

WEEK 3, 2020

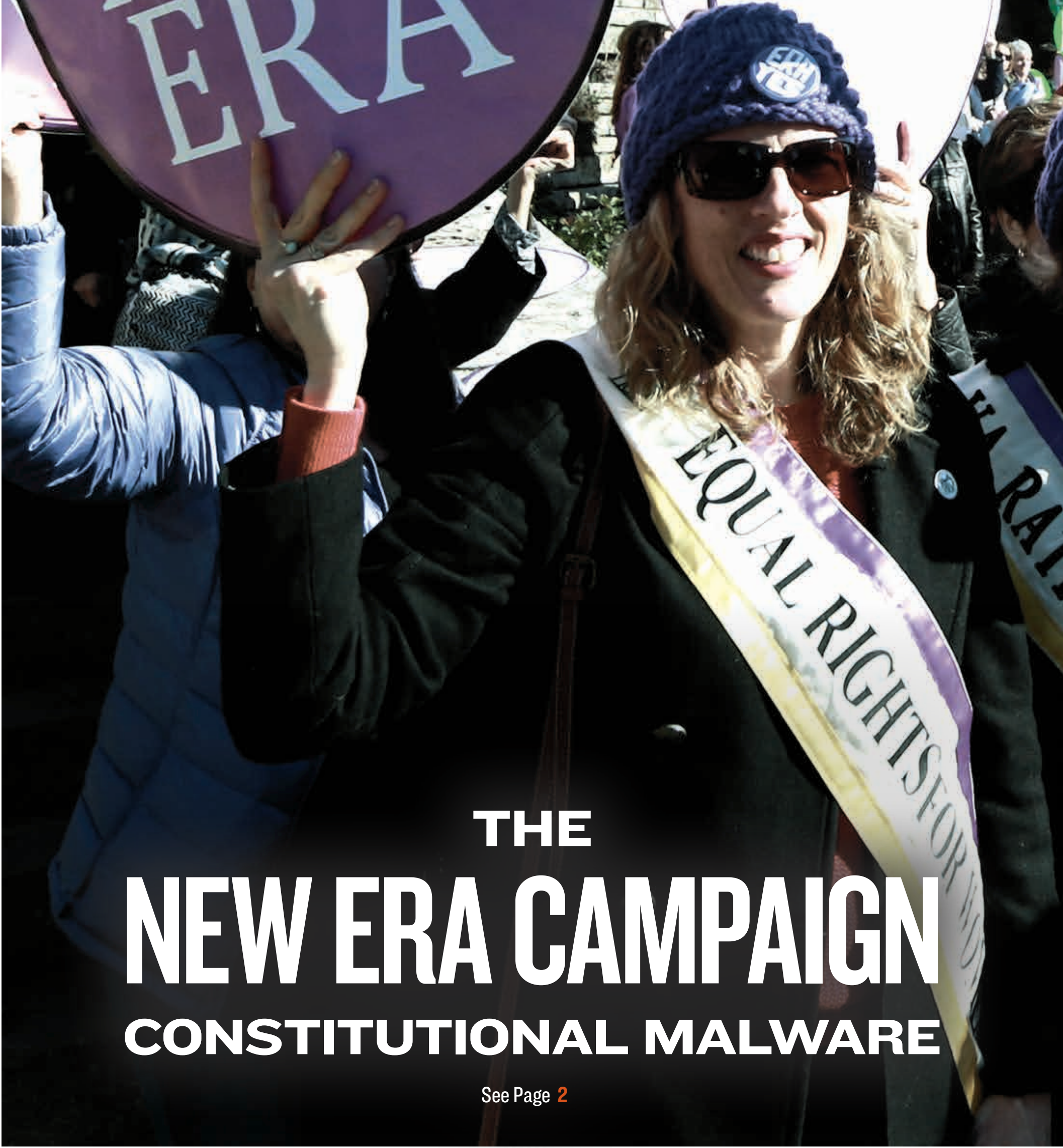
THE EPOCH TIMES

AMERICAN CROSSROADS

STEVE HERBER/PHOTO



Equal Rights Amendment supporters demonstrate outside the Virginia State Capitol in Richmond, Va., on Jan. 8, 2020.



