

# The Kavanaugh Bread And Circuses

**Advice and consent** – Under the Constitution, presidential nominations for executive and judicial posts take effect only when confirmed by the Senate, and international treaties become effective only when the Senate approves them by a two-thirds vote. U.S. Senate Glossary Term.

Watching the circus with Kavanaugh and Ford, I marveled at what was going on. You don't have to play 3-D chess to see the machinations taking place. First, we had Kavanaugh, Trump's pick for the SCOTUS, someone the Dems would go for (his history shows that) before the mid-term elections. A quick confirmation would look great for Rs in the election. But right away that was turned upside-down by the Christine Blasey Ford 'smoke and mirrors'. The whole focus was now on a supposed groping by a teenage Kavanaugh. His interpretation of the Fourth Amendment and other pertinent issues, which should have, and would have, been scrutinized were barely (or not at all) brought up. The whole three-ring circus kept the focus strictly on the prurient. What an incredible feat. Or not so incredible; the general public has been thoroughly conditioned to want the licentiousness we were subjected to thanks to Deep State machinations.

So there was no 'advice and consent', or should I say, no advice. Had there been, maybe both the Ds and Rs might have advised that Kavanaugh's views on the Fourth Amendment were beyond scary. And there was more than one case that showed his stance. In the 2005, *United States v. Askew*, that decided that the police violated the Fourth Amendment rights of Ulice Askew by, after a stop and frisk that produced no results, unzipping his jacket to search him. Kavanaugh, in his dissent, said that the action was justified as "a reasonable continuation to the stop and frisk." The majority disagreed, that his findings

were “both contrary to the District Court’s factual findings and unsupportable on any plausible reading of the record.”

In *Klayman v. Obama*, a challenge to the federal government’s bulk data collection program, where the government collected ‘metadata’, information on phone numbers called and the length of the calls. “ is deemed “metadata” is often murky (such as subject lines and URLs) and context dependent—and not clearly distinguishable from content, which everyone agrees is protected by the Fourth Amendment. Second, and more important, even without listening in on a conversation, metadata reveals private information—sometimes more than would be revealed by content.”[\[1\]](#)

And, “(a) federal district judge issued a preliminary injunction [against](#) the program in both 2013 and 2015, finding that the program improperly collected metadata on people not suspected of any crime. After the 2015 injunction was [stayed](#) on appeal by a three-judge panel, Judge Kavanaugh had the chance to state his views in no uncertain terms.

“While the full D.C. Circuit declined to review the stay order, in his [concurring opinion](#) Kavanaugh went out of his way to assert that the metadata program was “entirely consistent with the Fourth Amendment.” Even in the absence of full briefing, Kavanaugh concluded that the alleged ‘critical national security need’ for the program ‘outweighs the impact on privacy.’”[\[2\]](#)

“Kavanaugh argues that even if the government’s collection of millions of Americans’ telephony metadata did constitute a search it would nonetheless not run afoul of the Fourth Amendment:

Even if the bulk collection of telephony metadata constitutes a search,[...] the Fourth Amendment does not bar all searches and seizures. It bars only unreasonable searches and seizures. And the Government’s metadata collection program readily

qualifies as reasonable under the Supreme Court's case law. The Fourth Amendment allows governmental searches and seizures without individualized suspicion when the Government demonstrates a sufficient "special need" – that is, a need beyond the normal need for law enforcement – that outweighs the intrusion on individual liberty. Examples include drug testing of students, roadblocks to detect drunk drivers, border checkpoints, and security screening at airports. [...] The Government's program for bulk collection of telephony metadata serves a critically important special need – preventing terrorist attacks on the United States. See THE 9/11 COMMISSION REPORT (2004). In my view, that critical national security need outweighs the impact on privacy occasioned by this program. The Government's program does not capture the content of communications, but rather the time and duration of calls, and the numbers called. In short, the Government's program fits comfortably within the Supreme Court precedents applying the special needs doctrine.[\[3\]](#)

There are more cases but, by now, you should see the writing not on the wall or the record because instead of a proper procedure for advice and consent, we had bread and circuses – again. As I noted in my article, "Political correctness, just one tool in the arsenal of Sustainability": look at [this](#) from the BSTEP program our government (Department of Health, Education, and Welfare) hired Michigan State University to design. "A small elite will carry society's burdens. The resulting impersonal manipulation of most people's life styles will be softened by provisions for pleasure seeking and guaranteed physical necessities. Participatory democracy in the American-ideal mold will mainly disappear. The worth and dignity of individuals will be endangered on every hand. Only exceptional individuals will be able to maintain a sense of worth and dignity."[\[4\]](#)

The above is from "Behavioral Science Teacher Education Program, designed from 1965-1969 by Michigan State University

with funding[5] by the U.S. Department of Health, Education and Welfare. They have achieved their goal and it was demonstrated in the Kavanaugh hearings. Are we proud?

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### **Footnotes:**

[\[1\] Klayman v Obama eff explains why metadata matters and third party doctrine doesnt](#)

[\[2\] Brett Kavanaugh's views in privacy and the fourth amendment should make](#)

[\[3\] Kavanaugh Klayman fourth amendment](#)

[\[4\] Political correctness just one tool in the arsenal of sustainability](#)

[\[5\]](#) funding also by American Academy of Arts and Sciences, American Academy of Political and Social Science, UN future-planning operation in Geneva, World Future Society of Washington, D.C., General Electric Co, The Air Force and Rand Corporation, Hudson Institute, Ford Foundation, IBM. Universities involved: Stanford, Syracuse, U. of Illinois, Southern Illinois University.