

The Confirmation Hearings on the Nomination of Brett Kavanaugh to be an Associate Justice of the Supreme Court of the United States and the Tribalization of the American Politics: The Slow Death of Once a Great Nation

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1. Backgrounder

Americans were once appalled to hear and see countries in Africa or Asia or Latin America and elsewhere around the globe descent into political chaos because of the tribal, dysfunctional political system and identity politics. Today the same phenomena that once bewildered them are slowly but steadily itching into the social and cultural fabric that once made America a great nation. Ever since the election of Donald J. Trump in November 2016, the political Left or radical Left to be precise, i.e., the *Social Justice Warriors*, the *Moral Crusaders of Hollywood*, the overtly *Bias Media Establishment* and the *Disgruntled Never Trumpers*, though on the fences as of late, have unleashed an ideological and cultural war, that if left unchecked, will bring down the American Republic. For many people, this relentless drive to stop anything close or even remotely associated with the Republican Party has got to do with the sitting President in the White House. That is, Donald J. Trump. As we all remember, Mr. Trump was mocked, smeared, belittled, laughed at, to say the least, by both the left and the right political establishments and the mainstream media at large during the 2016 campaign elections. And today to the chagrin of many of his detractors he is the sitting President of the United States. And two years into his administration however, the political fever and outright hatred towards him has not subsided. On the contrary, it has gotten worse simply because first, he dared to run, and then he won against all predictions; and now he is implementing most of the promises that he made while campaigning for the Presidency.

This apparent defiance by President Trump against the political calculus of so many Democrats and the left leaning ideologues and his conservative's nemesis has unsettled them and filled the radical Left with rage and anger. While this passion and open hostility that the Democrats show on a daily basis against anything Trump fire up their base (s), in a long run this is neither good politics for the Nation as a whole and nor will that make the Democratic Party avoid being labeled the Party of radicals and extremists. In addition to being seen as a threat to the constitutional order and governing institutions of the country.

2. The Kavanaugh's Confirmation Hearings' Saga

The Justice Kavanaugh's hearings have shown that the majority of Democrats and their radical supporters have not come to grips with the loss of the elections in November 2016. The resistance to accept the reality

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coupled with the personal hatred against President Trump have gone from sheer political disagreements and policy outcomes to pure betrayal of the political principles that have kept America glued by its institutions of law such as the Supreme Court of Justice and the United States Congress. That said, no matter what the political ideologies or inclinations of both parties may be, the personal hatred towards the President and the use of the identity politics as the means to divide and categorize Americans are stoking division and tearing the country apart. As a result of all that, the country is now divided and polarized to the point where civil discourse and civility towards one another are no longer part of America's day to day interactions. That is to say, each political side simply wants to obliterate the other and sees it as *l' ennemi a battre* at any cost rather than seeing it as a political adversary or opponent. Not an enemy, indeed. This tribalization and the identity politics of the two confronted Americas were at full display during the confirmation hearings of the then Judge and now Justice Kavanaugh. The aggressive and shameful political and smear tactics used by the Democrats and their *Social Justice Warriors* and the radical *Left Moral Crusaders* were beyond the pale throughout the entire hearings of the Justice Kavanaugh. The 10 Democrat members of the Judiciary Committee were willing to accept Dr. Ford's allegations without any corroborating evidence simply because the accused was from the other political tribe and nominated by the hated and reviled President Trump. And to make matters worse, they were willing to make mockery of the due process and the presumption of innocence and turn the laws that have been the bedrock of the very structure of the American personal freedom upside down. Hence, the Nation of the law is slowly becoming before our own eyes a Nation of *lawlessness, anarchy, harassment and political intimidations*. As a consequence of all that, this is a dangerous path to trek. And following this path, certainly in no time, the country will become so politically dysfunctional that Americans should not be surprised to see their lawmakers and non-respectful, agitated, and paid protesters engage in fistfights just like, at times, we witness in so many so-called developing countries. Notwithstanding all that, it is worth recalling that the Constitution of the United States bestows the rights to protest and assemble peaceably so long as this is undertaken in peaceful manner (*First Amendment*). That said, lawmakers are the reflections of their political base(s):

1) When we see some Democratic Senators (members of the Judiciary Committee and their colleagues) refusing to condemn the *in your face anger, rage, bullying tactics, harassment and intimidations* of their radical base supporters towards their Republican colleagues, something in the American political system is broken; and the journey to the tribalization of American politics has begun.

