

The political turmoil in American politics has spurred many experts to propose ways to save our democracy. This turmoil did not begin with President Trump, but he has accelerated it to a breaking point. We are once more relying on all the institutions aside from the Presidency to do their constitutional duties: Congress, the courts, the press, and the voters themselves.

An immediate problem with the Supreme Court is now getting attention. The Court, which at its best, has nine judges who, ideally through working together and influencing each other, make rulings that cannot be identified as "Democrat" or "Republican." A good court has justices trending liberal and some trending conservative, but when unanimity is not possible, a few justices are "swing voters," who keep the court even handed.

Today's court, however, is seriously askew. The most recent justices, appointed by Republican presidents, comprise a conservative majority. They are responsible for long-lasting damage: such as Citizens United, a judgment that eliminated Congressional attempts to regulate the corrupting influence of money in our elections. This ruling states that corporations can be evaluated as "people" with the right to spend any amount of money they choose. We are seeing the corruption emanating from this ruling now.

Another damaging conservative majority ruling is that southern states with endless attempts to discourage Black election participation have endured too much court oversight. Where is the swing vote in this court? Senate leader Mitch McConnell refused to allow President Obama's appointment of a moderate judge from going forward, claiming it was "too close to an election." A judge who would easily have secured Senate approval (popular with both Democrats and Republicans) was thereby left unheard. Now, only Chief Justice Roberts (a conservative) must fill in on occasion as a swing vote to protect the reputation of the court.

John Paul Stevens, one of the most distinguished justices in long service on the court, was nominated by a Republican president, expecting his life-long Republican affiliation to create a court conservative. However, over time, Stevens increasingly sided with the liberal wing of the court. He surprised everyone except for those who know that Supreme Court justices are free to evolve and to become neutral in their judgments.

Stevens died this year, but left behind a number of important books about justice. I have reviewed his 2014 book: Six Amendments: How and Why We Should Change the Constitution. My long review is on my website: www.globalthink.net. But for a summary of what this book offers, the six amendments are:

1. The Anti-Commandeering Rule," which established federal precedence over state laws. State judges cannot rule in violation of national law established by Congress. He recommends adding "and other public officials" after "the Judges in every State." The present amendment only applies to judges, leaving other State officials free to do sometimes great mischief (which we are seeing today in attempts to undo abortion protection, voting rights, and regulation of firearms.
2. Political Gerrymandering. This is a terrible issue that gives power unfairly to one political party or the other. The courts have ruled against such gerrymandering when it is obviously racially biased, but not against political bias. The current Court wants the states to deal with this, with no regulation federally.
3. Campaign finance. Stevens wants to provide that Congress or any state may impose reasonable limits on the amount of money that candidates and their supporters may spend in election campaigns.
4. Sovereign Immunity. The 11th Amendment provides that the "Judicial power of the United States" does not extend to suits in which a state is sued by a citizen of another state. Stevens wants to remove State immunity from liability for violating any act of Congress, or any provision of this Constitution.
5. The Death Penalty. Stevens makes a convincing case for ending this unjust system.
6. The Second Amendment (Gun Control.) The Second Amendment has been misread, he

says, and he offers an amendment that regulation is appropriate for the federal government to apply.

If we ignore his suggestions, the nine-member court may be enlarged to provide fairness in rulings.

683 words

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