

Congress Is the Cure to America's Judge Problem

It's fine for the Republican presidential candidates to promise to fill Justice Scalia's immense shoes with someone similar. But even if a Republican wins the upcoming presidential election, even if he picks another Justice Scalia, and even if the nominee is confirmed by the Senate, the federal judiciary will still be stuffed with hundreds of activist judges appointed by Obama, Clinton and even Jimmy Carter.

The Founders gave Congress everything necessary to take power away from a runaway federal judiciary. Congress can deprive the federal courts of power over immigration, abortion and marriage. Congress can completely defund enforcement of bad federal court decisions that are already on the books. Congress spent months trying unsuccessfully to defund Planned Parenthood, a worthy goal, but Congress could more effectively defund enforcement of the pro-abortion and pro-homosexual marriage decisions by the judiciary without sparking a phony "war on women" debate. Congress should also defund use of taxpayer money by the Department of Justice to push the liberal agenda in liberal courts. Congress should cut back generally on funding for the courts too and eliminate judicial positions rather than fill some of the vacancies.

Some presidential candidates promise to work with Congress, but none of them promises to rein in the Supreme Court in the style of Justice Scalia. But none of them promises to stand up against an unconstitutional order by refusing to enforce it.

The answer is not gimmicks like a Constitutional Convention being pushed in some state legislatures, which Justice Scalia properly called a "horrible idea." The answer is in a Congress and a new president who do their constitutional duty to limit

the power of the Supreme Court to change our laws on immigration, abortion and marriage.

Phyllis Schlafly has been a national leader of the conservative movement since the publication of her best-selling 1964 book, *A Choice Not An Echo*. She has been a leader of the pro-family movement since 1972, when she started her national volunteer organization called *Eagle Forum*. In a 10-year battle, Mrs. Schlafly led the pro-family movement to victory over the principal legislative goal of the radical feminists, called the Equal Rights Amendment. An articulate and successful opponent of the radical feminist movement, she appears in debate on college campuses more frequently than any other conservative. She was named one of the 100 most important women of the 20th century by the *Ladies' Home Journal*.