2) When we see a sitting Democratic Senator, Mazie Hirono of Hawaii accusing all men as guilty simply because Mr. Kavanaugh was a man and automatically guilty, therefore, for the Senator, the principle of the presumption of innocence until proven guilty no longer counts so long as the rage against the other tribe is the *matter du jour*. As such, the Senator obviously did not care about the rights of the accused be trampled as long as he was a man.² And the new principle she has espoused is simply that '*you are guilty until proven innocent if you are a man.*' Very un-American, indeed.

3) When we see this *outright rage, lunacy, political immaturity and bullying tactics* that the hard left extreme or paid *in your face protesters* displayed when they confronted Senator Jeff Flake of Arizona in the elevator, and subsequently, harassed and screamed at Republican Senators Orrin Hatch and Lindsey Graham

² See CNN Politics television broadcast Sept. 18, 2018 available at <http://editions.cnn.com/videos/politics/2018/09/19/mazie-hirono-men-shut-up-Kavanaugh-sexual-assault-vpx.cnn>

in the Senate hallway, and yet, no Democratic Senator or their Staff for that matter, came forward to condemn that, that silence should alarm and concern every fair-minded American.³ That is, this irresponsible attitude of wanting to undermine every democratic institution of the Nation or any political or cabinet nomination or intimidate an opposing Senator whose policy position or politics the other tribe does not agree with, should vigorously be condemned by both political parties and every responsible American. For, not doing so, will take the country into the abyss and good thinking politicians from both parties will find it difficult in a not-distant future to reconcile their political differences however much they want to do so.

4) When we see how Democratic lawmakers and their followers engage in an open character assassination of an innocent man without being proven guilty of the accusations levied against him, the essence of what has distinguished America from many countries of the world is vanishing right before our own eyes. But for the sake of scoring political points and stop the confirmation of now Associate Justice Kavanaugh at any cost, respectable Democratic Senators and their media accomplices were willing to turn the due process upside down and turn America into the like of the authoritarian regimes that they all loathe and abhor and denounce anywhere and wherever they

can set their sights on in the world. So, for example, Senator Cory Booker of New Jersey went even far in that regard by calling those who supported putting Judge Kavanaugh on the Supreme Court bench as ‘*Complicit in Evil*.’⁴

5) When we see Elena Kagan, the sitting Supreme Court Justice, expressing her concerns about the reputation and legitimacy of the Court due to the charged political rhetoric and tribal division in American politics today, this is no longer a trivial matter. And when we see how the political environment in America today is so polarized and many political institutions are losing their legitimacy in the eyes of Americans, it is in the interests of everyone to lower the political tension and curtail the tribal identity politics for the sake of the Nation as a whole. This divisive and charged political tribalization should be avoided considering their negative effects on the prestige and reputation of the Court and other governing institutions of the country.⁵ Unfortunately, as of writing, despite those expressed warnings by Justice Kagan, no sitting Democratic lawmaker has heeded her warning and called for toning down the escalating charged political rhetoric between the two parties. On the contrary, some Democratic lawmakers are now publicly saying that they will impeach Justice Kavanaugh once they regain the House and the Senate on November 6 national midterm elections. Exception being made by Senator Coons of Delaware who called for a pause and thought that talking of impeaching Justice Kavanaugh was premature.⁶ In that regard, pursuing that reckless irresponsible route will eventually turn the Nation of law into a Nation of never-ending partisan bickering and grievances

³ See CNN politics television broadcast Sept. 28, 2018 available at <https://edition.cnn.com/2018/09/28/politics/jefflake-protesters-kavanaugh-vote/index.html>

