



PROGRAM MATERIALS

Program #36165

July 21, 2026

Reflection on Separation of Powers Update

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Reflections Over Separation of Powers From Both Sides of the Big Pond

July 21, 2026

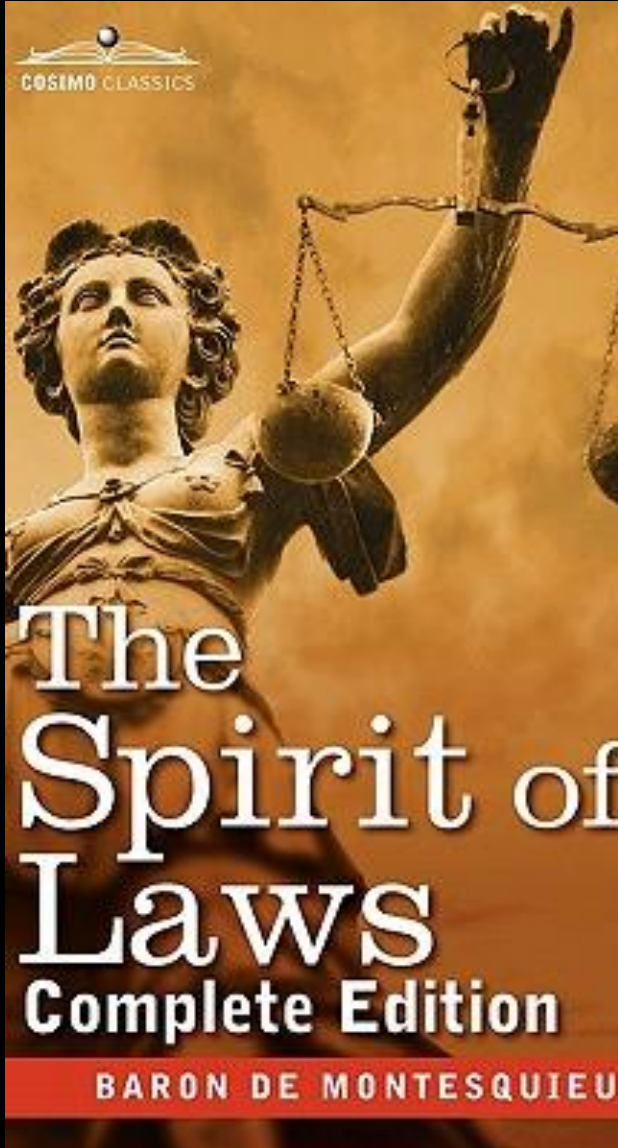
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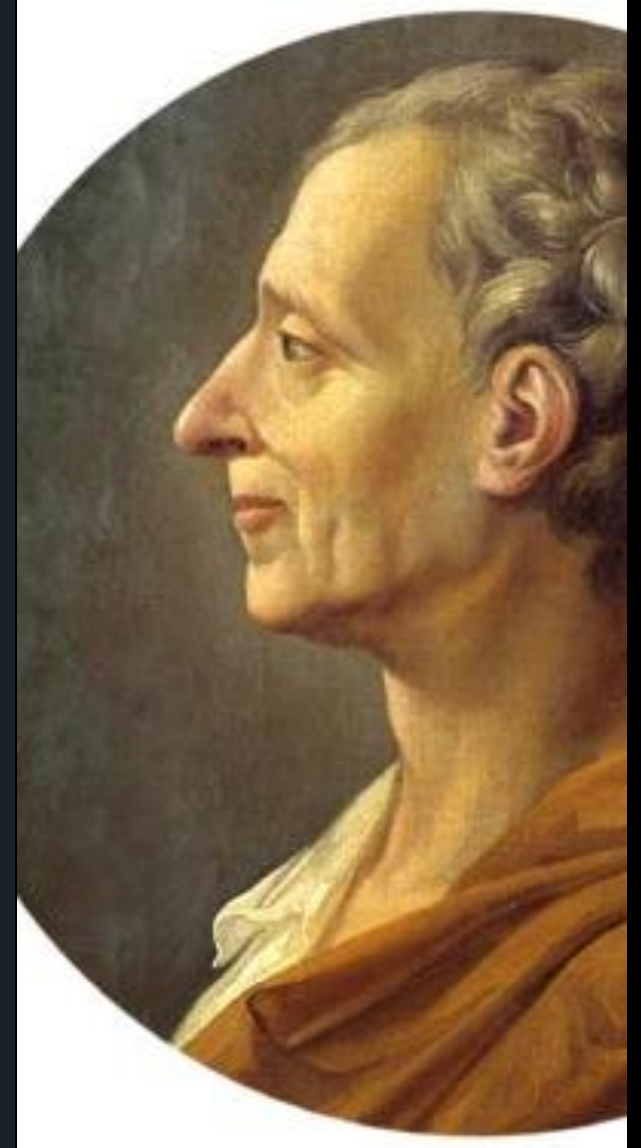
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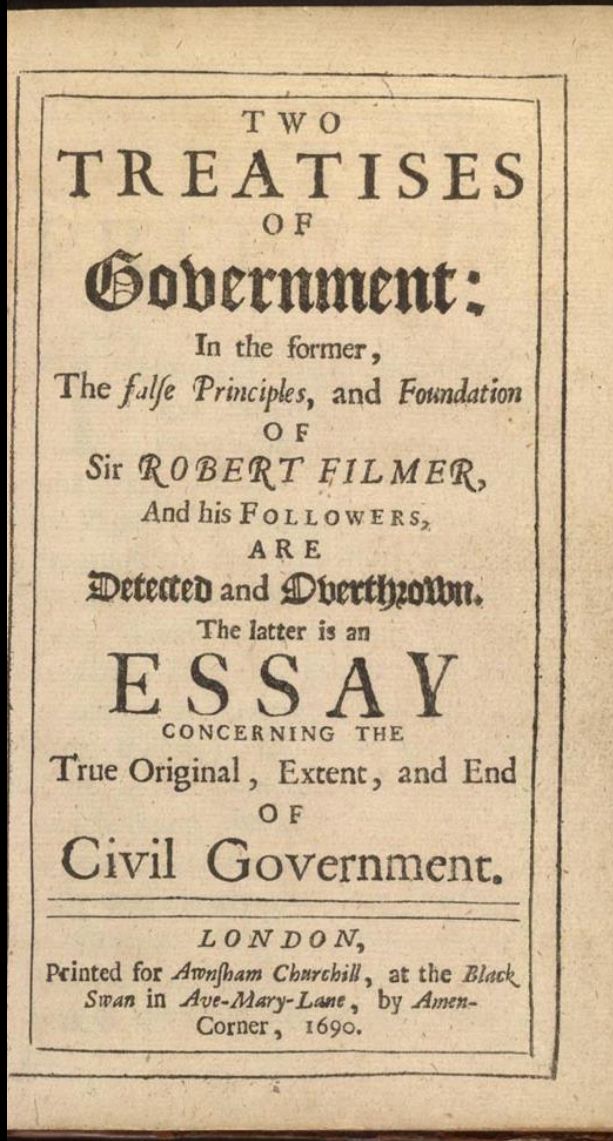




Charles-Louis de Secondat, Baron de La Brède et de Montesquieu

The debate over separation of power is said to have its genesis as a result of the writings of French political philosopher Charles Louis de Secondat, Baron de La Brède et de Montesquieu, in *De l'esprit des lois*, The Spirit Of The Laws, 1748.





English Philosopher

- English philosopher John Locke also wrote on the subject, discussing the division between King and Parliament.
- While there was a division between King and Parliament, the Ministers and Prime Minister were part of the Executive Branch.

