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February 1, 2017: First They Banned the Muslims

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Title: First They Banned the Muslims

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2/1/2017—Truly, there is so much news from the Trump Administration, one does not know where to start. Last Friday's Executive Order, with its overtones of religious bigotry, was a disgrace to America. I'm putting the following on my door at school—First they banned the Muslims, but I wasn't a Muslim so I didn't say anything.

However, the Order was probably not, in the main, unconstitutional. Aspects of it may have violated norms of due process or statutes, but the vetting process has been largely the work of the Executive Branch, so President Trump gets to change it.

Which brings me to the irresponsible actions of Sally Yates. The Attorney General is the hand of the President in seeing that the laws are faithfully executed. She was entitled to her view that the Order was unconstitutional, but not to obstruct it. The policy decisions of the Executive Branch, excepting the Independent Agencies, are those of the President, not the Attorney General, Secretary of State or Secretary of Defense. Imagine a Representative at the U.N. who voted here conscience on behalf of the US. If Yates could not go along, her obligation was to resign.

But the Democrats are now playing the Republican game. That is, delegitimize and demonize. That is what Republicans did to Obama and now the Democrats are happy to do the same.

Which brings me to the Senate Democrats and the nomination of Judge Gorsuch. I'm sure they will filibuster and the Republicans will end the filibuster—the nuclear option. We now have a system in which there is no restraint. So, disciplined democratic life is beyond us.

We should have no illusions. When it looked like Clinton would win, the Republicans made it clear that they would never confirm any nominee she sent up. They were willing to ruin the Court rather than accept the will of the people. Republicans might deny that now but it was plain and they are now lying or fooling themselves.

So, why should the Democrats not do the same? Because the people voted for Trump—in the only electoral system we have—and for Republicans in the Senate. Gorsuch or someone like him was their decision. The minority should not obstruct unless it is necessary. How can it be said that it is necessary with Gorsuch? The only objection to him is to the judicial philosophy the election was in part about.

I called Senator Casey and asked him not to join a filibuster. I suppose he will. But the Court is more important than short-term politics. The Democrats should not behave like Republicans.