⁴ See Sen. Cory Booker: Supporters of Judge Kavanaugh Are “Complicit” In “Evil” posted by Posted by Tim Hains On Date July 25, 2018, available at https://www.realclearpolitics.com/video/2018/07/25/sen_cory_booker_supporters_of_judge_kavanaugh_are_complicit_in_evil.html

⁵ See Justice Kagan worries about the ‘legitimacy’ of a politically divided Supreme Court uploaded by Sophie Tatum CNN October 6, 2018 available at <https://edition.cnn.com/2018/10/05/politics/supreme-court-elena-kaganlegitimacy/index.html>

⁶ See Sen. Chris Coons says it’s premature to talk about impeaching Kavanaugh by Ben Kamisar/Oct. 7, 2018/ 9:25 AM CDT available at <https://www.nbcnews.com/meet-the-press/sen-chris-coons-says-it-s-premature-talk-aboutimpeaching-n917521>

and all-out warfare identity politics; which would then de-legitimize America's premiere political institutions as warned by Justice Kagan.

6) When we see Senator Diane Feinstein, the highest-ranking Democrat on the Judiciary Committee questioning the validity and scope of the FBI supplemental investigation of Justice Kavanaugh that all Democratic Senators insisted upon and supported by Senators Jeff Flake of Arizona, Susan Collins of Maine, and Lisa Murkowski of Alaska, and yet, not coming forward to condemn the *harassment and intimidation tactics* of the hard-Left extreme against her sitting Republican colleague Senators, is mind-boggling.⁷ Simply put, the American political football has become tribal identity politics of personal destruction so long as the *harassed and intimidated* are from the other tribe. That is, despite the lack of corroborating evidence from the supplemental FBI investigation, which was presented to every Democratic and Republican Senator, no Democratic Senator except for Joe Manchin of West Virginia, voted for the confirmation of now Associate Justice Kavanaugh.

7) When we see Hillary Clinton accusing President Trump of turning the ceremonial swearing of the new Justice Kavanaugh in the White House into a '*political rally*',⁸ and later said that "*It further undermined the image and integrity of the Court, and that troubles me greatly. It saddens me because our judicial system has been viewed as one of the main pillars of our constitutional government.*", the political divide has taken over what was once a bipartisan ceremony in this once a great nation. This statement by Mrs. Clinton shows that something has gone wrong in the last two years in America since the advent of Mr. Trump in the White House. Why say so? Well, because this is the same Hillary Clinton that called for mutual respect and treating each other with respect at the Smith Dinner in 2016.⁹ Furthermore, this new thinking or rather open rejection of the other political tribe, couched in the '*Resistance Slogan*' was further elaborated by Mrs. Clinton when she made it clear in her interview with CNN that the other tribe, i.e., the Republican Party and the Trump administration should not expect civility so long as the Democrats are not in power.¹⁰

8) When we hear the Senate Minority leader Chuck Schumer say from the outset of the Nomination of Justice Kavanaugh by President Trump that he would put anything he has got to oppose this nomination,¹¹ it became quite obvious that the Democrats were ready for a destructive and hardball political confrontation. This statement from Mr. Schumer also showed that the two political tribes are really at war with each other now. That is to say, there is no more dissimulation, brinkmanship, or civil pretense for the political process. And since the political schism has deepened thus far between the two political parties, it is now drowning

⁷ See Grassley says FBI found 'no hint' of Kavanaugh misconduct, while Democrats slam probe as 'incomplete' published by Jacob Pramuk at 11:18 AM ET Thu, 4 Oct 2018 Updated 12:04 PM ET Thu, 4 Oct 2018, available at <https://www.cnbc.com/2018/10/04/grassley-and-feinstein-disagree-over-fbi-investigation-into-brett-kavanaugh.html>

⁸ See Hillary Clinton Calls Brett Kavanaugh's Swearing-In Ceremony A 'Political Rally' posted by JULYSSA LOPEZ OCTOBER 9, 2018 2:30 PM available at <https://www.glamour.com/story/hillary-clinton-brett-kavanaughswearing-in-ceremony-political-rally>