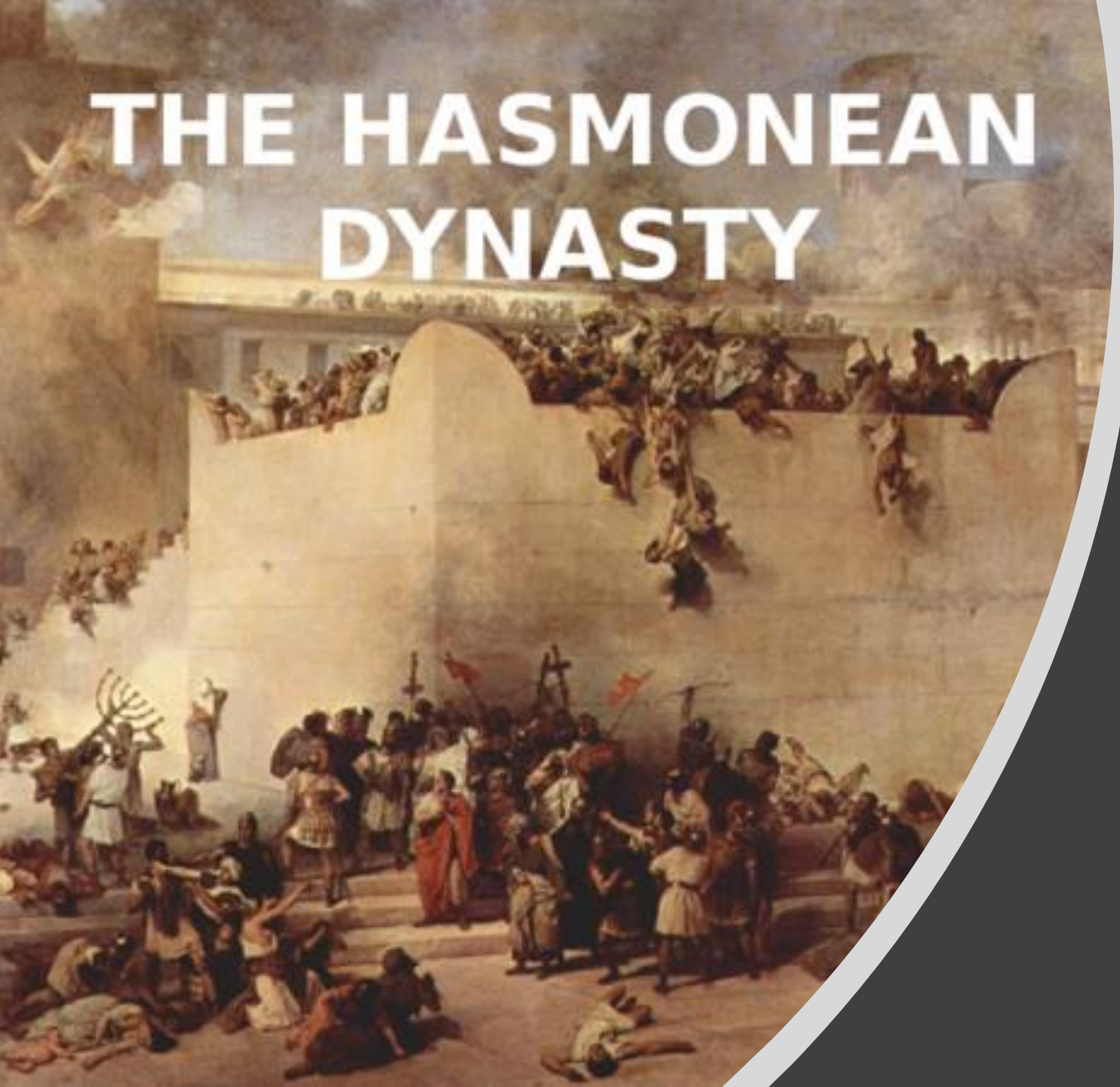


Biblical System

- In the Bible, it was commanded that there be separation between King and High Priest, as well as between King and Prophet.
- The biblical system was designed not to have a King at all. The people were told how a King should be, if there was to be one, and how the King would be chosen. The King was told that he could not have too many horses, could not have too big a harem, and could not have too much money. King Solomon himself violated those.
- When the separation between King and High Priest was disrupted, it was always bad for the Jewish kingdom.



THE HASMONEAN DYNASTY



Hasmoneans

The Hasmoneans violated the separation of powers, causing major disruption.

A Wise Queen

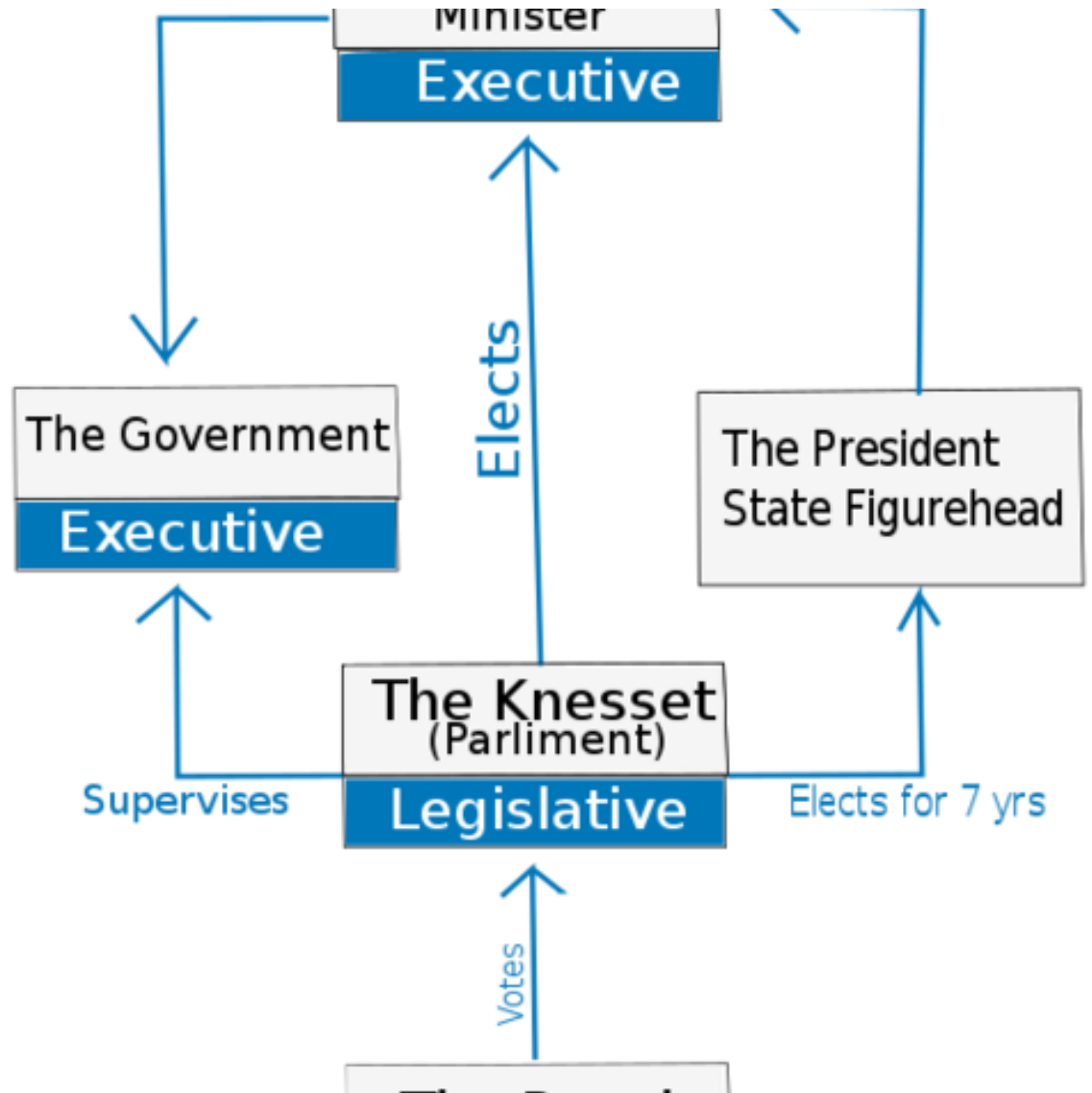
The separation of powers was restored by Queen Salome Alexandra. She appointed her brother, Joshua - a Robert Kennedy move - to be High Priest. He was much acclaimed, and Joshua has gone down in history as the father of both the Rabbinic and Christian traditions.

