

Dismantling the Supreme Court

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There appears to be a new energy in Congress; perhaps subtle to those who disdain partisan politics but a noticeable shift especially in the Senate [Judiciary Committee](#). It is that consequential Committee where the Republican minority has stepped up to [push back](#) on leadership from the majority Democrats who remain trapped within their own moral bankruptcy and decadent agenda. On the House side, a razor thin Republican majority shrewdly holds together as they exhibit an obligation to put principle beyond narrow partisanship.

The American public is now confronted with a diligent campaign by Senate Democrats to dismantle the Supreme Court and its Federal system; piece by piece if necessary. This is more than just a destabilizing effort; it is a coordinated plan to thoroughly discredit the Court's authority and the credibility and integrity of its Constitutional majority of Justices who happen to be Republican appointees, to undermine American Constitutional values and the rule of law and most importantly, destroy America as a universal exemplar of international law as a divinely-inspired Constitutional Republic devoted to a Greater Good.

Each individual attempt has its influence yet combined as a blitzkrieg approach on the country's 250 year old judicial process, its dismantling takes multiple forms; whether it be submitting [ideologic unqualified nominees](#) for judicial [appointment](#) to dumb-down the Federal Courts and distort legally valid opinions, harassment of Justice Brett Kavanaugh and now [Justice Clarence Thomas](#) who is the current target, a continual noisy parade of [aggressive](#) protestors, morning or night, at the homes of Republican Justices or occasionally at the schools of their children, manipulation of a bureaucratic Commission for the sole purpose of delegitimizing the Federal judicial system as a Constitutionally based agency and most recently, a desperate attempt to [increase the Court](#) to thirteen Justices in order to guarantee Court decisions supportive of the Democratic agenda.

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To digress briefly for context: the origin of the Supreme Court began with the Constitutional Convention of 1787. President George Washington signed the [Federal Judiciary Act](#) on

September 24, 1789 formally establishing the Supreme Court as the final arbiter of appeals and head of Federal judicial system. The Act further elaborated with Article III of the Constitution that *"judicial power of the United States, shall be vested in one [Supreme Court](#), and such inferior Courts"* as Congress determines while also creating the office of Attorney General, US Attorneys and US Marshals.

In 1803, the Court's [first decision](#) was the authority to determine whether a law violated the Constitution; thereby including judicial review as an essential foundation of the Court's primary role interpreting the Constitution upon which the Court has, ever since, functioned.

It is no small irony that [Thomas Jefferson](#) and [James Madison](#), both pragmatic, innovative political thinkers and members of the Republican (Republican-Democrat) party, opposed the [judicial review](#) concept as no single arbiter should have that responsibility and criticized too much [judicial power](#) in the hands of too few as a potential for national tyranny. They both favored the sovereignty of the American people to be governed by majority rule with a [decentralized](#) government as opposed to the overreach of a strong central government and insisted that a [Bill of Rights](#) be added to the Constitution.

Since formation of the Court in [1790](#), there have been [seventeen Chief Justices* and one hundred four Associate Justices](#), each serving an average of sixteen years as the inclusion of a new Justice every two years continues to bring a new collegiality and a new focus to the Federal bench.

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Back to the Judiciary Committee: on the Senate side, push comes to shove on a regular basis within the Committee where the Biden Administration continues to nominate unqualified candidates who consistently exhibit a [searing lack of familiarity](#) with ethics, skilled legal scholarship or innate judgment.

In order to achieve their majority, Democrats on Judiciary must now rely on a [barely functioning](#), wheel chair bound 90 year old Sen. Dianne Feinstein with balance and vision impediments whose votes will, nevertheless, be in complete alignment with every other Democratic member of the US Senate who vote en bloc with nary an independent thinker among them.

Upon Feinstein's return, Democrats had the green light to move forward on three very [problematic](#) Federal District Court nominees whose nominations had been held in abeyance by Republican Senators requiring more skilled and proficient candidates; one responded that Article V nor Article II of the Constitution *'were not coming to mind at the moment,'* while another expressed questionable opinions about sex offenders and a third, from my [State of Colorado](#), was totally *'unfamiliar'* with the [Brady Rule](#).

I am not an LLD although much of my professional life has involved the law, yet even I know the significance of the Brady Rule but this young man, like other nominees before him, had not bothered to cram in expectation for the Senate grilling he would receive - which says something about their character and work ethic.

