High Stakes In Judicial Supremacy

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The histrionics of the liberals about the impending nomination to fill the Supreme Court vacancy look overwrought, but they are heartfelt. The liberals know they've lost the legislative and executive branches of government, and their only hope of achieving their goals is from supremacist judges who claim the authority to legislate the law of the land.

The liberals know that neither Congress nor state legislatures would ever ban the Pledge of Allegiance or the Ten Commandments, or order same-sex marriage licenses, or kick the Boy Scouts off of public schools and military properties. The liberal politicians, the secularist litigators and the gay lobby know very well that only supremacist judges do those eminently unpopular things.

That's why House Minority Leader Nancy Pelosi (D-CA) described Supreme Court decisions as "almost as if God has spoken." Pelosi's elevation of judges to the level of God shows how desperate the liberals are to bamboozle the public into accepting continued liberal domination of the courts.

The Democrats admonish us that we must have an independent judiciary. But what they mean is independent of the U.S. Constitution, and we certainly should not give judges that kind of independence.

In the latest incident of judicial mischief, a federal judge ruled that the Pentagon can no longer spend money to prepare a Virginia military base for use by a national quadrennial Boy Scout jamboree that attracts 40,000 Scouts and leaders, plus 300,000 parents and spectators. Although the jamboree is a 25-year-old institution, the ACLU persuaded an activist judge to ban it in the future because the Boy Scouts pledge to do their duty to God and country.

Earlier this year, another federal judge issued a ruling that, unfortunately, has received little national coverage. He presumed to knock out Nebraska's state constitutional marriage amendment that was passed by 70 percent of the voters.

Congress and state legislatures are, for the most part, wisely unwilling to raise taxes. So what are tax-and-spend liberals to do? Run to supremacist judges, of course.

Lawsuits are pending in 24 states asking judges to order the state legislature to pour lots more money into the public schools which, obviously, will require tax increases. If any issues should be solely legislative prerogatives, they are raising taxes and spending the taxpayers' money.

Nevertheless, so far the spenders and supremacists have won all their cases except, mirabile dictu, in Massachusetts. That state's high court judges may be a bit shy because of the public scorn they suffered after ordering same-sex marriage licenses.

Ground zero in this battle turns out to be Kansas, where the state supreme court has ordered the state legislature to put $143 million more money into the public schools, even though Kansas already spends nearly ten grand per pupil, pays teachers more than most Kansas workers, and graduates students who score well in national tests. The judges seized on a single word in the state constitution and ruled that the definition of "suitable" means a specific amount of money knowable only through the presumed wisdom of judges.

After the Kansas supreme court's threat to close all the schools plus heavy pressure from the Democratic Governor, Democratic legislators combined with the RINOs (Republicans In Name Only) to say Yes sirree to the legislating judges. The court retained jurisdiction of the case and is expected to order the legislature to increase funding again next year, probably by another $568 million.

The Kansas experience shows that it's not just federal judges, but state judges, too, who need replacing and should have their power limited. Legislators should withdraw jurisdiction from the judges so they cannot legislate or act as an imperial judiciary, and legislators who fail to do their duty should be replaced as well as the judges.

All of a sudden, Sandra Day O'Connor has become the favorite justice of Senator Barbara Boxer (D-CA) and the Democrats, and they are demanding that her replacement be her clone. No wonder they like her: she voted repeatedly for abortion, repeatedly for the homosexual lobby, and repeatedly against the Ten Commandments.

We can't afford to have another O'Connor mistake. We are counting on President Bush to keep his promise to give us judges like Scalia and Thomas.

In the Second Presidential Debate in 2004, George W. Bush said: "I wouldn't pick a judge who said that the Pledge of Allegiance couldn't be said in a school because it had the words 'under God' in it. I think that's an example of a judge allowing personal opinion to enter into the decision-making process as opposed to a strict interpretation of the Constitution."

A Wall Street Journal/NBC poll released July 14 reported that 63 percent of Americans believe it is a step in the right direction for Bush to appoint a judge "who favors continuing to allow references to God in our public life such as allowing displays of the Ten Commandments on government property." Only 14 percent said that would be a step in the wrong direction.