

NEWSLETTER

Coming to You from the Left Side of the House and the Senate



DCWC to Resume In-Person Meetings

The Democratic Club of Worcester County will resume in-person general membership meetings beginning in September. General membership meetings are held on the fourth Thursday of each month in the Assateague Room of the Ocean Pines Community Center.

The upcoming meeting will be held on Thursday, September 23rd beginning at 6:30 p.m. Guest speaker will be Michelle Gregory, Democratic candidate for state senate District 38. Upcoming speakers include Heather Mizeur in October and a representative of Diakonia in November.

Due to the ongoing pandemic, it is strongly advised that all attendees wear masks, even if vaccinated. Seating will allow for appropriate social distancing. Hand sanitizers will be available. Caution is advised when attending so everyone can remain safe.

As democracy itself is under ever intensifying assault, it is vital that committed Democrats fight to secure justice, liberty, and sanity back into our government and our lives. Come out and support your local Democratic organizations.

DCWC Officers

2021-2022

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Editor DCWC Newsletter





A Message from Your President

Vicky Wallace, DCWC President

Summer has officially ended . . . Students and teachers are back in the classroom. It is time to enjoy the beautiful fall weather we have here in the midAtlantic. It is also a time to be vigilant about the Corona-virus and its delta variant. I strongly encourage anyone who has not received the vaccination to do so as soon as possible. If you have received the vaccine, the booster shot is now available to you locally. If you are hesitant to get the vaccine, do it to protect your spouse, your parents, your children, your friends and neighbors. It is the right thing to do.

Join your fellow club members at our first in-person general meeting on September 23 at the Ocean Pines Community Center beginning at 6:30 p.m. Our speaker is Michelle Gregory, Democratic candidate for the Maryland State Senate. We encourage “masking up” and seating will be with appropriate distancing. I hope to see you there.

Vicky Wallace



MICHELLE GREGORY DEMOCRATIC CANDIDATE FOR MARYLAND STATE SENATE DISTRICT 38

Michelle Gregory has served on the Salisbury City Council since 2019. She has worked on issues relating to education, racial equality, union rights, a living wage, and universal health care. Michelle will join us as our guest speaker on September 23 at the DCWC.

HEATHER COX RICHARDSON ON THREATS TO DEMOCRACY

Heather Cox Richardson is a political historian who publishes a daily internet essay on current political

September 1, 2021 (Wednesday)

Last night at midnight, a new law went into effect in Texas. House Bill 1927 permits people to carry handguns without a permit, unless they have been convicted of a felony or domestic violence. This measure was not popular in the state. Fifty-nine percent of Texans—including law enforcement officers—opposed it. But 56% of Republicans supported it. “I don’t know what it’s a solution to,” James McLaughlin, executive director of the Texas Police Chiefs Association, said to Heidi Pérez-Moreno of the Texas Tribune when Republican governor Greg Abbott signed the bill in mid-August. “I don’t know what the problem was to start with.”

Texas Gun Rights executive director Chris McNutt had a different view. He said in a statement: “Texas is finally a pro-gun state despite years of foot-dragging, roadblocks, and excuses from the spineless political class.”

The bill had failed in 2019 after McNutt showed up at the home of the Texas House Speaker, Republican Dennis Bonnen, to demand its passage. Bonnen said McNutt’s “overzealous” visit exhibited “insanity.” “Threats and intimidation will never advance your issue. Their issue is dead,” he told McNutt. McNutt told the *Dallas Morning News*: “If politicians like Speaker Dennis Bonnen think they can show up at the doorsteps of Second Amendment supporters and make promises to earn votes in the election season, they shouldn’t be surprised when we show up in their neighborhoods to insist they simply keep their promises in the legislative session.”

That was not the only bill that went into effect at midnight last night in Texas. In May, Governor Abbott signed the strongest anti-abortion law in the country, Senate Bill 8, which went into effect on September 1. It bans abortion after 6 weeks—when many women don’t even know they are pregnant - thus automatically stopping about 85% of abortions in Texas. There are no exceptions for rape or incest. Opponents of the bill had asked the Supreme Court to stop the law from

taking effect. It declined to do so.

