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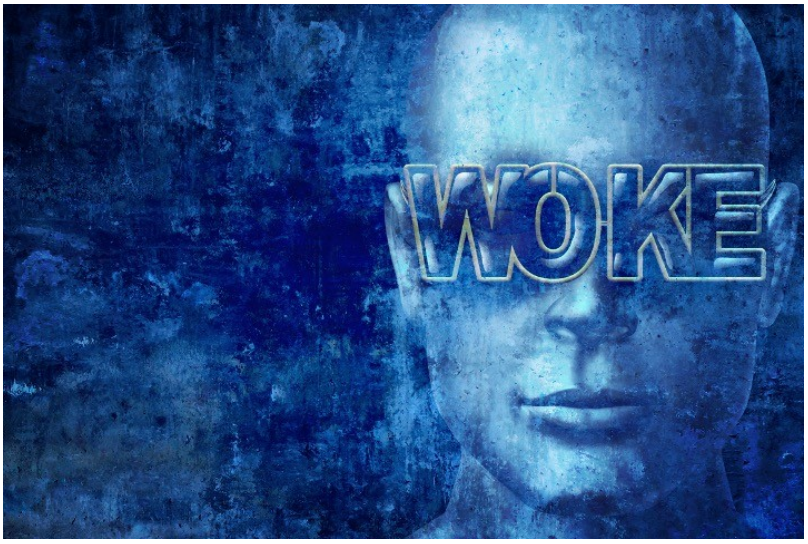
Post-Roe: Same-sex "Marriage," Whole Woke Agenda in Jeopardy



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Supreme Court Justice Clarence Thomas used his ability to write a concurring opinion to make it clear that the decision in *Dobbs v. Jackson Women's Health Organization*, which overturned *Roe v. Wade* and *Casey v. Planned Parenthood*, is just the opening artillery barrage in a brand-new assault on woke ideology. And what a bang! But it's just the start according to Thomas, and we can now initiate a full-on counterattack to reclaim the American heritage of liberty.

For too long the federal courts have been like a safety blanket for woke ideologues. Conservative states would pass laws to slow down leftist culture attacks, but then the ACLU would run to court and get a leftist judge to sign an order to stop the new law. Justice Thomas says the *Dobbs* decision brings that game to an end. Issues from same-sex "marriage" to transsexual men in women's sports are no longer constitutionally protected based upon the logic and rationale of the majority decision. Justice Thomas lets us know that it is hunting season for woke ideology — and there is no bag limit. Wake up America! Rally caps on! We're back in the fight!

Different Types of Opinions

It should come as no surprise that lawyers can look at the same issue and express different opinions. Perhaps it's hard to justify a salary if that were not the case. Regardless, when a Supreme Court decision gets released, there is an ultimate vote on which party wins, the *Appellee* or the *Appellant* (this is what the *Plaintiff* and *Defendant* are called in an appellate court). Then there is a series of opinions attached to that vote explaining the reasons for the decision. A "majority opinion" is the one that at least five justices agree with. A "concurring opinion" is a legal brief written by a justice who voted in favor of the majority holding but may have done so for different and/or additional reasons that were not included in the majority opinion. A "dissenting opinion" is written by one or more justices who disagreed with the majority. There can be more than one dissenting opinion, just as there can be more than one concurring opinion.

In this case, six justices agreed that the Mississippi law banning abortion at 15 weeks should be allowed to take effect. For that reason, you will see this referred to as a 6-3 decision. However, only five of those

six justices believe that *Roe* and *Casey* should be overturned and thrown into the dustbin of history. So, with regard to this case, you may also see it referred to as a 5-4 decision. In essence, both are right.

If you are wondering which one of the six "conservative" justices did not agree to a full overturn of *Roe* and *Casey*, you probably need only one guess. Remember the "Brutus" that cast the swing vote in favor of upholding ObamaCare? Same guy: Chief Justice John Roberts. Members of The John Birch Society were made aware of the chief justice's deep ties with the Council on Foreign Relations before he was confirmed.

Woke Agenda in Jeopardy

Justice Thomas has long argued that the legal rules that developed from the 14th Amendment's Due Process clause were horrifically twisted out of context and thus abused to support the most outrageous excesses of judicial legislating. "Substantive Due Process" is the name of the legal theory that Thomas says has been the magic bullet that has stymied the efforts of conservative legislatures to stem the tide of woke ideology. However, the *Dobbs* decision unbolts "Substantive Due Process" from the Constitution and sends it down the river like so much flotsam.

Thomas points out that the *Dobbs* decision can only be directly binding to the case it is about. Thus, in this situation, only the abortion issue is addressed directly. However, because the reasons that *Roe* and *Casey* provided constitutional protection to abortion are the same reasons that same-sex "marriage" was determined to be constitutionally protected, the reversal of *Roe* necessarily means that same-sex "marriage" is next to be reversed. And right after that the entire woke agenda is on the chopping block.

Life Is Not a Right?

Justice Brett Kavanaugh agreed with the majority that *Roe* and *Casey* were horrifically bad decisions that should be regarded as some of the worst products of judicial activism in the history of our Republic. However, he wrote separately to point out that "The Constitution does not take sides on the issue of abortion." He argues that the Constitution does not prevent a liberal state from permitting abortion. Thus, while we expect that many pro-life states will immediately outlaw abortion, Justice Kavanaugh makes it clear that the liberal states can codify "abortion rights" without worrying about the Supreme Court.

The Declaration of Independence was the birth certificate of our nation. It asserted that life was among the unalienable rights that all people possessed as a result of their being special creations of God. The very purpose of government is to provide political protection for these rights, and the U.S. Constitution is the mechanism by which these ideas are realized from a "rubber meets the road" perspective.

Any functional adult knows what a woman is. And you really don't have to be a biologist to know what life is, either. However, somehow this information eludes persons who are deemed worthy of appointment to the high court. The opinion from Justice Kavanaugh is disappointing as it clearly signals that abortion will continue to be a scourge taking the lives of millions of innocent children in the liberal states. This sets us up for a national divide similar to the antebellum division of free states vs. slave states.

Justice Kavanaugh has declared an unfortunate limitation to his support of life, thus reminding us that the fight to protect the unborn is far from over and that there is much work yet to do. However, the *Dobbs* decision was a massive step forward in the pro-life movement, and Justice Thomas is spurring us on to greater results.