

# Democrats confirm: enemies of the Constitution

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October 12, 2020

Today (12 October 2020) at 9:00 a.m. ET the Senate Judiciary Committee took up the nomination of Amy Coney Barrett to the Supreme Court. And today the Democrats on that Committee confirmed what *CNAV* said of them less than two weeks ago. To wit: Democrats pour contempt on the Constitution, and *do not* wish to govern according to it. For their disgusting performances this morning, all deserve expulsion from the Senate for violation of their oaths of office. But of course the Senate won't so act. So the people in their States must. *No Democrat should continue in the Senate of the United States* unless and until they repudiate their Party's stance.



## The opening statements

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The assembled Senators (at least four, Sens. Patrick Leahy, D-Vt., Ted Cruz, R-Texas, Thom Tillis, R-N.C. and Kamala Harris, D-Calif. on videoconference lines) set their positions forth, and eloquently so, in their opening statements. For the most part, summaries will suffice here. Republicans concentrated on the qualifications of Judge Barrett to serve on the Court, and the role of the Court itself. Democrats, however, had three complaints that informed everything every Member said:

1. Orange Man bad!
2. We ought to wait for a new President to fill the vacancy of this Heroine of the Marxist Revolution!
3. Nominate this Judge, and people will die for lack of government services!

This last counts for most of all. Not one word did the Democrats say about what the Constitution actually says. Instead they told us, in spades, what they *want* the Constitution to say. And, more to the point, what five “philosopher kings” (to quote Sen. Cruz) *say* the Constitution says, *any time they say it*.

## Democrats earn the Golden Globe

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*CNAV* will make two pointed exceptions. First, *CNAV* wishes to place the name of Senator Amy Klobuchar (D-Minn.) in nomination for a Golden Globe Award. Given the mass shutdown of motion-picture production this year, the Golden Globes ought to consider

live-action events, like this hearing, equally with films to recognize meritorious entertainments. In that light, *CNAV* hereby nominates Sen. Klobuchar to receive the award for the Best Performance by an Actress in a Musical or Comedy Role.

What did Sen. Klobuchar do to rate a Golden Globe? She turned her opening statement into an explicitly political speech. In full confidence that Joe Biden will somehow win this election, she urged Americans to call the offices of all their Senators, and cry out, in theoretical unison, “Wait!” Or perhaps simply “No!” Other than that she made the same strident calls to preserve a government service her colleagues made. But she made them more stridently than anyone. In the process she alleged many things against this President that border on libel and defamation of character.

## **Republicans have to explain middle-school civics**

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Senator Ben Sasse (R-Neb.) followed Sen. Klobuchar immediately. After such an execrable performance, he clearly saw the need for some adult instruction. And so he gave it. In short, he “mansplained” to Sen. Klobuchar that which she should have learned before running for the Senate. “Eighth-grade civics!” he cried, and with perfect, unassailable justice. In terms your editor would have understood when *he* took civics, Sen. Sasse explained that *the Judiciary Committee does not have the job of vetting a candidate for the Supreme Court on how said candidate would, or will, decide a particular case to come before it!* To pretend otherwise, is to make a mockery of the Constitution, of separations of powers, and of checks and balances.

## **What the Democrats say they fear**

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The Democrats on the Committee made an issue of the case *California v. Texas*. Sadly, the closest approximation to a comprehensive treatment of this case rests on [Wikipedia](#). But the most *authoritative* source on where the case now rests, is the Supreme Court’s own [Web presence](#).

As nearly as *CNAV* can determine, and with the caveat that one must take anything Wikipedia says with a grain of salt, the crux of *California v. Texas* concerns whether the Tax Cuts and Jobs Act of 2017 *invalidates* the revenue foundation of the “Patient Protection and Affordable Care Act.”

The Tax Cuts and Jobs Act specifically invalidated the *individual mandate* part of the PPACA (or “Obamacare.”) See [26 USC § 5000A](#). In simplest terms, a taxpayer must show that he has “minimum essential coverage” or pay a tax penalty. But under current law, that no longer applies.

But several lower courts have ruled that *without the individual mandate, the rest of the Act falls to the ground*. Why? Because the Act can have no funding without exceeding the taxation powers of the Congress. (Article I, Section 8, Clause 1.)

