those who disagree with us is a sign of weakness, not strength, and it won't lead to progress.

— Barack Obama (@BarackObama) [April 7, 2023](#)

This is fascism.

Expelling your political opponents for demanding action on gun violence when children are dying is disgusting. <https://t.co/Vc9UQljiaj>

— Rashida Tlaib (@RashidaTlaib) [April 6, 2023](#)

Three kids and three officials gunned down in yet another mass shooting.

And what are GOP officials focused on?

Punishing lawmakers who joined thousands of peaceful protesters calling for action.

It's shocking, undemocratic, and without precedent. <https://t.co/NB9gSdFI9h>

— President Biden (@POTUS) [April 6, 2023](#)

Other influencers pointed out that Democrats are now politically prosecuting *their* political opponents.

Two other commentators made largely empty threats:

Mark this Tweet:

Justin Jones and Justin Pearson will be stars within the Democratic party and Gen Z voters will be the worst nightmare for the GOP come 2024, as they help preserve our democracy.

Short term gains by the GOP in Tennessee will ultimately lead to generational...
<pic.twitter.com/n7c6whdlvS>

— Brian Krassenstein (@krassenstein) [April 7, 2023](#)

This is Justin Pearson. Remember him. Tennessee Republicans just expelled him for protesting gun violence. He — and Justin Jones — will go down as our nation's newest heroes. And young people will never forgive Republicans for this. Thank you, Rep. Justin Pearson. pic.twitter.com/z3sNmdKN3o

— Victor Shi (@Victorshi2020) [April 7, 2023](#)

What a photo. This will go down in history as the start of a brand new political movement. Let's all take a moment and thank Justin Jones & Justin Pearson for their courage and bravery. They are inspiration & heroes & a reminder of why we must get in good & necessary trouble. pic.twitter.com/cFrqjH9Wfj

— Victor Shi (@Victorshi2020) [April 7, 2023](#)

But so far, everyone seems to be missing a larger point.

Expel them to protect the Constitution

The real reason why the Tennessee House should have expelled Johnson as well as Jones and Pearson has nothing to do with their behavior. As bad as that behavior was, it was *incidental* to their real transgression. Which is: *flagrant disrespect for the Constitution of the United States they all swore to support and defend*. That also applies to former Rep. Kinzinger, former President Obama, and Rep. Tlaib – and especially President Biden.

Johnson indulged in some disgusting *vos quoque* on the floor, according to *The Post Millennial*. She spoke of members who:

1. Were inappropriate with children,
2. Discharged bodily fluids into one another's chairs, and
3. Illegally prescribe drugs to relatives and associates.

The Tennessee House failed to expel any of these members, Johnson said. Without further specifics on these cases, *CNAV* cannot verify them. If she *could* cite any such cases, then shame on the Tennessee House for *not* expelling members for such crimes. In any case, such cases are *incompetent, irrelevant and immaterial*.

The Federalist said bluntly that Democrats have already tried to expel members for opposing ideology only. It includes photos of tweets from Rep. Alexandria Ocasio-Cortez (D-N.Y.), Former SecLab Robert M. Reich, and many others. All call for the expulsion of Senators Ted Cruz (R-Texas) and Josh Hawley (R-Mo.) for challenging Presidential election results on January 6, 2021. Also, Rep. Jimmy Gomez (D-Calif.) introduced a resolution to expel Rep. Marjorie Taylor Greene (R-Ga.).

What's wrong with Democrats?

The behavior of all these Democrats – the Tennessee Three, their supporters, and others – shows disrespect for the Constitution. Every Member of Congress and of any State legislature must swear “to support and defend the Constitution of the United States.” The federal oath is definitely stronger: “*against all enemies, foreign and domestic.*” (Emphasis ours.)

If any Member of any American legislature doesn’t like the Second Amendment, let him:

- Introduce a Congressional Joint Resolution to repeal it, if he is a member of that body, or:
- Vote to ratify any repeal amendment that passes, should that ever happen.

But the Tennessee Three proposed to introduce legislation that can have but one ultimate goal. That goal is the confiscation of all firearms in non-police, non-military, non-VIP and non-bodyguard hands. And they dare introduce such legislation in the face of the Second Amendment to the U.S. Constitution. In theory, the Tennessee Constitution empowers its Legislature to “regulate the wearing of arms with a view to prevent crime.” But the Supremacy Clause of the U.S. Constitution, and the Second and Fourteenth Amendments, *supersede* any such power. The Tennessee Three knew that – but tried to intimidate their fellows into aiding and abetting a Constitutional violation.

That is the offense for which the Tennessee House ought to expel *all* the Tennessee Three. And it is reason enough for Congress and *any* State Legislature to expel *any* Member who introduces such legislation.

But, but...

“But” nothing. Naturally some will object that the legislation Reps. Jones, Pearson and Johnson recommended, did not itself call for confiscation. That, ladies and gentlemen, constitutes quibbling. Democrats have always practiced *incrementalism* – introduce a bill to go only so far, then introduce another bill to go farther, and then farther, and then farther. For that reason, *CNAV* judges the intent of any piece of legislation by its logical endpoint.

Senator Dianne Feinstein (D-Calif.) brazenly said it best (or worst):

| If I could have gotten fifty-one votes in the Senate of the United States for an outright ban, picking up every one of them, Mr. and Mrs. America, turn them all in, I would have done it. I could not do that. The votes weren’t here.



Watch Video At: <https://youtu.be/ffl-tWh37UY>

If the Senate had any character, they would have expelled Senator Feinstein for making that statement alone. How dare she contemplate confiscating firearms by law, in defiance of the Constitution? Nor is the Second Amendment the only part of the Constitution Democratic controlled legislatures routinely ignore.

At least when Congress wanted to create an income tax, they introduced a Constitutional amendment. Misguided as that was, it was the proper way to do it. Today's Democrats want to legislate away our Constitutional rights without regard to Constitutional text or even current case law.

Conclusion

Expel more Democrats, we say. Those New York Assemblymen in 1920 had the right idea. They faced a problem similar to what we face today. No person can remain consistent and loyal to the Constitution or even America itself, and still remain in the Democratic Party. Even measures like one pending in Florida, to bar any Party that ever advocated for slavery, are not necessary. Supermajorities can and should act now: expel any Members who disrespect Constitutional rights and the Constitution itself.