⁹ See How Donald Trump Broke the Al Smith Dinner It isn't the only democratic institution that finds itself in danger posted by DAVID LITT OCT 21, 2016 available at <https://www.theatlantic.com/politics/archive/2016/10/theincreasing-nastiness-of-american-politics/504995/>

¹⁰ See CNN Politics Amanpour. Clinton: 'You cannot be civil with a political party that wants to destroy what you stand for' available at <https://edition.cnn.com/2018/10/09/politics/hillary-clinton-civility-congress-cnntv/index.html>

¹¹ See Sen. Chuck Schumer vows to oppose Brett Kavanaugh with "everything I've got" in CBS THIS MORNING published on July 10, 2018 available at <https://www.youtube.com/watch?v=br4r1oxsDJA>

and dividing the entire country into two tribal and non-reconciling political camps. In fact, the hearings of the Justice Kavanaugh put it all in display for everyone to see. And in today's Trump's America, politics has become raw, tribal, guttural and third-worldly.

9) When we hear James Carville, the former strategist of President William J. Clinton and the Democratic Party say that the Democrats will not let go of the Kavanaugh's story, that says it all.¹² Therefore, if that is so, the entire group opposition of the Democratic Senators against the confirmation of Justice Kavanaugh was not about believing his accusers, i.e., Dr. Ford, Ms. Deborah Ramirez and Ms. Julie Swetnick. The whole circus was then to throw away the due process and the presumption of innocence of every American citizen and individual living in the United States who could rightly or wrongly be accused of any crime, however small or heinous it may be. That is, the whole show was about going after the other political tribe whether the rights of the accused are trampled or not so long as the accused was from the other tribe and wrong gender for that matter. In hindsight, it appears that the Democrats did not really care about Dr. Ford's painful and traumatic experiences as reported after her testimony to the Senate Judiciary Committee. One may even say that all they cared about was to create the circus and score political points while hurting women who truly survived rape assaults or came close to be assaulted as was the case of Dr. Ford. In the meantime, the Democrats were expecting that their frontal opposition to the confirmation of Justice Kavanaugh would galvanize their political base and somewhat reap political dividends in November 6. This strategy, however, may backfire considering that the attempts to railroad Justice Kavanaugh during the confirmation hearings may bolster the Republican base and angry law-abiding Americans to deny them regain the House. In addition to possibly losing two or three Senate seats which will further sink the Party and radicalize its hard-Left extreme elements even more. Which eventually be bad news for the rest of America.

10) When we hear Senator Kamala Harris, the former Attorney General of the State of California simply says, "I believe her" in speaking of Dr. Christine Blasey Ford's accusations against Justice Kavanaugh and basically saying '*al carajo*' with the due process clause and the presumption of innocence and equal protection of the accused, it became evident to any fair-minded observer and men in particular that America was departing from the *Rule of Law to the personal and gender bias law*.¹³ As such, this is a scary scenario given that this blind condemnation without any evidence is coming from a Senator that is tapped to be one of the future Presidential contenders in 2020. And having said all that, what does then that say about her inner views of men of the other tribe in general? That is to say, an aspiring Presidential contender who will need everyone's vote to become the President of the United States should not be that tribal and quick to believe an accuser without corroborating evidence just because the accuser happened to be a woman and the accused a man pertaining to the other tribe. In addition to all that, considering the nature of the crime levied against Justice Kavanaugh and how easily that could have ruined and destroyed his personal and professional life, throwing the due process and the presumption of innocence was simply unfair and not right regardless of who the accused happens to be. And therefore, adhering to this new way of thinking is just plain un-American. And as a reminder, the principle of the presumption of innocence and the due process clause as

¹² See James Carville: For Dems, Kavanaugh is Worth More Alive than Dead posted by Tim Haines on Date October 6, 2018 available at https://www.realclearpolitics.com/video/2018/10/06/james_carville_for_dems_kavanaugh_is_worth_more_alive_than_dead.html