## From that day to this

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In February 2018, the State of Texas and 19 other States sued in district court to strike down the rest of the Act. In December 2018, Judge Reed O'Connor agreed: without the individual mandate, the Constitution does not permit spending for the Act.

California and 16 other States brought the case to the Fifth Circuit Court of Appeals. Which upheld Judge Connor in principle, but asked Judge Connor to consider whether any part of the Act was *severable* from the tax portion. Nevertheless, the California group did not wait for Judge Connor to act again. They petitioned for *certiorari* to the Supreme Court. The Supreme Court denied the expedited process the California group demanded. But they *did* grant certiorari in March 2020. Briefs have arrived long since, and oral argument is on the docket. The date: *10 November 2020*. Which is to say, one calendar week after the (nominal) Election Day.

An engine search<sup>1</sup> for other documents relating to *California v. Texas* yields these:

- <https://www.scotusblog.com/case-files/cases/california-v-texas/>
- <https://www.scotusblog.com/case-files/cases/texas-v-california/>
- <https://www.kff.org/health-reform/issue-brief/explaining-california-v-texas-a-guide-to-the-case-challenging-the-aca/>
- <https://www.oyez.org/cases/2020/19-840>
- <https://slate.com/news-and-politics/2020/03/texas-v-california-supreme-court-obamacare-election.html>
- <https://healthlaw.org/california-v-texas-the-aca-litigation-saga-continues/>
- <https://www.vox.com/2020/3/2/21147037/obamacare-supreme-court-texas-john-roberts>

In addition to the above, Senator Richard Blumenthal (D-Ct.) made an almost obligatory mention of the case *Roe v. Wade*. That case effectively guarantees abortion on demand for any reason or no reason.

## What the Democrats really fear

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The Democrats, from their perspective (though *not* that of the American people), have reason to fear. First, as *CNAV* said before, they have a Fix in for this election. We now know what that Fix entails: wholesale theft of mail, selective destruction of Republican mail-in ballots, and often direct marking of blank ballots for Democratic slates. For that reason, of

course, *CNAV* urges all conservatives to vote *in person*. Furthermore, if your State will not let you do that, *sue it!* Those of us who respect the Constitution, cannot tolerate such blatant efforts to subvert it.

And that, in turn, leads to the importance of confirming Amy Coney Barrett as Barret J, and before the nominal election. One need only to look at Trump rallies, with breathtaking attendance, and Biden rallies, which see either *no* attendance, or attendance in single digits, or double digits at best. The back-of-the-envelope statistics should tell you: Donald J. Trump will win in a landslide.

## **Trying to steal an election**

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Or he *would* win in a landslide, *except that Democrats have changed election rules in every State they control*. Some States have made less egregious changes than have others. For example, the Virginia Division of Elections lets people drive to their county (or independent city) registrar's office even *now* to vote in person. Nevertheless, reports reach *CNAV* at least three times a week of theft of mail from Virginia mailboxes.

New Jersey has made the most execrable change. *They will not let you vote in person*. Therefore *CNAV* urges rank-and-file Republicans to file a class action against the New Jersey Department of State. They likely will have to ask the Court to hold elections all over again. In person.

## **Get to the heart of the matter!**

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The “heart of the matter” concerns the theory of government under which Democrats work. They don't respect a Constitution that protects life, liberty and property. “A charter of negative liberties!” cried Barack Hussein Obama II. And Ruth Bader Ginsburg herself urged Egyptian revolutionaries to copy Nelson Mandela's South African Constitution.



Watch Video At: <https://youtu.be/1S14hQNECK>

### Easy Plugin for AdSense by Unreal

Let's have a look at this constitution. The first twenty-five of its "rights" sound consistent with American values, except that it *enshrines "affirmative action," now known as "critical theory" or "social credit," in its terms.* Thus governments may discriminate against members of groups *it* judges guilty of discriminating against members of other groups in the past. Turn next to Right 26: Housing. From that point forward, the South African Bill of Rights becomes a charter of *allowances*. A "right to housing" or "rights to health care, food, water, and social security" can only mean *an allowance for these things, which someone else must provide.*

And on *this* model do the Democrats practice what passes for statecraft. To the Democrats, a Constitution must provide *positive rights*. But *positive rights* are not *rights* within their true meaning. Instead they constitute *allowances*.