The law avoided the 1973 Supreme Court *Roe v. Wade* decision protecting the right to abortion before fetal viability at about 22 to 24 weeks by leaving the enforcement of the law not up to the state, but rather up to private citizens. This was deliberate. As Dahlia Lithwick and Mark Joseph Stern explained in an article in *Slate*: “Typically, when a state restricts abortion, providers file a lawsuit in federal court against the state officials responsible for enforcing the new law. Here, however, there are no such officials: The law is enforced by individual anti-abortion activists.” With this law, there’s no one to stop from enforcing it.

S.B. 8 puts ordinary people in charge of law enforcement. Anyone—at all—can sue any individual who “aids or abets,” or even intends to abet, an abortion in Texas after six weeks. Women seeking abortion themselves are exempt, but anyone who advises them (including a spouse), gives them a ride, provides counseling, staffs a clinic, and so on, can be sued by any random stranger. If the plaintiff wins, they pocket \$10,000 plus court costs, and the clinic that provided the procedure is closed down. If the defendant doesn’t defend themselves, the court must find them guilty. And if the defendant wins, they get...nothing. Not even attorney’s fees.

So, nuisance lawsuits will ruin abortion providers, along with anyone accused of aiding and abetting—or intending to abet—an abortion. And the enforcers will be ordinary citizens.

Texas has also just passed new voting restrictions that allow partisan poll watchers to have “free movement” in polling places, enabling them to intimidate voters. Texas governor Greg Abbott is expected to sign that bill in the next few days. *(Continued on page 4.)*

HEATHER COX RICHARDSON, SEPTEMBER 1, 2021

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Taken together with the vigilantism running wild in school board meetings and attacks on election officials, the Texas legislation is a top red flag in the red flag factory. The Republican Party is empowering vigilantes to enforce their beliefs against their neighbors.

The law, which should keep us all on a level playing field, has been abandoned by our Supreme Court. Last night, it refused to stop the new Texas abortion law from going into effect, and tonight, just before midnight, by a 5–4 vote, it issued an opinion refusing to block the law. Justice Sonia Sotomayor’s dissent read: “The court’s order is stunning. Presented with an application to enjoin a flagrantly unconstitutional law engineered to prohibit women from exercising their constitutional rights and evade judicial scrutiny, a majority of Justices have opted to bury their heads in the sand.”

Texas’s law flouts nearly 50 years of federal precedents, she points out, but the Supreme Court has looked the other way. “The State’s gambit worked,” Sotomayor wrote. She continued: “This is untenable. It cannot be the case that a state can evade federal judicial scrutiny by outsourcing the enforcement of unconstitutional laws to its citizenry.”

The Supreme Court has essentially blessed the efforts of Texas legislators to prevent the enforcement of federal law by using citizen vigilantes to get their way. The court decided the case on its increasingly active “shadow docket,” a series of cases decided without full briefings or oral argument, often in the dead of night, without signed opinions. In the past, such emergency decisions were rare and used to issue uncontroversial decisions or address irreparable immediate harm (like the death penalty). Since the beginning of the Trump administration, they have come to make up the majority of the court’s business.

Since 2017, the court has used the shadow docket to advance right-wing goals. It has handed down brief, unsigned decisions after a party asks for emergency relief from a lower court order, siding first with Trump, and now with state Republicans, at a high rate. As University of Texas law professor Stephen Vladeck noted: “In less than three years, [Trump’s] Solicitor General has filed at least twenty-one applications for stays in the Supreme Court (including ten during the October 2018 Term alone).” In comparison, “during the sixteen years of the George W. Bush and Obama Administrations, the Solicitor General filed a total of eight such applications—averaging one every other Term.”

