

What judge has no lawmaking authority?

Following up on my column from two weeks ago where I explained the constitutionality of banning refugees that both presidents Obama and Trump initiated, I chose this week to ask the question, "What judge has no lawmaking authority?"

The answer, of course, is any federal judge in these United States of America.

I realize that many Americans have no earthly idea what the delegated powers in Article III of the United States Constitution are and I encourage you to read them.

So few powers are delegated to the Federal Judiciary that it takes less than 400 words to define them – fewer words than the column you are reading right now – while the powers of Congress and President number over 3,300!

So why are Americans allowing these unlawful court opinions to go into effect, which stop lawful presidential orders, and worse, challenging and appealing them in a higher court as if they have authority to do so?

Understand that the Judicial Branch of our Constitutional government has no more lawmaking power than a referee in a football game has power to make up new rules for the game. Both the court and the referee have a single job to do: discover and apply the rules to the rivaling parties before them.

Unfortunately, Trump's new head of the Department of Homeland Security, General John F. Kelly, appeared to be taking orders from unelected judges instead of the Commander-in-Chief when he issued a statement promising "compliance" with the court order that has challenged the President's executive order.

Some have argued that this constituted a “mutiny” against the President. Kelly knows that “the order issued by Trump was both legal and necessary to the security of the United States and that the Commander-in-Chief had the full authority to issue that directive,” wrote columnist J.B. Williams.

“It’s a mess, a complete mess,” is what Trump might say of the rulings against his executive order. But as President, he can do something about it. Yet, he has simply issued a series of Tweets, one of the latest being that “dangerous” foreigners are being allowed into the U.S. because of the judicial rulings. But since when do judges decide the foreign or immigration policies of the United States? Where is that written in law or the Constitution?

Many legal scholars have clearly explained how the judicial rulings against the order are not based on law or the Constitution. What is lacking is an effort by the administration and Congress to remove or restrict the power of tyrannical judges who present their own personal opinions as expressions of the facts and the law.

Congress should impeach federal judges who make outrageous rulings that have no basis in the Constitution. Why? Because just like in this case, it puts all Americans at risk!

In conclusion, Congress should be called upon to begin Impeachment proceedings immediately against these judges who have stepped way outside the limits of their authority. This is truly “bad behavior” described in Article III, Section 1, that constitutes an impeachable offense found in Article II, Section 4. These judges have directly obstructed (and told others to disobey and disregard) a Congressional Law and Presidential Executive Order to implement it.

Finally, the President and all his administration should begin immediate implementation of Trump’s LEGAL Executive Order, while citing its Constitutionality.

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

© 2017 Jake MacAulay – All Rights Reserved