

Kavanaugh and Gorsuch and the death of Judicial Activism.

A Wisconsin District Judge decision to alter election rules has created a watershed ruling from the SCOTUS conservative judges. Their ruling goes to the essence of what the fathers of our Nation had in mind when they created the American dream. Three branches of Government. Lawmakers, Administrators and Referees in a scheme where Law, and not men are supreme.

I continually read in awe the simplistic structure of our Constitution. A set of rules which limits what the Government can do, and protects citizen when rights are abridged. Within that design, the Legislature and Administration branches function on representation policy held accountable by the people through continual confirmation (voting). The Judicial branch on the other hand holds no such traits. Their single allegiance is to the Constitution.

So the founders put to writing the rules when it defined the most important attribute of the Constitution; representation by consent of the people. Voting. Kavanaugh went to great lengths to “school” the district judge of Constitution rules when he stated “*The Constitution provides that state legislatures—not federal judges, not state judges, not state governors, not other state officials—bear primary responsibility for setting election rules*”. That pronouncement gives pause to wonder how the judge missed such a profound and simple rule of law. Simple, Judicial Activism.

Without ever mentioning either word, Justice Gorsuch and Kavanaugh both dissect, disassemble and identify just that. I believe the Conservative court, including Roberts’ explanation of his Pennsylvania opinion, made clear Judicial Activism is not only wrong, it violates the Constitution doctrine bestowed upon the Judicial Branch.

Contemporary history shows a SCOTUS propensity on waiting for “ripe” case before correcting lower court meandering from its canons. This is the case here. Acknowledging COVID19, the Justices concur even a national emergency fails to equal the same exemption the Constitution provides with a Writ of Habeas Corpus. The ruling was not narrow or just pertaining to voting rules. It went much further. SCOTUS clarified something more than just canons. It went back to basics. A Constitution violation by the Judge, by usurping the State Legislators, cannot and will not be tolerated.

About time.

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