

Who is the Threat to Democracy?

The rhetoric is growing nastier as the election season comes to a close. One of the many allegations, coming from both sides, is that if the other is elected, the Constitution will be shredded and democracy will die. In this issue, Operation Wildfire offers the facts in the candidates' own words.

Does the Trump/Vance team want to terminate the Constitution (or parts thereof), or is it Harris/Walz? Kamala Harris has been painting herself as the protector of the Constitution and frequently mentioned that she is a gun owner — but her career in San Francisco says otherwise. The Harris/Biden administration was also involved in working with social-media platforms to crack down on free speech during the COVID-19 pandemic. <https://www.aol.com/kamala-Kamala-Harris-claims-Donald-Trump-try-212919300.html>?

Kamala Harris claims Donald Trump would try to take away the right to free speech, gun ownership, reproductive rights and voting rights: 'He wants to terminate the Constitution'. <https://www.msn.com/en-us/news/politics/kamala-Kamala-Harris-claims-Donald-Trump-would-try-to-take-away-right-to-free-speech-gun-ownership-he-wants-to-terminate-the-constitution/ar-AA1t5vq0> Let's take a look.

Freedom of Speech: The First Amendment

- We are living through the most dangerous anti-free speech movement in American history. We have never before faced the current alliance of government, corporate, academic and media forces aligned against free speech. A Harris-Walz administration with a supportive Congress could make this right entirely dispensable. To read the full article, visit <https://www.usatoday.com/story/opinion/2024/10/03/vance-debate-Harris-walz-first-amendment/75483782007/>
- Donald Trump announced an aggressive and ambitious plan to undo what he characterized as the suppression of free speech in the U.S. if he is elected president in 2024. He promised to target government agencies and employees, universities and tech companies with executive orders and policies aimed at their purported censorship of speech and ideas. "The censorship cartel must be dismantled and destroyed and it must happen immediately," said Donald Trump. To learn more, visit <https://www.cnn.com/2022/12/15/Trump-vows-free-speech-reform-of-government-universities-tech.html>

The Right to Bear Arms: The Second Amendment

- Kamala Harris has made preventing gun violence a key pledge, and she and Governor Tim Walz – both gun owners – often advocate for tighter laws. If elected, the Vice President promises to ban assault weapons and high-capacity magazines, and require universal background checks for gun sales. As a 2019 presidential primary candidate, Kamala Harris said, "I support a mandatory gun buyback program" for assault weapons. The campaign says that the Vice President has changed her position and does not support mandatory gun buybacks. To learn more, <https://www.politifact.com/article/2024/sep/30/Kamala-Harris-2024-campaign-promises-here-are-her/>
- Donald Trump has positioned himself as a staunch defender of the Second Amendment, the constitutional right to bear arms. Addressing the National Rifle Association, he said he was their best friend. To learn more, visit <https://www.thetrace.org/2024/09/Harris-Trump-gun-policy-debate-president/>

Abortion and Reproductive Rights: 9th Amendment and Due Process Clause of the 14th Amendment

In *Roe v. Wade*, the Court developed a trimester formula to control the right of the state to intervene in a pregnancy. During the first trimester, the state had no ability to override the discretion of the mother in deciding to end a pregnancy. During the second trimester, the state could regulate abortions to protect the health of the mother, but outright abortion bans were prohibited. During the third trimester, abortion regulations and even bans might be valid because the fetus is viable. The state thus could protect the life of the fetus in this final stage, although any regulation or ban needed to contain an exception for abortions that would be required to

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protect the life or health of the mother. To read more, visit <https://www.justia.com/constitutional-law/abortion-and-reproductive-rights-under-the-constitution/>

- Vice President Harris supports Congress passing a federal law that would protect abortion rights. As a U.S. senator, Harris opposed anti-abortion bills that would have conferred personhood rights on fetuses.. None of them ultimately passed.

Conversely, Harris championed various bills that would have protected and advanced reproductive rights. In 2019, for example, Harris was a co-sponsor of the Women's Health Protection Act, which would have enacted a federal statutory right to abortion. It also did not pass. To learn more, visit <https://theconversation.com/kamala-harris-and-donald-trumps-records-on-abortion-policy-couldnt-be-more-different-heres-what-actions-they-both-have-taken-while-in-office-238172>

- Former President Trump said, if elected, he would not sign a federal abortion ban if that legislation came to his desk. He has long tried to steer clear from supporting national restrictions.