So, operating without open arguments or opinions, the Supreme Court has shown that it will not enforce federal law, leaving state legislatures to do as they will. This, after all, was the whole point of the “originalism” that Republicans embraced under President Ronald Reagan. Originalists wanted to erase the legal justification of the post–World War II years that used the “due process” and “equal protection” clauses of the Fourteenth Amendment to apply the protections of the Bill of Rights to the states. It was that concept that protected civil rights for people of color and for women, by using the federal government to prohibit states from enforcing discriminatory laws. Since the 1980s, Republicans have sought to hamstring federal power and return power to the states, *(Continued on page 5.)*

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which have neither the power nor the inclination to regulate businesses effectively, and which can discriminate against minorities and get away with it, so long as the federal government doesn't enforce equal protection. Today's events make that a reality.

Worse, though, the mechanisms of the Texas law officially turn a discriminatory law over to state-level vigilantes to enforce. The wedge to establish this mechanism is abortion, but the door is now open for extremist state legislatures to turn to private citizens to enforce any law that takes away an individual's legal right...like, say, the right to vote. And in Texas, now, a vigilante doesn't even have to have a permit to carry the gun that will back up his threats.

During Reconstruction, vigilantes also carried guns. They enforced state customs that reestablished white supremacy after the federal government had tried to defend equality before the law. It took only a decade for former Confederates who had tried to destroy the government to strip voting rights, and civil rights, from the southern Black men who had defended the United States government during the Civil War. For the next eighty years, the South was a one-party state where enforcement of the laws depended on your skin color, your gender, and whom you knew.

Opponents have compared those who backed the Texas anti-abortion law to the Taliban, the Islamic extremists in Afghanistan whose harsh interpretation of Islamic Sharia law strips women of virtually all rights. But the impulse behind the Texas law, the drive to replace the federal protection of civil rights with state vigilantes enforcing their will, is homegrown. It is a reflection of the position that Republicans would like women to have in our society, for sure, but it is

also written in the laughing faces of Mississippi law enforcement officers Lawrence Rainey and Cecil Ray Price in 1967, certain even as they were arraigned for the 1964 murders of James Earl Chaney, Andrew Goodman, and Michael Henry Schwerner, that the system was so rigged in their favor that they would literally get away with murder.

When they were killed, Chaney, Goodman, and Schwerner were trying to register Black people to vote.



How a Massachusetts Case Could End the Texas Abortion Law

**By Lawrence H. Tribe and David Rosenberg, Sept. 8, 2021 for *The Boston Globe*
Shared by Steve Cohen**

The Supreme Court's Whole Woman's Health decision not to block the Texas post-six-week abortion ban has caused terrified abortion providers to shut down despite the ban's flagrant violation of *Roe v. Wade*. A particularly chilling aspect of the Texas law empowers any civilian anywhere to sue Texans who aid in an abortion and to collect a bounty of at least \$10,000 if they win in court.

To respond to the ban's violation, Attorney General Merrick Garland should treat bounty hunting under SB-8 as a criminal deprivation of civil rights, leading to possible federal prosecutions under two sections of the Ku Klux Klan Act of 1871. That law was passed to protect the civil rights of previously enslaved Americans who were targeted for extrajudicial violence by white supremacist vigilantes.

But the new Texas law, which other states are rushing to clone, has fatal constitutional flaws — entirely apart from its attack on abortions protected by *Roe v. Wade*. The court's notorious five-justice majority, which included all three of Donald Trump's nominees, suggested that the court hadn't previously encountered legislative schemes that confer on private individuals the power to veto the provision of lawful services. It purported to be procedurally stymied from blocking the Texas law's manifest goal of snuffing out abortion services and wrecking the lives of many women during the year or more it will take the court to ultimately strike the Texas law down or admit that it is jettisoning *Roe v. Wade*.

Not true. And a Massachusetts case established the precedent.

Decades ago, recalling the court's early 20th-century invalidation of just such schemes in cases involving land use and zoning, we successfully invoked the civil parallel of the Ku Klux Klan Act to prevent the neighbor of Harvard Square restaurant Grendel's Den from wielding a state-conferred veto power over the issuance of any liquor license within a 500-foot radius. That statute was enacted by Congress specifically to provide a federal judicial remedy for violations of constitutional rights when state judicial remedies were blocked, as they clearly are by the structure of the Texas abortion law.

