

Political Judges

By Thomas Sowell

Results of the recent elections showed that growing numbers of Americans are fed up with "public servants" who act as if they are public masters. This went beyond the usual objections to particular policies. It was the fact that policies were crammed down our throats, whether we liked them or not. In fact, laws were passed so fast that nobody had time to read them.

Whether these policies were good, bad or indifferent, the way they were imposed represented a more fundamental threat to the very principles of a self-governing people established by the Constitution of the **United States**.

Arrogant politicians who do this are dismantling the Constitution piecemeal-- which is to say, they are dismantling America.

The voters struck back, as they had to, if we are to keep the freedoms that define this country. The Constitution cannot protect us unless we protect the Constitution, by getting rid of those who circumvent it or disregard it.

The same thing applies to judges. The runaway arrogance that politicians get when they have huge majorities in Congress is a more or less common arrogance among federal judges with lifetime tenure or state judges who are seldom defeated in elections to confirm their appointments to the bench.

It was a surprise to many-- and a shock to media liberals-- when three judges on Iowa's Supreme Court were voted off that court in the same recent elections in which a lot of politicians were also sent packing.

These judges had taken it upon themselves to rule that the voters of Iowa did not have the right to block attempts to change the definition of marriage to include homosexual couples. Here again, the particular issue-- so-called "gay marriage"-- was not as fundamental as the question of depriving the voting public of their right to decide what kinds of laws they want to live under.

That is ultimately a question of deciding what kind of country this is to be-- one ruled by "we the people" or one where the notions of an arrogant elite are to be imposed, whether the people agree or not.

Those who believe in gay marriage are free to vote for it. But, when they lose that vote, it is not the role of judges to nullify the vote and legislate from the bench. Judges who become

politicians in robes often lie like politicians as well, claiming that they are just applying the Constitution, when they are in fact exercising powers that the Constitution never gave them.

If they are going to act like politicians, then they should be voted out like politicians.

Media liberals, who like what liberal judges do, spring to their defense. The media spin is that judges were voted off the bench because of "unpopular" decisions and that this threatens judicial "independence."

Since this was the first time that a justice of the Iowa Supreme Court was voted off the bench in nearly half a century, it is very doubtful that there was never an "unpopular" court decision in all that time. The media spin about "unpopular" decisions sidesteps the far more important question of whether the judges usurped powers that were never given to them by the Constitution.

As for judicial "independence," that does not mean being independent of the laws. Being a judge does not mean being given arbitrary powers to enact the liberal agenda from the bench, which means depriving the citizens of their most basic rights that define a free and self-governing people.

While removing three state Supreme Court justices at one time in Iowa is news today, the very same thing happened in California back in the 1970s. Every single death penalty imposed by a trial court in California was overturned by the state Supreme Court, with Chief Justice Rose Bird voting 64 times in a row that there was something wrong with the way each trial had been conducted. That was world-class chutzpa.

The 9th Circuit Court of Appeals recently ruled that Arizona does not have a right to require proof of citizenship before someone can vote. Where does it say that in the Constitution?

The time is long overdue to stop treating judges like sacred cows, especially when they have so much bull.