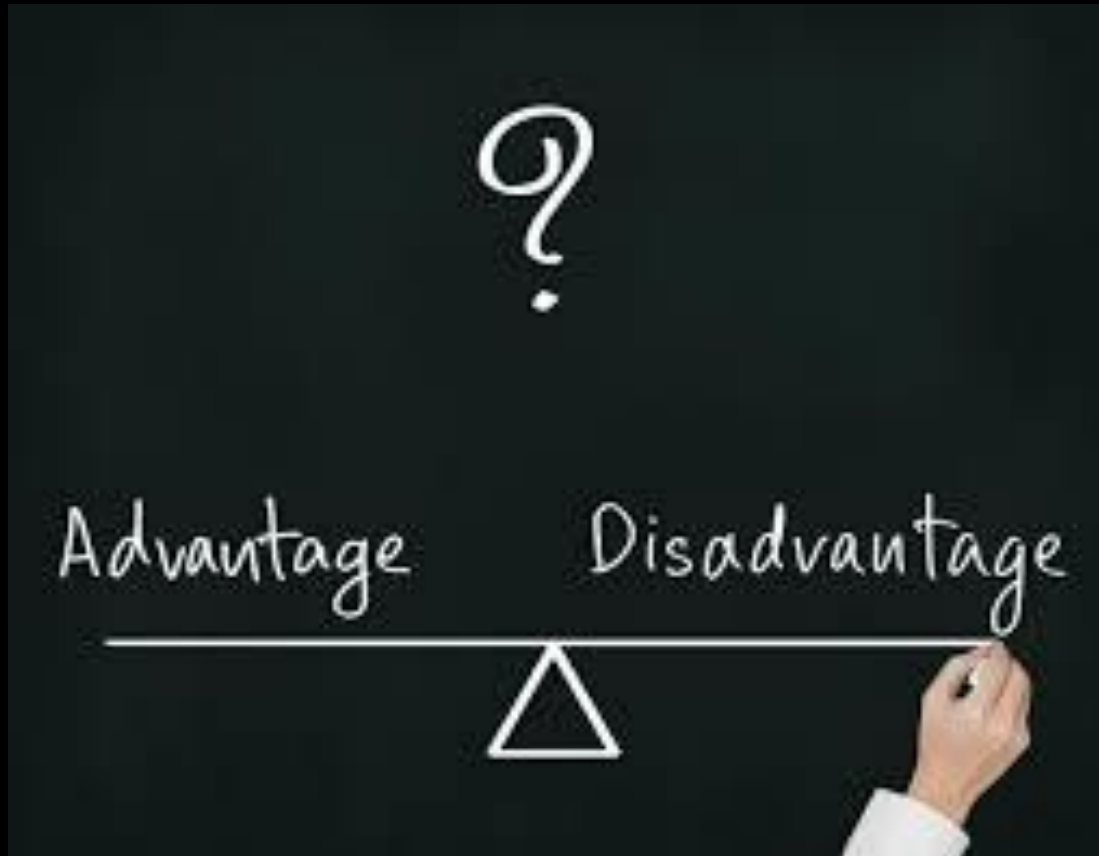


Modern Israeli System

The separation of powers is divided between the Legislative (Knesset), Executive (the branch of the government controlled by the Prime Minister; the President is ceremonial), and the Judicial Branch.

There is no constitution in Israel which is an advantage and a disadvantage.





Without a Constitution, Who Governs?

There are advantages and disadvantages of not have a Constitution.

1. No Constitution. Chaos at time in terms of who is in control.
2. Flexibility. Without a Constitution, there can be more flexibility.

Basic Law & Judicial Review

Israel's "Constitution" is the Basic Law and the use of judicial review which is broader than in the United States.



Judicial Review of Constitutional Interpretation



The Israeli Supreme Court sits as the high court of justice.



The Court exercises judicial review over the government, which essentially means over the Prime Minister and his cadre.

Landmark Decision

United Mizrahi Bank vs. Migdal Cooperative Village,
[1995] IsrSC 49(4) 221

Interpreted Basic Law as equivalent to Constitutional rights.

Standard of Judicial Restraint & Activism

Much more flexible than in the United States where the court essentially can issue advisory opinions.

Legislative Efforts to Limit or Redefine Judicial Authority

In 2023, the Minister of Justice introduced a broad legislative package to restructure the judiciary.

Would limit Supreme Court authority.

Would change how judges are appointed and would weaken the role of legal advisors.





War and The Legislative Process

When “The Iron Swords War” started in late 2023, October 7, 2023, the legislative process stalled, but it was nevertheless highly controversial.

Constitutional Rights are Enshrined in Basic Law

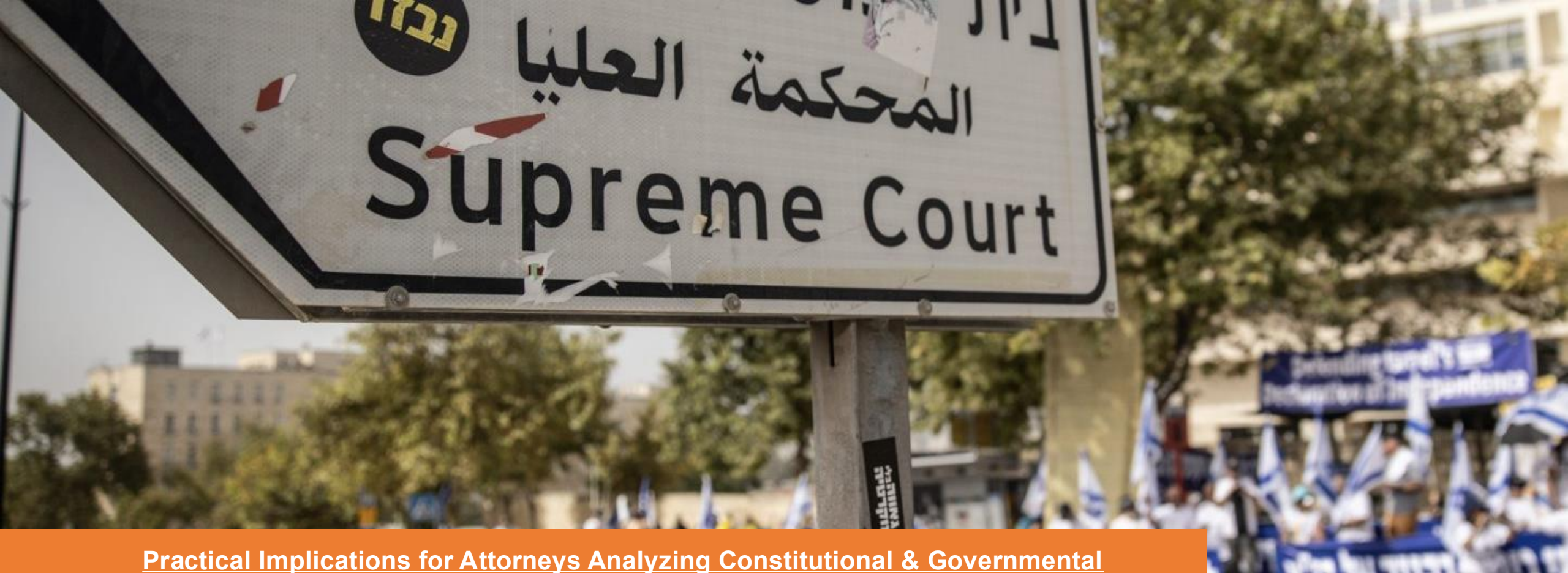
In Israel, they have to protect the Constitutional rights (Basic Law) in democratic institutions generally.

The court plays a major and fundamental role in protecting basic rights which are entrenched in Israeli law which draws its essence from the Bible, Roman law, Ottoman Rule, British law, and the American system.



חוקת
מדינת ישראל
מוגשת על ידי
המכון לאסטרטגיה ציונית





Practical Implications for Attorneys Analyzing Constitutional & Governmental Authority Issues

Citizens have the right to approach the Supreme Court which sits as the high court of justice.
Litigants may question or appeal Basic Laws.

Erosion of Separation of Powers

- It seems as though we are going the way of ancient kingdoms and parliamentary systems with the erosion of separation of powers.
- The President can, and does use, the proclamation power and bureaucratic edicts to override or simply ignore Congress. This is a greater temptation to a President where Congress is split closely between parties.

ACT OF JUSTICE.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, on the 22d day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing among other things, the following, to wit:

“That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.”

And that the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States.”

NOW, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the power in me vested as Commander-in-Chief of the Army and Navy of the United States in time of actual armed rebellion against the authority and Government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaim for the full period of one hundred days, from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof respectively are this day in rebellion against the United States, the following, to wit:—

Arkansas, Texas, Louisiana, (except the parishes of St. Bernard, Plaquemine, Jefferson, St. John, St. Charles, St. Jean, Acadian, Assumption, Terre Bonne, Lafourche, St. Marie, St. Martin, and Orleans, including the city of New Orleans,) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth,) and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose

as slaves within said designated States and parts of States are and thenceforward shall be free; and that the Executive Government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States, to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice, warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

In testimony whereof I have hereunto set my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this first day of January, in the year of our Lord one thousand [A. D.] eight hundred and sixty-three, and of the independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.



War Powers

Congress has passed legislation to permit the President to wage war, without there ever being a declaration of war as required by the Constitution. Politicians complain about it, but they regularly vote for wars and financial expenditures which are not consistent with the intent of the Constitution.

Administrative Agencies

The great American bureaucracy, like all bureaucracies, perform legislative, executive and even judicial functions. Look, for example, at CMS; Social Security; the Veterans Administration. For many people, these bureaucracies are all the contact they ever have with government.

Workers' Compensation

- Workers' compensation in virtually every state is a matter of legal decisions performed by a bureaucracy, and not a court system under the auspices of the judicial branch. While appeal to a judicial system is possible, it is rare and usually new evidence cannot be heard.



Israel's Debate Today

Proposals by the new government in Israel have become a matter of great strife in Israel, testing the limits of democracy. Threats abound. The United States has protested these proposed changes and claims that Israel's democracy is potentially at risk.





