Subject: Just for you Manual. Ann Coulter on the definition of Judicial Activism.
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Ann Coulter:If Americans loved judicial activism, liberals wouldn't be lying about what it is. Judicial activism means making up constitutional rights in order to strike down laws the justices don't like based on their personal preferences. It's not judicial activism to strike down laws because they violate the Constitution. But liberals have recently taken to pretending judicial activism is — as The New York Times has said repeatedly — voting "to invalidate laws passed by Congress." Invalidating laws has absolutely nothing to do with "judicial activism." It depends on whether the law is unconstitutional or not. That's really the key point. That's why we have a judicial branch, Mr. Sulzberger, publisher of The New York Times. It's not a make-work program for the black robe industry. It's a third branch of our government. You'll learn more about this concept next year when you're in the seventh grade, Pinch. If Congress passed a law prohibiting speech criticizing Bush, or banning blacks from owning property, or giving foreigners the right to run for president — all those laws could be properly struck down by the Supreme Court. That's not "judicial activism," it's "judicial." Invalidating a law that prohibits killing unborn children on the preposterous grounds that the Constitution contains an extra-double-secret right to abortion no one had noticed for 200 years — that's judicial activism. When conservative judges strike down laws, it's because of what's in the Constitution. When liberal judges strike down laws (or impose new laws, such as tax increases), it's because of what's in The New York Times. The left's redefinition of judicial activism to mean something it's not allows liberals to claim they oppose judicial activism and to launch spirited denunciations of conservative judges as the real "judicial activists." This is the Democrats' new approach to winning arguments: Change the definition of words in mid-argument without telling the guy you're arguing with. Chairman Mao would approve. Thus, The New York Times prissily informed its readers: "There is a misconception that so-called activist judges who 'legislate from the bench' are invariably liberal. In fact, conservative judges can be even more eager to overrule decisions made by elected officials." That statement has as much intellectual content as saying: "There is a misconception that so-called activist judges who 'legislate from the bench' are invariably liberal. In fact, conservative judges can be even more eager to play tennis." The very act of redefining "judicial activism" to mean invalidating any law passed by elected officials is precisely the sort of Alice-in-Wonderland nonsense we're talking about. Liberal judges redefine the Constitution's silence on abortion to mean "abortion is a precious constitutional right." Liberal flacks in the media redefine judicial activism to mean "striking down laws." The Times' definition isn't even coherent. If it were "judicial activism" to strike down laws — any laws, ever — there would be no point to having a Supreme Court. We could just have some idiot functionary, like Joe Wilson, rubber-stamping whatever the other parts of government do. Liberals can't win on abortion, gay marriage and bans on the Pledge of Allegiance by allowing Americans to vote. That's why they need the courts to keep inventing rights to abortion, gay marriage and bans on the Pledge of Allegiance. Normal liberals know that, which is why they duck honest argument. But the crazy liberals don't. That's why Bush needs to concentrate on luring them out of their cages. It takes so little to provoke them! Just let us know before Bush nominates Janice Rogers Brown to the Supreme Court so we can arrange for live TV coverage of George Soros' head exploding, OK?