¹³ See Kamala Harris on Kavanaugh accuser: 'I believe her' by REBECCA MORIN 09/18/2018 08:09 AM EDT Updated 09/18/2018 08:42 AM EDT

established in the *Fifth and Fourteen Amendments* were meant for men as well as women, citizens and non-citizens alike so long as one is physically under the US Jurisdiction. This premise is the beauty of America and one of the reasons why millions of people around the world flock to it. That is to say, they leave their lands in droves not simply for better economic opportunities that America offers but also because in many cases the due process and the presumption of innocence are non-existent in their countries of origin. And if or when they do exist, in general, they are not for the *common man and woman*. They are solely there for the powerful and well-connected families of the given society.

11) When we hear the Democratic House Representative Maxime Waters from California, for instance, encourage her supporters to confront Trump officials in public spaces, this is no longer a civil way to protest and do politics.¹⁴ This is *a tribal in your face way of shaming and attacking* a political adversary. To further illustrate her points, Mrs. Waters went on to say that “If you see anybody from that cabinet in a restaurant, in a department store, at a gasoline station, you get out and you create a crowd and you push back on them and you tell them they’re not welcome anymore, anywhere.”

12) When we see the White House Press Secretary Sarah Huckabee being asked to leave a Virginia Restaurant with her family because she works for President Trump, and no one from the other political tribe came forward to publicly condemn such a disgraceful behavior and distance themselves from this *in your face shaming and ridiculing* Trump’s officials in public spaces, something has gone awry with the American politics.¹⁵

13) When we see Senator Ted Cruz, Republican from Texas, and his wife Heidi Cruz being shouted out, heckled in a restaurant in Northwest Washington, D.C., and forced to leave the restaurant by the ‘*Jihadist*’ protesters because of his support for Justice Kavanaugh, this is no longer exercising one’s rights to protest. This is following textbook instructions as meted out by the aforementioned Honorable Democratic House Representative Maxime Waters.¹⁶

14) When we see Senate Majority leader Mitch McConnell of Kentucky being confronted by an angry protester at a restaurant in Louisville, Kentucky, and heckled by a group of anti-Kavanaugh’s confirmation at the Ronald Reagan Washington National Airport, and no one

Democratic lawmaker or politician came forward to condemn this anti-democratic and ‘*Jihadist*’ way of doing politics, it becomes clear that Maxime Waters’ *in your face shaming and harassing* of Trump’s officials and Republicans lawmakers is becoming the ‘*New Normal*’ of demonstration tactics in Trump’s America.

¹⁴ See CORRECTED: Maxime Waters calls on people to confront Trump Officials in Public Spaces by Julia Manchester-06/24/18 06:29 PM EDT available at <https://thehill.com/homenews/house/393874-maxime-waters-calls-on-supporters-to-confront-trump-officials-in-public-spaces>

¹⁵ See Sanders: I was ‘told to leave’ Virginia restaurant because I work for President Trump published by Dave Boyer and Andrew Blake-The Washington Times Saturday, June 23, 2018 available at <https://www.washingtontimes.com/news/2018/jun/23/sarah-huckabee-sanders-kicked-out-virginia-restaur/>

¹⁶ See Ted Cruz and wife are shouted out D. C. restaurant over his support for Kavanaugh by Avi Selk September 25, 2018 available at https://www.washingtonpost.com/news/local/wp/2018/09/25/ted-cruz-and-wife-shouted-out-of-dc-restaurant-over-his-support-for-kavanaugh/?noredirect=on&utm_term=.21b154040e49

