

COMMON SENSE



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A plan to take back
the Constitution for the People
and Restore the
Balance of Power.



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Abraham Lincoln called ours a “government of, by, and for the people”. We have no king, but rather our forefathers established three branches of government of equal power – legislative, executive and judicial.

This was their wisdom of “checks and balances” - each was to be a check upon the others so that one branch of government did not consolidate too much power unto itself.

How is it then that a nation now of over 328 million people have come to be at the mercy of 9 **unelected** individuals on the Supreme Court?

THE PEOPLE ARE SUPREME NOT THE COURT. “Supreme” refers to the Court’s position at the top of the ladder of the federal court system. They are not our supreme rulers.

The very beginning of our **Constitution, Article 1, Section 1** states:

“All legislative Powers herein granted shall be vested in the Congress of the United States, which shall consist of a Senate and a House of Representatives.”

And yet President George Bush was heard repeatedly to admonish: “The Supreme Court needs to stop legislating!”

UPSET OF THE SYSTEM OF CHECKS AND BALANCES

How have we found ourselves as a nation at a point where the Supreme Court, for some time now, has usurped the sole constitutional power of the Congress to legislate; seizing that power for themselves?

The system of checks and balances under the Constitution is such that the President, **and the President alone**, has the power to veto a law passed by Congress. Not so any longer. The Supreme Court has again stepped outside of their Constitutional powers and now **veto**es laws passed by the Congress and signed by the President that a majority of the court does not agree with.

Let's take an example: The "Defense of Marriage Act" passed by Congress protecting the sacred sacrament of marriage instituted by God Himself. The law provided that marriage was to be between one man and one woman as it has always been. The law was signed by President Clinton. The court vetoed this legitimate law of the Congress signed into law by President Clinton.

Some years later, Justice Antonin Scalia began his dissent in the Obergefell case (homosexual marriage case) on June 26, 2015, with these words:

"I join the Chief Justice's opinion in full. I write separately to call attention to this Court's **threat to American democracy.**"

He continued:

"Today's decree says that my Ruler, and the Ruler of 320 million Americans coast-to-coast, is a majority of the nine lawyers on the Supreme Court. The opinion in these cases is the furthest extension in fact – and the furthest extension one can even imagine – of the Court's claimed power to create "liberties" that the Constitution and its Amendments neglect to mention. This practice of constitutional revision by an unelected committee of nine, always accompanied (as it is today) by extravagant praise

of liberty, robs the People of the most important liberty they asserted in the Declaration of Independence and won in the Revolution of 1776: the freedom to govern themselves.” Obergefell v. Hodges, 576 U.S. (2015). Justice Scalia

How have we come to a point in this nation where we have allowed an assemblage of 9 **unelected** individuals governed by their own personal predilections and prejudices to lord it over 328 million people and their elected representatives in the Congress and the President as well?

How did all this come about? How did it begin?

ORIGIN OF THE COURT'S UNCONSTITUTIONAL SEIZURE OF POWER

The year was 1803. Thomas Jefferson was President of the United States. His distant cousin, John Marshall (who was jealous of Jefferson) was chief judge of the U.S. Supreme Court.

In one fell swoop, John Marshall engineered the upsetting of the balance of power in the nation by authoring the opinion of the *Marbury v. Madison* supreme court case.

The case did not attract much attention at the time. It was all over the midnight appointment of a secretary of state by an outgoing President. **But the implications** of the case for the future of the nation – and what it would do to our system of checks and balances – Jefferson could plainly see and predict.

Where the Constitution was silent on something and provided no authority for the court to go in the direction they wished, John Marshall invented the authority to “**interpret**” the Constitution. He used his self-proclaimed “interpretive” power for the first time in the *Marbury v. Madison* case to reach the result he wanted – to make the case come out

the way he wished – like the court still does to this day.

Jefferson realized that the court had never been given any such power to “interpret”. Indeed, not even the Congress nor the President was given power to “**interpret**” the people’s Constitution. It’s only meaning was to be the plain language of the document.

Following the Marbury v. Madison decision, President Jefferson stated:

“It is a very dangerous doctrine to consider the judges as the ultimate arbiter of all Constitutional questions. It is one that would place us under the despotism of an **OLIGARCHY.**”

Jefferson went on to state:

“The Constitution will become a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please. It has long been my opinion, and I have never shrunk from its expression... that the germ of dissolution of our federal government is in the constitution of the federal judiciary; working like gravity by night and by day, gaining a little today and a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.”

PRESIDENT ABRAHAM LINCOLN added his wisdom at the time of his first inaugural address:

“If the policy of the government upon vital questions is to be irre-

vocably fixed by decisions of the
supreme court... **THE PEOPLE**
will have ceased to be their own
rulers..." (He was referring to the
Dred Scott decision)

We were to be a self-governing people, not a "court
governed people".

SNOWBALLING OF THE COURT'S POWER

The poet said it:

"It is the little rift within the lute,
That by and by will make the
music mute,
And ever widening slowly silence
all."

Jefferson had spotted the "little rift" within the
Constitutional lute but his wisdom was not heeded.

Jefferson's words were prophetic. We have come to
be living under an '**OLIGARCHY**' defined as "rule
by a few" – a majority of 9 **unelected** members of a
Court.

