

Scalia and what The Supreme Court is not

With the recent passing of Justice Antonin Scalia, America is truly bereaved of one of her greatest defenders of justice.

Justice Scalia was a historic jurist, an exceptional legal scholar, and a stalwart defender of the Constitution as it was written by our founders.

The “crisis” being spoken of now is who will the next Supreme Court Justice be, and if he isn’t nominated by a Republican, will that sabotage America as we know it?

Regardless of what party nominates the justices – this problem with the judiciary declaring evil to be good and good to be evil will not be remedied, adjudicated, or fixed in the courts. It is unfortunate but I feel Americans have a great deal of evidence to believe the courts are the traffickers of injustice and immorality in this nation. In my lifetime alone America has experienced horrific consequences by its obeisance to Supreme Court opinions. For example:

- Millions of Americans have been murdered, ripped limb from limb in the womb.
- The American family unit has been assaulted by the perversion of homosexual marriage.
- Students have been harassed and coerced into learning without prayer, singing without Christ, and extra curricular activities with no Bible.
- Once penalized by government for an unlawful action, now Americans are being fined for the inaction of not having government-approved healthcare.

How do we end such an epidemic trend? The Bible queries, “If the foundations be destroyed, what can the righteous do?”

To start, Christians, constitutionalists, and “so-called” conservatives need to recognize there is no federal government solution to our nation’s malady. Rather, our solution is found in restoring our Biblical American view of government found right in the Organic Law of our country, the Declaration of Independence. The Declaration clearly recognizes there is a God; that our rights come from Him; and that civil government, as His servant (and ours) is limited to protecting our rights.

For the purpose of securing our rights, the Constitution grants lawmaking power only to Congress and NOT to the courts, not even the Supreme Court.

You see, Article One, Section One – the very first sentence of the Constitution – says this: “All legislative power herein granted is vested in a Congress...”

So, if all federal lawmaking power is in Congress, then how much is left over for the courts?

The answer, of course, is zero.

Under our Constitution, courts render opinions in cases and controversies that come before them, they do not make laws.

Scalia understood that the courts do not make laws and have absolutely no law-making power. Yet, through so-called “Judicial Supremacy” the federal courts claim to be the lone and final arbiter of what is constitutional and what is not. So what is the justification for this subversion? They claim the “Supremacy Clause,” found in Article 6, paragraph 2, of the Constitution. But in reading this article we find no mention of the Supreme or any federal court. We do find, however, it is the Constitution itself that has supremacy.

Thomas Jefferson wrote extensively against this judicial tyranny. He stated in a letter to William Jarvis in 1820, “You seem . . . to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine

indeed, and one which would place us under the despotism of an oligarchy.”

You see the Constitutional authority of the courts is to apply the laws of Congress. But ask yourself the question, “How can the courts enforce a law that Congress hasn’t made?”

Learn more about your Constitution with Jake MacAulay and his “Institute on the Constitution” and receive your free gift.

2016 Jake MacAulay – All Rights Reserved