



TEA PARTY PATRIOTS ACTION

WEEKLY REPORT FROM WASHINGTON

October 26, 2020

CALENDAR:

The House has adjourned until after the election. The Senate has been in continuous session since last Monday, and will stay in session until tonight, when the Senate will vote to confirm Amy Coney Barrett as the newest member of the Supreme Court. Once that vote takes place, the Senate will adjourn until after the election.

LAST WEEK IN THE SENATE:

The Senate came back into session last Monday afternoon, and resumed consideration of the nomination of Michael Jay Newman to be a U.S. District Court Judge for the Southern District of Ohio.

During the course of the week, Senate Democrats – determined to show the radical extremists in their base that they were doing everything they possibly could to block the confirmation of Judge Barrett to the Supreme Court, when they knew they could NOT actually stop it – engaged in much of what can only be called mischief-making: appeals of the ruling of the chair, procedural roll call votes, motions to recess, etc. I'm not going to go into the details, other than to say the mischief-making began on Monday and continued on through the weekend.

On Tuesday, the Senate voted on a stand-alone amendment replenishing PPP funds. The motion failed.

On Wednesday, Senate Majority Leader Mitch McConnell brought up the GOP's so-called "skinny" coronavirus relief bill again. Democrats blocked it. On a straight party-line vote, the cloture vote was 51-44.

In the midst of the mischief-making, the Senate voted to confirm Michael Jay Newman to be a U.S. District Court Judge for the Southern District of Ohio.

THIS WEEK IN THE SENATE:

This week, the Senate will vote to confirm Judge Amy Coney Barrett as the next Justice of the Supreme Court. That vote will take place around dinner time tonight.

REFORMING THE CIVIL SERVICE BUREAUCRACY:

Late Wednesday, President Trump issued an executive order that *The Washington Post* described as “his biggest broadside yet against the federal bureaucracy,” which would remove job security from an estimated tens of thousands of civil servants. The order strips civil service protections from employees whose work involves policymaking, thereby allowing superiors to dismiss them with little cause or recourse, much like the roughly 4,000 political appointees that come and go with every administration.

White House officials declined to say how many of the federal government’s 2.1 million employees would fall into this new, unprotected category, but union leaders and experts on the civil service said it could range from tens of thousands to hundreds of thousands.

Said Richard Loeb, senior policy counsel for the American Federation of Government Employees – the largest union representing federal employees – “I am calling this a declaration of war on the civil service.”

Said OMB Director Russ Vought, “President Trump is delivering on his promise to make Washington accountable again to the citizens it’s meant to serve. This much-needed reform will increase accountability in essential policymaking positions within the government.”

HUNTER BIDEN:

On Thursday evening, in Nashville, 90 minutes before the debate, a former business colleague of Hunter Biden by the name of Tony Bobulinski appeared before the media and called Joe Biden a liar for saying he had never spoken to his son Hunter about Hunter’s business ventures.

“I have heard Joe Biden say he never discussed his dealings with Hunter. That is false. I have firsthand knowledge about this because I directly dealt with the Biden family, including Joe Biden,” he said to the assembled press corps.

Bobulinski then showed three smart phones he said he would be turning over to the FBI as evidence of his claims.

CORONAVIRUS RELIEF:

We are now eight days away from the election. Despite Treasury Secretary Steven Mnuchin’s best efforts to cave – the White House has now offered to spend \$1.9 trillion on a new bill – Speaker Pelosi still has not agreed to accept “yes” as an answer. She doesn’t want \$1.9 trillion, she wants the whole kit and caboodle. President Trump continues to insist that he wants to

spend even more than that, and continues to insist that despite clear opposition from Senate Republicans, he will be able to garner at least 13 votes from Senate Republicans to pass the package. If you're trying to figure out why he would only need 13 votes from Senate Republicans, rather than 53, it's because he's assuming all the Democrats in the Senate would vote for such a massive spending package, and the vast majority of Republicans would vote against it. So the math suggests he would need 13 GOP votes to be added to 47 Democrat votes to get to the 60 votes necessary to invoke cloture and move such a bill forward.

Frankly, I don't think the President is as good a vote-counter among Senate Republicans as is the Majority Leader.

I think it's a safe bet that we're not going to get a new coronavirus relief bill signed into law before the election. After the election, the dynamic changes – the urgency of now will be replaced by the sensibility of just what the heck are we doing, at least among some people. Stay tuned.

COURT PACKING:

On Tuesday, Sen. Ted Cruz of TX and several of his colleagues introduced two new proposals to enshrine the number of justices of the Supreme Court at nine.