15) When we see Senator Rand Paul of Kentucky being assaulted by a neighbor that left him with broken ribs over policy disagreements, or what have you, and the political temperature keeps getting hotter and hotter between the two main political parties, something undesirable and ugly will eventually happen. In following that line of thought, Senator Paul expressed his concerns in an interview with Kentucky radio station WHAS where he said “I fear that there’s going to be an assassination, I really worry that somebody is going to be killed, and those who are ratcheting up the conversation, they have to realize they bear some responsibility if this elevates to violence.”¹⁷ Furthermore, Senator Paul’s wife Kelley Paul wrote herself an Op-Ed on CNN revealing that she and her husband face constant threats now due to the political climate that the country is living.¹⁸ Moreover, Mr. Paul also reminded us of the June 2017 congressional baseball practice where 5 people got shot, including Louisiana Representative, Steve Scalise, the House Majority Whip.¹⁹ In essence, what Mr. Paul was saying is that this escalating political tension would divide the country and tear it apart if this charged political rhetoric was not dialed down; in addition to the violence that will ensue, the political environment and the tribal identity politics have become the new American way of doing politics.

3. Dr. Christine Blasey Ford’s Testimony

Now with all fairness to Senator Chuck Grassley, the Chairman of the Judiciary Committee and Senate Majority leader Mitch McConnell, Dr. Christine Blasey Ford, whose allegations of an attempted rape by Kavanaugh when they were both in high school in the 80s, which were known at the 11th hour before the Senate Confirmation votes were to begin, Senator Grassley and his Staff immediately tried to enter into contact with Dr. Ford. Mr. Grassley let the process run itself. He gave Mrs. Ford the opportunity to come forward to the Committee and tell it and America her side of the story. He offered her in a letter an opportunity to fly female staffers to California to interview her at home in private, in the place of her choosing rather than the formal hearing in the Senate in Washington, D.C. But to the dismay of everyone, during Dr. Ford’s testimony, she said she wasn’t aware of such as offer made to her by Mr. Grassley and his Staff. In fact, not informing her of Senator Grassley’s offer was a violation of the rules of professional responsibility by Dr. Ford’s

lawyers, namely, Debra S. Katz, Lisa J. Banks, and Michael R. Bromwich. Put it simply, Dr. Ford’s lawyers violated the District of Columbia Rules of Professional Conduct. To say the least they were not forthcoming and honest with their client.²⁰ Their motive however of acting in such a manner was obviously political, but analyzing their motive and conduct, nonetheless, is beyond the scope of this paper. That said, according to most accounts, Dr. Ford’s testimony was credible, though Special Prosecutor Rachel Mitchell of Arizona was methodically able to show inconsistencies in what Dr. Ford previously said about how she was living her life after the alleged incident. So, as an example, Dr. Ford said that the trauma of what

¹⁷ See Leland Conway at <https://www.iheart.com/podcast/66-leland-conway-28199879/episode/senator-mitchmcconnell-senator-rand-29969895/>

¹⁸ See My husband, Rand Paul, and our family have suffered intimidation and threats by Kelley Paul Updated 0637 GMT (1437 HKT) October 6, 2018 available at <https://edition.cnn.com/2018/10/03/opinions/rand-paul-sufferintimidation-and-threats-kelley-paul/index.html>

¹⁹ See House Majority Whip Steve Scalise Injured in Shooting at Congressional Baseball Practice available at <http://time.com/4817777/alexandria-shooting-steve-scalise/>

²⁰ See <https://www.judicialwatch.org/press-room/press-releases/judicial-watch-files-bar-complaint-against-christine-blasey-fords-lawyers/>

happened to her years back made her fear flying. When in fact, according to her answers regarding the fear of flying, she said she has been travelling all over the world whether for vacations or work ever since. Hence, contradicting what she previously said and what she declared under the oath. The main point here is that Dr Ford was not able to provide the Committee with any evidence corroborating her allegations. In addition, all the people she mentioned that were either there when the assault took place or were aware of the story either denied being there when that happened or simply did not know what she was talking about and nor did they know who Justice Kavanaugh himself was. In fact, no one will ever know what happened to Dr. Ford. For that, multiple theories abound. Some people think and are convinced that something indeed happened to her and whoever attempted to rape her was not Brett Kavanaugh. Other people on the contrary, especially those that think women do not lie just because they are women believe Justice Kavanaugh, along with his high school friend Marc Judge, was the one who tried to rape her. At the same time, a third group of people think that Justice Kavanaugh could not be the one that attacked Dr. Ford no matter what given that she was incapable of giving corroborating evidence and could not even remember where, when, and who really attacked her that night. And to make matters worse, she also could not remember who brought her home that night after the alleged incidence took place. Ms. Leland Keyser who is Dr. Ford's best friend and who she mentioned as having being at the same party said she did not refute her friend's story but could not remember such an incident either. And on top of all that, she said she did not know who Justice Kavanaugh was. Moreover, now we are learning that another friend of Dr. Ford, a former FBI agent named Monica McLean, tried to pressure Ms. Keyser to change her story and accept her friend's allegations against Mr. Kavanaugh without any evidence whatsoever.²¹ All that is to say that we will never know who was telling the truth and who was not.

