

TEA PARTY PATRIOTS ACTION



WEEKLY REPORT FROM WASHINGTON

October 11, 2021

CALENDAR:

The House will come back Tuesday to vote on the Senate-passed debt ceiling hike, then will return to its recess until next Tuesday. The Senate is in recess this week.

LAST WEEK IN THE HOUSE:

The House was in recess last week, so nothing happened.

THIS WEEK IN THE HOUSE:

The House will return on Tuesday, with the first votes set for no earlier than 5 PM. The House will return to take care of just one item – it will vote to concur in the Senate’s action to concur in the House amendment to S. 1301, the vehicle to raise the debt limit. That’s a complicated way of saying that the House now has to vote to agree with the Senate that the debt ceiling should be raised by \$480 billion. Thanks to the tactical brilliance of their leader in the Senate, Chuck Schumer, every Democrat in the House will now go on record casting a vote to raise the debt ceiling by almost half a trillion dollars, something I guarantee you they really, really don’t want to do.

And then they will be done.

LAST WEEK IN THE SENATE:

The Senate came back to work on Monday, and voted to confirm the nomination of Jonathan Eugene Mayer to be General Counsel of the Department of Homeland Security.

On Tuesday, the Senate voted to invoke cloture on, and then to confirm, the nominations of Paloma Adams-Allen to be a Deputy Administrator of the United States Agency for International Development and Lauren J. King to be a United States District Judge for the Western District of Washington.

On Wednesday, the Senate voted to invoke cloture on, and then to confirm, the nomination of Sarah A.L. Merriam to be a U.S. District Judge for the District of Connecticut.

On Thursday, the Senate voted to discharge the nomination of Catherine Elizabeth Lhamon to be Assistant Secretary for Civil Rights at the Department of Education from the Committee on Health, Education, Labor and Pensions. Then the Senate voted to invoke cloture on the Motion To Concur in the House Amendment to S. 1301, the vehicle for the debt limit increase. That vote passed by 61-38, with 11 Republicans voting with 48 Democrats and two Independents who caucus with the Democrats. Then the Senate voted to agree to the Motion To Concur in the House Amendment to S. 1301, the vehicle for the debt ceiling increase. That voted passed by 50-48, with no Republican votes for it. Then the Senate voted to invoke cloture on the nomination of Gustavo A. Gelpi to be a U.S. Circuit Judge for the First Circuit Court of Appeals.

And then they were done.

LAWLESS JUSTICE:

On Monday, Attorney General Merrick Garland directed the Federal Bureau of Investigation to involve itself in local matters across the country to help address what he called a “disturbing spike in harassment, intimidation, and threats of violence” against teachers and school board members who were feeling the brunt of parents’ anger over critical race theory, mask and vaccine mandates, and other matters. In a memorandum to FBI Director Christopher Wray, Garland wrote that the Department of Justice would hold strategy sessions with local law enforcement officers over the next month, after which he expected to announce further measures in response to what he called “the rise in criminal conduct directed toward school personnel” in the country’s public schools.

Garland’s memo followed by several days a letter from the National School Boards Association to President Biden, complaining of recent threats against its members and teachers by angry parents.

Of course, Garland’s memo is full of crap. The First Amendment protects such speech, even speech opposed to government officials. As National Review’s Andy McCarthy – who knows a little something about constitutional protections for speech, having been the prosecutor who sent Sheikh Omar Abdel Rahman, otherwise known as the Blind Sheikh, to jail – wrote, “in the incitement context, the First Amendment protects speech unless it unambiguously calls for the use of force that the speaker clearly intends, under circumstances in which the likelihood of violence is real and imminent. Even actual ‘threats of violence’ are not actionable unless they meet this high threshold.”

Further, as McCarthy points out, “And in particular there is no *federal* law-enforcement interest to vindicate. Under the congressional statute criminalizing incitement (section 373 of the penal law, “Solicitation to commit a crime of violence”), even an actual threat of violence is not actionable unless the speaker has called for “physical force against property or against the person of another *in violation of the laws of the United States.*”

Keep in mind, there is no federal police power. If I throw a punch at my next door neighbor, I will have violated a law, I'm quite sure – but it will be a local ordinance, or maybe even a state law. It will not be a federal statute. Consequently, there is no role for the FBI here, and it's absurd to suggest there's a nationwide surge of anti-teacher violence justifying this stance by Biden's DOJ. This is about one thing – intimidation.