The first is a constitutional amendment, H.J.Res. 95, that simply says, "The Supreme Court of the United States shall be composed of nine justices." Pass that through both houses of Congress with a two-thirds vote, and then get it ratified by three-quarters of the states, and it's done.

But constitutional amendments take a while to get ratified, so there's a second, legislative alternative. S. 4805 would create a point of order against legislation modifying the number of justices of the Supreme Court, so that it would necessitate the support of two-thirds of the Senate before any such legislation could be passed.

On Thursday, CBS News released excerpts of an interview Joe Biden sat for with Norah O'Donnell of "60 Minutes." In the interview, Biden went further than he has previously regarding court packing: "If elected, what I will do is I'll put together a national commission of – bipartisan commission of scholars, constitutional scholars, Democrats, Republicans, liberals, conservative. And I will ask them over 180 days to come back to me with some recommendations as to how to reform the court system because it's getting out of whack."

Pressed by O'Donnell as to whether or not the commission would study packing the Court, Biden said, "There's a number of alternatives that are – go well beyond packing." But he did finally concede that packing the Court remains what O'Donnell called "a live ball."

SCOTUS:

The Senate Judiciary Committee met on Thursday morning to consider the nomination of Judge Amy Coney Barrett to the Supreme Court, and to consider other judges as well. Democrats

chose to boycott the meeting, to show the radical extremists in their base that they were doing everything possible to prevent Barrett's confirmation. Judiciary Chairman Lindsey Graham did not fall for it. With all 12 Republican members of the committee present, he called up the nomination and took the vote. Not surprisingly, Barrett's nomination received affirmative votes from all 12 Republicans.

Some critics of the Barrett nomination have been saying Chairman Graham jammed the committee vote through despite committee rules requiring the presence of at least two members of the minority. In fact, committee precedent permits nominations being sent to the full Senate for consideration as long as a majority of the committee is physically present – even if fewer than two members of the minority are present.

In addition to skipping the meeting, Democrats could not raise a point of order because the precedent had last been utilized in 2014, when Democrat Patrick Leahy of Vermont and Batman movie fame sent nominations to the Senate floor without the presence of the required two members of the minority.

Senate Majority Leader Mitch McConnell let the Barrett nomination "lay over a day" on Thursday, and then brought it to the floor on Friday. He also filed cloture on the nomination on Friday. That cloture motion "ripened" on Saturday, where the only other thing of note on the confirmation was Alaska Sen. Lisa Murkowski's announcement that despite opposing the installation of a new Supreme Court justice before the election, she would vote "yes" on the actual confirmation vote. That leaves Maine Sen. Susan Collins as the only Republican likely to vote against Barrett's confirmation.

Leader McConnell brought the Barrett nomination cloture motion to a vote early Sunday afternoon, an hour after the Senate opened for business. Cloture was invoked, by a vote of 51-48, so we are now in the post-cloture debate period, which could last up to 30 hours. We anticipate a final vote on Barrett's confirmation to take place Monday evening around dinnertime.

SOCIAL MEDIA:

Last week I told you about the Republican National Committee filing a complaint with the Federal Election Commission about the decision by Facebook and Twitter to block their users from sharing New York Post stories about the Hunter Biden hard drive. What I did NOT tell you is that Tea Party Patriots Foundation was in the process of writing and filing a similar FEC complaint against Twitter and two of its top executives. I did not share that with you because the FEC complaint had not been filed yet. It was filed on Tuesday.

On Thursday, at the same Senate Judiciary Committee meeting where the committee voted on Judge Barrett's confirmation, Chairman Graham also brought up the issue of subpoenas for executives from Facebook and Twitter to appear before the committee. Because the Democratic members of the committee were boycotting the meeting so as to virtue signal on Barrett, they also were not there to argue against or demand a delay in any subpoenas that

might be issued to the social media executives. And, consequently, the committee's 12 Republican members voted to issue said subpoenas.

The hearing date has not yet been set.

The following day, Sen. Tom Cotton of AR appeared on CNBC's "Squawk Box" show, where he was questioned about the GOP criticism of the Big Tech giants. Co-host Andrew Ross Sorkin took on Cotton, arguing that rather than ignore the story, as Cotton had suggested, mainstream news outlets had simply not been able to corroborate the story. "So just to clarify," Sorkin insisted, "it is not that news organizations are not looking into this, it's that they haven't been able to corroborate the story. A responsible news organization therefore wouldn't report it," he concluded, rather smugly. Then Sorkin pressed further, bringing up Facebook and Twitter directly. "Now the next piece of this is you're talking about the tech companies censoring such quote-unquote news. If, in fact, the tech companies had quote-unquote liability like news operations do, you wouldn't want them to be reporting something that they couldn't corroborate, no?"

