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 **ACTING ATTORNEY
GENERAL WHITAKER:
HIS IDEAS ARE
ANYTHING BUT
EXTREME**

By Steve Bakke  November 9, 2018



Following the forced resignation of Attorney General Sessions, a more obscure Matthew Whitaker was named Acting AG, pending an official appointment and approval of a permanent successor. That could end up being Whitaker himself.

One major criticism of Whitaker is that he holds extreme legal views. (see StarTribune article, October 9, "Acting AG has held 'extreme' legal views.") One reason for that observation is Whitaker's comment that the courts "are supposed to be the inferior branch."

Before our hearts skip a beat in reaction to that, we should recall the original views of our Founders. They saw the Supreme Court as inherently weak by design. Hamilton wrote: "The Judiciary..... has no influence over either the sword or the purse.....neither force nor will, but merely judgment....."

Contrary to that intent, and because of Congressional disfunction, the Court has been asked to fill a role not comprehended in their original Constitutional job description. The Founders didn't intend that the Supreme Court fall into a trap of creating law, as is becoming more and more often the case. When we want policy changes to be reflected in our laws, we must keep the Supreme Court out of that process. We must step back and employ our representative democratic process and use our national legislators as they were intended.

The only way we can be governed "by the people" is through our elected representatives. That's what the Founders, Hamilton, and Acting Attorney General Whitaker are talking about.