It CAN be fixed

Andrew McCarthy, writing a few years ago in *National Review Online*, reminded us that Congress has power under the Constitution to address judicial "errors"…

First, the courts cannot function unless Congress *funds* them — meaning both houses of Congress have to approve spending for them.

Second, the Constitution vests in Congress the authority to decide what federal circuit and district courts we *need*. It does not say that once courts and the judgeships on those courts are established, they must be maintained forever…

So, anyone for a Downsizing Party for the Ninth Circuit?

If a circuit or district court misbehaves repeatedly, let's say, by *overturning the Will of the People* in a clearly decided referendum, which remedy shall Congress use?

Cut their lunch money funding? Or, send the offending judges a 90-day warning, then send their pink slip?

Now that we've seen how Senate rules can be changed on a whim by the majority, seemingly impossible things now become possible!

Monday Morning Newswire
Non-partisan conservative commentary published by Hoosier Patriots, 8329 Carolwood Court, Evansville, IN 47715, each Monday morning and sent by e-mail to those who subscribe.
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Monday Morning Newswire
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Defending the Constitution

A flurry of constitutional abuse

Judicial tyranny

Two devastating blows were applied to our already-battered rule of law last week, delivered by the Supreme Court of the United States (SCOTUS) to the foundation on which our political order, our constitutional republic, is built. Our rule of law lies wounded; bruised and beaten by the very branch of our government intended by our Framers to preserve it. It's been replaced by the opinions of judges, deciding what is lawful based on *populist feeling*. Our justices, all except three, have now become black-robed politicians.

The first punch was thrown in favor of Obamacare, to save it for the second time.

Three years ago this month the nation witnessed judicial acrobatics when Chief Justice John Roberts redefined the "penalties" in the Affordable Care Act (ACA/Obamacare) as a *tax*. (The idea of a tax was emphatically denied by the authors of the bill, Democrat Congressmen who passed it, *and* administration attorneys defending it!) None of this mattered to Roberts. In his decision, he essentially rewrote the law to save the law.

He did it again last Thursday, June 25. This time, in *King v. Burwell*, his majority opinion stated that words have no meaning, except what the SCOTUS says they mean.

Obamacare was specifically worded (by Jonathan Gruber, the ACA architect) to force states to set up their own health care insurance exchanges. Section 1311 of the ACA says clearly, "established by the State." The states would be rewarded with a payment, a federal subsidy, to defray the costs. (But there is *nothing* written in the law that awards a subsidy for federal exchanges, which are the majority.)

Despite this inducement to comply, 34 states refused to take the bait, deferring to the federal exchanges. They looked at the long-term expense for their states to underwrite the Obamacare behemoth and said, "No thanks; we're not taking the bait."

Chief Justice Roberts wrote in the 6-3 ruling, "Congress passed the Affordable Care Act to improve health insurance markets, not to destroy them. The Act gives each state the opportunity to establish its own exchange but provides that the federal government will establish the exchange if the state does not. If at all possible, we must interpret the Act in a way that is consistent with the former and avoids the latter." So Roberts changed the word "state" to mean "any government entity" -- in effect, rewriting the law for the second time. Subsidies for all, no matter what the law says!

Justice Antonin Scalia wrote a stinging dissent, supported by justices Alito and Thomas. It stated, in part, "We should start calling this law SCOTUScare... This Court's two decisions on the Act... will publish forever the discouraging truth that the Supreme Court of the United States favors some laws over others, and is prepared to do whatever it takes to uphold and assist its favorites." He described Roberts' ruling as a decision that "reflects the philosophy that judges should endure whatever interpretive distortions it takes in order to correct a supposed flaw in the statutory machinery," ignoring Congress' powers "enumerated in the Constitution."

Apparently, words can mean whatever Roberts deems them to mean, so the abuse of Americans' health insurance costs can continue and the destruction of a once-respected health care system can proceed.

Then Roberts' alter ego appeared the next day, finding the courage to *defend* the *meaning of a word!* This word represented a multi-millennia-old institution and building block of civilization. It would take the SCOTUS's second punch on June 26…

We the People

Many already know that the undermining of the very foundations of the American Republic has been occurring for decades, but there has been an acceleration in the last 8-10 years that most traditional Americans could never have perceived.

They are asking penetrating questions, however, attempting to understand the "whys." They've noticed that the rationalizing of homosexual behavior is changing nearly everything around them… so they ask:

Why are Americans being forced to consider homosexual acts as morally acceptable?

