

The 110 MPH Fastball

“COURT REORGANIZATION”

by Joseph DeMaio, ©2017



(Jul. 3, 2017) — Fair warning: for those of you familiar with my prior P&E submissions, this one will be no different. While not directly addressing the “natural born Citizen” issue, the constitutional ineligibility of the prior occupant of the White House and usurper of the Office of the Presidency remains central in understanding why the nation has come to this precipice.

While the downward spiral began years before the Usurper-in-Chief was elected, it accelerated to warp 7 when he assumed the office. And with the complete, utter and categorical failure of his policies – embodied in his signature concoction, the hysterically yet intentionally-mislabeled “Affordable Care Act” – and culminating in the humiliating but merciful and well-deserved cratering of Hillary Rodham Clinton in 2016, the media moguls, the Hollywood numbskulls, university fascists and all those who felt “cheated” because America had actually elected Donald Trump decided: we must “resist.” And resist they certainly do.

What we are now witnessing is best described as soft – and sometimes not-so-soft – sedition, the incremental tearing of the fabric of a nation now some 240 years old. The destruction is being designed, orchestrated, and implemented by people, institutions and NGO’s (and even some GO’s of the “deep state”) dedicated to the proposition that the duly-elected – and, coincidentally, constitutionally-eligible President, Donald J. Trump –

must be by whatever means available, lawful or not, removed from office. Similarly, those who belong to his party must likewise be [attacked](#).

Never in the history of the nation, save perhaps during the Civil War, has the vitriol and invective of those opposed to a president been as vile. And wrong. Prior to the last general election, the media was *aghast* that candidate Trump would reserve judgment on supporting his party's nominee until a later time, while simultaneously battering him with accusations that he was undercutting the very foundations of American democracy. But then suddenly, when his pathetic and deeply-flawed opponent collapsed on a pile of sledgehammered and BleachBitted computers, Blackberries and e-mails, the media was again *aghast* – no, make that *apoplectic* – that the democratic process had actually elected... *him*.

And when he had the temerity to nominate a Supreme Court Justice to replace deceased Justice Antonin Scalia, a sitting (for now) Supreme Court Justice lamented the fact that the Electoral College even [existed](#) *at all* to seal his victory. Never mind that the Constitution creates and mandates the Electoral College as the mechanism to actually elevate a... natural born Citizen... to the presidency. At least Justice Ginsberg recognized that it would take an amendment of the Constitution to eliminate the Electoral College.

But the mere fact that a sitting Justice of the Supreme Court would suggest such an amendment simply underscores how detached and intellectually-bankrupt the leftists and radicals in the country, including at the highest levels of the judiciary, have become. The Founding Fathers would themselves be both *aghast* as well as *apoplectic*.

It here bears repeating that if hypocrisy did not yet exist, the left, liberals and most Democrats would invent it at breakfast merely to survive until lunch. Garden-variety hypocrisy has always been the main staple in liberals' diets. Today, however, we are witnessing the evolution of hypocrisy on steroids: mendacious and vile hypocrisy. Stated otherwise, the left can sure dish it out; but when it comes to "taking it" following a shift in the political winds... not so much.

Candidate Donald J. Trump told the American people that, if they elected him President, he would go to Washington, D.C. to "drain the swamp." While Trump presumably knew that draining a swamp could meet with resistance from the snakes, alligators, crocodiles and cockroaches inhabiting their swamp-condos, he probably did not appreciate that the swamp was not confined to the District of Columbia. He is learning that satellite swamps exist throughout the nation, each one dedicated to the end that Donald Trump must not be allowed to succeed in the sanitizing and cleanup effort. Instead, he must be resisted at every opportunity.

Thus, the satellite swamp of California, with its scum ponds of San Francisco and Berkeley and the putrid hammock of Hollywood, proudly trumpet their *raison d'être* as being the demise and removal of President Trump from office. At the same time, of course, their swamp-master governing bodies shield and give sanctuary to illegal alien

felons who with intermittent impunity murder Americans. Irrational, of course, but oh-so-California. Nice.

Then there is the satellite swamp of the media, including the Gray Trollop (once known as the messenger for “all the news that is fit to print;” CNN, which never met an anonymous, concocted rumor denigrating Trump that was unworthy of being repeated and broadcast; and, of course, MSNBC, where Chris (“thrill-going-up-my-leg-for-Obama”) Matthews jokingly [suggests](#) that Trump may want to consider having his son-in-law, Jared Kushner, murdered. The list goes on and on... and on... and on.....