THE
NEW ERA CAMPAIGN
CONSTITUTIONAL MALWARE

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The New ERA Campaign: Constitutional Malware

ROB NATELSON

Commentary
Computer hackers spread malware to create havoc. Sometimes, their goal is evil satisfaction and sometimes financial gain. Some political activists spread political malware for similar purposes. They sow havoc because it offers ego-building publicity, and opportunities for fundraising, organizing, and dramatic lawsuits.

Hence, the campaign to resurrect the long-expired "equal rights amendment" or ERA.

The campaign's activists assert that "women are not protected by the U.S. Constitution," which, of course, is an utter falsehood. Moreover, they claim, if only three more states ratify the ERA, it will become part of the Constitution, thereby assuring equal rights. As explained below, that is also false.

The incentives behind the campaign are obvious. The ERA is poorly drafted and vague (which is why it was rejected). If it became part of the Constitution, the result would be legal chaos. Activists know they would be able to feed off that chaos with lucrative lawsuits, direct mail fundraising, and publicity.

If, as is overwhelmingly probable, the courts reaffirm that the ERA is dead, then the same activists can organize campaigns attacking the courts and promoting or opposing judicial nominees. ERA activists have won the endorsement of two of the three states they seek by gulling the Nevada and Illinois legislatures into "ratifying" the expired amendment. They now are targeting Virginia.

Perhaps because this scam seems so far-fetched, the response has been belated. But in December, three states sued to stop the Archivist of the United States from accepting ERA "ratifications." On Jan. 6, the U.S. Justice Department's Office of Legal Counsel advised the Archivist to the same effect.

Now state lawmakers should

terminate the game by refusing to play.

Here's the background:

To become part of the Constitution, an amendment must be proposed by Congress or by a convention of the states, and then ratified by 38 states. When members of Congress first considered the ERA, they found its language appealing; Section 1 proclaimed that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Section 2 granted Congress broad new power to enforce the amendment.

In 1972, Congress proposed the ERA to the states, on condition that full ratification must occur by 1979.

At first, state legislatures ratified quickly. But then they began to notice how poorly drafted the ERA was and how much anguish it would cause, because beneath the amendment's simple surface lurked constitutional, political, and social nightmares.

For example, the ERA uses the word "rights," without regard to the fact that "right" has many legal meanings. When the existing constitutional text employs the word, the text describes the right, or kind of right, intended. Thus, the Constitution protects the "right of the people peaceably to assemble," "the right ... to keep and bear arms," and so forth. By contrast, the ERA contains no defining or explanatory language.

The ERA mandates "equality." But that, too, has many meanings. The amendment would provoke endless litigation on such issues as whether state offices may maintain separate bathrooms for men and women. (There are plenty of judicial decisions holding that separate is never equal.) May the federal government draft men but not women? Is there a "right" to be drafted? To not be drafted? Must a state office grant pregnancy leave? If it grants pregnancy leave to women, must it grant pregnancy leave to men? Or is granting leave to both unequal, because women become pregnant and men don't? No one knows how the ERA would

resolve these or a multiplicity of other questions.

As the 1970s wore on, state lawmakers became aware that the ERA was the proverbial pig in the poke. By adopting it, they would be replicating experience with parts of the 14th Amendment, whose drafting defects have spawned doubt, litigation, and shifting court opinions for more than 150 years. (Despite claims to the contrary, most of the Constitution is fairly precise.) Lawmakers learned that the ERA would license unelected judges to legislate extensively.

The pace of state ratifications slowed. Then it stopped. Then it shifted into reverse as states began to rescind. Congress attempted to extend the deadline from 1979 to 1982—an action a federal court correctly ruled unconstitutional. Still, not a single additional state signed on. By the extended deadline, only 30 of the 38 required states had ratified: 35 initial ratifications, minus five rescissions.

More states might have rescinded, but ERA advocates, including Ruth Bader Ginsburg (now Justice Ginsburg), acknowledged defeat. In recognition that the ERA was dead, the Supreme Court dismissed pending ERA litigation as moot.

And that's where matters rested until activists invented their renewed "ratification" campaign. Of course, their campaign requires them to pretend the ERA isn't dead, so they claim:

- That Congress's deadlines for ratification are ineffective and the ERA lasts forever;
- That, assuming deadlines to be effective, deadlines must be in the body of the amendment rather than (as in the ERA) in the resolution's introduction;
- That Congress may extend deadlines retroactively;
- That every state ratification counts, no matter how late; but
- That no state rescission counts, no matter how timely.



