Calling Activist Judges to the Bar of Public Opinion

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Since the Republican Congress has defaulted in its responsibility to use constitutional checks and balances to reign in the imperial judiciary, the Family Research Council sponsored an event at the National Press Club called the Court Jester Awards. The purpose is to spoof some of the bad court decisions handed down by activist judges.

The "Lifetime Achievement Award," given to a judge whose career includes many examples of activist decisions, was presented to U.S. Ninth Circuit Court Judge Stephen Reinhardt. The Ninth Circuit was overturned 28 out of 29 times during the 1996-97 Supreme Court term.

Reinhardt ruled that the right to choose when and how one dies is a fundamental liberty interest, and that the federal law protecting endangered species cannot be invoked by those who want less, rather than more, protection for wildlife, both notions later rejected by the Supreme Court. Reinhardt invalidated California's term limit statute for state officials, and Arizona's law requiring that the English language be used in state business.

The "Juris-Imprudence Award," given to a judge to who produces a ruling in conflict with the moral premises of jurisprudence, went to U.S. District Court Judge Charles B. Kocoras for Hope v. Ryan. This opinion knocked down the Illinois ban on partial birth abortions.

The "Overruled Award," given to a judge who finds citizens incompetent to manage their local affairs, was presented to New Jersey Judge James M. Havey for Dale v. Boy Scouts of America. Judge Havey ruled against the Boy Scouts on the ground that they are a public accommodation (such as gyms, swimming pools, and parks) and therefore subject to New Jersey's anti-discrimination laws.

The "Out of Order Award," given to a judge who uses bizarre logic in lofty legalese to rationalize an absurd decision, went to U.S. District Court Judge Sonia Sotomayor for Bartlett v. New York State Board of Law Examiners. She ruled that the Americans with Disabilities Act covers a dyslexic law student who

demanded unlimited time to take the New York state bar examination after failing it four times.

The "Invisible Ink Award" is given to a judge who sees words in the Constitution that aren't there, but can't see words that really are there. It was awarded to U.S. District Court Judge Ira DeMent for Chandler v. James, which went far beyond Supreme Court decisions in banning all semblance of prayer in schools, even if initiated by students, and set up a system of court monitoring of classrooms to ensure compliance.

Judge DeMent's award was presented in verse, which I reproduce here for the entertainment of my readers:

We present the award for Invisible Ink

To an activist judge who stirred up a big stink

By thinking his job was new law to invent

Our winner is clearly Judge Ira DeMent.

The judge's temptation to see words invisible

And think he's infallible was so irresistible

Chandler v. James is without precedent

It's a con law contortion by Ira DeMent.

Alabama's indignant at the scope of his decision

He declared a court war against children's religion

He joined in the atheists' culture destruction

By thumbing his nose at the law's strict construction.

Our Constitution's not safe from his gavel and quill

He's replacing James Madison with Hillary and Bill

DeMent makes us wonder where common sense went

He just can't comply with original intent.

He distorted the meaning of First Amendment
Free Exercise is in danger, we sadly lament
The Supreme Court allows prayer if started by student
Under Ira's policemen, even that is imprudent.

This judge has created his own prayer police
To monitor classrooms and tell students to cease
Asking for help from th' Almighty, and then
Inviting their classmates to answer Amen.

Even prayer in emergency, DeMent won't relent
He calls it religion Establishment
He prohibits all prayer, even during a crisis
No student may utter an ora pro nobis.

No hurricanes, cyclones, killings, disaster
Can make prayer legal under this court schoolmaster
He banned invocations and all benedictions
But can't cite prior cases for his activist fictions.

He forbids high school grads to recite godly speeches
He's determined to censor what everyone teaches
If schools dare to announce baccalaureate event
That will bring down the ire of Judge Ira DeMent.

When playing school sports, beware of the shame

He'll send you to jail for prayers before game

He forbids kids or teachers to carry a Bible

Only books are allowed with a secular title.

The teachers must suffer through re-training sessions

And study texts only from Ira's selections

Prayer monitors report to Judge Ira DeMent

In ex parte sessions, their complaints to present.

This judge is so proud of his way-out decision

He posted it all over, despite public derision

Just look at prayer monitors this judge has invented

He gives new meaning to the word of demented.

We urge him to promise a new resolution

To stick with the words of our real Constitution

We all hope some day he'll reform and repent

So let's join in prayer for Judge Ira DeMent.