

Roe v. Wade is NOT the Law of the Land

Exposing the myth of judicial supremacy

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November 2000



Roe v. Wade. This infamous U.S. Supreme Court decision that supposedly "legalized" abortion, is rightfully viewed with contempt by millions of Americans who respect the sanctity of life. Widely accepted as the "law of the land," it is held in large part responsible for the execution of over a million pre-born children in the womb in the United States each year. Consequentially, it has been concluded by many that until Roe v. Wade is "overturned" and no longer the "law of the land" that there is nothing substantial that can be done about "legal" abortion.

As tragic as these legal circumstances may seem, there is perhaps an even more tragic aspect to this entire issue, one that is born out of gross ignorance of the plain text of the Constitution on the part of not only the American public but even many pro-life legislators nationwide. What is it that has gone so wrong after all these years? It's simple. We have been lied to. Roe v. Wade is NOT a law at all, even less the "law of the land. This is not a matter of opinion, it is a matter of fact, a fact that is easy to understand by simply picking up the Constitution and reading it. So, lets progress to reading a section of the Constitution that legions of lawyers don't want you to know.

In the very beginning, the Constitution reveals something that is powerfully simple in this regard.

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Article 1, Section 1 – U.S. Constitution

Legislative power is the power to make laws, change laws, change the meaning of laws and eliminate laws. Article 1, Section 1 clearly states that ALL legislative power is vested in Congress. All of it. Period. End of story. What does this mean? It means that federal courts, which are part of the judicial branch of the federal government, have absolutely no legislative power whatsoever. It means federal courts cannot make laws. It means federal courts cannot change laws. It means federal courts cannot change the meaning of laws. It means federal courts cannot eliminate laws. In order to do any of these things, the courts would have to possess legislative power; something the Constitution clearly states is vested ONLY in Congress. Now how hard is that to understand?

In light of this fact, something regarding Roe v. Wade becomes apparent. Roe v. Wade is not a law at all, even less the "law of the land." It cannot be a law, since it is the product of the Supreme Court, which the Constitution clearly states possesses no legislative (lawmaking) power whatsoever. So, if Roe v. Wade is not a law, then what is it? The answer to that is simple too. Roe v. Wade is a court decision and like all court decisions, it is only binding on the parties to the case. In this circumstance, it is binding on "Roe" and "Wade." No one else.

Now these plain and simple precepts that are derived from the plain text of the Constitution may go against that which is taught to law students in many law schools all across this nation. However, it still doesn't change what the Constitution, the supreme law of the land, actually says on the subject. It only goes to show how far a legal myth can be perpetuated.

Article III Section 2 of the Constitution also provides the Congress the power to limit the appellate jurisdiction of the federal courts. If the Congress so chose, they could specifically regulate the Court's activity to preclude ruling on cases that would reflect upon the rights of States and local governments to prohibit and prosecute abortion. Indeed, the Supreme Court is not vested with untouchable, unlimited power, as some would have us believe.

The framers were right when they placed limited powers in the hands of the judiciary. They felt that since the courts were not vested with either legislative or enforcement powers that they would be the least threat to our liberties. That still would be the case today, if there were not a bipartisan cooperative effort to subvert the Constitution in Washington D.C. and across the country. It again underscores the need to elect candidates to public office who will hold such judges accountable who would subvert the Constitution and rule outside of their proper jurisdiction. (What they can do to hold them accountable will be the topic of an upcoming article.)

Those who care about protecting the lives of pre-born children need to read the Constitution and learn the ground rules by which the battle can be won. The Constitution Party is leading that fight and is worthy of your support.

Roe v. Wade does not have to be "overturned," for those who defend the lives of innocent children to prevail since it is not a law at all. Let us all do what we can to expose "Roe v. Wade" for what it really is and start supporting only candidates who will do the same and who will help to restore constitutional and moral integrity to our system of government.

Additional note:

Of all the national presidential candidates in this election, only Howard Phillips, the presidential candidate of the Constitution Party has publicly committed himself to, if elected, appointing only judges to the federal bench who have publicly recognized the legal personhood of pre-born children and who will abide by the plain text of the Constitution. He is also the only presidential candidate who has worked to promote the constitutional fact that Roe v. Wade is not a law, and therefore does not have to be "overturned" to succeed in the fight against the atrocity of abortion.

**For more information see the Constitution Party National Website at
www.constitutionparty.com**