

The Constitution and Foreign Laws

In recent years, the Supreme Court has cited foreign laws in some of their rulings. Naturally, this has prompted some debate. It seems that there are two factions in this disagreement. The first faction is those that do not want foreign law cited at all. The second faction is those that believe foreign law or precedent could be cited (and let's be honest here, they want to cite it selectively).

There are two problems with citing foreign law in Supreme Court rulings. The first is that the Justices took oaths of office. According to www.supremecourt.gov (the official US Supreme Court website), there is no specific oath in the US Constitution for the Justices. However, the oaths they do recite include defending, supporting, and allegiance to the "Constitution and laws of the United States" among other things. The oath also includes "So help me God," but it is only a matter of time before such references to God will be too controversial and eventually illegal.

The second problem with citing foreign law is the selective nature of its use. There is little doubt that the laws cited will be from Western Democracies or Western Laws. These countries tend to be the most progressive in the world. Of course, the irony here is that Western Civilization is regarded by many Americans (think Academia) as the great villain of history. However, if a Justice sees that other Western Laws can produce the desired results, so be it.

What of foreign laws that Justices do not cite? Are they purposely ignoring some foreign laws?

For example, is the United States of America the only country in the world that does not require displaying some type of voter identification before voting? Although I do not know the answer, I cannot imagine any other country allows its citizens to vote without some identification. It is ironic that this argument is never mentioned when Voter Identification laws are debated. I assume that the purpose of turning to foreign statutes is to align us with laws around the world. When it comes to voter identification, why are we not in agreement with the rest of the world?

Is the United States of America the only country that does not cap monetary damages in lawsuits? Perhaps I am mistaken, but I imagine that there are limits to the amount that can be awarded in probably every country in the world. In America, no such limits exist. So, once again, why are we not in agreement with the rest of the world?

The Declaration of Independence and the United States Constitution are two of the greatest documents of government that mankind has ever produced. They are the written foundations of our country, and allowed us to become the greatest economic and military power the world has ever witnessed.

Though often criticized, their value is sometimes unappreciated, particularly since the Constitution's amendment process allows current generations to alter the original laws with which they disagree. Yet, there is little doubt that many in the academic world today look down upon these cornerstones of our culture and government. Many believe that they personally possess the cultural and legal expertise to design a better Constitution that would make our country even greater. America is the greatest nation the world has ever known, but it is only one new document away from utopia. Who could possibly oppose that?

Incidentally, there is never any consideration that the new Constitution might make things worse or that our Founding Fathers might have possessed more wisdom and a better understanding of human nature than our current leaders.

Our Constitution is a document that essentially protects the people by limiting the power of government. Our founders saw that governments are abusive. However, the new Constitution would be about the rights of the people, and the requirement of the Federal Government to produce those rights.

A new Constitution? New personal liberties and rights? Who would get to write such a document? Who DECIDES who gets to write such a document? Which of the two major parties do you trust with that assignment? And if your party is not in power, do you still wish to go ahead with the project?

Of course, the argument is now irrelevant, thanks to Supreme Court Justices that personally (and I believe illegally) decided to seek foreign laws to achieve the results they personally desired. Since the precedent has now been set that Justices don't have to follow the current Constitution, what good is writing a new Constitution? They will only ignore that too.

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