U.S. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION VIA WIKIMEDIA COMMONS
President Jimmy Carter signs H.J. Res. 638 extending the deadline for the ratification of the Equal Rights Amendment on Oct. 20, 1978.

The first assertion contradicts settled Supreme Court authority. The second disregards settled practice, the resolution's wording, and the trend of modern court decisions.

The third—that Congress may create a new retroactive deadline—violates all constitutional understanding. As the Office of Legal Services pointed out, it's like saying that if the president vetoes a bill in 1980 and Congress

fails to override it, then Congress may try to override it again 40 years later. The fourth assertion—that we must count ratifications passed after the deadline—disregards the Supreme Court ruling that Congress may impose a deadline.

The fifth—that rescissions don't count—is flawed because (1) it's based on non-binding court language since widely repudiated, (2) it contradicts universal legislative practice, (3) it contradicts the historical practice on which the Constitution's amendment process was based, and (4) it contradicts a federal court decision directly on point.

Where did the ERA activists get their constitutional gibberish? Believe it or not, their source was, according to one of their websites, a

If the ERA became part of the Constitution, the result would be legal chaos. Activists know they would be able to feed off that chaos.



STEVE HELBER/AP PHOTO
Supreme Court Justice Ruth Bader Ginsburg speaks at the Georgetown University Law Center in Washington on Sept. 12, 2019.

1997 school paper written by three law students. Perhaps no reputable lawyer would sign on.

Ratification today would be even more pointless and irresponsible than it was in the 1970s: pointless because the courts now recognize full gender equality; irresponsible because the amendment poses even more problems now than in 1972.

For example, should courts interpret the ERA as understood in the 1970s or as understood when finally ratified? In 1972, the phrase "on account of sex" referred to men and women. Today, judges might interpret it to include other alleged genders. No one has any idea of what direction the courts would go in applying the ERA.

The campaign to raise the ERA zombie is the height of constitutional and civic irresponsibility. State legislators should reject it with the contempt it deserves.

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Views expressed in this article are the opinions of the author and do not necessarily reflect the views of *The Epoch Times*.

STEVE HELBER/AP PHOTO



Equal Rights Amendment supporters demonstrate outside the Virginia State Capitol in Richmond, Va., on Jan. 8, 2020.

ALASTAIR PIKE/AFP VIA GETTY IMAGES



The Department of Housing and Urban Development building in Washington on July 22, 2019.

The Great Recession: 'Reparations' Gone Bad

LARRY ELDER



Commentary
Some of the Democratic candidates for president support studying reparations to blacks to compensate for slavery. But in

many ways, America has made reparations to blacks.

What are race-based preferences if not a form of compensation for historical wrongs? Many cities have "set-aside" programs that award government contracts to minority contractors. President Lyndon Johnson pushed his Great Society programs to "end poverty and racial injustice."

But few think of the federal government's housing policy, particularly the Community Reinvestment Act, or the CRA, as a form of reparations. But that's exactly what it was and still is. In many ways, the so-called Great Recession of the late 2000s was a product of affirmative action and a form of reparations gone bad. Really bad.

In 1999, almost a decade before the Great Recession, the libertarian Cato Institute issued a warning about the CRA, which President Jimmy Carter signed in 1977. The CRA was based on the assumption that racist lenders denied mortgages to creditworthy would-be borrowers, particularly minority applicants. The act initially merely sought data on banking practices to encourage lenders to practice fairness in granting mortgages.

But President Bill Clinton, in 1995, added teeth to the CRA. Economists Stephen Moore and Lawrence Kudlow explained: "Under Clinton's Housing and Urban Development (HUD) secretary, Andrew Cuomo, Community Reinvestment Act regulators gave banks higher ratings for home loans made in 'credit-deprived' areas. Banks were effectively rewarded for throwing out sound underwriting standards and writing loans to those who were at high risk of defaulting. If banks didn't comply with these rules, regulators reined in their ability to expand lending and deposits."

"These new HUD rules lowered down payments from the traditional 20 percent to 3 percent by 1995 and zero down-payments by 2000. What's more, in the Clinton push to issue home loans to lower-income bor-

rowers, Fannie Mae and Freddie Mac made a common practice to virtually end credit documentation, low credit scores were disregarded, and income and job history was also thrown aside. The phrase 'subprime' became commonplace. What an understatement."

