

August Edition: America Must Stop Judicial Activism



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Featured Author

Tim Wildmon is president of [American Family Association](#) (AFA) and American Family Radio (AFR). AFA is a pro-family advocacy organization with over two million online supporters and approximately 150,000 subscribers to its monthly flagship publication the AFA Journal.

Tim is co-host of the national radio program *Today's Issues*, a daily discussion offering a Christian response to issues of the day; he is also co-host of *Christian World View This*

Want a definition of "legislating from the bench"? Simply read recent headlines. The judicial branch has abused its power by self-declaring itself to have power above the executive and legislative branches. Judicial activism continues to wreak havoc in our land. Instead of practicing law, judges push forth their agendas. Here's a shocking example of the aforementioned:

Earlier this month, U.S. District Chief Judge Vaughn R. Walker overturned the will of the people in California. In 2008, the people of California overwhelmingly voted that marriage is between one man and one woman. Judge Walker (an openly homosexual man) deemed Proposition 8 "unconstitutional." (Rather, he deemed it disagreeable with his beliefs.)

As their hands gripped the quills to write the U.S. Constitution, our wise founding fathers possessed immense foresight and fortitude: With checks and balances (created by three government branches: legislative, executive, and judicial), the Constitution protects freedom. How? It doesn't grant too much control to one branch.

When someone tries to take away our rights, America fights back.

This month, Unite the USA features a fantastic article by Tim Wildmon about Judge Walker and Proposition 8. When Judge Walker struck down Proposition 8 in California, a wave of new

freedom fighters are standing up to fight for our freedom.

Want to join freedom fighters and actually make a positive difference in America? Let's educate and activate. (One simple way is to share patriotic tips and resources is to spread the word about Unite the USA. It's free, and it promotes the land of the free! Feel free to invite your friends to unite! Simply send them an e-mail with a link to www.UnitetheUSA.org or forward this newsletter.)

Let's stay strong and fight together for our freedom!

God bless,
Carrie Stoelting
Stacie Stoelting
(Founders of Unite the USA)

Week, a weekly program discussing topics on social and political issues for Christians and how they can become involved. Both programs air on AFR stations across the country. Tim graduated from Mississippi State University with a degree in journalism. He and his wife Alison have three children.

Spirit of America

"Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports.... And let us with caution indulge the supposition that morality can be maintained without religion.... Can it be that Providence has not connected the permanent felicity of a Nation with its virtue?"

President George Washington
Washington's Farewell Address
September 19, 1796

A biased ruling on gay marriage in California

U.S. District Chief Judge Vaughn R. Walker should have recused himself, but he had a legal and political statement he wanted to make.

By [Tim Wildmon](#)

The people of California spoke clearly at the polls in 2008 when they passed an amendment to the state Constitution that defined marriage as a union between one man and one woman. The public debate was held, the media wars were fought, both sides spent millions of dollars and the people voted for Proposition 8 by a margin of 52% to 48%.

The people's will carried the day, as it is supposed to - until U.S. District Chief Judge Vaughn R. Walker came along.

[Earlier this month], Walker nullified the votes of 7,001,084 people. In his decision to invalidate the constitutional amendment, he wrote: "That the majority of California voters supported Proposition 8 is irrelevant."

This judge believes that defining a person by sexual behavior is the same as defining a person by skin color. And given the fact that he is widely reported to be homosexual, it is obvious he believed

this before the case was even brought to his courtroom. Walker should have recused himself, but he had a legal and political statement he wanted to make.

Colin L. Powell once said of this comparison: "Skin color is a benign, nonbehavioral characteristic. Sexual orientation is perhaps the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument."

This case will end up in the U.S. Supreme Court sometime soon, and there will be a 4-4 split in opinion, leaving the decision once again to one man in a black robe - Justice Anthony M. Kennedy.

The Constitution envisioned a system in which the judiciary would serve to check the excesses of the legislative or executive branches. But today, federal judges have far exceeded their intended role, becoming little gods in our republic. They have lifetime appointments, and their only accountability is the potential for impeachment.

But in the history of our country, only 15 judges have been impeached by the House of Representatives. Of those, four were acquitted, seven were convicted, three resigned and one is still pending. In other words, Congress almost never removes federal judges. For all practical purposes, the checks and balances of the federal government no longer exist. The judiciary trumps. Our country is basically now run by judges.

Thomas Jefferson warned about this possibility in a Sept. 28, 1820, letter to William Jarvis: "You seem ... to consider the judges as the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so ... and their power [is] the more dangerous, as they are in office for life and not responsible, as the other functionaries are, to elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with corruptions of time and party, its members would become despots."

The Founding Fathers understood the selfish and sinful nature of man and therefore divided the government up so that no one branch would be all powerful over the other branches or over the American people. What we have today is judicial tyranny and exactly what Jefferson feared. Unless Congress asserts its constitutional power of impeachment, judges will continue to impose their personal opinions on whatever controversy is before them, regardless of what the Constitution does or does not say.

In his ruling, Walker wrote: "The evidence shows conclusively that moral and religious views form the only basis for a belief that same-sex couples are different from opposite-sex couples."

This is clearly a judge imposing his personal opinions. What Walker is saying is that you cannot hold a valid view about marriage if you base it on religion or morality. Those are illegitimate considerations in his worldview.

Contrast Walker's dismissal of our country's rich Judeo-Christian heritage with George Washington's affirmation in his famous farewell address: "Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports." If moral and religious values are no longer valid, what does the judge put in their place? I would suggest, as Jefferson wrote in the Declaration of Independence, that we continue to rely on, and revere, "the Laws of Nature and Nature's God."

Featured Resource

An essential resource for anyone interested in our nation's religious heritage and the Founders' intended role for the American judicial system. *Original Intent* combines hundreds of quotes from primary sources with the author's exposition on hot topics such as revisionism, judicial activism, and separation of church and state. A substantial appendix encompasses full texts of the founding documents, biographical sketches of numerous Founders, and extensive reference notes. [Click here](#) to buy your copy.