



## Letters to the Editor

### Rewriting History

Every time I hear a recording of Kate Smith singing “God Bless America” on the radio, I have to stop and listen. It is so moving. Her contralto voice and the beautiful emotion and love for her country shine through and bring tears to my eyes. The roaring applause for her both before and after she sang at the Philadelphia Flyers’ hockey game in 1973 also made my heart soar, though I only saw it on film. The people who were at that game were truly lucky. The Flyers played her rendition of the song often before their hockey games. No wonder the league put up a statue of her outside the arena. But that statue is now shrouded with black cloth and the plan is to take it down.

What is happening to our culture? When did moments in our past become offensive? Christopher Columbus’ and Robert E. Lee’s statues are under attack. This is our history, and we cannot change history. We must remember the atmosphere of thought in which those people lived.

This is reminiscent of George Orwell’s novel *1984*, where Winston Smith, working for the Ministry of Truth, had the job of rewriting history to fit the government narrative. History, and the recording of it, is what furnishes us with knowledge about what actually happened, and that should be as fixed as the stars. Yet there are those willing to erase it from history books and from memory so that future generations will never know.

Roberta Sutton  
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### What Is the Law?

There are a number of powerful political people who would basically like to subvert and undermine the U.S. Constitution, without actually amending it in a way that is provided for in the Constitution itself. There was an individual who accomplished that by himself more than 200 years ago. His name was John Marshall, and he was the chief justice of the Supreme Court when the *Marbury v. Madison* case was decided in 1803.

The decision in that case stated that the U.S. Supreme Court has the power to decide whether a law passed by Congress and signed by the president can remain in effect. In other words, the court could erase a law by declaring it unconstitutional.

Of course, there is nothing expressly stating or even implied in the Constitution that the court has this power. It is obvious by reading his decision that Marshall felt that the constitutional convention had failed to consider this issue. Marshall ruled that the court has this right, even though it is not found in the Constitution. This properly should be considered ultra-constitutional, as opposed to unconstitutional, if one is describing what Marshall actually did.

Thomas Jefferson was quick to realize that this decision of Marshall’s actually destroyed the balance of power in our tripartite constitutional system and gave the judiciary much more power than our Founders had intended it to have. For example, in a 5 to 4 decision, the Supreme Court could declare a law unconstitutional. That means actually that one unelected person can dictate what laws are valid or not valid. Jefferson spent the rest of his life writing and talking about how wrong this decision was. He



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even felt that John Marshall's six-week course in law that he had taken at William and Mary College had not equipped him to render a decision such as this. Jefferson predicted that because of this decision judges would become despots, i.e., little dictators.

Interestingly, in law school you will essentially learn that the legal profession has virtually canonized Marshall as one of the patron saints of the profession! Marshall is also considered the father of the federal court system. Maybe you can now figure out why some lawyers and certainly most judges have such big egos. It is in their law-profession DNA!

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