

"Writing the truth  
as I see it;  
trying not to  
offend  
those who will  
disagree."

# The truth as I see it™

Idaho Common Sense™



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## The Supreme Court – omnipotent and divine?

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The Supreme Court is hearing arguments to decide if the Second Amendment right of the individual to "keep and bear Arms" applies to the states in addition to federal enclaves such as Washington, D.C.

Can the court please point to the section of the United States Constitution granting it the power to choose which parts of the Bill of Rights, the first 10 amendments to the Constitution, apply to the states, reducing the Bill of Rights to nothing more than a buffet of suggestions for the court?

In 1791, the states ratified the Bill of Rights to guarantee basic rights of the people that government could not remove. But, the Supreme Court ruled that until the 14th Amendment was ratified in 1868, the Bill of Rights applied only to the federal government, not state governments. Further, it ruled that only the court could decide if a part of the Bill of Rights applied to the states.

This meant states could ignore our basic rights, such as freedom of speech and freedom of the press. Was that the intent for the Bill of Rights, to be nothing more than empty promises?

The Supreme Court continues to claim this unconstitutional authority to decide which parts of the Bill of Rights apply to the states, even taking over 130 years to decide that states could not infringe on freedom of speech and freedom of the press. Didn't the British government display this same tyrannical omnipotence, leading to the American Revolution?

So, what went wrong after ratifying the Constitution and Bill of Rights? In 1803, ruling on *Marbury v. Madison*, the Supreme Court said it

had the constitutional authority to override legislative acts it felt were unconstitutional, otherwise it would "subvert the very foundation of all written constitutions" and give Congress "a practical and real omnipotence . . ."

That is their constitutional role; but the Supreme Court then unconstitutionally claimed, "It is emphatically the province and duty of the judicial department to say what the law is." Although supporting the constitutional authority of the president to veto a bill from Congress and Congress' power to override a presidential veto, the court unconstitutionally claimed neither the president nor Congress could override the court. Rather, the president and Congress must submit to, and be subservient to, the court.

In 1804, Thomas Jefferson described the three branches of government saying, "That instrument (the Constitution) meant that its coordinate branches should be checks on each other. But the opinion which gives to judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the legislature and executive also in their spheres, would make the judiciary a despotic branch."

The Supreme Court removed the checks and balances of the United States Constitution, becoming the "despotic branch" of government with the very "practical and real omnipotence . . ." it claimed was unconstitutional for Congress to have.

To add perspective on why the court is inconsistent with the founding fathers' intentions, we need look no further than the 1760s British

Parliament. Sir William Blackstone, a distinguished English jurist, described the British Parliament of the 1760s as an "absolute despotic power" because it could modify the constitution at will; neither the King, nor the courts, nor the people could override its actions.

This "despotic power" led to the American Revolution. Why would the founding fathers then create an even more repressive government, giving the Supreme Court a "practical and real omnipotence . . ." with "absolute despotic power?"

The Supreme Court's unconstitutionally self-proclaimed power is far more dangerous and threatening to our Constitution than the British Parliament of the 1760s; because unlike the Parliament's House of Commons' members who faced periodic elections, the Supreme Court justices rule for life, nine men and women claiming the unquestioned, near-divine authority of a King.

Anything less than a 9-0 vote to extend the Second Amendment to the states is proof that the court ignores the United States Constitution, claiming "practical and real omnipotence . . ."

"Despotic power" or "We the people." It's our choice.