Hogwash

- The claim that Israel's government or any democracy will fall because of realignment with respect to separation of powers, is a political statement and does not comport with reality.
- Israel has a vibrant democracy, perhaps too vibrant.
- The proposed changes to the Israel system for appointing Justices to the Supreme Court will much more closely mirror that of the United States.



Parliamentary Systems

- Parliamentary systems in general have a proliferation of political parties. England may be the one exception to that rule, because the country is divided into districts, just like the United States.
- In Israel, the Knesset is elected at large, because the country is so small and many supporters of the Parliamentary system fear that regionalization causes internal strife.

Right Wing Approach

- Although Prime Minister Benjamin Netanyahu's government is labeled as "Right Wing", the truth is that he has always headed center and center-left governments.
- The current situation has been created because the usual center and center-left parties refused to enter into a coalition with the long serving Prime Minister.
- In the past, the center and center-left parties joined with Netanyahu's Likud party to form a coalition majority, but that did not happen this time.



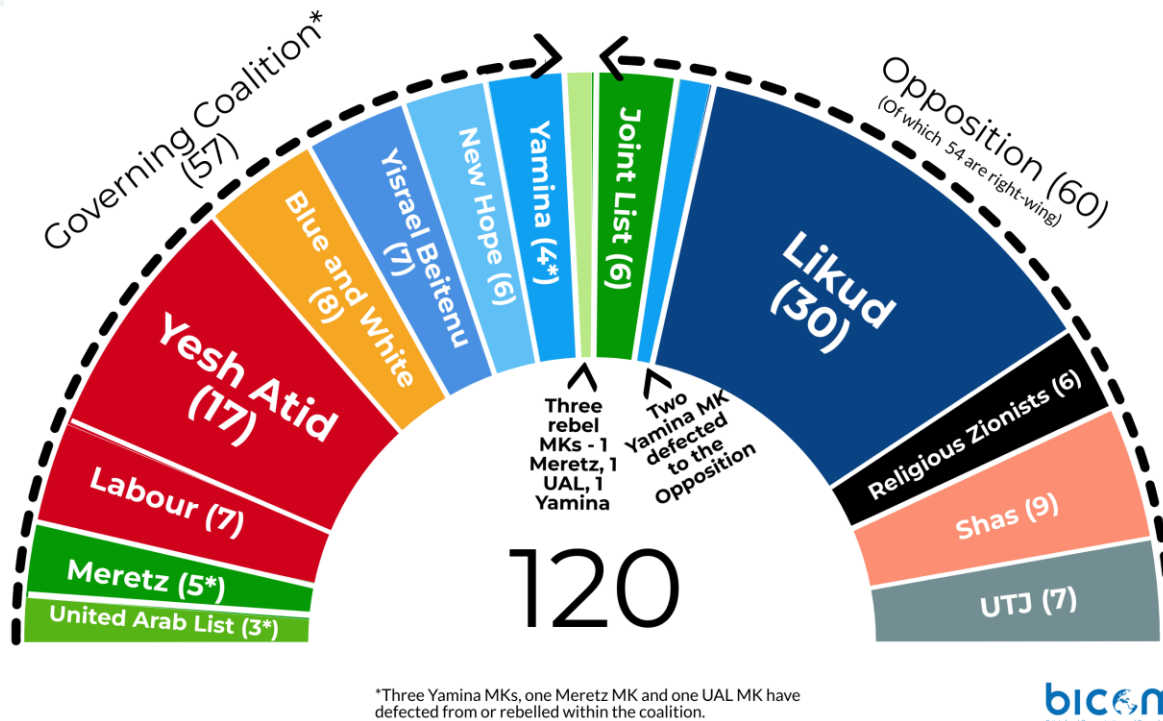
היז Kulanu Chaverim	ף The Pirates	זך Demokratura	קנ Ale Yarok	אמת Zionist Union
פה Yesh Atid	נו B'Zechutan	ודעם Joint List	ל Yisrael Beytenu	ני Or
י Schirut BeKavod	זיך Nivcheret Ha'am	יז Manhigut Chevratit	כ Kulanu	ג United Torah Judaism
ע Arab List	רק The Greens	מרצ Meretz	יז Hatikva Leshinui	ניז Perach
שס Shas	ז Calcala	קז Yachad	טב Bayit Yehudi	מחל Likud

Creation and Disappearance of Parties

- In many parliamentary systems, including Israel, realignment of political interests create new parties. They go in and out of style the way people change their socks. Likud has been around a long time and has been malleable to political forces in the country, although it is generally designated by foreigners, and many times by Israelis, as “right wing”.
- The Labor Party, socialists in most countries, as waxed and waned in strength, at times proliferating into multiple parties.

Pure Democracy

- Due to the fact that Israel is too small to break geographically into segments, there is a proliferation of political parties.
- It is almost impossible for any party to receive a majority (61 seats) in the 120-member Parliament, called the Knesset.
- A successful party may be lucky to have 28-30 of the 61 seats needed to possess a majority in the Knesset.
- Therefore, coalitions are required.



Conversation with a Lobbyist

- This lobbyist served for 10 years, working for the National Education Association in Washington, and then spent 10 years lobbying in Israel at the Knesset for an NGO.
- When asked what the difference was between the two systems, he said as follows:
 1. Money. The United States, it seems to be all about the money. If you walk in with a big enough pocketbook, you will be heard.
 2. In Israel, it is all about contacts. If somebody has a contact or relationship to another person, they will have the power to effect legislation since money is largely banned in the Israeli political system.

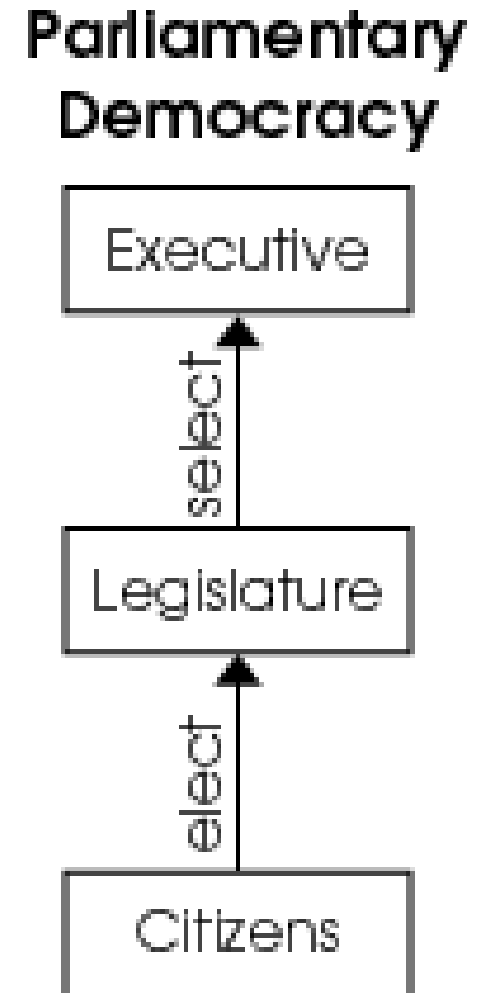
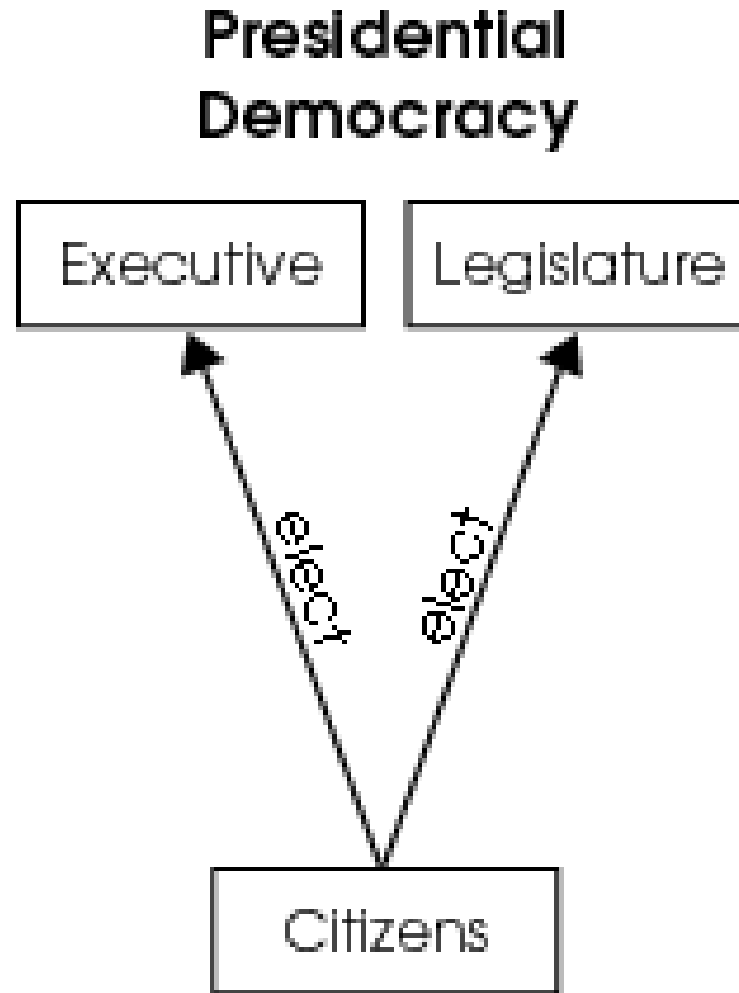


Which System is Better?