Why has the U.S. Supreme Court accepted the validity of "same-sex marriage," which was previously unheard of in the entire history of Western Civilization?

Where has the "gay rights" movement come from, and how has it so easily conquered current American culture?

I was surprised to find similar questions in an ad by the *Ignatius Press*, and many of their responses to the queries were worth consideration. This is what they discovered:

"As Robert Reilly explained in his recent book, *Making Gay Okay*, the answers lie in the dynamics of the rationalization of sexual misbehavior. The power of rationalization is what drives the 'gay rights' movement and gives it its revolutionary character. The 'homosexual cause' as an idea morphed from a plea for tolerance to cultural conquest because the security of its rationalization requires *universal acceptance*." (In other words, ALL of us must accept their behavior.)

"The understanding that things have a built-in purpose by their Nature is being replaced by the idea that everything is subject to man's will and power... human interpretation. This is what the debate over homosexuality and its place in society is actually about -- the Nature of Reality itself."

Many Americans have already observed that America's major institutions have been transformed; courts, schools, the military, our civic institutions, and even our diplomacy.

Further institutionalization of "alternate lifestyles" as an acceptable norm for society, even taught in schools as desirable, "means the triumph of farce over reason." ~ JMB062715

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Defending the Constitution

Destroying the foundations of Western Civilization

Judicial tyranny: Day Two

The SCOTUS action on Friday, June 26 was not only an affront to the rule of law in a blatant abuse of the U.S. Constitution's Fourteenth Amendment. It was a far-reaching transformation of the nation's cornerstone for building the future and growing a healthy civil society: *marriage*.

Marriage is the foundation of the family, where children are raised to maturity by a father and mother, together. Changing its composition into a genderless arrangement fundamentally alters it. Redefining it into something meant to satisfy the desires of adults destroys its purpose and gives credence to the falsehood that fathers and mothers are interchangeable.

Returning to my home late that night, I didn't expect what I saw on the DTV channel. The image that appeared on-screen was an insult; the Obama Regime's disrespect had blanketed the Peoples' House in a rainbow shroud of colored light. I was incredulous that some immature denizen of the administration thought this was appropriate.

Earlier that day, in a 5-4 decision, the SCOTUS delivered a bigger blow to religious liberty than anything before. And this assault on a fundamental institution that had existed unmolested for dozens of centuries, the glue that held civil societies together, would be far more damaging over time than anything since *Roe v. Wade.*

In Friday's *Obergefell v. Hodges* case, the court somehow found that "States are *required* to grant a marriage license to same-sex couples *and* recognize valid same-sex marriages from other states."

Justice Kennedy, the deciding vote for the majority, was joined by Breyer, Kagan, Sotomayor and Ginsburg, and summarized the ruling: "The limitation of marriage to opposite-sex couples may long have seemed natural and just, but its inconsistency with the central meaning of the fundamental right to marry is now manifest."

"Seemed natural and just"? The "fundamental right to marry"? *What?*

In one depraved motion, the SCOTUS *ordered* the 50 states to redefine marriage as something it was never intended to be and something that has never existed. Five justices on the high court had imposed their personal opinions as judgment on an institution they had *no constitutional authority* to touch. The Constitution does *not* enumerate marriage as a concern of the federal government, period. Therefore, it is the purview of the citizens in their states. Period.

Prior to this "same-sex marriage" case, only 11 states (including DC) had voluntarily decided through the legislative process to recognize same-sex marriages as legitimate "marriages" within their states. Thirty-one states had decided to uphold traditional marriage by popular vote and declined to recognize same-sex marriage, only to have the legitimate laws overturned in a majority of those states by court mandate.

In other words, the decisions of *We the People*, through duly elected legislatures and governors, were cast aside by, in many cases, unelected judges ruling as activists.

In an unprecedented backlash, all the dissenting justices, Roberts, Alito, Scalia and Thomas, wrote damning opinions of the court's dangerous malfeasance.

In Scalia's dissent, he accused the court of being egotistical, of staging a putsch, as in pre-Nazi Germany. Five black-robed judges had taken over the government, voiding a 4,000-year institution that was central in the success of Western Civilization, and he wasn't pleased.

"The majority's approach has no basis in principle or tradition… This decision is an act of will, not legal judgment; the right it announces has no basis in the Constitution or this court's precedent. The majority expressly disclaims judicial caution… openly relying on its desire to remake society according to its own new insight into the 'nature of injustice'."

Since the marriage arrangement was created by a higher power; government has *no* business, nor *right*, to redefine it.

Enough!
READ THE CONSTITUTION