4. The early consequences of charged political rhetoric and tribal identity politics

At the time of the closing of this article, two events of political violence and threats and domestic terrorism and hate crime took place in the United States. The events are said to be directly related to the heated political rhetoric and tribal warfare that the two Americas are engaged in. As of October 26, 2018, according to the FBI (*Federal Bureau of Investigation*), 12 packages containing possible pipe bombs were addressed to high-profile Democrats and many critics of President Trump. Among the targeted recipients are former President Barack H. Obama, former Vice President Joe Biden, former Secretary of State Hillary R. Clinton, former Attorney General Eric Holder, former CIA (Central Intelligence Agency) Director John Brennan, former Director of National Intelligence James Clapper, Democratic Senator Cory Booker of New Jersey, Democratic House Representative Maxime Waters of California, Democratic House Representative Debbie Wasserman Schultz of Florida, the philanthropist billionaire George Soros, actor Robert De Niro, and CNN offices in New York City.²² Fortunately, none of the packages sent exploded and no one was hurt. And as of today, the FBI has charged Cesar Sayoc of Florida, an avowed supporter of President Trump, as responsible for sending those pipe bombs.²³ And as Senator Rand Paul has warned us time and again that

²¹ See THE POLITICAL INSIDER Leland Keyser: Ford's Friend, FBI Agent, Pressured Her to Change Story by Rusty Featured Contributor October 5, 2018 9: 38 AM available at <https://thepoliticalinsider.com/leland-keyser-fbichristine-ford/>

²² See Cory Booker, James Clapper Targeted as 2 More Possible Package Bombs Found: The Latest in <http://time.com/5433055/suspicious-packages-cnn-obama-clinton/>

²³ See Florida man charged with sending 13 pipe bombs to Trump critics in <https://www.theguardian.com/us-news/2018/oct/26/suspicious-package-pipe-bombs-latest-found-cory-booker-florida>

someone is going to be killed, the intentions of Mr. Sayoc were crystal clear. By sending those pipe bombs, he intended to hurt or kill prominent members of the Democratic tribe.

However, on Saturday 27, 2018, a tragedy struck worshippers in a Synagogue in Pittsburgh, Pennsylvania. A man identified as Robert D. Bowers stormed into the Synagogue during the morning services and killed 11 congregants and wounded 4 police officers and two other individuals. According to the media reports at the moment, Mr. Bowers is reported to have said that “All Jew must die” before opening fire and cowardly killing the 11 innocent victims.²⁴ In accordance with what’s being reported thus far, it appears that Mr. Bowers was motivated by anti-Semitism and filled with hate against a community that he does not see or consider as part of his ethnic or political tribe. And according to the authorities that confronted him, Mr. Bowers is said to have repeatedly shouted that he wanted to kill Jews and told the police officers that “They’re committing genocide against my people,” and “I just want to kill Jews.”²⁵ And as reported by *the hill.com*, he now faces 29 counts, including 11 counts of use of a firearm to commit murder and

11 counts of obstruction of the exercise of religious beliefs resulting in death.²⁶ That said, thus far, we know little about Mr. Bowers. However, what we certainly do know is that heated political rhetoric and seeing ‘the others’ as political enemies rather than opponents could lead to violence and give sway to individuals who are predisposed to take the laws into their hands and act upon their hatred and tribal inclinations to hurt others. For that, Republicans as well as Democratic lawmakers and national leaders of all levels and stripes and partisan media establishment have the responsibility to measure their tone (s) and adhere to the *Rule of Law* and remind everyone that America is a Nation of Law and not an arbitrary police regime where citizens and residents’ fundamental rights are violated for ideological political whims and tribal persecutions.