But is it true that banks were discriminating against minority borrowers?

Cato, in 1999, said that despite widespread accusations and lawsuits alleging discriminatory lending, the facts show otherwise. Cato said: "Researchers using the best available data find very little discernible home-mortgage lending discrimination based on area, race, sex or ethnic origin. ..."

"Other well-structured studies also found no evidence of redlining or unwarranted geographic discrimination. Thus, the claim that lenders redlined or were biased in making loans for the purchase of homes in central cities is not supported. Nor did the studies find that financial institutions discriminated against actual or potential borrowers on the basis of the racial or ethnic composition of neighborhoods."

What caused this narrative that rac-

ist banks refused would-be minority borrowers?

Enter lawyers like then-private citizen and attorney Barack Obama. In 1995, Obama, representing 186 blacks, filed a class action mortgage discrimination lawsuit against Citibank. The case was settled, and his clients got mortgages. But, according to the Daily Caller in 2012, just 19 of Obama's 186 clients still had their homes. About half had gone bankrupt and/or had their homes in foreclosure.

Incredibly, at least two of his former clients now believe banks should be prevented from lending to people who otherwise can't afford their homes. One client said: "If you see some people don't make enough money to afford the mortgage, why should you give them a loan? There should be some type of regulation against giving people loans they can't afford."

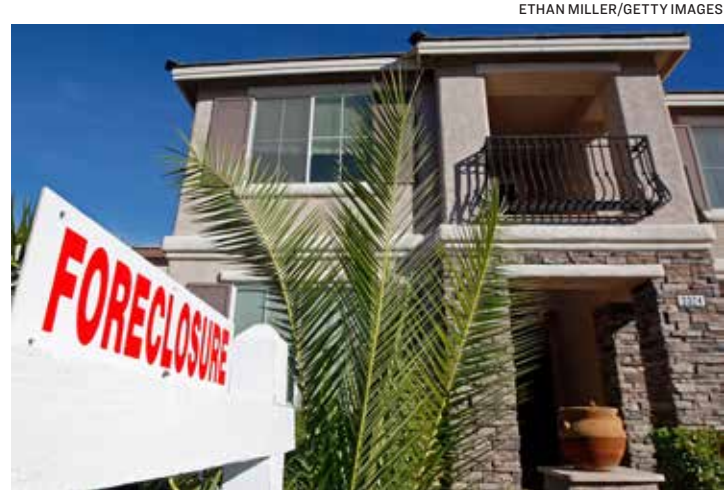
Lending standards became so lax that virtually anyone who could fog up a mirror got a home. Then, along came the recession, and a lot of people lost homes that they would not have bought in the first place but for lax lending standards. The result? According to the Federal Reserve, from 2010 to 2013, white household median net worth—a household's assets minus its liabilities—increased 2.4 percent. But black net worth fell from \$16,600 to \$11,000, a four-year drop of 34 percent. As another of Obama's former clients put it, "(Banks) were too eager to lend money to many who didn't qualify."

In 1999, the Cato policy paper on the CRA made the following recommendation: "The Clinton administration wants an even stricter CRA. But more than two decades of its operation suggest that repealing rather than tightening the act would be the economically and socially responsible thing to do."

Too bad nobody listened.

(Below) A sign stands outside a foreclosed home in Las Vegas on Nov. 13, 2008.

(Bottom) A foreclosure sign stands in front of a home in Miami Beach, Fla., on Jan. 22, 2009.



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Views expressed in this article are the opinions of the author and do not necessarily reflect the views of *The Epoch Times*.

40 Million New Democratic Voters: Will the 'State Power Caucus' Destroy America?

TREVOR LOUDON

Commentary
A shadowy new alliance led by pro-China communists plans to mobilize 40 million new Democratic voters for the 2020 election.

This group, initially known as the State-Based Power Caucus and now as simply the State Power Caucus, has the ability to mobilize thousands of volunteers and paid staff in New York, California, Washington, Oregon, Arizona, Colorado, New Mexico, Minnesota, Ohio, Illinois, Missouri, Kentucky, Mississippi, Virginia, Georgia, Florida, and Texas.

The State Power Caucus already has had a major political impact in Virginia, Florida, Kentucky, Texas, California, and several other states. This alliance could decide the 2020 election—yet, it's operating almost completely "under the radar."