- The lobbyist had to think on that for a while, and he said well, in a country like the United States, where money is so important, contacts also play a part.
- “I would rather have it where contacts and who you know alone is the guiding principle to power and keep the money out of it.”

Purists Always Love A Parliamentary Democracy

- Many people believe that a coalition of parties is more likely to incorporate minority opinions.
- The U.S. is a "winner take all" system, unlike most parliamentary systems.
- As we well know in the United States, regionalization can lead to civil war.



Upsetting the Separation of Powers

Are the proposals in Israel today upsetting to the separation of powers, or do they enforce the separation of powers? Is that a good or bad thing?

Those who advocate for change in Israel claim that they are in admiration of the American model.

The Proposals

1. Judicial Appointments Committee. The makeup of the Judicial Appointments Committee in Israel is a 9-member group, including three High Court Justices, four politicians, one of whom is the Justice Minister, and two representatives of the Israeli Bar Association.
 - Bargaining. Make no mistake about it, coalitions of political views and dealmaking factor into who gets selected to serve on the Court.
 - Majority of Judicial Appointments Committee. There needs to be a majority of at least seven votes in order to approve an appointment.
2. Self-Perpetuation. There is a tendency, in the Israel system, for the Supreme Court, therefore, to be self-perpetuating; in other words, the majority is going to want Justices just like those who previously served. Some say this creates a sense of uniformity and continuity. Others say that it is in derogation of democracy, and denies voters meaningful input into who is chosen to sit on the Israeli Supreme Court.
3. Attorney General/Justice Minister. The Attorney General of the governing Israeli majority seeks to replace the two Bar Association representatives with two more politicians, one from the government and another from the Knesset. This would be much more like the American system, where the President nominates and the Senate has a lot to say about whether there will be a confirmation. In many states in the United States, there are elections for judges and justices.

The Proposals

- Override Clause. A majority of 61 members of Knesset, under the proposed plan, would prohibit the High Court from hearing appeals against Basic Laws. Since Israel does not have the American equivalent of a Constitution, it has basic laws which can be quite detailed in terms of rights and responsibilities. This would enable the governing coalition to override the High Court majority. The only case in which a law would be immune to override could be in the event that all 15 Justices agree to strike it down.
- Making Israel look more like the U.S. Whether the Israeli proposal will make the High Court in that country more like the American system, is subject to debate. What is clear is that since Israel has a much more detailed Basic Law than our vague and general Constitution, it is understandable that there would be those who have concern about the ability of the Israeli Supreme Court to strike down legislation of elected representatives based upon the codification found in the Basic Law.

It is unreasonable for the common people to expect a known corrupt legal system to protect them.

Steven Magee

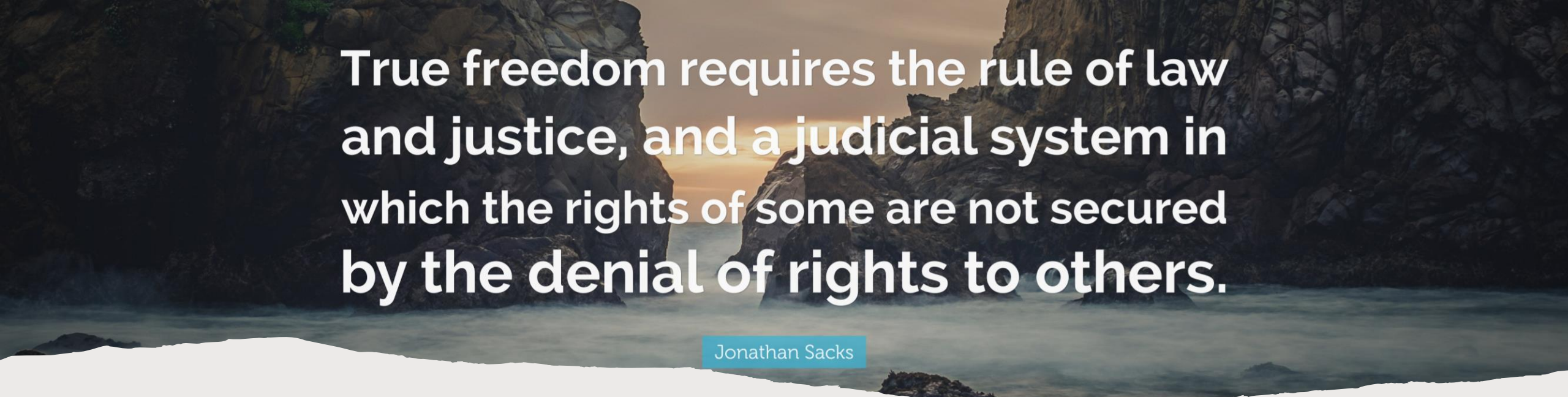
Legal Unreasonableness

The third part of the government's current plan is to cancel the "legal unreasonableness" determination, which the High Court can use to cancel decisions made by the government due to being "extremely" unreasonable. In fact, the Israeli Court just did this, in blocking the appointment of a minister who was previously convicted of a crime, but now is said to have rehabilitated himself.

The United States has Nothing Like This



1. Although many believe the United States Supreme Court has, in essence, rewritten the antique American Constitution, and really makes decisions based upon reasonableness, we do not literally, in the United States, give the United States Supreme Court that much power.
2. In truth, because the United States Constitution needs to be interpreted, either in a conservative or a liberal way, the test of “reasonableness” is clearly in the minds of the Justices. In Israel, because the Basic Law is so much more detailed, the Supreme Court can find many more reasons to invalidate a law, than in the United States.



True freedom requires the rule of law
and justice, and a judicial system in
which the rights of some are not secured
by the denial of rights to others.

Jonathan Sacks

The Late, Great Rabbi Jonathan Sacks

The late, great former Chief Rabbi of England, Rabbi Jonathan Sacks, wrote that Jews are a justice-intoxicated people. While the changes proposed for the Israeli system may seem arcane and very specific to their national motif, it has brought out tens of thousands of people in protest. Almost 100,000 people showed up in Tel Aviv, no doubt egged on by the political minority, to protest the proposed changes to Israel's legal system.



Does this Sound Familiar in America?

It reminds one of the reaction in America when the United States Supreme Court ruled that abortion was not necessarily a constitutional right. No doubt, it cost Republicans a majority in the Senate.

Fights Between Branches



- Fights between the Supreme Court, inherent to separation of powers in a democracy, and elected bodies are nothing new. When the United States Supreme Court first decided, during the Federalist reign of power, that congressional laws could be struck down by the High Court, there were many who cried foul. Just how much power a court should have, generally unelected in most democracies, is always a matter of contention.

Attempted Impeachment of Pennsylvania Supreme Court Justice

- Recently, in the Commonwealth of Pennsylvania, which does have elected Justices, a very small contingent within the General Assembly tried to impeach a very fine Justice because they were unhappy with his decision on a reapportionment ruling. How dare an elected Justice of the Pennsylvania Supreme Court weigh in on how the legislature reapportions itself, claimed the tiny group of those seeking the Justice's impeachment.
- Much of the debate in Israel is echoed in the United States by the argument as to whether judges should be nominated or elected. Nomination is not unpolitical. Anyone who is familiar with or who has been through the federal judicial appointment process, will agree that appointed judges are engaged in a highly political process.

Compromise



- The debate in Israel is not about the difference between democracy and Totalitarianism, regardless of how passionate the voices may seem. In fact, a compromise will ultimately be agreed upon. The Israeli High Court may be regulated somewhat, as a super-legislature looking over the claimed excesses of the Executive and the Legislative Branch, but the institution of democracy will survive in the robust country.
- The difference today is that there is a majority in the Knesset seeking reform of the Supreme Court system in a way that Knesset laws can be invalidated by the Israeli Supreme Court.

Footnote: My Own Experience With Israeli Protests

- My family was in Israel during an early COVID lockdown. The government issued an edict that people could not go out of their homes except for food, medical care, and to attend protests. When my son and I decided that we had to get out to take a walk, we were stopped by a pleasant gentleman working for the local Home Guard in Haifa. In Hebrew, he asked us where we were going, and my son told him that we were coming home from a protest. He knew that was not true, smiled, and just told us to take the shortest route home.

