By Rep. Steve King

Decisions made by activist judges on the Supreme Court of the United States have effectively amended our Constitution regularly and with impunity for decades. The Supreme Court is charged with interpreting the Constitution, but instead its recent activism has amended it.

Consider some of the worst examples of the Supreme Court's judicial activism.

The Court ruled that abortion-on-demand is a constitutional right (Roe v. Wade). It decided that racial discrimination is acceptable if an approved racial quota can be achieved (Grutter v. Bollinger). The Court required state governments to provide education for illegal aliens (Plyer v. Doe). The Court allowed governments to seize private property from one owner and give it to another (Kelo v. New London).

Decisions like these attack the Constitution and strip away powers constitutionally granted to Congress and state governments. Much of the social conflict in this country stems from the Court's extra-constitutional interference with the voice of the people. A simple majority of five justices can go beyond their role and re-write the Constitution without the consent of the American people, even though the very last people in America who should be amending the Constitution are the Supreme Court justices.

With the upcoming retirement of Justice David Souter, President Obama recently nominated Judge Sonia Sotomayor to be our next Supreme Court justice. Sotomayor, a New York native, has a unique personal story that is a testament to the American dream.

While Judge Sotomayor should be commended for her academic and professional accomplishments, President Obama's comments on what he looked for in a nominee should make all Americans question Sotomayor's fitness for the bench.

Prior to nominating Sotomayor, President Obama stated that wanted a justice with empathy towards certain groups of people. He said, "We need somebody who's got the heart, the empathy, to recognize what it's like to be a young teenage mom. The empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old."

Having a big heart does not make one qualified for the Supreme Court. If that were the case, our Court might be filled entirely by grandmothers from western Iowa.

Personal feelings and political ideology should not be the defining characteristic of our new justice. Instead, we need a justice committed to defending the text and original intent of our Constitution, because anything less ultimately destroys the Constitution itself. Supreme Court justices should exercise constraint that is bound up within the words of the Constitution, within the text of the Constitution, within the clear meaning and the defined boundaries of the Constitution and the rule of law, and constraint within the boundaries of being a member of the judicial branch of government whose job it is to interpret the Constitution and the laws of the land, not to make them.

My fear is that Judge Sotomayor will put her liberal policy preferences above neutral application of the law. In a 2002 speech at Berkeley, Sotomayor admitted that she applies her feelings and personal politics when deciding cases.

Sotomayor stated that it is appropriate for judges to consider their “experiences as women and people of color,” which she believes should “affect our decisions.” She went on to say in that same speech “I would hope that a wise Latina woman with the richness of her experience would more often than not reach a better conclusion than a white male who hasn’t lived that life.”

Judge Sotomayor’s comments indicate that she believes personal experiences, not the Constitution, should guide a justice’s thinking. Her support of judicial activism makes her nomination a setback for defenders of the Constitution and a victory for liberal special interest groups.