

Judges in the crosshairs

ANYONE schooled in the United States knows our government has three branches: the Executive, the Legislative and the Judicial. All three are independent of each other. That independence is the basis of our nation's separation of powers. It's a system designed to perpetually keep itself in check – and provide some safeguard against corruption within one or two branches doing irreparable harm to the nation and the constitution. This basic lesson is the stuff of elementary school civics classes. Unfortunately, our current Republican House Majority Leader, Tom DeLay, must have been out of the classroom stealing crayons from the supply closet when that lesson was passed down.

Today DeLay is spearheading a full bore Republican attack against the nation's judiciary. "Activist judges," according to DeLay, have run "amok." Taken literally, this word refers loosely to a murderous rampage. In Tom DeLay's lexicon, it means not always acquiescing 100 percent to the often criminal inclinations of the Bush administration. Mind you, the courts really aren't any hotbed of resistance to be celebrated – it was the Supreme Court's shameful decision that ultimately aided the Bush junta's rise to power in the aftermath of the 2000 election. More recently, however, a few courts issued rulings that went against the Bush administration's radical social agenda. Indefinite detention without charges for American citizens, for instance, is a no no. Federal courts didn't buy the Bush admin-

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istration's oxymoronic argument that they couldn't press legal charges because they didn't have any evidence of a crime. People go to jail when the state can prove they broke a law. They're not supposed to go to jail forever because the state can't prove they broke a law – no matter what any George, Tom, Dick and Donald say.

State courts have further pissed off the Bushmen by taking a hands-off approach to gay marriage, allowing local jurisdictions to set laws and exercise the same home rule that Republicans used to cherish – at least until gay folks started marrying each other. Then there were a few rulings about Christianity not being the state religion – maintaining the constitutionally dictated separation of church and state – and all hell broke loose. Lord save us – the judges are amok.

Trounce the ref

Vermont's Republican-in-recovery Senator, Jim Jeffords, thinks DeLay's problem is just that he's not used to not getting his way. According to Jeffords, "The first lesson we teach children when they enter competitive sports is to respect the referee, even if we think he might have made the wrong call."

DeLay's approach is to trounce the referee – to have the whole damn team pounce on him or her all at once, mashing sir's stripes into the mud. DeLay's team is the Republican majority in Congress, and ol' Tom is rallying them for a full frontal assault on the nation's courts. The New York Times cites DeLay as claiming it's time for the legislative branch to "reassert" its "authority over the courts." I guess this imperial assault on our democracy has been brewing for almost 230 years – waiting for just the right bombastic tin hat wanna-be dictator to champion it. And DeLay's our man.

DeLay and his cronies seem hell-bent on flying the U.S. congress right into a paralyzing constitutional crisis. According to DeLay, the Congress has some sort of newfound super-constitutional authority over the judicial branch, and hence, needs to "set the parameters" of the courts' authority. Under this scenario, the courts can still maintain jurisdiction over things like parking tickets and murders, but not over things like abortion or the separation of church and state.

Bad Boy Scout court

Phyllis Schlafly, a Republican stalwart who cut her teeth in the 1980s as an outspoken obsessive homophobe, recently told a conference attended by Republican activists, lawyers and a few members of Congress, that Congress should pass laws limiting court jurisdiction with regards to the Pledge of Allegiance, gay marriage, religious displays in public buildings, and, are you ready for this? The Boy Scouts. I guess that in this brave

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new Republican utopia, bad Boy Scouts go to special Bad Boy Scout Court where their deans of discipline can brand their badasses without any pansy court interference. Don't worry about the U.S. constitution. According to The Washington Post, Schlafly asserts that the Constitution is "not what the Supreme Court says it is." No. It's what Tom DeLay says it is – or ain't.

Like Tom DeLay, Schlafly has specific judges in her crosshairs. Supreme Court Justice Anthony Kennedy, a conservative Reagan appointee, is one of them. According to the "pro-life" Schlafly, Kennedy's objection to juvenile executions constitutes grounds for his impeachment. Speaking at the same conference as Schlafly, author Edwin Vieira told the crowd that Kennedy should be impeached for striking down anti-sodomy laws as unconstitutional. These, if you are not aware, are the 19th century blue laws lingering on the books prohibiting oral sex among consenting heterosexuals and any sex among homosexuals. According to Vieira, Kennedy, in negating these laws, "upholds Marxist, Leninist, Satanic principles."

This theory of blowjobs upholding collectivist economic theory or of the avowedly atheist Lenin embracing religious principles would be comical – except this is no longer the embarrassing wacko fringe of the Republican party. Tom Delay shared this stage, giving them a charge via a televised presence. This is the cabal that's in power. Any National Guard member or Army Reservist mired down as a human target in Iraq will attest to the life transforming power this group has over more and more of us.

Death solves all problems

And their rhetoric certainly isn't funny. In the last few weeks we've seen one judge shot dead in a courtroom, and one have her family executed. In light of this recent history, DeLay's line, cited by Knight Ridder, threatening that "Our next step [against the judiciary], whatever it is, must be more than rhetoric," is ominous. If this isn't clear enough, how about this: The Washington Post reports that Edwin Vieira, onstage with Phyllis Schlafly, quoted the bloodthirsty former Soviet dictator Joseph Stalin as offering a solution for dealing with problematic judges, saying "He had a slogan, and it worked very well for him, whenever he ran into difficulty: 'no man, no problem.'" Vieira's audience of Republican heavies cheered. The Post reports that the full Stalin quote reads, "Death solves all problems: no man, no problem."

Then there's Texas Republican Senator John Cornyn. He explained away the recent courthouse violence as somehow being the fault of judges, explaining, "I wonder whether there may be some connection between the perception in some quarters, on some occasions, where judges are making political decisions yet are unaccountable to the

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public, that it builds up and builds up and builds up to the point where some people engage in violence." For the record, one of the two "frustrated" Americans who murdered the judges was a career criminal who simply grabbed a gun and attempted to execute a bloody escape. Chances are he didn't know the judge's name. No "perception" of anything ethereal here. The other was frustrated over a malpractice case. Again, there was no ideology – just a psychopath. Cornyn's threat, however factually challenged, was still heard loud and clear – both by a suddenly imperiled judiciary and by every nut with a Wal Mart rifle.

Perhaps DeLay's attacks against the judiciary, however, are more personal. Perhaps they're even preemptive. I've written previously about Tom DeLay's many ethical transgressions and his ensuing legal problems. His own Republican-dominated House Ethics Committee rebuked him three times last year. His current legal problems seem to be mounting by the week. The New York Times recently reported that DeLay funneled half a million dollars in campaign donations into his wife's and daughter's back accounts since 2001. This is money bilked from DeLay's own loyal supporters. The Washington Post reports that he took a swanky \$64,000 Russian holiday paid for by a Russian oil company as well as a number of other trips paid for by clients of lobbyists. Then there are all the old felony indictments against a growing list of DeLay's Texas compatriots with a circle closing in on the Majority Leader himself.

Perhaps in this light, DeLay's assault on the judiciary is no different than that of the aforementioned career criminal who shot a judge dead in an escape attempt. The only difference is that DeLay is a more sophisticated criminal – one that's part of a larger organization. DeLay isn't out to shoot a judge. He's hoping to eviscerate the whole damn judiciary. But he'd better do it before he's indicted.