In an 8-1 opinion by Chief Justice Warren Burger, no liberal himself, the Supreme Court in 1982 held that such veto power could easily be invoked for religious, ideological, or other illicit reasons that could well be undetectable, making the scheme unconstitutional on its face.

That same danger has again reared its ugly head. As with the Massachusetts liquor law, the Texas abortion law delegates quintessentially governmental power to private parties — in Texas, to literally anyone on earth with an objection to abortion, giving that individual or organization the unilateral and unfettered power to inflict criminal punishment on whoever assisted a woman, within the past four years, to terminate a pregnancy without being able to prove that the fetus didn't have detectable cardiac activity.

In the Grendel's Den case, in which a church vetoed the restaurant's liquor license, we sued the state's
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How a Massachusetts Law Could End the Texas Abortion Ban (Cont' from page 6.)

functionaries charged with ultimately handing out liquor licenses or respecting whatever veto was filed. So, too, here in the Texas case. Anyone threatened with the prospect of paying a bounty of between \$10,000 and an unlimited amount (including all attorney fees) to whoever sues them for assisting a woman to end her pregnancy — damages that don't reflect harm to the bounty hunters and are therefore wholly punitive — could sue the court officer charged with collecting the penalty to prevent that collection from ever taking place. Nothing the Supreme Court said or did in its Sept. 1 midnight decision rules that out. And Supreme Court cases striking down punitive damages that grossly exceed any harm to the plaintiff collecting them are obviously relevant where, as here, harm to the plaintiff is zero.

Someone confronted with the threat of having to pay such a bounty could also sue the bounty hunter directly rather than sue any state official. The reason? That veto-wielder would indisputably be acting “under color of law,” triggering the availability of Section 1983, the bedrock for civil rights lawsuits. And any group threatening to go after clinics or others helping women could be sued for damages, including punitive damages, for conspiring to violate a person's civil rights under 42 USC sec 1985, without having to meet any “color of law” requirement. Just as the prospect of federal criminal prosecution could make those tempted to invoke the Texas system think twice before becoming bounty hunters, combining that prospect with the knowledge that anyone you sue in Texas to collect a bounty could immediately countersue for double or triple damages should serve to thaw the chill that the Texas Legislature was counting on to stamp out abortions in that state.

In the Grendel's Den case, the unbridled veto power interfered not with a service to which anyone had a constitutional right, like abortion, but just with serving liquor. It was simply being governed by someone unaccountable to nobody that offended the Constitution. In the Texas case, even a judge or justice convinced that *Roe v. Wade* was wrongly decided and that there is no constitutional right to end a pregnancy would need to confront the long line of precedent establishing that due process of law, enshrined in the Fourteenth Amendment, does not permit, to quote the court in *Grendel's Den* “delegate[ing] to private, nongovernmental entities power to veto... a power ordinarily vested in agencies of government.” As the court said, it is difficult in such situations to imagine “any ‘effective means of guaranteeing’ that the delegated power ‘will be used exclusively for secular, neutral, and non-ideological purposes.’” As one of us wrote in 1973 in defending the court's *Roe v. Wade* ruling, abortion is particularly fraught with deeply religious as opposed to secular concerns and commitments. Just because the religion clauses are not directly implicated by the Texas scheme, it doesn't follow that the long line of decisions into which *Grendel's Den* fits becomes irrelevant in the effort to legally defang the Texas abomination.

Whatever force one attributes to Supreme Court precedent, it must be followed unless and until expressly overruled. To turn a blind eye to the blatant departure from its own precedent, as the *Whole Woman's Health* decision did, is for the court to deny its own legitimacy and invite chaos to replace the rule of law. Neither the Justice Department nor private litigants can ignore the illegality of granting bounties willy-nilly to private individuals for their own benefit, an unconstitutional money-making scheme if ever there was one.