Of course, we can't say it's surprising. The Biden Administration has proven itself to be lawless already. A few months ago, after days of saying it wouldn't pass constitutional muster, Biden went ahead and issued a revised eviction moratorium – despite the fact that the Supreme Court had explicitly said a new eviction moratorium would need an Act of Congress. And then, when a federal district judge struck down the Obama-era DACA amnesty program, Biden's DHS issued a notice of proposed rule-making where the only difference between the original rule and new rule was that the administration was announcing the new rule and providing a 60-day public comment period.

Given Biden's law studies, this isn't surprising at all. During his first run for president, in 1987, he bragged on his law school career: "I went to (Syracuse) law school on a full academic scholarship," he said, before saying he "ended up in the top half" of his class. A week later, pressed by reporters, he acknowledged that he had finished 76th in a law school class of 85. And according to the Los Angeles Times, "Records he released indicated he had a partial, need-based scholarship as well as student loans."

DEBT LIMIT:

While the House and Senate had both passed a Continuing Resolution funding the government until December 3, the two houses had failed to find a satisfactory solution to their need to extend the debt limit. Senate Republicans were holding firm to their commitment not to provide any Republican votes to help the Democrats out of their jam, and Democrats remained adamant that they would not use the reconciliation process to raise the debt ceiling, even though it offered them the opportunity to get it done without requiring any GOP votes.

Keep in mind why Senate Majority Leader Chuck Schumer and Speaker Pelosi were so dead set against using the reconciliation process to deal with the debt limit – it's for one simple reason, and it was laid bare last week: under the rules of the reconciliation process, if you want to raise the debt ceiling, you have to raise it by a certain dollar amount. You have to say what the new debt limit will be in dollar terms – say, for example, the new debt limit will be \$32 trillion. If you extend the debt ceiling through regular order, subject to the 60-vote cloture threshold, you can raise the debt limit by a certain dollar amount OR you can simply SUSPEND the debt limit until a DATE certain – say, December 15, 2022, and then allow the federal government to run up and pay for as much debt as it wants until that date, and then, when that date arrives, the new debt limit is set to match whatever the debt actually is on that date.

Saying "My opponent, Senator Smith, voted to suspend the debt ceiling until December of 2022!" just isn't as cutting as "My opponent, Senator Smith, voted to RAISE the debt ceiling by FOUR TRILLION DOLLARS!" And Sen. Schumer knows this, and wants to avoid forcing his Democrat colleagues to cast that vote at all costs. He knows that his vulnerable members, like

Catherin Cortez-Masto in Nevada and Maggie Hassan in New Hampshire, along with Mark Kelly in Arizona and Raphael Warnock in Georgia, really, really, really do NOT want to have to take a vote to RAISE the debt ceiling, so he's doing everything he can to avoid that, and that means refusing to use the reconciliation process to extend the debt ceiling.

Not surprisingly, the mainstream media wants to help provide cover for Schumer and his Democrat colleagues. So for months they've been "reporting" to the world about the intransigent Senate Republicans, who refuse to provide any votes to advance a measure extending the debt ceiling, even though Democrats regularly did that when Republicans were in charge during the Trump presidency. What they have FAILED to "report" is anything about the intransigence of Schumer and his Senate Democrat colleagues. They could, if they wanted, deal with the debt ceiling very simply, by using the reconciliation process. But that would require them to cast a vote to RAISE the debt ceiling, rather than just SUSPEND it, so they refuse to do it.

By Tuesday, things were getting close to out of hand. As I predicted on one of our Facebook Live sessions way back in July, some Senate Democrats began talking about using the debt ceiling as an excuse to go nuclear – that is, to invoke the nuclear option and blow up the filibuster. This wasn't just any old legislation, after all, this was a bill to defend the full faith and credit of the United States, a thing that had never been questioned before, but which was now in doubt because of – say it with me – the intransigence of Senate Republicans. And Democrats even got President Biden to allow as how maybe HIS thinking on the virtues of the filibuster were changing, and maybe there WAS something to this idea of a carve-out just for legislation to raise the debt ceiling.

Of course, if they exploded a small tactical nuclear device, just for the purpose of creating a so-called "carve out" for legislation dealing with the debt ceiling, it would still have created a radioactive mushroom cloud. And next thing you know, Raphael Warnock would have been pushing for a carve-out for new voting rights legislation, because that goes to the very fundamentals of our democracy, don't you see? And then the filibuster would have been left in tatters.

