

OUR NATION'S FOUNDATION

Is our nation's foundation crumbling? Perhaps, we should ask if our nation's foundation is being eroded. Or, better yet, a more appropriate question might be, "Is our nation's foundation being undermined?" Whether or not such a thing might be deliberate or not, I do not even wish to ponder.

We are celebrating the Memorial Day Weekend, as I write this column. It is a time when we remember with gratitude those who have fought to preserve our freedom. My brother is numbered among them. When you read this, we will be a week away from Flag Day. On that day, we pay honor to the symbol of a unified nation, which was founded in recognition of the fact that the Creator has endowed each individual with certain unalienable rights. Our Declaration of Independence further states that to secure those rights is the responsibility of government.

There is no "organized" religion involved in the formulation of those principles. There does not have to be. Certainly, Thomas Jefferson would not have been a party to any such thing. Nevertheless, our nation was founded on the principle that there is a power higher than the government. We call that power God. To abandon this foundational principle would mean the rejection of one of the most important elements of our nation's foundation.

Another foundational principle that Thomas Jefferson supported is the separation of powers. The three branches of our government were meant to be a check on each other. Certainly, they are to work with each other but not to be "in cahoots." This brings me to my conundrum with what is happening relative to the selection of judges for our federal courts.

Supreme Court nominee Elena Kagan has been reported as "courting" lawmakers that will need to confirm her nomination. The purpose of such meetings with senators is for them to find out how she stands on this or another issue. Even our presidents appear to select their nominees on the basis of their position on certain matters. This baffles me, as I was taught that a justice of the Supreme Court (or any judge) was supposed to interpret the law regardless of personal opinion. What we should be looking for are good judges who understand and are faithful to the law.

One senator is quoted as saying that Ms. Kagan stated to him that "the court was not sufficiently deferential to Congress." If "deferential" means what our dictionaries say it means, then "yielding to the opinion, wishes, or judgment" of Congress is not something that I thought the Supreme Court was suppose to do. (I do not think that our Founding Fathers saw that one coming.) I am aware that there is the matter of "interpretation." But, should not the law be what instructs interpretation rather than a particular view?

Please understand that my opining on this matter is not political nor am I making an evaluation of the current nominee. But, as I celebrate two wonderful civic holidays, my mind goes back to the founding of our nation. Alexis deTocqueville, during his 1831 tour of the United States, was intrigued by our form of government and called it an "experiment." (He also said that our democracy would "devolve into chaos" if it were not for our faith. And, he actually meant the religious kind.) This "experiment" of ours, which has intrigued so many on other continents, will continue only if our foundational principles remain intact. Let us all raise our flag to that!