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# THE RUNAWAY FEDERAL COURTS

Several lawyers and lawyers' organizations have taken it upon themselves to warn the American people against supporting any bills to remove jurisdiction from the federal courts. More than 20 such bills are now pending in Congress.

These bills are designed to remove or limit federal court jurisdiction in cases involving prayer in public schools, busing to achieve school desegregation, or abortion. The president of the American Bar Association and chairmen of various ABA subgroups are busy writing letters and editorials to persuade Congress to reject all such bills.

They usually present such simplistic arguments as that an unpopular decision of the Supreme Court on a constitutional issue should not be overridden by a simple majority vote in Congress. There is a simple answer to that. A tradition or prevailing practice of the American people, which has been acceptable constitutional doctrine for centuries, should not be overriden by a simple majority vote of nine men on the U.S. Supreme Court.

From the time the first colonists set foot on the soil of the New World until 1962, prayers were spoken in all schools attended by the public. All those who wrote the Constitution and the Bill of Rights were educated in schools where daily prayers were an unchallenged practice.

Then, in 1962, the Supreme Court pretended to discover a new "right" in the First Amendment, which no one had ever seen before, namely, the right of one atheist to silence the prayers recited by all the other students and teachers. Only six men made that decision, but it overturned centuries of American tradition and practice.

During the 19th century, as physicians and scientists discovered more and more about the life of the baby in the womb, they learned that human life dates from conception and not merely from "quickening." So anti-abortion laws to protect human life were enacted in every state, without challenge to their constitutionality.

Then, in 1973, seven men on the Supreme Court pretended to discover a new "right" in the penumbra (shadows) of the Fourteenth Amendment, namely, the right of a woman to kill her unborn baby at any time until the moment of birth, just so long as she can find a

*doctor willing to perform the abortion. If abortion were really a constitutional right, how did it happen that no one else ever saw it in the preceding hundred years?*

*In 1971, nine men on the Supreme Court discovered a new "right," namely, the right of a federal district court to order forced busing to achieve racial integration in the public schools. Nobody else had ever detected that right in the Constitution.*

*It is self-evident that the alleged "rights" of the atheist to prohibit other students from praying, of a woman to kill her unborn child, and of a district court to order little children to spend hours every day on a bus riding to and from schools which their parents do not want them to attend, are artificial creations of a handful of men on the Supreme Court. Those "rights" are not stated in the U.S. Constitution, or in any statute, or in American custom or tradition. A few Supreme Court justices invented them.*

*Those Supreme Court decisions started America down a long, slippery slope. Two decades after prayer and moral training were removed from public schools, the high rates of vandalism, thievery, fornication, and even assault and rape have become a national scandal. After a decade of legal abortions, a million and a half unborn children are now being killed every year -- one out of every four pregnancies.*

*And forced busing? For a case in point, look at the urban devastation wrought by federal judge W. Arthur Garrity, Jr., who ordered half of Boston public school pupils bused out of their neighborhoods. He created an impossible learning environment: the schools are plagued by violence, unruly demonstrations, even bloodshed.*

*Seven years after Garrity issued his order, almost everybody except Garrity admits its total failure. The Boston public schools cannot possibly be integrated; half the whites moved out to the suburbs or into private schools, so two-thirds of Boston's public school pupils are now minorities.*

*A group of black parents have now filed suit charging that forced busing has not produced quality education for their children; they urge that Garrity's plan be scrapped and replaced with freedom of choice. A Boston Globe poll found that 79 percent of the parents of black children want freedom of choice instead of forced busing.*

*The American people are not powerless in the face of such abuse of power by federal court judges. Congress should use its Article III powers to remove or limit jurisdiction from the federal courts.*