Branhall's
NYDN



 National Call To
Mobilize AND Defend
Our Reproductive Rights

**RALLY FOR OUR RIGHTS
EASTERN SHORE WOMEN
WON'T GO BACK**

Saturday, October 2, 2021 11:00 a.m.
Plaza in front of the Salisbury
City County Government Building
125 N. Division St., Salisbury MD



**BRING A SIGN.
SHOW A SIGN.
JOIN THE MARCH
FOR
REPRODUCTIVE
RIGHTS IN
SALISBURY OR
ANY CITY YOU
CAN GET TO!**

CALLING ON MEMBERS TO CALL YOUR FRIENDS, NEIGHBORS, COLLEAGUES TO JOIN US IN THE DCWC!

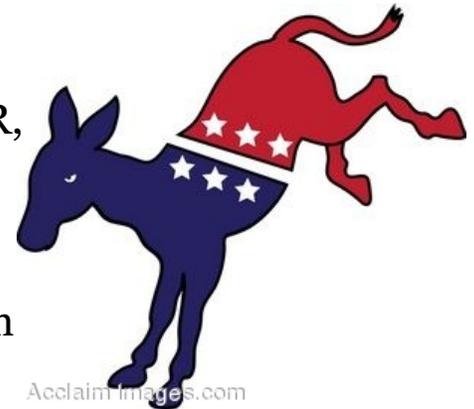
RENEW YOUR MEMBERSHIP OR JOIN NOW!

Dear Members & Friends of the Democratic Club of Worcester County:

2022 MEMBERSHIP DUES ARE DUE, PAYABLE TO DCWC. IF YOU ARE NOT ALREADY A MEMBER, CONSIDER THIS AN INVITATION TO JOIN!

Memberships are available for \$15 for an individual or \$25 for a couple. Print the form on the following page of this newsletter, fill it in and mail it, along with your check to:

DCWC
P.O. Box 1664
Berlin, Maryland 21811



If you are already a member, but not sure you have paid your 2022 membership dues, contact Tom Butler at thomasebutler@mediacombb.net.

DCWC regularly meets the 4th Thursday of the month. In September, in-person meetings will resume in the Assateague Room at the Ocean Pines Community Center. Come at 6:30 for coffee and conversation. The meeting begins at 7:00. Bring a mask, social distance, enjoy the guest speaker.

For more information contact vick1947@aol.com

CALLING ON YOU TO JOIN US IN THE DCWC. HELP US BUILD A BETTER FUTURE THROUGH POSITIVE POLITICAL ADVOCACY, ACTION, AND ACTIVISM.

DEMOCRATIC CLUB OF WORCESTER COUNTY

The Democratic Club of Worcester County is organized to unite Democrats across the county. Our regular meeting time is the fourth Thursday of every month in the Assateague Room of the Ocean Pines Community Center. Meetings begin at 7 p.m., with a social hour beginning at 6:30 p.m.

WE NEED YOU. With the drive to seat more Democrats in our local and state governments and to increase the number of Democrats in the House and Senate, we must work together, now more than ever. Democracy itself is on the line. If you are a member, but have not renewed for 20212, we ask that you renew your membership now for the year 2022.

If you are not a member, please consider joining us. Send in your new membership application now by completing the form below and mailing it to DCWC, P.O. Box 1664, Berlin, Maryland 21811.

Dues are fifteen dollars (\$15) for a single membership and twenty-five dollars (\$25) for a family membership.

PLEASE JOIN AND MAKE A DIFFERENCE ON THE EASTERN SHORE!

2022 MEMBERSHIP FORM

Your Name _____

Your Primary Address _____

Phone #: _____ (H) Phone # _____ (Cell)

Email: _____

DUES: \$15 Single \$25 Family Make checks payable to DCWC.

Print this form and send with your check to: DCWC, P.O. 1664, Berlin, MD 21811

VOTE BLUE IN '22 WINEGLASSES

**DCWC NOW ACCEPTING ORDERS
FOR 10-OUNCE VOTE BLUE IN '22 WINEGLASSES**



With the original order of our 10-ounce Libby blue wineglasses sold out, the Democratic Club of Worcester County is taking orders. If you are interested in making a purchase of one or more Vote Blue in '22 wineglasses, please fill in the form below and send to DCWC at P.O. Box 1664, Berlin, MD 21811. Please enclose a check made out to DCWC. At \$20 per glass, these make terrific Christmas gifts and are perfect for toasting 2022 as it arrives on January 1.