Prayer to God and His Commandments were first
taken out of our children's schools in 1961 by the
Supreme Court that was "**interpreting**" our Con-
stitution in such a way that the court decided God
no longer had a place in our children's schools.
The court wrapped itself in its ermine robes, got
up and sat next to God and then told God to move
over. Two decades later, as children hopped on
cafeteria tables with guns, it became plain who had
taken God's place in the schools. Curiously, no such
shootings have taken place in private parochial and
Christian schools where prayer to God and the Ten
Commandments are still the order of the day.

The Supreme Court itself trampled God's **Com-**
mandment "Thou Shalt Not Kill" underfoot pre-
tending to find in the Constitution a "constitutional
right" for a mother to kill her own child within her

(her closest neighbor) in the 1973 Roe v. Wade edict of the court - bringing on the **American Holocaust of over 60 million** preborn children created in the Holy Image of God (the vote was 7 to 2). The devil continued his trick of using only 5 **unelected** individuals - a bare majority of nine members of the court - like a ring in a bull's nose to lead a nation of 328 million people to follow his ways and defy God's Commandments and God's moral Law.

The devilish mischief continued with the court's attack on the family by having 5 **unelected** individuals pass an edict allowing homosexual marriage - an abomination to God. He says so in His Word:

Leviticus 18:22 "Thou shalt not lie with mankind, as with womankind: It is abomination." (Leviticus 18:22)

Is God guilty of a hate crime because he hates sin? It is the same old story: God hates the sin, but **loves the sinner.**"

See also Leviticus 20:13; Romans 1:26-32; Judges 19-22; 1 Kings 14:24; 1 Kings 15:12; 2 Kings 23:7; and Deuteronomy 23:17.

THE SOLUTION

God's will for our nation has been breached. The will of the vast majority of the People has been breached. It is **common sense** that a court is not going to voluntarily relinquish power that they have amassed. The people acting through their elected representatives in the Congress or the President whom they have elected need to strip the court of its ill-gotten power to legislate new law and veto existing law.

President Trump started the ball rolling on this in his February 5, 2019, State of the Union speech in which he called on the Congress:

“To defend the dignity of every person, I am asking Congress to pass legislation to prohibit the late-term abortion of children who can feel pain in the mother’s womb.”

President Trump further reminded Congress that: **“all children, born and unborn, are made in the HOLY IMAGE OF GOD.”** Will Congress accept the challenge and do as the President has challenged them to do or will they retreat into their political shells.

Our forefathers gave us what President Abraham Lincoln properly termed “a government of, by and for the people.” The Constitutional system of checks and balances between the three branches of government (executive, legislative and judicial) having equal power has been breached by the supreme court’s own contrived “interpretive” power (contrived by Chief Judge Marshall, 1803 – President Thomas Jefferson railed against this usurpation of power unto itself by the court – a power not conferred by the Constitution) torpedoing the hull of our ship of state. If the Congress does not act, the President should and must act! He has this precedent:

In 1863, President Abraham Lincoln issued the emancipation proclamation of the slaves.

In 1988, President Ronald Reagan issued the emancipation proclamation of preborn children.

Where the Congress as a whole lacks courage, President Trump has courage. He could follow the precedent of Ronald Reagan’s emancipation proclamation with a presidential proclamation of his own wording as he would wish but seemingly with his own words in his address to Congress **“All children, born and unborn (preborn) are made in the HOLY IMAGE OF GOD.”**

Perhaps some of you could suggest to the President words that could follow such as:

“God commands ‘Thou shalt not kill’. This higher law supersedes human law be it the law of the U.S. Congress or any state legislature or the “case law” of any court”

Some consideration should then be given to the power of the President by executive order to sanction states (such as the state of New York) that have changed their state constitutions to allow partial birth abortion and even the killing of children immediately after birth.

The current President, standing with President Reagan, could proclaim that “no state or federal court, including the U.S. Supreme Court and no State (such as the state of New York) legislature or U.S. Congress has the power to set aside the higher Law of a Holy God’s Commandment “**Thou Shalt Not Kill**”. States defying such a Presidential Proclamation would lose such federal funding as the President would have authority to deny.

***WHY WAITING ON THE COURT TO
RELINQUISH ITS OWN ILL-GOTTEN POWER
WILL NOT WORK***

Since Roe, the devil has kept a ‘license to kill’ in place by tempting the opposition to wait for the day when a majority on the court could overturn Roe – hoping that all the annual Marches to the court would pay off and the court would reverse itself. Even now, we wish for that expectancy.

But even if this would come about, the court would only get out Pontius Pilate’s bowl, wash its hands of the abortion matter, and turn it back to the States.

The culture of death knows this and hence their press to get an inherent right to abortion written in stone in the law and constitutions of the respective states. Indeed, New York has been the first to do

this, and other states may soon follow. **A strong presidential stand is needed on behalf of all the nation.**

This President would have the courage to do it and in light of what the legislature of his own State has done, this President just may do what needs to be done - stand on President Reagan's Emancipation Proclamation of Preborn Children and **stand with the Commandment "Thou Shall Not Kill" which equals standing with the majority of good people in the nation and with God Himself.** When you have the King of Heaven's Armies on your side you are in good company.

Pray for this President. Pray that he and Vice-President Pence together will take a stand. Who truly rules America? Is it **the people** or the Supreme Court? **THE ANSWER IS COMMON SENSE.**