One example of Democrats lost in the fog of narrow partisanship, as if setting the stage for the impending drama on the [Dobbs decision](#) which would overturn Roe v Wade, Senate

Majority Leader Chuck Schumer succumbed to an unabashedly [hysterical meltdown](#) on the steps of the Supreme Court on March 5, 2020 as Justices were hearing arguments regarding abortion:

“I want to tell you Gorsuch” he shouted. “I want to tell you Kavanaugh... You have released the whirlwind and you will pay the price! You won’t know what hit you if you go forward with these awful decisions!”

While Schumer later admitted he “[should not have used the words he did](#),” there is no missing his intent. Schumer might take credit, that if it had not been for his not-so-subtle quasi threat, a blatant menacing dare, that threat arrived at [Justice Kavanaugh’s](#) home on June 8th with [arrest of an armed](#) man whose purpose was to assassinate Justice Kavanaugh just as it unleashed a flood of screeching protestors at the homes of Supreme Court Justices which [continues](#) to this day.

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On April 9, 2021, President Joe Biden signed Executive Order 14023 creating a [Presidential Commission](#) on the Supreme Court of the United States with its stated purpose “*to provide an analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform*” and “*including the role of secretive special-interest influence in and around the Court.*”

One might inquire as to what ‘*contemporary public debate*’ the President was referring to and whether ‘*secretive special interest influence*’ might include the American Bar Association which almost always takes a pro-con position on every Supreme Court nominee.

Curiously, thirty six Commissioners had been pre-selected to be included in the EO and appointed at the same time which appeared to put the Commission on a fast-track to somewhere; to make a timely recommendation, to offer its opinion or exhibit some impressive feat of accomplishment.

Sen. Sheldon Whitehouse (D-RI), who has become a leading active critic of the Court, sent a six page [letter](#) to the newly formed Commission on May 18, 2021 expressing deep angst regarding 5-4 Court decisions (which presumably did not represent his political opinion) and outlining his significant expectations for the Commission’s collective consideration.

June 30, 2021, the Commission held its [Second public meeting](#).

On December 7, 2021, the Commission unanimously approved a draft 294 [page final report](#) that the Commission ‘*voted unanimously*’ upon concluding that it had “*met its charge to provide an account of the current debate over the role and operation of the Supreme Court in our constitutional system*” and an “*analysis of the principal arguments in the contemporary public debate for and against Supreme Court reform, including an appraisal of the merits and legality of particular reform proposals.*”

In a press released written and released from the Whitehouse Senate office on December 8th, the Senator referred to himself as a “[leading critic of special interest influence over the federal judiciary](#)” and yet confessed that the Commission’s final report “*missed the point*’ by failing to adequately address the twelve areas of concern he identified for Commission recognition.

It might be curious to know how long it takes thirty six individual members on any Commission to agree to a 294 page document on any topic as consequential as Supreme Court ethics within a seven month period from formation to issuance of a final report - or perhaps the draft report had been prepared by anonymous government bureaucrats prior to Commission consideration awaiting its proverbial rubber stamp?

Not to be deterred, Sen. Whitehouse continues to follow through with the full Judiciary Committee holding a hearing which would authorize Congress to supersede the Constitution in establishing its own parochial version of an ethics code for another Federal agency which violates the Constitutional concept of separation of powers.

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On May 3, 2022, a [draft majority opinion](#) written by Justice Samuel Alito which would overturn the 1973 Roe v. Wade abortion decision was leaked to Politico, leaving little doubt that the Court would reverse Roe as the draft unleashed a level of opposition rarely seen in American political tirades.

On May 7, 2022, hundreds of sign-carrying, screaming and chanting [abortion](#) demonstrators arrived at the homes of Chief Justice John Roberts, Justice Brett Kavanaugh and [Justice Samuel Alito](#). Meanwhile, the Biden White House offered the reassurance that Justices *'should not have to worry about their [personal safety](#).'*

On May 11, 2022, Governors Glenn Younkin (Va) and Larry Hogan (Md) sent a [joint letter](#) to [AG Merrick Garland](#) reminding him that ([US Code 1507](#)) *"Federal law prohibits picketing at the home of Judge with the aim to influence the Judge's decision making process"* and requested the *"DOJ provide the appropriate resources to safeguard the Justices and enforce the law as written."*

On June 8, 2022 a man armed with a gun, knife, zip ties and other tools, was arrested for [threatening](#) to assassinate Justice Brett Kavanaugh and his family at their home.

