

Court Pick Critical to Limiting Both Democrats and Trump

By Roy Minet (Rev. 08/11/18)

Have you read the Declaration of Independence and the U.S. Constitution lately? You should. Our ground-breaking founding documents really are quite elegant and not very long. (No doubt, using quill pen and ink, instead of a word processor, encourages economy of word!)

Excerpts from the Declaration: "...all men are created equal...they are endowed...with certain unalienable rights..." "...to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Thus is set forth the important fundamental concept that human individuals inherently have rights. Rights are not granted by a king or a government. Individuals are sovereign. All individuals have equal rights.

Governments are formed to protect and secure individual rights. Governments can legitimately function only with the consent of the governed. Individuals grant only very limited powers to the government.

The U.S. Constitution defines the structure and functioning of our federal government. Only certain powers are granted to it and these are enumerated by the Constitution (see especially Article I, Section 8). Individuals elect temporary (presumably, not career) representatives to wield these powers.

The framers definitely were concerned that our government might blow through the limits placed upon it, but they thought they had done what they could to prevent that. However, the states and citizens were not satisfied and ratified the Constitution only upon condition that it be amended to provide even more protections.

Two years later, in 1789, the first ten amendments were ratified and are called The Bill of Rights. The first eight amendments specify a set of key rights which are guaranteed to all citizens. The Ninth Amendment says, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The Tenth Amendment emphasizes that any/all powers not specifically granted to the federal government are reserved unto citizens or the states.

Article V spells out how the Constitution must be amended. Quite fittingly, a broad and strong consensus is required to change the supreme law of the land. Three quarters of the states must ratify amendments.

Seventeen amendments have been ratified in the years after The Bill of Rights. Some have been important improvements, some have weakened the Constitution and some have been disasters (the eighteenth had to be reversed by the twenty-first after a decade of turmoil).

Article III of the Constitution establishes the Supreme Court of the US (SCOTUS) and gives it final say in disputes over what may or may not be allowed by the Constitution. It should be abundantly clear that the qualifications for SCOTUS justices should solely be the ability and commitment to

render objective decisions based only on what the words of the Constitution say and mean as intended by the people who wrote them.

Unfortunately, not everybody agrees with this straightforward statement of qualifications and the confirmation of new justices has become a brutally contentious process. Such conflicts began escalating about a hundred years ago when the “progressive” movement got really rolling with Woodrow Wilson (arguably, our worst president).

Progressives chafe under the limitations of the Constitution. They want governments to have more powers than the Constitution allows; to exert even more control over citizens’ lives – ostensibly to solve more of our problems for us; and to confiscate even more than the (average) 30% of what we earn that we already pay as taxes. Those of this mindset (includes most Democrats, some Republicans and no Libertarians) realize that the Constitutional amendments they’d like would have little chance of passing. And they really don’t brook the delays and bother that this “unreasonable formality” imposes. Instead, their strategy is to load SCOTUS with justices who will imaginatively interpret the Constitution to mean whatever progressives think it should say; hence, the bitter conflict.

By almost any rational and objective assessment, the Constitution *has* been considerably subverted. Federal powers never intended by the framers have been justified, for example, by stretching the “general welfare” phrase and the interstate commerce clause. Try to find anything in the Constitution that would permit the federal Department of Education – just one of many blatant usurpations.

Clearly, strict adherence to the Constitution is critical to restraining the progressive ilk. But with such an unpredictable, swashbuckling president in office, even progressives should be thankful for constitutional limits!

Very cooperatively, Donald Trump himself nominated Neil Gorsuch last year, who is now a sitting justice. An originalist or strict constructionist, Gorsuch may turn out to be the most libertarian justice on the court. Likely, this is the most beneficial thing Trump has done, or will do.

Now before the Senate is the nomination of Brett Kavanaugh. Kavanaugh also assures us he will, “...interpret the Constitution as written...” However, of great concern to libertarians, there are indications that he apparently sees nothing wrong with secret FISA courts and government spying on citizens.

There are no exceptions in the Fourth Amendment, for national security or anything else.

You can obtain your own free pocket copy of the Declaration and the Constitution from organizations such as Hillsdale College: <https://lp.hillsdale.edu/free-pocket-constitution/>

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