In July 2017, 20 state-based organizations from 13 states united to form the State-Based Power Caucus. The organization has no website and has generated very little publicity, so we don't even know its full roster of member organizations or the identities of most of its leaders.

What we do know is that most of its identified leaders come from the "orbit" of Liberation Road—the United States' main pro-China communist party. We

also know that at least 22 major organizations in at least 15 states have now joined the caucus.

Leaders

Most known leaders of the State Power Caucus have some connection to Liberation Road. Known until recently as the Freedom Road Socialist Organization, Liberation Road is descended from radical Maoist groups from the 1960s and '70s. While no longer exclusively Maoist in outlook, Liberation Road maintains ties to China, Cuba, and other communist nations and movements.

Identified leaders of the State Power Caucus include: Jon Liss—co-chair of the New Virginia Majority, national chair of State Power Caucus. A longtime member of Liberation Road. Andrea Mercado—co-chair of The New Florida Majority, leadership team State Power Caucus. Bob Wing—organizing committee State Power Caucus. A former member of the Maoist group Line of March. A longtime Liberation Road affiliate.

Anthony Thigpen—founder and president of California Calls and leadership team member of the State Power Caucus.

Claire Tran—State Power Caucus staff. Longtime Liberation Road member.

Member Organizations

Most of the State Power Caucus affiliates are led by Liberation Road cadre or supporters. Some of the organizations are former

This alliance could decide the 2020 election—yet it is operating almost completely 'under the radar.'



(Above) Andy Beshear celebrates with supporters after voting results showed the Democrat holding a slim lead over Republican Gov. Matt Bevin at C2 Event Venue in Louisville, Ky., on Nov. 5, 2019.

(Below) Residents cast votes at Dunn Elementary School in Louisville, Ky., on Nov. 5, 2019.

The State Power Caucus and their constituent groups should become the No. 1 priority for federal and state investigative bodies.

affiliates of ACORN, the discredited "community organizing" organization exposed by Project Veritas, Glenn Beck, and others.

Confirmed organizations affiliated to the State Power Caucus include:

California Calls is a California-wide alliance which includes the renamed ACORN affiliate Alliance of Californians for Community Empowerment, several Liberation Road-influenced organizations including Asian Americans Advancing Justice, Asian Pacific Environmental Network, Community Coalition, Strategic Concepts in Organizing Policy Education, Los Angeles Alliance for a New Economy, Oakland Rising, San Francisco Rising Alliance plus California Federation of Teachers, Congregations Organized for Prophetic Engagement, Dolores Huerta Foundation, and several others.

These groups have signed up hundreds of thousands of mainly "minority" voters to turn California into one of the most heavily Democratic states in the country.

Kentuckians for the Commonwealth claims 7,500 members across the state and played a role in the recent defeat of Republican Gov. Matt Bevin. One of Democratic Gov.-elect Andy Beshear's first actions was to restore voting rights to 100,000 Kentucky felons—a move lobbied for by Kentuckians for the Commonwealth. One of Kentuckians for the Commonwealth's key leaders, Meta Mendel-Reyes, was involved with the pro-China League of Revolutionary Struggle in the 1980s and has served on the board of the Liberation Road-led Highlander Research and Education Center in Tennessee.

New Virginia Majority can claim credit more than any other organization for turning reliably Republican Virginia into a Democratic state. In 10 years of solid organizing, New Virginia Majority claims to have signed up more than 200,000 Democratic-leaning "minority" voters.

The group also worked closely with former Democratic Gov. Terry McAuliffe to reinstate voting rights to more than 200,000 disenfranchised felons.

The New Florida Majority, like its Virginia cousin, is a front for Liberation Road. The New Florida Majority has signed up tens of thousands of "minority" voters for the Democratic Party and has helped elect several state-level politicians in Southern Florida. In 2018, the organization also worked with Organize Florida (formerly Florida ACORN) to pass a referendum re-enfranchising 1.4 million felons for the 2020 election. The New Florida Majority almost succeeded in electing the leftist mayor of Tallahassee to the Florida governor's mansion in 2018.

Washington Community Action Network is the state chapter of USAction. The group claims that in May 2019, Gov. Jay Inslee signed "their" Eviction Reform Bill into law. Washington Community Action Network executive director Mary Le Nguyen was a 2017 alumna of the Liberation Road-affiliated Rockwood Leadership Institute, an Oakland, California-based school for "community organizers."