On June 24, 2022 the Court issued its [landmark decision](#) in Dobbs.

By July 3, 2022, the US [Marshal at the Supreme Court](#) requested that state officials 'enforce' the law citing *"for weeks on end, large groups of protesters chanting slogans, using bullhorns, and banging drums have picketed Justices' homes in Virginia"* although state officials recognized that responsibility for managing the protests belong to federal law enforcement (ie US Marshals).

On March 29, 2023, [US Senator Katie Britt](#) (R-Ala.) questioned AG Merrick Garland during a [budget hearing](#) in which an additional \$21 Million to hire 42 Deputy US Marshals was requested, when she released US Marshal [training slides](#) suggesting that Marshal's *'refrain from arresting protestors unless absolutely necessary'* for criminal enforcement action contradicting Garland's earlier statement that *"Marshals had full authority to arrest people under the Federal statute."* Garland denied he had ever seen the training protocol.

On May 4, 2023, based on training documents revealed by Sen. Britt, House Judiciary Chair Jim Jordan held a hearing on why US Marshals were told to *"avoid"* arresting protestors at Justice's homes *"despite actions clearly in violation of Federal law;"* even as the lack of [US Marshal arrests](#) of demonstrators outside the home of Justice Kavanaugh et al as [demonstrations continue](#). To date, not one protestor at a Justice's home has been

charged or arrested in violation of 1507.

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On March 31, 2023, fifteen [Democratic Senators](#) sent a four page letter to the Senate Appropriation Committee directing that \$10 Million be withheld unless the Chief Justice notifies the Congress that the Supreme Court has put into effect a public code of ethics including "*misconduct by Justices of the Court.*" That letter was clearly a breach of the Constitutional [separation of powers](#) doctrine.

Seven of those Democratic Senators running for re-election in 2024 are Senators Sherrod Brown (Ohio), Robert Casey (Pa), Mazie Hirono (Hawaii), Tim Kaine (Va.), Bernie Sanders (Vt.), Elizabeth Warren (Mass.) and Sheldon Whitehouse (RI.)

By May, 2023, the Committee began a hearing on S.Court [ethics code](#), Sen. Schumer had still not recouped his standing when Sen. John Kennedy (R-La) repeated Schumer's vociferous words with the admonition:

"I think Matthew 12:36 is correct; "by thy words, you shall be justified and by thy words, you shall be condemned." Kennedy continued that some Democratic colleagues have been on a "crusade to undermine the Supreme Court's [legitimacy and credibility](#) of the Federal Judiciary for years."

"In that spirit they publicized the school that Justice Barrett's children attend; a man with a gun, pepper spray, knife and zip ties went to a Justice's home to assassinate him. Actually, his stated goal was to murder three Justices. You don't need to be Einstein's cousin to figure it out; they aren't getting their way so they want to change the rules. Now some Democrats want Congress to override the Supreme Court and apply rules to its Justices. The Constitutional separation of powers means that no branch of the Federal government can dictate how another should govern itself. The Framers insulated the Federal judiciary from political control to ensure that the Justices would decide cases impartially without fear of the kind of retaliation that fills the pages of some left-of-Lenin Democrats playbook."

Kennedy went on to suggest that Sen. Whitehouse's proposal was unnecessary and unconstitutional; that Justices already have a code of conduct, are subject to strict financial disclosure rules with Federal law requiring recusal in certain circumstances. He duly noted a [double standard](#) exists regarding gifts and timely reporting with current and past Justices as [ignored](#) by the Democrats.

In conclusion, Kennedy said *'The danger is not that rogue Justices are operating without ethics; it's that Democrats aren't winning every fight and they find that reality intolerable. I've been disappointed in some Court decisions; but my Democratic colleagues should fill out a 'hurt feelings' report and move on.'*

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There appears to be no level of humiliation or shame that Senate Democrats will acknowledge as they vote en bloc in a deliberate, conscious effort to annihilate a Constitutional judicial process in place since 1787.

Once the Jefferson-Jackson Day Dinner was an [annual Democratic celebration](#) of two of its founders; the majority of today's rank n file Democrats no longer honor Jefferson or Jackson.

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Featured image: This file photo shows the US Supreme Court building located at One First Street, NE, in Washington.

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