So Senate Republican Leader Mitch McConnell – who views his most important mission in life for the two years of the 117th Congress as defending the filibuster at all costs – made a tactical decision to offer Senate Democrats a lifeline: he offered Schumer a one-time, short-term deal to provide the GOP votes necessary to move a bill raising the debt limit without using the reconciliation process, just so he could remove once and for all Schumer's continued excuse that he simply did not have enough time to use the reconciliation process.

Many on the right were terribly upset with McConnell. They called it a cave-in, and they accused him of being weak. If the Senate Republicans had but held out another few days, they said, they would have won. Instead, they said, McConnell folded their winning hands and allowed Schumer to claim victory.

And what was the “victory” Schumer claimed? Every Democrat in the Senate voted to INCREASE the debt limit by \$480 billion. A certain dollar amount, not a simple suspension. And not a SINGLE REPUBLICAN VOTED TO RAISE THE DEBT LIMIT. Some “victory” for Schumer, huh?

Now, granted, \$480 billion isn't a whole lot of money in the grand scheme of things. And to give you an idea of just how little money that is these days, the Treasury Department declared that a \$480 billion increase in the debt limit, by their calculations, would allow the Treasury to continue borrowing and spending until ... December 3, or thereabouts. Two months' worth of deficit spending, in other words.

And what happens then? Well, then the Democrats will have to raise the debt ceiling on their own, using the reconciliation process. How do we know this? Because following the vote on Thursday, McConnell sent President Biden a letter making clear he and his GOP colleagues were done, and that Democrats would be responsible for default in December if they did not take advantage of the time he had just given them to take care of their problem.

McConnell found a way to relieve the pressure on Democrat Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, and keep the filibuster intact. He got the Democrats to do what they did not want to do – vote along party lines to RAISE the debt ceiling, rather than take the much safer vote to merely SUSPEND the debt ceiling. And he got them to accept a small enough hike in the debt ceiling that the Democrats will have to repeat the entire exercise – ON THEIR OWN – before Christmas. And how will they do that? By using the reconciliation process that they've sworn not to use – they'll either add an amendment to their current reconciliation bill (thereby making it even harder to pass), or they'll create a brand new reconciliation bill that does one thing and one thing only (that is, raise the debt limit).

The way I see it, McConnell baited a trap, and got the Democrats to walk right in.

In the annals of “victory,” Chuck Schumer makes Pyrrhus of Epirus look like a piker.

INFRASTRUCTURE/BUDGET RECONCILIATION:

There really is very little to report on this front. Democrats are still working through their numbers, trying to figure out if they should shrink the number of programs and do the remaining ones better (which seems to be the approach preferred by the moderates), or leave the broad scope of new programs intact, and simply fund them for shorter durations (which seems to be the approach preferred by the more radical Democrats). No decisions have been made.

I will tell you, this – the progressives cannot count, and that's going to make coming to agreement inside the Democratic caucus difficult. Vermont Sen. Bernie Sanders, the self-proclaimed Democratic Socialist who chairs the Senate Budget Committee and is the principal author of the \$3.5 trillion reconciliation bill, held a press conference last week to publicly blast his more moderate Democrat colleagues, Sens. Manchin and Sinema. Referring to Manchin, Sanders said, “The time is long overdue for him to tell us with specificity – not generalities, but beyond generalities, with specificity – what he wants and what he does not want. It is wrong,

and it is really not playing fair, that one or two people think that they should be able to stop what 48 members of the Democratic caucus want, what the American people want, what the president of the United States wants.”

He’s not the only progressive who cannot count. His colleague on the House side, Congresswoman Pramila Jayapal, the chairwoman of the Progressive Caucus, said, “This isn’t a moderate versus progressives conversation, it’s a 96 percent versus 4 percent conversation. So there’s no point to negotiate against ourselves.”

What’s missing in their equations, of course, is the other party – to wit, Republicans. When Bernie Sanders says it’s not fair that two people get to hold up what 48 people want, he’s ignoring the 50 Republicans in the chamber who also oppose what the 48 want, and the same for Jayapal in the House.

As long as radical leftists think the name of the game is getting to 50, rather than a majority, they’re not going to be willing to negotiate down. And that’s going to make compromise hard.

Stay tuned.

