

Activist Judges

by
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We all know by now that the United States Senate voted down a bill that would have initiated a constitutional amendment vote restricting marriage in the United States to only those of the opposite sex. Liberal Senators, as expected, voted against the bill obviously pandering to the homosexual lobby while many conservative Senators, unexpectedly, also voted against the measure. Their reason... to do otherwise would deny the 50 states and their legislatures the right to decide for themselves what would be best for their residents. This latter argument sounds good but if you examine it closely you'll see that it takes away an ideal opportunity for every citizen in the country to be directly involved in determining the fate of same-sex marriage legislation.

In order for any constitutional amendment to be ratified it first must receive a two-thirds approval by both houses in Washington, (House and Senate.). Once the bill has passed this hurdle and receives the President's signature, it goes on to the states for ratification. Normally a time limit is established (typically seven years) for the bill to be approved as an amendment.

A little known second method allowed by the Constitution to add an amendment is for a Constitutional Convention to be called by two-thirds of the legislatures of the States for proposing one or more amendments. The same two-thirds majority in both houses is required for passage. Regardless of which of the two proposal routes is taken, the amendment must be approved by three-fourths (75%) of the states, and if the states handle it correctly they would allow their citizens a referendum dictating how they want their state to vote on ratification. What better way to allow each eligible voter to express exactly how they feel?

Some Senators have stated they voted against the suggested constitutional amendment because their state already has a law that prohibits the marriage of same-sex individuals; therefore a constitutional amendment would be redundant. Unfortunately, they fail to remember or mention Article 4, Section 1 of the Constitution that deals with the manner in which states must respect the laws and court decisions of other states... it's called the Full Faith and Credit Clause.

It reads:

“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.”

This simple statement is what encourages representatives of conservative states to seek a constitutional amendment concurring with their existing laws prohibiting the marriage of same-sex partners. When Massachusetts' judges called the prohibition of same-sex marriage unconstitutional, legislators in states with similar restrictions looked upon the decision as a precursor to liberal judges in their state reacting in kind.

The New England states have long been known for their ultra-liberal stance on social issues within our country and Massachusetts has been considered the most liberal of the bunch. This is confirmed by the perpetual re-election of Teddy Kennedy and John Kerry, the Senate's most outrageously liberal members.

President Bush, in his speech supporting the constitutional amendment, said “activist judges” are creating new laws rather than interpreting the Constitution correctly. If you’re unsure of what an activist judge is let’s look at two of those judges who were instrumental in the decision to legalize same-sex marriage in Massachusetts.

First, there is Judge Suzanne DelVecchio, Chief Justice of the Massachusetts Superior Court who ruled in the affirmative on a same-sex case which resulted in it being sent to the Supreme Court. Purportedly Judge DelVecchio was a personal acquaintance and “traveled in the same circles as homosexual activist attorney Mary Bonauto who argued the case” before her court and the Supreme Court.

Next we have Judge Margaret Marshall, Chief Justice of the Massachusetts Supreme Judicial Court, who voted with the majority making same-sex marriages legal. Democratic State Representative Emile J. Goguen filed a five-count indictment against the Chief Justice and three associate justices seeking their removal from office for violating the state's code of judicial conduct. He has indicted Marshall for allegedly colluding with homosexual activists who work for the Gay and Lesbian Advocates and Defenders (GLAD). According to his indictment, “Marshall gave a laudatory speech in 1999 to members of the Mass. Lesbian and Gay Bar Association when she was an associate justice. During her speech, she praised her native South Africa for its "gay friendly" atmosphere and said there is a growing trend of pro-homosexual jurisprudence” in our country as well.

At the time of Marshall's speech, and the subsequent Superior Court and Supreme Court decisions in 2003, the Massachusetts Code of Judicial Conduct read, "A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned." Neither Chief Justice DelVecchio nor Chief Justice Marshall recused herself as the Code indicated they should even though their actions clearly shows partiality. Though no action has been taken against either Justice as yet, the code was slightly modified last year to change "should" to "shall."

We acknowledge that radical Muslim “enemy moles” were planted in this country years ago, waiting to take action when called upon. It is my belief that there are activist judges who are ACLU “legal moles” who have risen to positions of power and influence and are beginning to exercise that power to subtly destroy the traditional and moral foundation upon which our country is built. I can’t help but think the “legal moles” are the greater enemy threat to the destruction of this country. How about you?

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