Coming to the point, we are now at a juncture in the history of the republic where drastic times call for drastic responses..., and not just “tweets.” To correctly quote the media-mangled statement made by GOP presidential candidate Barry Goldwater in 1964, drawn from Cicero: “Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue.” Democrat Lyndon B. Johnson and his leftist media apparatchiks seized upon the first phrase, omitting the second, and produced this [nugget](#), still enduring today as the gold standard for gutter political ads. Although it aired on television only once, it worked: Goldwater lost and Johnson was elected.

But I digress... what to do..., what to do?

Ah! I got it! How about baseball? Depending on which source (or radar gun) one chooses to believe, the [record](#) for the fastest pitch by a major league baseball player is either Aroldis Chapman (106.0 MPH), Bob Feller (107.6 MPH) or Nolan Ryan (108.1 MPH). So, to use a baseball analogy, if the Democrats and their sycophantic cadre of radicals and nation-loathing Americans want to play hardball with President Trump, fine. Bring it. Trump now has the opportunity to become, by analogy, the pitcher with the 110 MPH fast ball. Let us see if Chuck Schumer can hit one of those.

Reduced to its essence, the 110 MPH fastball consists of two words: “twelve” and “nine.” That’s it.



Oh..., you need more detail? OK, pay attention, because this can get pretty complex, especially for any libs or Democrats reading this (like that's going to happen?). The Constitution does not set or fix the number of Justices populating the Supreme Court. That is the province of the Congress as set out in Article III of the Constitution. Under that authority, Congress has, since the founding on several occasions, most recently in 1948, altered the number of justices required for the Supreme Court. Currently, 28 U.S.C. § 1 states that there shall be a Chief Justice and eight Associate Justices and that any six of same shall constitute a [quorum](#).

Trump's 110 MPH fastball would propose an amendment of 28 U.S.C. § 1, replacing the word "eight" with the word "twelve" and replacing the word "six" with the word "nine." Simple. The size of the Supreme Court would then become 13 – coincidentally, the same number as the original Founding States – with one Chief Justice (as now) and 12 Associate Justices. Since there would immediately be three vacant seats, it would be up to President Trump to nominate those additional Justices to fill the newly-created, but vacant seats.

Sound good so far? The following might ensue between President Trump and Schumer:

"Yes, yes, Senator Schumer... I know, I know. That would be a blatant attempt to 'pack the Court' with jurists who I think actually believe in supporting and defending the Constitution as it was written and as it has been lawfully amended. And I know that does not sit well with your fantasy that it is to be deemed a 'living, breathing and evolving' document. Too bad. We won. You lost. Deal with it."

Wait... isn't that what Obama said when he signed the Affordable Care Act?

And by the way, this is not altogether unlike the plan floated in [1937](#) by President Franklin Delano Roosevelt. Is it OK for a Democratic president to propose expansion of

the Supreme Court, but not OK for a GOP president to do the same thing? FDR's plan was even more wide-reaching than what is discussed here, since the 1937 proposal authorized the president to appoint, still with the advice and consent of the Senate, one Justice – up to a maximum of six – for each sitting Justice who had reached the age of 70, but had not retired. The present proposal would “cap” the number of Justices at the finite number 13 without regard to the age of a sitting Justice who did not retire.



FDR's 1937 “court reorganization” plan failed, but for myriad reasons which would not be implicated here. And, by the way, if Schumer could be persuaded to support the plan, the President might – no guarantees, of course, given the President's “tweeting” predilections – be willing to consider Schumer's input on the *nominating* side of the process, but only as to one Justice... a blind Martian could see why. Hey, it might even be packaged as a “breakthrough” in thawing what have been reported to be chilly or difficult relationships between the President and Schumer.

Is this a bold and radical proposal? Duh... of course. Do the times call for bold and radical proposals? Refer to prior answer.

The only problem will be to make sure the proposal is enacted into law before the 2018 general election, when a number of squish Republicans – I could name a few, but you get the point – will come up for re-election. Recall that doing this might actually restore faith in the rule of law and the Constitution as it was written and amended. Accordingly, there will likely be opposition from more than a few of the crocodiles and alligators on both sides of the Senate aisle.

If Trump were a baseball pitcher, the foregoing proposal could be the functional equivalent of a 110 MPH fastball. And if it materialized, it might even get him a nice signing bonus in 2020... if you get my meaning.

Take that, Aroldis Chapman, Bob Feller and Nolan Ryan. Oh, yeah... and Chuck Schumer, too.