

Supreme Court Appointments: A Choice with Lasting Consequences

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God is concerned about justice. According to Psalm 97:2, “righteousness and justice are the foundation of His throne.” God told those selected as Israel’s judges to **“Hear the disputes between your brothers and judge fairly... Do not show partiality in judging;** hear both small and great alike. Do not be afraid of any man, for **judgment belongs to God.** (Deut. 1:16-17; 16:18-20). Isaiah also issues a sober warning to those who pervert justice: **“Woe to those who... constantly record unjust decisions”** (Isaiah 10:1 NASB).

Sadly, many judges in America are issuing decisions that could be considered as “unjust.” Some of the more outrageous Supreme Court rulings include what amounted to the removal of public prayer (1962), public Bible reading (1963), and posting of the Ten Commandments (1980) in schools, as well as the claim that the “right to privacy” justifies a woman’s right to kill her unborn baby (1973) and creates a person’s Constitutional right to engage in “sodomy” (2003). These are examples of “Judicial Activism,” which is when judges impose their personal policy preferences rather than faithfully interpret and apply the Constitution and the law as written, while seeking to adhere to the original intent of the Framers.



President Barack Obama apparently sees the Constitution as an evolving document, changing with the culture - something more like silly putty than a marble sculpture. So he is choosing judicial nominees who would use the Constitution as a jumping off point for rulings based on personal “empathy” rather than as a revered document that should be strictly interpreted on the basis of the Framers’ original intent. Further, the President’s selection of Supreme Court Justices and Federal Judges receive what amounts to a lifetime appointment. Consequently, it is a choice with lasting consequences.

President Obama has already placed one judicial activist on the Supreme Court in Sonia Sotomayor. Now he has nominated his Solicitor General, **Elena Kagan**, for the latest vacancy. Based on information made available to the public, Kagan is yet another radical ideologue, who would have no hesitation imposing her personal policy preferences from the bench, rather than interpreting the Constitution from original intent.



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What kind of Justice would Elena Kagan make? While she has no experience as a judge in the federal court system, here is a sampling of her extreme views:

Abortion Rights: As a clerk to then Supreme Court Justice Thurgood Marshall, Kagan expressed concern that the Court would “rule against... women--and possibly undo precedents protecting a woman's right to abortion.” She also defended the President Clinton’s veto of a ban on partial birth abortions. Do we need another pro-abortion Justice when a majority of Americans are pro-life?

Homosexual Agenda: Kagan opposes current military policy because it restricts open homosexual behavior. Her argument that "Don't Ask, Don't Tell" justifies restricting military recruiters from campuses was unanimously rejected by the Supreme Court in 2006, placing her to the left of even the Court's most liberal Justices on the issue of “gay rights.” In fact, she referred to the military’s policy as “a moral injustice of the first order.” Really? Forbidding open homosexuality in the military is a moral injustice like the Nazi Holocaust?

Free Speech: Kagan says "it's not the citizenry that presumptively enjoys speech rights, but the government that doles out those rights as a ‘favor.’” Yet our Declaration of Independence states that the Creator is the source of human rights and the First Amendment guarantees free speech as an essential liberty, not a government doled “favor.” Is free speech subject to government whim?

Second Amendment Rights: Kagan, in her words, is “not sympathetic.”

Family Economics: At Princeton, Kagan produced a senior thesis titled: *To the Final Conflict: Socialism in New York City, 1900-1933*, in the hope, as she wrote, “of clarifying my own political ideals.” She lamented the Socialist Party’s decline and concluded: “American radicals cannot afford to become their own worst enemies. In unity lies their only hope.” Another radical on the Court?

Action Steps: The confirmation vote is next week. The time to act is now!

1. **Get informed and inform others:** Visit www.TheJudicialReview.org.
2. **Pray for your Senators:** Ask for discernment beyond the partisan rhetoric.
3. **Urge your Senators to oppose radical judicial nominees.** Call the U.S. Capitol switchboard at (202) 224-3121 or visit www.FRC.org for contact info.



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