



Written by [Selwyn Duke](#) on August 27, 2021

SCOTUS Says “No!” to Communism: Slaps Down Biden’s Eviction Moratorium

“The moment the idea is admitted into society, that property is not as sacred as the laws of God, and that there is not a force of law and public justice to protect it, anarchy and tyranny commence,” wrote John Adams, our second president. It will come as good news to those who subscribe to the preceding that the Supreme Court has struck down the Centers for Disease Control’s eviction moratorium, a blatantly unconstitutional action that threatened the principle of private property.

The court’s decision late Thursday will end this current assault on property rights (that is, assuming the Joe Biden administration abides by it, of which there’s no guarantee). It will enable landlords to collect rent from “3.5 million people in the United States who said they faced eviction in the next two months, according to Census Bureau data from early August,” [reports](#) MarketWatch.

COVID-19 was, of course, used as a pretext for the moratorium, just as it has been used for so many other unconstitutional and/or anti-American actions. Note here that millions of people may face eviction at any given time in our nation of 330 million people. Not all of them are good, responsible citizens who’ve simply fallen on hard times, either; some are deadbeats who just don’t want to pay their bills.

Commentator Andrea Widburg [provides background](#) explaining the events that led to Thursday’s ruling:

In March 2020, as part of its first COVID relief bill, Congress imposed a 120-day eviction moratorium tied to properties participating in federal assistance programs or subject to federally backed loans. When it expired, the CDC announced that all evictions in America had to cease through December 31, or the landlords would be criminally liable.

Because America was in the grip of COVID madness, BLM/George Floyd madness, and election madness, the CDC got away with it. Congress threw it a lifeline with the second COVID relief bill, extending the moratorium through the end of January 2021. When that deadline arrived, the CDC once again issued its own moratorium, which it kept extending month by month.

In May, the plaintiffs sued to stop the moratorium. They prevailed at the district court level, but the court then stayed its order because it viewed the legal question as too serious to act upon without giving the government a chance to appeal. It was this stay that the Supreme Court didn’t bother to vacate because the moratorium was due to expire in any event.



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Justice Kavanaugh, though, made it clear that on the merits, the CDC lacked the authority to act.

When the moratorium expired on July 31, the CDC ignored Justice Kavanaugh and again reinstated the moratorium. The plaintiffs went back to court and, again, ended up before the Supreme Court. This time, the Court acted on the merits.

The opinion was 6-3, with the only dissent coming from far-left, activist justices Stephen Breyer, Elena Kagan, and Sonya Sotomayor.

The majority “pointed out that the applicable statute — §361(a) of the Public Health Service Act, which was passed in 1944 — gives the Health and Human Services agency the power to control communicable diseases and has been used for things such as banning the sale of small turtles, which carry salmonella, and quarantining specific individuals,” Widburg also tells us. “For HHS to involve itself in private property rights far exceeds its mandate under the statute.”

Of course — this is an open-and-shut case. If the CDC can prohibit evictions in the name of fighting a disease, what can’t it do in service to that end? How about suspending car payments, the firing of derelict employees, or even the payment of personal debt? The same reasoning applies: People need a break because they’re down on their luck (supposedly) due to the China virus making it harder to earn a living.

Yet consider the unjust double standard: If the above reasoning is correct, then many landlords would be down on their luck, too. But where’s their relief? Note that many landlords are small mom-and-pop operators who may rent out part of a property to pay off a mortgage or augment their retirement income. And the government created an imbalance: While landlords couldn’t collect rent, they still had to pay the costs associated with their properties, such as a mortgage and utilities.

Of course, mortgage payments weren’t suspended perhaps because small landlords don’t donate massive amounts of money to Democrats — big banks that hold mortgages *do*. Note, too, that no one proposed suspending real-estate taxes even though landlords couldn’t benefit financially from their real estate. Far be it from the government to share the burden it places on citizens.

Unfortunately, the Supreme Court still erred in its opinion, [writing](#) that if “a federally imposed eviction moratorium is to continue, Congress must specifically authorize it.” Where does the Constitution give the feds the power, however, to involve themselves in private rental contracts?

Yet even though the SCOTUS ascribed this power to Congress, this didn’t stop House Speaker Nancy Pelosi (D-Calif.) from engaging in demagoguery. She [claimed](#) that the court “immorally ripped away that [rent] relief in a ruling that is arbitrary and cruel,” when it was the CDC moratorium that was arbitrary (and also cruel in a way). She said that eviction “is a horror that no family should ever have to experience.” Really? What about those who could pay rent but would rather stiff their landlord?

Pelosi also stated, “Putting people out of their homes and forcing them to crowd in with others is also a public health risk as the delta variant accelerates.” This is nonsense. A study out of Britain found that delta is *20 times less deadly than the original strain*. COVID-19 is here to stay, but is now less dangerous, and Pelosi’s fear-mongering is another example of using the disease as a pretext for remaking civilization.

And, harking back to John Adams’s warning, usurping private property rights is a major step toward



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tyranny. As Widburg put it, “If unelected government agencies can exert complete control over private property, going so far as to impose criminal liability on people for exercising their legal rights over that property, we have gone beyond fascism (state control but with private property rights) and moved into proto-communism (all property is held in the state).”

Given its recent history, we can’t know if the Biden administration will abide by the SCOTUS opinion. But regardless of what it does in the near future or courts do in the more distant future, governors should use their powers to protect property rights. When the feds channel Marx and start saying a man’s home is not his castle, it’s time for the states to present them with nothing but a moat and pulled-up drawbridge.



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