The Plan

It's no secret that the communist rulers of China would love to see President Donald Trump defeated in 2020.

Therefore, it's not surprising that Beijing's American franchise has a plan to do just that.

According to State Power Caucus leader Jon Liss, writing in Organizing Upgrade:

"Inspired by the disaster of Trump and Trumpism two years out most organizers are engaged in barroom or coffee shop speculation about the 2020 election. ...

"All of it is idle speculation unless 'we' collectively organize tens of millions of the 108 million eligible voters who didn't vote in 2016. That's right, one hundred and eight million eligible voters chose not to register or to vote



Voting booths are setup at the Yuengling Center on the campus of University of South Florida as workers prepare to open the doors to early voters in Tampa, Fla., on Oct. 22, 2018.

in 2016. The non-voting block is disproportionately young, poor, and people of color."

So how does Liberation Road plan to harvest these millions of potential Democrat votes? They claim credit for nearly 4 million new voters in 2016—but the target is way higher for 2020.

"Over the last twenty-five years, state power organizations have grown to fill the political space created by the decline of Democratic Party local organization, the breakup and collapse of ACORN, and low levels of voter turnout. ...

"These organizations have deep strategic knowledge and practice in their particular states. Starting in the summer of 2017 many leading state-power organizations have come together as a caucus to support peer-to-peer learning and incubate innovate organizing practices. ...

"The State Power Caucus has worked to first analyze the collective reach of the national networks who engage in electoral and civic engagement work. ...

"We've also begun to assess the collective impact of state-based organizations. Looking at 2016, our rough estimate is that at most 4 million people were contacted and encouraged to vote. This is our high-water estimate. The actual number who actually voted is probably much lower still.

"Now, recall the 108 million people who were eligible but not voting? They are largely our 'core' constituency, or in other terms, they are our unorganized social base. This 108 million when compared to the voting electorate is more Black, more immigrant, more working class and poor.

"If we initially target just half of the 108 million, and we acknowledge that some in that half are going to disagree with our values and politics, some aren't going to vote no matter what, and some are in geographies that we just can't reach, we believe our real voter mobilization

target number is 40 million, and we've agreed as a caucus to that number as our target. That's our natural consistency.

"These are the voters or potential voters who put AOC and Ilhan Omar into Congress. They are our friends and family, and they are the everyday members and supporters of our organizations that fight for racial justice at the state and local level."

The State Power Caucus believes that 40 million new anti-Trump voters is both realistic and achievable.

"The State Power Caucus is committed to working more effectively, efficiently and collaboratively with national social justice networks. Together, we look to take a big leap forward and move from mobilizing 4 million and organizing many less to mobilizing and organizing many times more.

"The long game to defeat white nationalism and move past neoliberal corporatism is by building a bottom up movement of 40 million people.

"At a minimum that is a movement where people vote consistently and consciously. Where people share our values for racial, gender and social justice and where people believe they have the capacity to rule."

Does the Republican Party even understand what's coming? While President Trump is confronting China on trade and challenging China's military in the Pacific, his voter base is being undermined by pro-China communists in Florida, Georgia, Texas, and Arizona. If Liberation Road can flip only two or three states in the South, a China-appealing Democrat takes the White House in 2020.

Permanent Socialism

The United States stands one election away from permanent socialism—otherwise known as "communism." If the Democrats win in 2020, they will use the organs of the state to destroy their enemies. They will flood the country with immigrants, legal and illegal, and they will swamp the conservative voting base. They will consolidate their power just like they did in Cuba and Venezuela, and a free America will be over forever.

And all this could happen because a few hundred pro-China communists, with mountains of money from the Democracy Alliance, unions, and tax-free foundations are allowed to out-organize Trump and the Republicans in the South.

It's perfectly legal to sign up "minority" voters for the Democratic Party. It's not legal to do that to the advantage of a hostile foreign power.

The State Power Caucus and their constituent groups should become the No. 1 priority for federal and state investigative bodies.

Trevor Loudon is an author, filmmaker, and public speaker from New Zealand. For more than 30 years, he has researched radical left, Marxist, and terrorist movements and their covert influence on mainstream politics.

Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.



Democratic presidential candidate and governor of Washington state Jay Inslee speaks at the Iowa Democratic Party's Hall of Fame Dinner in Cedar Rapids, Iowa, on June 9, 2019.



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Stephen Gregory
Publisher, U.S. editions

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