

An Ideologue Activist Court Or A Constitutional Originalist Court?

"The biggest myth about judges is that they're somehow imbued with greater insight, wisdom, and vision than the rest of us; that for some reason God Almighty has endowed them with superior judgement about justice and fairness. But the truth is that judges are men and women with human imperfections and frailties. Some have been brilliant, principled, and moral. Others have been mentally impaired, venal, and even racist."
—Mark R. Levin, *Men In Black*

Mark R. Levin's [Men In Black, How the Supreme Court is Destroying America](#) is a go to book for anyone wanting to learn about the Supreme Court but more specifically about Supreme Court Justices and how some historical decisions, as Levin puts it, are destroying America. Levin superbly supports his thesis with facts, temperament and decision-making processes of the various Justices, and decisions that wreak of social/political activism rather than constitutionalism. Armed with this understanding of the Court's history, it's easy to understand why certain of our country's political and activist factions adamantly oppose having a Constitutional originalist seated on the Supreme Court. Instead, they prefer activist judges pulling decisions from ideology rather than the original text and intent of the Constitution.

There is a theme running through some of these courts that undermines the [Constitution](#) and block by block disassembles the Republic. Justice Thurgood Marshall explained it by sharing that he did not believe *"that the meaning of the Constitution was forever 'fixed' at the Philadelphia convention"* implying that original text and intent are not firm and using bases that agrees with his worldview the

Constitution can mean whatever he or the court deems it to mean. Justice Ginsburg explained her views on the topic by stating that sometimes *"boldly dynamic interpretation departing radically from the original understanding"* of the Constitution is sometimes necessary. Necessary why? So laws the founders never intended can materialize in the court's chambers? Others, Kennedy, O'Connor, and Stevens believe when making decisions we must also consider international law so as to align ourselves globally. The purview of the Supreme Court does not include rewriting the Constitution from the bench or making America more palpable to the global community.

By now, you've certainly seen the video of the woman pounding on and clawing at the doors of the Supreme Court. It's frightening to witness such conduct. In any context, is this normal behavior? We do not tolerate this from our toddlers. People who act this hysterically are dangerous to themselves and our country. Put ANTIFA masks over their faces and they would cheerfully and brutally march you off to the ovens. It's serious mental derangement inspired and encouraged by a major political party. This, from the people who want to call the rest of us NAZIs among other things. The same people who will stoop to any level to disqualify a judge.

Hugo Black built the one wall Progressives love.

In 1937, President Franklin Roosevelt (FDR) appointed Hugo Black a former Klu Klux Klansman to the court. Justice Black built the mythical wall that progressives love. The establishment clause is quite clear declaring the government, *"can make no law respecting an establishment of religion, or prohibiting free exercise thereof."* The original intent protects the people from federal government establishment of a state religion such as the Church of England. Justice Black when writing the court decision for *Everson v Board of Education*, relied on the metaphorical statement, *"wall of separation between Church & State"* found in a letter written by Thomas Jefferson to the Danbury, Connecticut Baptist

community. He then stated that the establishment clause, whose original intent was to restrict activities of the federal government regarding establishing a religion, also applied to state and local governments. Since 1947, the mythical “wall of separation” is the bludgeon used by Progressives to prohibit the free exercise of religion. It’s the wall that’s destroying our country’s Christian based culture rather than protecting it from government established religion as originally intended. In Justice Ginsburg’s words it was a *“boldly dynamic interpretation departing radically from the original understanding”*. Our country would be better off if we adopted the view of Justice William Rehnquist: *“the ‘wall of separation between church and State’ is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned.”*

In 1962, another Justice Black behind the wall ruling (*Engel v. Vitale*) held that school sponsored non-denominational prayer violated the establishment clause of the first amendment. There have been countless court orders prohibiting prayer at school graduations and sporting events most championed by the organization whose name implies it stands for civil liberties.

It is possible to resist. In his book, [*Persecution: How Liberals are Waging War against Christians*](#), David Limbaugh recounts a story from my hometown. A federal judge outlawed a student-led prayer at the St. Albans High School graduation. He also awarded legal fees to the 18-year-old atheist who brought the suit. The judge decided the student-led prayer would likely cause irreparable harm to the atheist. During a moment of silence, more than 100 students stood, bowed their heads, and recited the Lord’s prayer. Irreparable harm? The atheist student did not attend the graduation ceremony.

In 1973, Justice Harry Blackmun found a “zone of privacy” in the Constitution which according to him included the right to

abortion.

"Blackmun felt that the right to privacy, where ever it comes from, includes the right to abortion. Do not look any further for legal argument amidst the voluminous opinion, because it does not exist. Perhaps the excessive historical analysis was included to compensate for the lack of legal analysis."

Mark R. Levin, Men In Black

Following Justice Blackmun's decision, nearly 58 million unborn children have lost their right to life.

Every right and the freedom we cherish is at risk with anything less than a court of Constitutional originalists.

Mark R. Levin sums it up quite well:

"Activist judges have taken over school systems, prisons, private-sector hiring and firing practices, and farm quotas; they have ordered local governments to raise property taxes and states to grant benefits to illegal immigrants; they have expelled God, prayer and the Ten Commandments from the public square; they've endorsed severe limits on political speech; and they've protected virtual child pornography, racial discrimination in law school admissions, flag burning, the seizure of private property without just compensation, and partial-birth abortion. They've announced that morality alone is an insufficient bases for legislation. Courts now second-guess the commander in chief in time of war and confer due process rights to foreign enemy combatants. They intervene in the electoral process."

Forget liberal or conservative labels. The difference between a judge and an ideologue is that a judge can put aside ideology, whether liberal or conservative, and arrive at decisions based on the historically supported original intent of the Constitution. We've witnessed the lengths some are willing to go to prevent such judges from being seated.

If saving the Republic from the ongoing *"fundamental*

transformation" is important to you then there exists a no more vital reason to vote.

© 2018 JD Pendry – All Rights Reserved

E-Mail JD Pendry: jd@jdpendry.com

Website: [J. D. Pendry's American Journal](#)