When the Supreme Court overturned Roe v. Wade, the Former President remarked, "The states will determine by vote or legislation or perhaps both. And whatever they decide must be the law of the land," Trump said of abortion rights. "Now, it's up to the states to do the right thing." To learn more, visit <https://apnews.com/article/abortion-trump-republican-presidential-election-2024-585faf025a1416d13d2fbc23da8d8637>

The Right to Vote: 14th, 15th, 19th, 24th and 26th Amendments

- Kamala Harris supports the John Lewis Voting Rights Act and the Freedom to Vote Act. The Lewis legislation would require certain states and counties to get "preclearance" approval from the Justice Department or a federal court before changing their rules for elections. The Freedom to Vote legislation is broader, setting standards for early voting, mail voting, voter registration and seeks to curb gerrymandering and certain campaign finance practices. This legislation would federalize the election process. To read the full article, visit <https://www.politifact.com/article/2024/sep/30/Harris-2024-campaign-promises-here-are-her/>
- To secure elections, Donald Trump supports paper ballots, same day voting, providing proof of citizenship when registering to vote and showing identification before casting a ballot. To learn more, visit <https://www.npr.org/2024/10/13/nx-s1-5150093/kamala-Harris-voting-rights-Trump>

Judicial Branch: Article III of the U.S. Constitution

While the original Supreme Court consisted of six justices, its membership varied between five and 10 justices until it was fixed at the current membership of nine after the Civil War. To preserve judicial independence, Justices serve life terms once they have been appointed by the President and confirmed by the Senate. However, a Justice sometimes may voluntarily step down. Read more about the Court at this link: <https://www.justia.com/constitutional-law/the-us-supreme-court-and-judicial-review/>

- Kamala Harris endorses a wholesale restructuring of the Judiciary to include a Constitutional Amendment that no former president is immune from prosecution for crimes committed in office, 18-year Supreme Court term limits and a binding code of conduct for Supreme Court Justices. Kamala Harris also supports breaking the Senate filibuster rules to pass the reforms. She has also indicated her support of court packing; specifically, adding six Justices to the Court. To learn more, visit <https://www.wsj.com/opinion/the-supreme-courts-future-is-on-the-ballot-Harris-packing-reform-65de837f>
- Donald Trump believes in fair and independent courts. He has said that he appointed constitutionalist judges who interpret the law as written, and he will do so again if voters send him back to the White House. The Republican Party Platform "...unequivocally opposes any changes to the number of

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Supreme Court Justices.” To read the full article: https://www.yahoo.com/news/reforms-u-supreme-court-where-105356299.html?fr=yhssrp_catchall

Protecting Our Borders: Article IV, Section 4

Article IV, Section 4 of the U.S. Constitution states: The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence. This was to guarantee that each state of the union was protected against invasion by foreign nations, revolutionary forces, drug cartels and uncontrolled (illegal) immigration. If we cannot control our borders we cannot defend our national sovereignty. To learn more, visit <https://danhappel.com/article-4-section-4-protecting-our-borders-under-the-u-s-constitution/>

- The Vice President has endorsed comprehensive immigration reform, seeking pathways to citizenship for immigrants in the U.S. without legal status, with a faster track for people living in the country illegally who arrived as children. She hasn't weighed in on whether she would continue key Biden administration programs that have allowed more than a million migrants to enter the country. Read more at this link: <https://www.ap.org/news-highlights/elections/2024/where-trump-and-harris-stand-on-immigration-and-border-security/>
- The Former President said he'll use the National Guard to round up migrants, and said he would invoke the Alien Enemies Act, a 1798 law that allows the president to deport any noncitizen from a country that the U.S. is at war with. President Trump says he also would bring back policies he put in place during his first term, like the Remain in Mexico program and Title 42. Remain in Mexico made migrants wait in Mexico while their asylum cases were heard, while Title 42 curbed immigration on public health grounds. He also seeks to end birthright citizenship for people born in the U.S. whose parents are both in the country illegally. Learn more at this link: <https://www.ap.org/news-highlights/elections/2024/where-trump-and-harris-stand-on-immigration-and-border-security/>

As we close the 2024 election cycle, Operation Wildfire includes a *Washington Times* opinion piece: What exactly is fascism and is it accurate to accuse Donald Trump of this? The piece asks several questions, including:

- When you look at the Republican Party versus that of the Democrats, which one seems to be more open to debate and discussion?
- Which party is trying to silence those with whom they disagree?
- Who is calling for more censorship and even the criminalization of dissenting voices?
- Which party demands that we celebrate ideas that many of us find to be broken and distasteful?
- Who is saying that parents must bow to the power of the state when it comes to raising and educating their children?
- Who is arguing for more and more government authority over your daily decisions?
- What party thinks they should be able to tell you when you can go to church, where you can go to school, what you can teach your sons and daughters, what car you can drive?

As you ask yourself these questions, remember Saul Alinsky, author of “Rules for Radicals” and political mentor of Barack Obama, Hillary Clinton and Kamala Harris: “Accuse your opponent of what you are doing, as you are doing it, to create confusion, cloud the issue, and inoculate voters against any evidence of your guilt.”

Learn more at this link: <https://www.washingtontimes.com/news/2024/oct/21/trump-is-no-fascist/>

And, please, remember to vote!