On Election Day, the voters of Iowa sent a clear message that they will no longer tolerate a Supreme Court that will not stay within its constitutional bounds. Over half-a-million Iowans voted “no” in order to remove three Iowa Supreme Court Justice from the bench. Iowans unequivocally rejected the current court’s belief in an evolving Constitution.

Perhaps the Supreme Court became disconnected from the wishes of the people because, since Iowa ended direct election of judges in 1962, there have only been 21 vacancies on the Supreme Court and each vacancy was filled without much concern. The three new vacancies, however, will be filled during a time in which Iowa’s voters are taking an active interest in the direction of the Court. When the terms of Justices Marsha Ternus, David Baker, and Michael Streit expire on December 31, the State Judicial Nomination Commission will submit three names for each vacancy. The Commission should be aware that Iowans are casting a watchful eye over their selections, and their nominations for the new vacancies should demonstrate that a responsible government can also be responsive.

The State Judicial Nomination Commission should select strict constructionists who base their legal opinions on the expressed words of the Constitution and the Framers’ original intent. Our law schools are obviously at the root of the lack of legal education based on the Constitution and its original intent. Rather, modern legal scholars focus on issuing impulsive judicial pronouncements based on case law that is divorced from historical context. Despite this, strict constructionists do still exist that would counter this trend. It should be the understood assignment of the Nominations Commission to seek strict constructionists out for a calling to the state’s highest court.

Every government official, including myself and Iowa’s Supreme Court Justices, must swear an oath to uphold and defend the Constitution. By removing the three Justices, Iowa’s voters recognized that it is completely incongruous for office holders who take that oath to then apply an “evolving standard” on the meaning of the Constitution. If the Constitution is an amorphous concept, then activist Justices who pledge fidelity to it have taken an oath that they do not believe in. In the case of Iowa’s Supreme Court Justices, they overtly took an oath to rights “unimagined” and the voters correctly ousted them for their indulgence.

Our Constitution is not vague or meaningless, and Iowans were not reckless with their “no” votes. If the Framers of the Iowa Constitution really wanted it to evolve by judicial fiat, then they would not have created a clear process for amendment. Similarly, arguments that refusing to retain activist judges produces a “chilling effect” on the judicial branch are based on another

false premise. Any judge who rules in order to conform to public opinion instead of making a constitutionally sound decision is also a judge that deserves not to be retained.

An added benefit of this year's retention debate is that the politics and the ideologies that are pervasive in the judicial branch will no longer be hidden from the public. By voting against retaining three activist Supreme Court Justices, Iowan's have helped to ensure that an independent judiciary will no longer consider itself independent from a proper relationship to the people that they govern.

It is important that Iowan's understand that their involvement in the judicial selection process did not end with their votes on November 2nd. Any citizen can submit a name to the commission for consideration to fill a vacancy. Most importantly, Iowans should demand that members of the judicial selection process follow the obvious will of the people and nominate nine individuals who are strict constructionists and who will stay within their constitutional limitations. Anything less invalidates the judicial "merit" system itself and calls for replacing the Commission with a system similar to that required by the U.S. Constitution.

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