

How Democracy Dies

In deciding that the Minnesota Constitution contains a right to abortion, the Minnesota Supreme Court was mimicking the United States Supreme Court in *Roe v Wade*. In *Roe*, the Court said that the 14th Amendment contains a right to abortion. There is nothing about abortion in the 14th Amendment. Equally important there is nothing about the Court in the 14th Amendment.

Prior to the Civil War, the antislavery forces in Congress were frustrated by the fact that slavery was a state institution and Congress had no authority to legislate on internal state matters. After the war, the 13th Amendment abolished slavery but left the former slaves at the mercy of the state governments. The 14th Amendment was then added to give Congress the power to protect the rights of people within the states against oppression by state governments. The Amendment outlines broad areas of rights to be protected and then provides: “The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.”

The Congress, not the Court.

The anti-slavery forces who drafted and promoted the Amendment would hardly have given the power to the Supreme Court. The Court they knew was the Court of Roger B. Taney who wrote the notorious *Dred Scott* decision, which held that Americans of African descent “had no right that the white man was bound to respect.” And shortly after the 14th Amendment was adopted, the Court in the *Slaughterhouse* decision rendered it meaningless by deciding that the rights protected were only Federal rights, such as using the post office. In the 1960's, the Supreme Court resurrected the Amendment as a vehicle to impose federal laws on the states.

The Constitution gives Congress the power to declare war. The last time they declared war was in World War II. Since then, the United States has fought numerous wars in Iraq, Korea, and Vietnam, among others, by Presidential decree. The Constitution gives Congress the power to set tariffs. Now the President sets tariffs. The Constitution gives the Senate the power to consent to treaties. Now international agreements with the force of treaties are [made by the President](#) alone.

The Minnesota Constitution requires that no money be spent by the state without an appropriation by the legislature. Yet Minnesota governors have paid out tens of millions of dollars into the pockets of abortionists with no appropriation by the legislature.

This is how democracy dies.

Submitted by Life Legal Minnesota