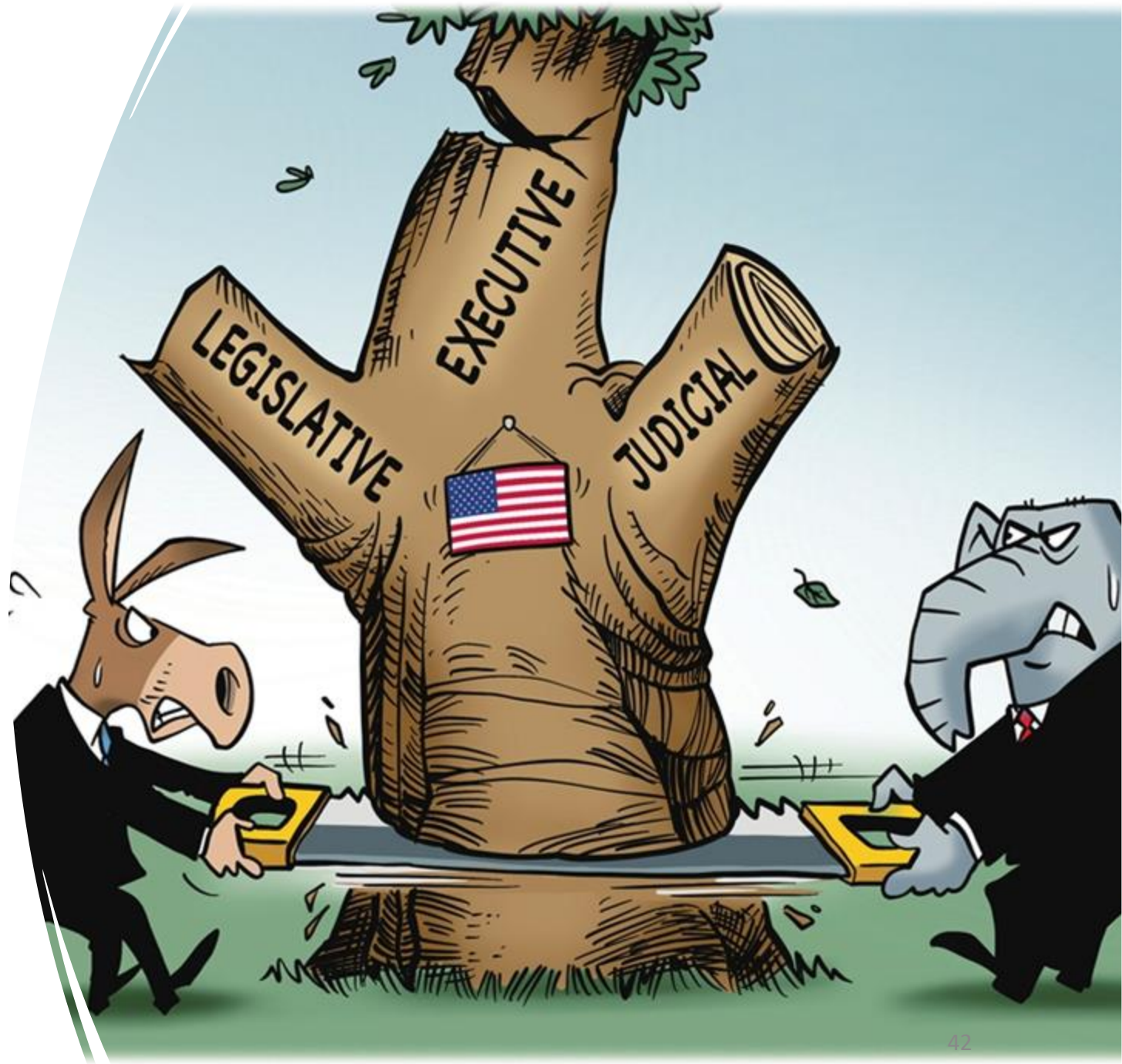


For Consideration

1. Do we have true separation of powers in the United States today?
 - Are the visions of the Founders nothing more than pipedreams that certainly do not exist today?
2. No one gets to be a federal judge in the United States unless the President of the United States, the Senators of the state where the judge is going to serve, and a majority of the Senate agree. It is entirely a political process. The majority is going to have their way with who gets on the federal bench. Both President Trump and President Biden are doing their best to fill the federal courts with like-minded thinkers.

The Reality

1. We have three separate branches, and because of our demand for separation, we have an inordinate amount of fighting between those branches.
2. Some say that the judicial branch exercises legislative authorities, such as in reapportionment.
3. In the cases before *Baker v. Carr*, reapportionment was considered a “political thicket” and a court stayed out of it.



The Executive Branch Acting Without the Legislature

1. The Executive Branch regularly affects the way the bureaucracy and the legislature functions, sometimes acting as a super-legislature itself.
2. It has recently come to light that the administration, without congressional approval, has spent \$1 trillion in administrative and regulatory decisions.



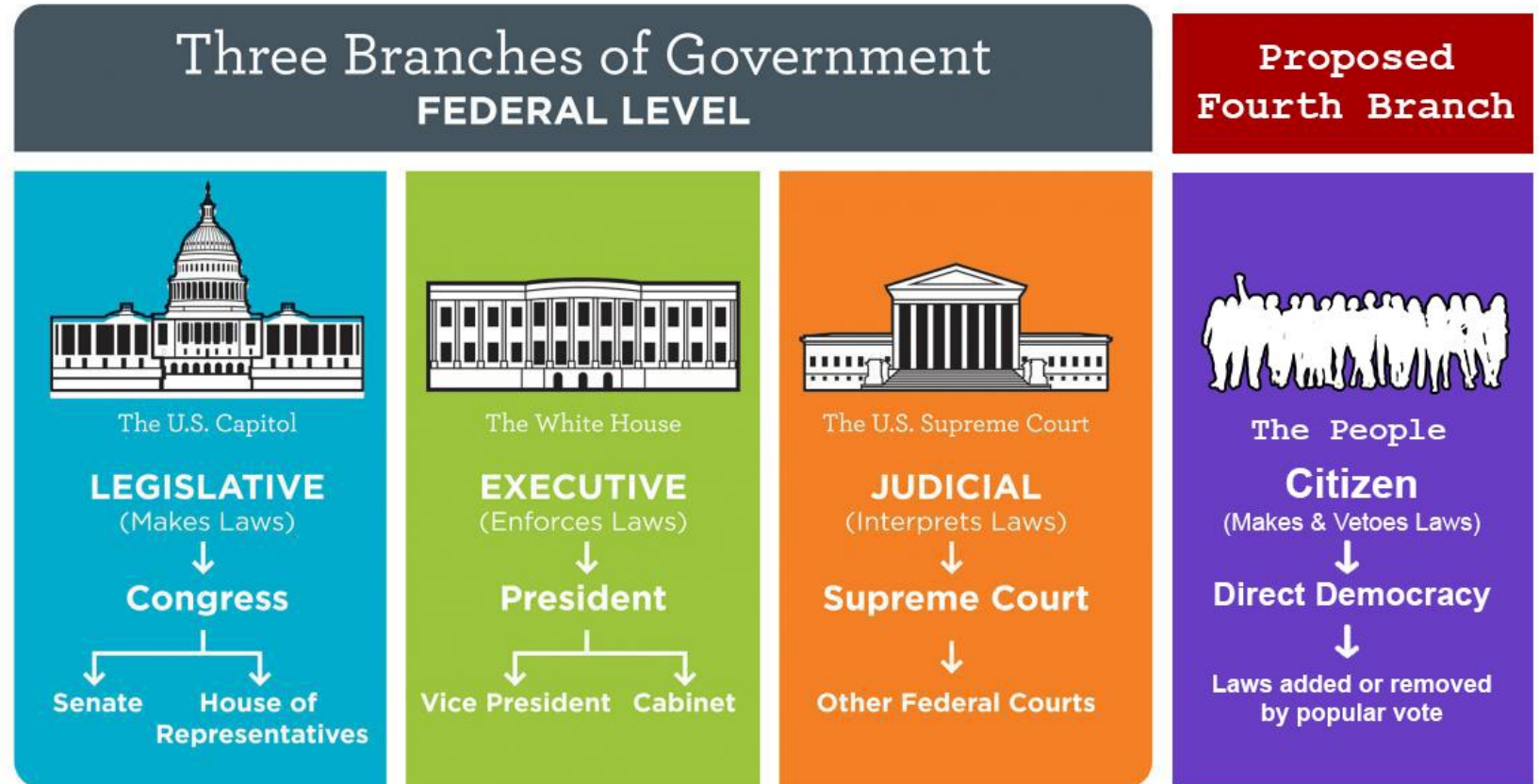
The Legislature Tramples

- The legislature, on the federal level, is often accused of trampling both on the judiciary and the Executive Branch.
- In the United States today, a major area of battle is who is appointed a federal judge, whether the bureaucratic pronouncements are going to be followed as opposed to legislation itself and the extent to which federal courts will exercise constitutional supervision over the legislature and the bureaucracy.