SUGGESTED READING:

JENNY BETH MARTIN/TEA PARTY PATRIOTS:

[WE: Vaccine Mandate Critics Lay in Wait for Biden Rollout](#)

LAWLESS JUSTICE:

[WaPo: Garland Asks FBI To Address Recent 'Disturbing Spike' in Threats Against Educators](#)

[NRO: McCarthy: The Biden Justice Department's Lawless Threat Against American Parents](#)

[NRO: School Board Group Incidents Didn't Involve Threats](#)

[LAT: Biden's Law School Ranking Not as He Said](#)

[CNN: McConnell Challenges Garland on DOJ Effort To Address Threats Against Public School Board Members and Teachers](#)

DEBT LIMIT:

[Hill: Democrats Insist They Won't Back Down On Debt Ceiling](#)

[WSJ: Schumer Sets Up Vote On Debt Ceiling, Says It Must Be Raised By End Of Week](#)

[WaPo: Yellen: Urgent Action Needed On Debt Limit, Rejects \\$1T Coin](#)

[Axios: The Coin That Could Avert A Federal Debt Default](#)

[Hill: Schumer: Congress Needs To Raise Debt Ceiling By End Of The Week](#)

[Republican Leader: Democrats Can And Will Raise The Debt Ceiling On Their Own](#)

[Republican Leader: Biden And Schumer Voted Against Debt Limit Increases During Unified GOP Government](#)

[Politico: Dems Take GOP's Short-Term Debt Fix Offer, Kicking Deadline To December](#)

[Politico: Senate Leaders Strike Deal On Short-Term Debt Limit Patch](#)

[Politico: Dems Take GOP's Short-Term Debt Fix Offer, Kicking Deadline To December](#)

[Hill: Senate Poised To Stave Off Debt Crisis](#)

[WT: Republicans, Democrats Agree To Delay Debt Ceiling Showdown Until December](#)

[Politico: Biden Broaches Nuclear Option In Standoff With McConnell](#)

[Hill: GOP Tries To Take Filibuster Pressure Off Manchin, Sinema](#)

[WSJ: The Debt Ceiling Deception](#)

[Politico: GOP's Debt Limit Challenge: Don't Be 'A Complete A--Hole'](#)

[CNN: Democrats Explore New Options To Raise Debt Ceiling Amid Deepening Standoff With GOP](#)

[WaPo: Biden Says Changing Filibuster Rules To Raise Debt Ceiling Is A 'Real Possibility'](#)

[WE: Democrats Delay Debt Ceiling Vote To Weigh GOP Short-Term Offer](#)

[Hill: Senate Democrats Float Filibuster Carveout For Debt Ceiling](#)

[Hill: Senate Locks In Deal To Vote On Debt Ceiling Hike Thursday](#)

[NYT: Senate Leaders Agree To Vote On Short-Term Debt Ceiling Increase](#)

[Hill: GOP Disappointment With McConnell Could Delay Vote](#)

[Hill: Senate Approves Short-Term Debt Ceiling Increase](#)

[WE: Senate Votes To Push Debt Crisis Off Until December](#)

WaPo: Why The Senate Blinked And Moved Back From The Brink Of A Government Default

Hill: Senate Approves Short-Term Debt Ceiling Increase

Politico: Senate Advances Short-Term Debt Limit Hike After GOP Scramble

Hill: Schumer Frustrates GOP, Manchin With Fiery Debt Ceiling Speech

Hill: McConnell Vows GOP Won't Help Raise Debt Ceiling in December After Schumer 'Tantrum'

Politico: McConnell Letter To Biden

KJ: McConnell's Brilliant Move, Explained

INFRASTRUCTURE/BUDGET RECONCILIATION:

Politico: Sinema Slams Democratic Leadership On Infrastructure Vote Delay

CFRB: True Cost Of Budget Plan Could Exceed \$5 Trillion

WSJ: Why Has Biden Surrendered To The Left?

Axios: Scoop: Manchin Demands Progressives Prioritize

Hill: Manchin's 'Red Line' On Abortion Splits Democrats

Hill: Democrats Face Tough Choices On Trimming Spending Package

NY Sun: Trick Or Treat: Biden, Pelosi, Dressed As Socialists, Seek Showdown By Halloween

WaPo: Liberal Democrats Have Become the Mainstream of the Party and Less Willing To Compromise with Dwindling Moderates

MISCELLANEOUS:

NYP: Yellen Defends Biden's IRS Proposal

Imprimis: The January 6 Insurrection Hoax

WT: Democratic Vaccine Crackdown Gives GOP Opening With Mandate-Wary Black Voters

WaPo: Opinion: Biden's Polling Numbers Are Even Worse Than They Appear

WSJ: The IRS Wants To Look At Your Bank Account