



Political Word Games

That talent was displayed just this week when he was asked whether he thought the Supreme Court would uphold ObamaCare as constitutional or strike it down as unconstitutional.

He replied: "I'm confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress."

But how unprecedented would it actually be if the Supreme Court declared a law unconstitutional if it was passed by "a strong majority of a democratically elected Congress"?



The Supreme Court has been doing precisely that for 209 years!

Nor is it likely that Barack Obama has never heard of it. He has a degree from the Harvard law school and taught constitutional law at the University of Chicago law school. In what must be one of the most famous Supreme Court cases in history — *Marbury v. Madison* in 1803 — Chief Justice John Marshall established the principle that the Supreme Court can declare acts of Congress null and void if these acts violate the Constitution.

They have been doing so for more than two centuries. It is the foundation of American constitutional law. There is no way that Barack Obama has never heard of it or really believes it to be "unprecedented" after two centuries of countless precedents.

In short, he is simply lying.

Now there are different kinds of liars. If we must have lying Presidents of the United States, I prefer that they be like Richard Nixon. You could just look at him and tell that he was lying.

But Obama is much smoother. On this and on many other issues, you would have to know what the facts are to know that he is lying. He is obviously counting on the fact that, in this era of dumbed-down education, many people have no clue as to what the facts are.

He is also counting on something else — namely, that the pro-Obama media will not expose his lies.

One of the many ways of lying smoothly is to simply redefine words. Barack Obama is a master at that as well. In the comment on the case pending before the Supreme Court, President Obama said that he wanted to remind "conservative commentators" that they have complained about "judicial activism" — which he redefines as the idea that "an unelected group of people would somehow overturn a duly constituted and passed law."

First of all, every law that the Supreme Court has overturned for the past 209 years since *Marbury v. Madison* was "a duly constituted and passed law."



Written by [Thomas Sowell](#) on April 6, 2012

Second, the “judicial activism” that conservatives have complained about was judges making rulings based on how they felt personally about the issue at hand, rather than about what the Constitution of the United States said.

In recent years, great efforts have been made to redefine “judicial activism” in terms of judges declaring laws unconstitutional, instead of “deferring” to Congress or other government institutions.

But what is the Constitution’s Bill of Rights supposed to protect the ordinary citizen from? Government institutions! If judges are to defer to the very institutions that the Bill of Rights tries to protect the citizen from, what is the point of having a Bill of Rights?

As for Supreme Court justices being unelected, that has been true since the Constitution was created. That was done deliberately, so that they could render their judgments without fear of political repercussions. If unelected Supreme Court justices are to automatically defer to elected officials, that again raises the question of why they are there at all.

Why are the taxpayers paying their salaries and housing them in an expensive marble building — just so that they can go along to get along?

It would be hard to become nostalgic about Richard Nixon, who was forced to resign in disgrace. But at least you could tell when he was lying. Obama’s lies are just as big but not as visible, and the media that exposed Nixon is covering for Obama.

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