Fourth Branch of Government

Are administrative agencies and their bureaucracy's part of the Executive Branch, or are they a fourth branch unto themselves? None other than Davis, on Administrative Law, has called the bureaucracy the fourth branch of government.



Parliamentary Systems

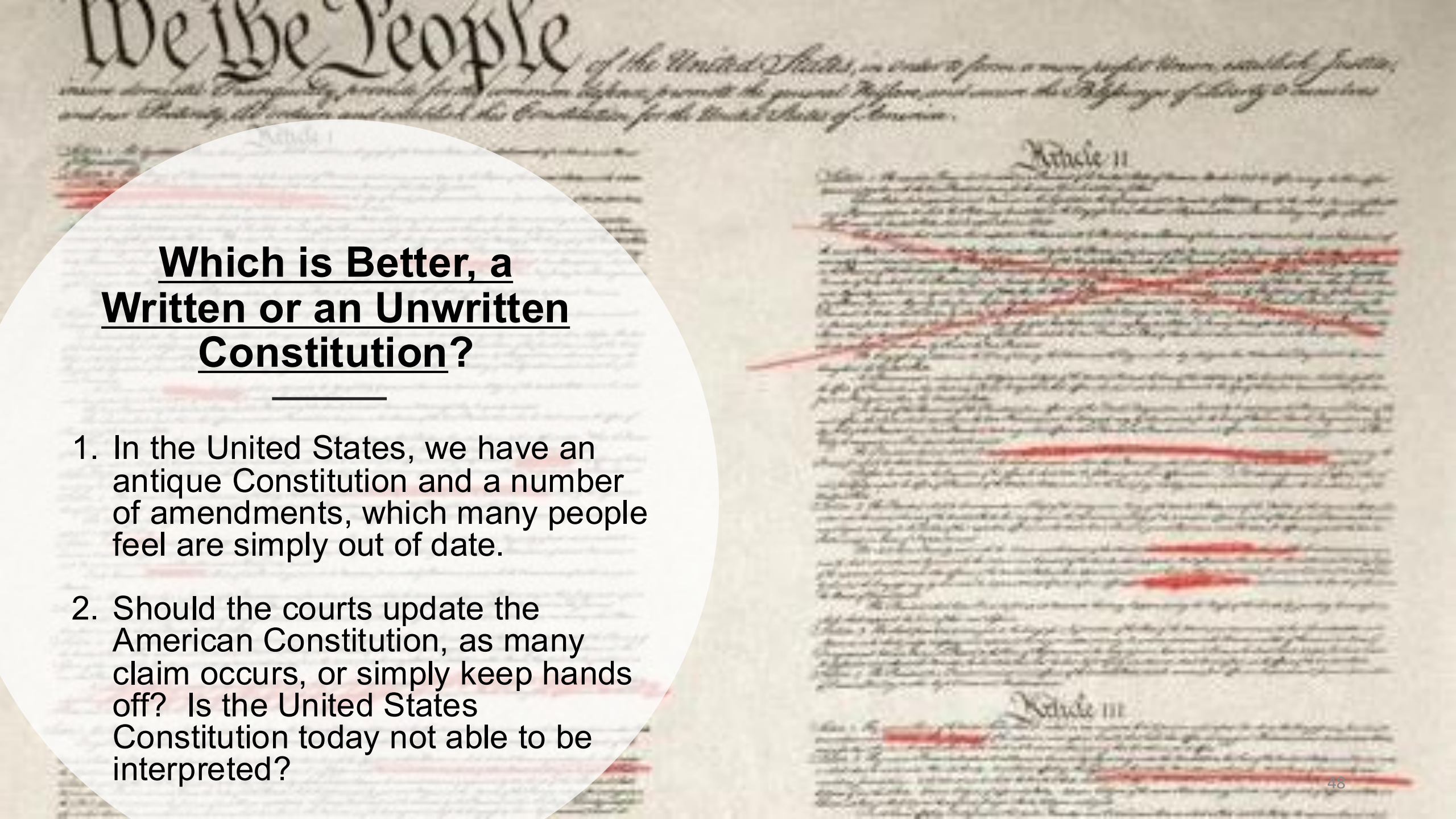
It probably is false to say that parliamentary systems do not have separation of powers. Parliamentary systems have a fairly strict separation between the executive/legislature as opposed to the courts. However, in many parliamentary systems, the courts can render advisory opinions.

In the parliamentary system, the executive is part of the legislature, and the courts are likewise more a part of the legislature than they are in the American system. Perhaps this is at the basis of Israelis not wanting to give up on their traditional parliamentary system.

Unreasonableness



In Israel, for example, the courts can rule that legislative action or legislation itself is “extremely unreasonable”.



Which is Better, a Written or an Unwritten Constitution?

1. In the United States, we have an antique Constitution and a number of amendments, which many people feel are simply out of date.
2. Should the courts update the American Constitution, as many claim occurs, or simply keep hands off? Is the United States Constitution today not able to be interpreted?

Finding Law in the Constitution

1. In the United States, we find law in the Constitution all the time, whether it is abortion rights or restrictions; right to marriage; right to contraceptives; commerce clause interpretation; right to refuse to bake a cake for a gay couple. Where in the Constitution; the Fifth Amendment; the Fourteenth Amendment or anywhere else are those rights found? It takes a lot of interpretation.
2. It is not a question of whether these interpretations are right or wrong, but what our vision is for how a country is governed with a vague, old-fashioned Constitution.
3. Israel does not have a written constitution as in the United States, but it has Basic Laws which are quite explicit.
4. Israel's law on civil rights runs for many pages and is greatly detailed. Is that good or bad?



Basic Laws

Israel's Basic Laws have a constitutional status

They define the rules of the game

Frequent amendment of
Basic Laws creates

Israel **22** amendments to Basic Laws
in five years

**Extreme
governmental
instability**

Rest of the world:

France
15 amendments
to the
constitution
since
1953

Italy
16 amendments
to the
constitution
since
1947

Portugal
7 amendments
to the
constitution
since
1976

Spain
2 amendments
to the
constitution
since
1978

United States
27 amendments
to the
constitution
since
1789

1. There are those who claim that countries with detailed so-called basic laws, thereafter, interpreted by the courts, are much more flexible, subject to change, and therefore act as safety valves.
2. Others desire to have a framework such as we have in the United States, which doubtless will become old-fashioned very quickly.

What Works for the People?

1. In truth, what works for each population is going to be different.
2. There are some countries that are homogenous, and therefore they are probably better off with a simple, rigid Constitution like ours.
3. Countries which are very heterogeneous and have a history of looking to the law as a remedy for societal ills, may be better off with basic laws that can be changed from time to time but subject to review (a high hurdle) by a judicial system.

Herzog's Outline for a Compromise



- There is a “lack of diversity” in the courts, including the Supreme Court, specifically the underrepresentation of Sephardi-origin Jews. Since Ashkenazi Jews are those from European ancestry, they are defined as “white”, while Sephardi Jews who are from Israel, the Middle East, North Africa and eastern countries are people of color. Jews from Ethiopia, Nigeria and Sudan are black. Changing the way Supreme Court Justices are selected in Israel should bring many more people of color into the court system as judges.
- It should be recognized that the Supreme Court is the “pride of our country”.
- The courts, in general, should be respected for the good work they have done in ensuring democracy and protection for all people.

Herzog Specifics

- Legislate a new quasi-constitutional Basic Law: Legislation to clearly lay out the status of all legislation – ordinary laws and Basic Laws, thus, to enable constitutional stability.
- All Basic Laws passed only with “wide agreement” and via four Knesset readings, rather than the usual three.
- There would be “no judicial oversight over a Basic Law legislated in that way”.

Herzog's Outline For a Compromise Continued

- Ease “the judicial burden” on judges, which Israelis are paying a price for.
- Bring greater efficiency to the judicial system and help increase public confidence in the courts by having Justice Minister Yariv Levin and Supreme Court Chief Justice Esther H. Hayut reach an agreement “that will put an end to the endless delays of justice and insufferable foot-dragging”.