5. Conclusions

America is a land of law. In theory no one is above the law. And if that is so, the due process and the presumption of innocence shall be preserved for any citizen and living resident no matter their social standing. Believing an accuser simply because their story is credible however traumatic and gut-wrenching that may be, is simply dangerous and un-American. In addition, espousing that belief contravenes the fundamental rights granted by the *Constitution of the United States* to every citizen and resident of the land thereof. That is to say, going against what the *Constitution* has established is turning the law inside out (*Fifth and Fourteen Amendments*) and turn the country into an *authoritarian or tyrannical regime* where anyone can accuse anyone with any crime and destroy their life without fear of facing the weight of law. Besides, in this era of gender and tribal identity politics of personal destruction, no one will ever feel safe and secure again in America so long as the rights of the accused are trampled for the sake of political expediency or

²⁴ See ‘Deadliest Attack on Jewish Community in U.S. History’: Jewish Leaders Lament Pittsburgh Synagogue Shooting in <https://www.haaretz.com/us-news/.premium-jewish-leaders-lament-pittsburgh-shooting-as-deadliest-attack-on-community-1.6595792>

²⁵ See What to Know About the Pittsburgh Synagogue Shooting by Chas Danner in <http://nymag.com/intelligencer/2018/10/what-to-know-about-the-pittsburgh-synagogue-shooting.html>

²⁶ See Suspected Pittsburgh shooter faces 29 federal charges in <https://thehill.com/homenews/news/413502-suspected-pittsburgh-shooter-charged-with-29-counts>

personal vindictiveness or vendetta against men or women alike. Though at this moment, men are the ones getting the short side of the stick, no one however, should be mistaken of thinking that that will last forever. Men as well as women of the other tribe will understandably engage and act in similar fashion. And as a retribution, action begets reaction. And that at the end will slowly but surely destroy this once a great nation of law. As a matter of fact, the voices of the other tribe are already clamoring to push back against what they consider the Democrats' tactics and their '*Jihadist*' *out-of-control protesters*. Thus, going forward, what both political parties and their national leaders should endeavor doing, is to preserve the *Rule of Law* where no one should be stripped of their rights of due process and the presumption of innocence for personal or political motives. After all, we all know that a functioning democratic society strives on the *Constitutional Rules*. And to do away with those rules is to strip bear the *Constitutional Pillars* of the Republic.

And just as what's being discussed and analyzed in this paper has happened to other nations of the world, America is not immune to the same fate of the so-called developing countries where the *Rule of Law* is for a few and far between. Having said all that, the progressive and dangerous tribalization of politics and the moving away from the due process and the presumption of innocence in America will simply lead to the delegitimization of the Supreme Court and other American political institutions such as the Congress and the White House itself. And if that were to occur sooner or later, an assault onto the legitimacy of one institution would eventually lead to an assault onto another until there was no more institution to trust and hold to the higher standing. And as a consequence, America as a Nation of law as we know it, though not perfect as it should be, will simply cease to be as such. For, political polarization and the tribal identity politics are the anti-thesis of the *Rule of Law* and the *Due Process Clause* and *Equal Protection Rules* bestowed and mandated under the *Constitution*. And as a result of all that, the powerful and the mob will rule the land because doing away with the aforementioned for political expediency and power ambitions will be a national suicide and slow death of the Republic as we know it. In sum, if what happened to Justice Kavanaugh could happen to him despite his professional pedigree and social status, the same fate could also happen to any individual man or woman in the United States. Furthermore, the day when that happens and becomes the '*New Normal*', will be the day when the national suicide and the death of once a great nation will have occurred.