### **Democrats want the allowances**

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Senator Mazie Hirono (D-Hawaii),<sup>2</sup> after the lunch recess, held forth on the "need" for the PPACA, Constitutional or not. "No American should have to face financial hardship from a major disease!" she cries. Senator Cory Booker (D-N.J.) seemed to condemn any strike-down of the PPACA as *racist!*

The Constitution of the United States does not exist to provide for *needs*. It guarantees *rights*. Which includes the right to decide, of the free will of any individual or entity, whether and to whom to bestow any asset or income, or part thereof, in charity. *CNAV*

takes this leaf from Sen. Sasse' book, to “mansplain.” Your editor will always “mansplain” until anyone having such contempt for the Constitution:

1. Acknowledges the error of his<sup>3</sup> ways, or
2. Quits the field.

## The flaw in the arguments

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The Democrats have two flaws in their arguments. First, they assume without warrant that only two classes of Americans will exist: the well-off and the dirt poor. (Or, as contributor Linda Goudsmit said yesterday, the rulers and the ruled.)

### | Why Cancer is Called a Silent Killer

CNAV has no brief for the medical profession or the pharmaceutical industry. Alternative medical products and services do exist. The best healthcare reform would be to relax or eliminate licensure requirements for health-care practice. If Congress did that, then allopathic medicine would at last get the competition it has not had since Flexner.<sup>4</sup>

Now *that* would comport with the Constitution. *Forcing the healthy to carry the load of bricks for the sickly does not so comport. Because allowances are not rights.* Lay aside for a moment that several respectable voices decry the PPACA for providing the same-old, same-old allopathic remedies that, half the time, do not work. CNAV agrees with the Trump administration that the PPACA unconstitutionally exceeds Congressional taxing power.

| The Congress shall have the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the general welfare and common defense of the United States.

*General welfare* does not mean *welfare of individual people who cannot or will not provide for themselves*. It means the welfare of the United States as a whole.

## Forget procedure; the Democrats would do the same

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CNAV will not discuss arguments about procedure, i.e., whether anything in the Constitution, or the rules of the Senate, obliges a President standing for re-election (or at the end of his term) to let a vacant Supreme Court seat stay vacant until another Inauguration Day (20 January according to the Constitution) shall have intervened. *That is incidental.* For CNAV does not doubt for one picosecond that, were the Party affiliations reversed, the Democrats would “fill that seat” just as fast as, if not faster than, Republicans now seek to fill it.

To paraphrase Isaac Asimov, let's *get to the heart of the matter*. Which is that:

1. The Democrats have gotten around the Constitution for decades,
2. Ruth Bader Ginsburg let them get away with it, and now
3. Amy Coney Barrett will *not* let them get away with it anymore.

Indeed, *this tweet* summarizes the Democrats' attitude:

Another "sane" reaction to RBG's death 🤖

[pic.twitter.com/GGt3fq6Mx8](https://pic.twitter.com/GGt3fq6Mx8)

— Amy (@MaybeAmes) [September 19, 2020](#)

Nothing matters except that. *Nothing.*

Dr. Albert Einstein defined *insanity* as repeating an action in the hope of achieving a different result. The Democrats put on this Golden Globe-worthy show two years ago; ask [Kavanaugh J](#) how he feels about that. That show bombed then, and it's bombing now.

## Editor's Notes

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<sup>1</sup> *CNAV* here anticipates this sort of question from readers: Why don't you just say Google? *CNAV* has no desire to promote the products, services, or editorial policies of Alphabet, Inc. (NASDAQ:GOOG). Furthermore, the name *Google* is a registered trademark of Alphabet, Inc. Out of respect for that trademark, *CNAV* will not use that name as verb or adjective.

<sup>2</sup> Who no doubt would like to become Queen Mazie of a re-established Kingdom of Hawaii. She holds the seat of the late Senator Daniel Akaka (D-Hawaii), who once bid explicitly to make himself King Daniel. Or perhaps King Kahikina.

<sup>3</sup> *CNAV* repeats: common-gender third-person singular pronouns do not exist and will have no place on this site.

<sup>4</sup> [Abraham Flexner](#), M.D., who introduced the advanced-degree model of medical education to American universities.

## About the image

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