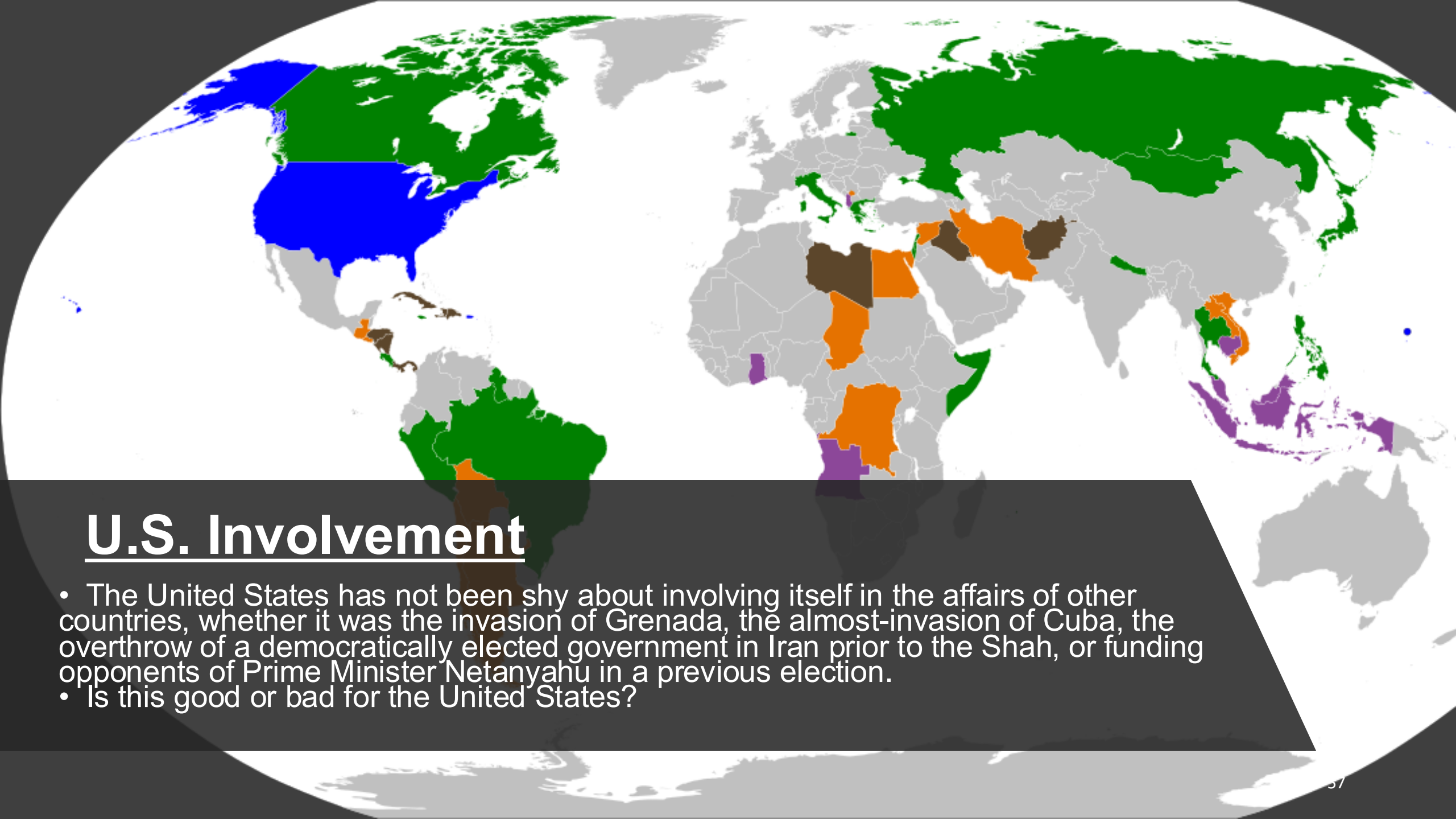
President Herzog's Compromise Continued

- Judicial Selection Committee to be reconfigured so that no side has an automatic majority, saying all branches of government will have equal representations on the panel alongside public figures who will be appointed “with coordination and agreement” between the justice minister and the Supreme Court president.
- The choice of judges “must be based on cooperation and agreement – not on capitulations and vetoes”.
- The judicial doctrine of “reasonableness” can be abused by the courts if not limited, while there is still a place for it “in cases of extreme unreasonableness” as is currently the law.



How Does This Compare to Being More or Less Like The U.S. System?

- On the federal level, horse trading and political dealmaking defines how federal judges obtain their nominations and consent from the Senate. The idea of a "committee" approach to appointing judges would be an anathema to the American voter.
- The United States Supreme Court and federal court generally strike down measures as unconstitutional or uphold them as constitutional, without any particular standard as to how unconstitutional they need to be.
- The U.S. has no particular approach to delays in justice except that the United States Supreme Court, and state courts in general, do keep statistics, and, in extreme cases, may put some pressure on judges on an individual basis, but this is not a transparent system at all.
- Having Basic Laws would be like rewriting the United States Constitution, which can never happen. In the United States, it is virtually impossible to pass amendments that garner disagreement between left and right, republican and democrat.
- Having anybody like President Herzog try to mediate deeply held disputes within our government system is unheard of, and no one has the gravitas to do it.



U.S. Involvement

- The United States has not been shy about involving itself in the affairs of other countries, whether it was the invasion of Grenada, the almost-invasion of Cuba, the overthrow of a democratically elected government in Iran prior to the Shah, or funding opponents of Prime Minister Netanyahu in a previous election.
- Is this good or bad for the United States?



- President Biden and Secretary of State Blinken have spoken pointedly about preserving democracy in Israel, expressing concern about the reforms sought by the new government.
- Is that wise? Is that hypocritical? Does it even make sense?

Preserving Democracy

Eliminating The Filibuster

- When President Obama was President and Joe Biden was Vice President, Biden presided over the Senate.
- The Democrats tried to eliminate the filibuster in the Senate when it was to their advantage in connection with Supreme Court nominations and fought to retain or reimpose the filibuster on Supreme Court nominees when President Trump was President.
- How would the United States have felt had Israel or any other country questioned the viability of our democracy?



The Truth:

- Americans who are Democrats and align themselves with the Democratic Party are not happy with the current U.S. Supreme Court and have sought to restrict the power of the Court and to do an end-run Supreme Court decisions by legislation.
- Those same politically aligned people seek to preserve the expanded role of the Israeli Supreme Court. Those left of center in the United States seek to preserve a veto power wielded by Israeli Supreme Court Justices wielded by current Justices on the Court. How democratic is that?

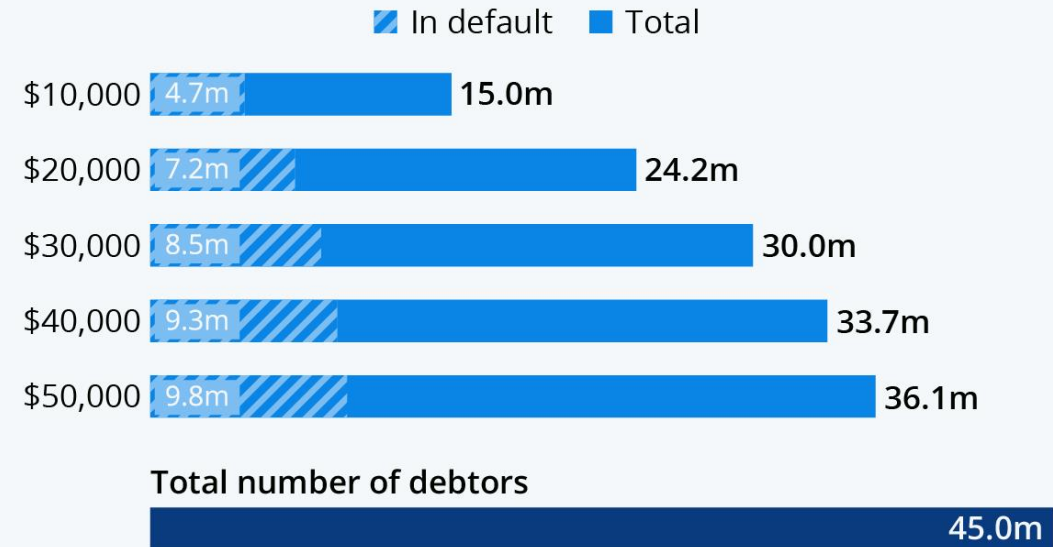


Student Loan Forgiveness

- The Supreme Court of the United States is hearing, according to one publication, “One of the most consequential separation-of-powers cases in American history on Tuesday, February 28, 2023.”
- What will be considered is the President’s Proclamation for Student Loan Forgiveness.
- Both the Trump and Biden Administration “stretched the law” to extend a student loan repayment clause that Congress enacted in March 2020.
- The issue is whether the executive may effectively legislate, based upon broad sweeping language of the legislation and the mood of the times.

How Many Would Student Loan Forgiveness Reach?

Number of U.S. debtors completely freed from federal student loans if debt of the following amounts was forgiven



Direct loans and FFEL loan balances only

Source: Federal Student Aid/Department of Education via Warren.Senate.gov



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