Can Globalism Amend Our Constitution?

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We live in a global economy, right? But the elites mouthing this mantra haven't shared with the American people the news that globalism not only means open borders for the movement of goods and the migration of peoples, plus textbooks teaching children to be citizens of the world instead of patriots. Globalism also means bending the United States Constitution into conformity with opinions of foreigners who pompously enunciate new laws and new human rights. The utterings of these self-important bureaucrats in the United Nations and some European countries could be merely matters for TV humor if it were not that Supreme Court Justices Breyer, Kennedy, Ginsburg and Stevens take them seriously.

Justice Breyer gleefully told George Stepanopoulos on ABC News how the United States is changing "through commerce and through globalization ... [and] through immigration," and that this change is having an impact on the courts. He speculated on "the challenge" of whether our U.S. Constitution "fits into the governing documents of other nations."

Where did he get the idea that the U.S. Constitution should "fit" into the laws of other nations? If a country can't make its own laws, how can it be a sovereign nation?

In a dissent in Knight v. Florida, Breyer said it was "useful" to consider court decisions on allowable delays of execution in India, Jamaica and Zimbabwe. Zimbabwe, indeed, has had a lot of experience with executions, but it's hardly a country from which we should get guidance about due process.

Justice Kennedy couldn't find any language in the U.S. Constitution to justify overturning the Texas sodomy law in Lawrence v. Texas, so he invoked "other authorities" in "Western civilization," namely, the European Court of Human Rights, which invalidated EU countries' domestic laws proscribing homosexual conduct. Kennedy cited an amicus brief filed by Mary Robinson, former United Nations high commissioner for human rights.

Kennedy wrote, "The right the petitioners seek [to engage in sodomy] has been accepted as an integral part of human freedom in many other countries," and he emphasized the "values we share with a wider civilization." In fact, most other countries do not share American values, and we don't want to share theirs.

Reading foreign court decisions no doubt contributed to Kennedy's reliance on "emerging awareness ... in matters pertaining to sex" instead of on the U.S. Constitution. Four justices joined in Kennedy's majority decision without distancing themselves from his globalist reasoning or his false recitation of U.S. history of sodomy laws.

Justice Scalia eloquently dissented: "Constitutional entitlements do not spring into existence ... because foreign nations decriminalize conduct." He called Kennedy's words "dangerous dicta," adding that the Supreme Court "should not impose foreign moods, fads or fashions on Americans."

Of course, the Supreme Court should not; but it did. Is the Court now going to use Canada's fad about same-sex marriages to overturn the laws of our 50 states?

Instead of condemning Kennedy's use of foreign courts to change U.S. laws, the American Bar Association president opined that "the concept of fundamental law knows no national boundaries." Sounding off from left field, Harvard professor Laurence Tribe chimed in to "applaud" the "important insights" of the "global legal community."

Justices Ruth Bader Ginsburg and Stephen Breyer, concurring in Grutter v. Bollinger, cited a treaty to justify the University of Michigan Law School's affirmative action. They wrote: "The International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the United States in 1994 ... endorses special and concrete measures to ensure the adequate development and protection of certain racial groups ... for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms."

When the Senate ratified that treaty under pressure from the Clinton Administration (30 years after Lyndon Johnson signed it), I wonder if anyone predicted that it would require U.S. schools to impose reverse discrimination based on race.

In Atkins v. Virginia, Justice John Paul Stevens' majority opinion cited an amicus brief from the European Union. The EU warned us, Stevens wrote, that "within the world community, the imposition of the death penalty for crimes committed by mentally retarded offenders is overwhelmingly disapproved."

Scalia retorted, "The views of other nations cannot be imposed upon Americans." But five justices did impose foreign views on us.

It's obvious why the Democrats filibuster any judicial nominee they suspect of being a strict constructionist. The Democrats love an activist judiciary because court decisions can make fundamental changes that the American people and our elected representatives don't want.

It's also obvious why the Democrats like United Nations treaties. Activist judges can use them to circumvent our Constitution and laws -- and diminish American sovereignty.