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POLITICIZING THE SUPREME COURT

By Steve Bakke  July 20, 2018



Here's what provoked me:

In my opinion, the one main objection Democrats will have to Supreme Court nominee Brett Kavanaugh is the abortion issue. And it will be a war. There will be screams about politicizing the Court. But, just fighting about the nomination along party lines isn't what I consider politicizing the Supreme Court. Our Founders understood that times do change and that nothing man-made is perfect and infinitely sustainable. And that's why they gave us a way to deal with it. That's called the amendment process. They didn't intend the Supreme Court fall into a trap of creating law, as was the case with Roe v. Wade, with all of its tortured reasoning. Asking the Court to do things outside of their job description is what I consider "politicizing the Supreme Court."

Here's my response:

Politicizing the Supreme Court

The nomination of Brett Kavanaugh for the Supreme Court brings a level of infighting so intense that Senators line up for and against the nominee along strict party lines. This has brought charges that the Court is being politicized as never before.

I agree that the Court has been politicized but for a very different reason. The Court has been asked to fill a role not comprehended in their original Constitutional job description. Hamilton saw the Supreme Court as inherently weak by design. He wrote: "The Judiciary..... has no influence over either the sword or the purse.....neither force nor will, but merely judgment....."

Passage of time and circumstance can conceivably point to adjusting a law. Rather than inducing tortured reasoning by the Supreme Court to fix the law, as was the case in Roe v. Wade, we must step back and employ our representative democratic process and use our national legislators as they were intended.

When we want policy changes to be reflected in our laws, we must keep the Supreme Court out of that process. The only way we can be governed "by the people" is through their elected representatives. Not doing so is to blatantly politicize the Court.