WINEGLASS ORDER FORM

Name _____ Email address: _____

Phone # _____ Cell # _____

Number of wineglasses: _____ x \$20 = \$ _____

Make check payable to DCWC. Send to DCWC, P.O. Box 1664, Berlin, MD 21811

It's Hard to Know Where to Begin

by Gwen Lehman

I've been thinking lately about why I was always more interested in World History than U.S. History; why I gravitated to the history of ancient Greece and Rome, British history, the histories of the French Revolution, the Bolshevik Revolution, the colonization of Australia, the Silk Road and China. I think I know why. There was romance and drama and some darned rough stuff they taught us in World History and it was fascinating. It made you wonder how so many countries survived the varied ups and downs of their cultures and came to thrive today.

U.S. History, in contrast, was white-washed with such a huge paint roller that I found it bland and dull and boring. Other than the Teapot Dome Scandal, I can't remember much that didn't glorify the nation. America the Good, the Bold, and the Beautiful. I grew up with the story of young George Washington cutting down that cherry tree and telling the truth about it. I supposed that was a good thing, but if I had cut down a sapling that my father especially doted on, I would probably have blamed it on my brother.

My undergraduate U.S. History professor, unfortunately, failed to spark my interest in his subject. Very old and very tired, he sat at his desk and read to us from a stack of yellowed notecards. I stopped going to class. I wish now I had challenged him to put down those notecards and tell us what it was like when he was a boy and a young man and why the history of his own country interested him enough to make studying it his life's work. It was my failure as much as his.

Because I am a reader and because I love history, I have come to realize that America's history, just like World History, is rich and dramatic and exciting and romantic and awful. It is full of ambiguities and conflict and romance and drama. Like the history of every other country, it is both terrible and wonderful. It is full of contradictions and mistakes and horrors and hypocrisy, as well as full of triumphs and successes and achievements and challenges overcome.

What we may not have fully realized yet as a nation is that it is not a good thing to hide the truth of our past. We are no worse than any other country and no better. That we have not lived up to the promise of the Declaration of Independence or the Constitution of the United States, does not mean that we will not do so at some point in the future. Understanding our past, acknowledging our shortcomings, striving to be better than our worst impulses and actions can only make it more likely that we finally achieve "liberty and justice for all." I had to repeat that pledge every Monday through Friday for 47 years. By the time I had left the classroom and retired, this country still seemed faraway from realizing the ideals I was pledging myself to daily.

We are a nation that institutionalized the enslavement of human beings in order to build a robust economy. We did it for decades. Many of our "Founding Fathers" (no actual mothers here) owned slaves and they did not give them up after signing the Declaration of Independence.

Mini-Calendar

Thursday, September 23

DCWC in-person meeting
Assateague Room, OP Community Center, 6:30 p.m.

Saturday, October 2nd

Women's March 11 am, Salisbury Plaza near City/County Government Building

Saturday, October 7

Drinking Liberally, 5 pm
Sello's Restaurant, Golf Course Rd.

Sunday, October 8th

DWC Trivia Night Fundraiser
OP Community Center

A civil war was fought to allow the enslavement of others to continue and to dissolve the nation as it had been conceived. In many ways, we continue to fight that war today. How can we move past our worst impulses if we remain unwilling to admit that we have them? When I see FaceBook memes declaring "No one wants to work," I always wish some would meme, "No one wants to work *for me*."

A nation built on a foundation that is mortared with slavery and racism has a long way to go to fulfill what it has always claimed as its destiny. I can handle the truth. Kids can handle the truth. The truth is so much more interesting and dramatic and instructive and compelling than most lies. No one, no nation, can be better than its past, if it doesn't know what that past is.

So, let's own up. Let's have a reckoning. Let's acknowledge who we are and where we are. To quote from "Designing Women," an old tv sitcom. "We're not what we should be. We're not what we're gonna be. But at least we're not what we were." If we want God to bless America, maybe we should make it a little easier for her.