

THE CONSTITUTION IS ON THE BALLOT

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It's a tipping-point election—a choice between neo-fascism and representational democracy.

Donald Trump speaks during a campaign rally at Columbia Regional Airport, in Missouri on November 1, 2018.

President Donald J. Trump wants you to believe that this election is all about him. And in a sense, it is. If Democrats take back either or both chambers of Congress, they can thwart the president's agenda. It's an agenda that requires thwarting if the republic is to be preserved.

This week, the president made clear his willingness to disregard the Constitution of the United States, claiming he can override any provisions he doesn't care for with a simple stroke of the pen. At present issue is the 14th Amendment, which confers citizenship on all who are born in the United States.

Pundits have labeled this latest Trumpian gambit as a campaign “stunt”—the kind of promise that will evaporate, as if it were never made, after Tuesday's midterm elections. They note the requirement of yet another constitutional amendment—a rightfully heavy procedural lift—to legally make any such change. (I'd like to assume that the Supreme Court will uphold the Constitution.) But in practice, those requirements hold only if the military is willing to defend the Constitution against the president of the United States. And given the eagerness of Retired General James Mattis, the secretary of defense, to do Trump's bidding, the outcome of such an unconstitutional action on the president's part is anybody's guess.

Just this week, Mattis agreed to deploy thousands of troops to the nation's southern border, where a couple of thousand migrants, many seeking asylum, are expected to arrive in 13 days or so. Trump portrays this movement of impoverished, desperate people as an “invasion” of the United States. The deployment, like Trump's promise to override the Constitution with an executive order, was also pronounced “a stunt” by the chattering classes. Asked for reaction by Elizabeth McLaughlin of ABC News, [Mattis replied](#), “We don't do stunts in this department.”

Trump initially said the deployment would be around 5,000 troops, and within a day upped the number to 15,000—more than presently deployed around the world, including in Afghanistan and the Middle East, [according to](#) *The Washington Post's* Philip Bump. The Pentagon was [reportedly surprised](#) by this. Mattis, however, had already agreed to a contingent of 7,000 troops that he expected [could swell to 8,000](#).

The troops are said to be supporting Customs and Border Patrol agents, and have been found shoveling manure and doing other menial tasks.

During an [interview with Jonathan Karl of ABC News](#), the reporter asked Trump to confirm that the troops are not there to make arrests, since they are barred by law from doing so. “Well, it depends,” Trump said. “[A declaration of a] national emergency covers a lot of territory.”

Beyond election-season fear-mongering, there’s another likely reason that Trump continues to call the pilgrimage of bedraggled people headed toward the U.S. “an invasion.” The very Constitution that Trump threatens to transgress with an executive order to nullify the 14th Amendment also allows for the imposition of martial law during a time of invasion or rebellion. Consider that when you think of Trump’s rhetoric: Asylum-seekers are “invaders,” liberal protesters are a “mob,” and the media are “the enemy of the people.”

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To elect a Congress that will provide any kind of check on this authoritarian president will require Democrats in many races to wildly over-perform on Tuesday in order to win a narrow majority. There is so much election cheating, voter-roll purging, and general manipulation to overcome that the effort to drive fair-minded voters to the polls needs to be nothing less than gargantuan.

Because should this president continue to rule without rein, you’d better learn to watch what you say. Speak against the president, and you might be seen to be aiding a rebellion, just as the migrants are regarded as invaders, even though they’re not. And that, the president could easily decide, makes you party to a national emergency.

Of course, there actually is a national emergency, and it’s the presidency of Donald Trump and his party. This is a tipping-point election. The choice is between representational democracy and neo-fascism.

Choose wisely.