Cotton went in for the kill: "You mean like the Russian collusion hoax and the Steele dossier that you reported on for four years, Andrew?" Game, set, match to Cotton.

TEA PARTY PATRIOTS/JENNY BETH MARTIN:

[Townhall: Jenny Beth Martin: Senate Republicans Move To Protect The Supreme Court With Constitutional Amendment](#)

[CNS News: Bill Pascoe: Meanwhile, the Secretary Labors](#)

REFORMING THE CIVIL SERVICE BUREAUCRACY:

[White House: President Donald J. Trump Is Taking Action To Promote Good Governance And Accountability Within Federal Workforce](#)

[WaPo: Trump Issues Order For Some Career Federal Employees To Lose Their Civil Service Protections](#)

HUNTER BIDEN:

[DW: BREAKING: DOJ, FBI Confirm Hunter Biden Laptop Is NOT Part Of 'Russian Disinformation Campaign'](#)

[Hill: Hunter Biden's Laptop: A Russian Trick, A Hack-Job - Or Just What It Looks Like?](#)

WE: It's About Joe Biden, Not Hunter. The Hard-Drive Controversy Continues

NRO: Hunter Biden's Laptop Is Connected To FBI Money Laundering Investigation

WSJ: Trump, Biden, Hunter, Chaos

WE: EXCLUSIVE: Allegations Hunter Biden Stored Child Pornography On Laptop Sent To FBI

WSJ: Hunter Biden's Former Colleague Alleges Father Knew About Venture

NYP: Hunter's Ex-Partner Tony Bobulinski: Joe Biden's a Liar and Here's the Proof

WSJ: The Biden 'Family Legacy'

WE: Leaked Files Show Years Of Hunter Biden's Business Dealings

SCS: FBI Reportedly Requests Interview with Hunter Biden Associate Tony Bobulinski, Delaying His Senate Appearance

TGP: RELEASED: Biden Call to Ukraine in November 2016 After the Election Shows Biden Pressuring President Poroshenko To End Burisma Investigation

NYP: Long-Standing Claims of Biden Corruption All But Confirmed with Hunter's Emails

TGP: Google Searches for 'Can I Change My Vote' Spike After Release of Hunter Biden Sex Tape

CORONAVIRUS RELIEF:

WaPo: McConnell Warns White House Against Making Stimulus Deal As Pelosi And Mnuchin Inch Closer

Politico: Pelosi And Mnuchin Brush Past Stimulus Deadline Amid Hopes For A Deal

Politico: Senate Republicans Cringe At Trump's Stimulus Negotiations

WaPo: Senate Republicans Fume As Mnuchin Gives Ground To Pelosi In Search Of Deal

Twitter: Jake Sherman: Some COVID RELIEF NEWS

COURT PACKING:

Bloomberg: Court Packing Alternatives Start Gaining Traction With Democrats

Forbes: Senate Republicans To Propose Constitutional Amendment Banning 'Court Packing'

Fox News: Cruz On Court Packing

Politico: After Dodging Questions About Court Packing, Biden Floats Commission To Study Judicial Reforms

SCOTUS:

Hill: Senate To Vote Monday To Confirm Amy Coney Barrett To Supreme Court

RC: Barrett Nomination Expected To Advance In Rare Sunday Senate Session

Hill: GOP Blocks Schumer Effort To Adjourn Senate Until After Election

Politico: Senate Democrats To Boycott Barrett's Judiciary Vote Thursday

Hill: GOP Advances Barrett's Supreme Court Nomination After Democrats Boycott Committee Vote

NRO: Amy Coney Barrett: Democrats Boycott Vote On Supreme Court Nominee

Politico: Senate Panel Paves Way For Barrett's Supreme Court Confirmation

Hill: Murkowski Says She Will Vote To Confirm Barrett to Supreme Court on Monday

Hill: Senators Battle over Supreme Court Nominee in Rare Saturday Session

SOCIAL MEDIA:

WT: Tea Party Patriots Filing FEC Complaint Against Twitter For Allegedly Suppressing Bad News For Biden

WSJ: Senate Judiciary Committee Authorizes Subpoenas For Twitter And Facebook CEOs

Hill: Republicans On Senate Panel Subpoena Facebook, Twitter CEOs

Politico: Senate Judiciary Approves Subpoenas For Twitter, Facebook CEOs Over Bias Charges

RS: Tom Cotton Absolutely Owns Reporter in Heated Exchange Over Media/Big Tech Censorship of Hunter Biden Story

MISCELLANEOUS:

FOX: Trafalgar Pollster Robert Cahaly Explains the Methodology Behind Their Polls

WSJ: Gambling with Colorado's Electors