Court ruled that the diversity had academic value.

Now, I will argue that diversity of human experience may have academic value if it is a good and essential and positive experience that can be shared in a classroom. And it is good and it is essential for the United States Supreme Court and it is not what we see happening in the inferior courts that have been established by this Congress.

It is not the only example. And by the way, many of these examples are in the United States Supreme Court. Zimbabwe, Jamaica come to mind as places we can go to be further enlightened on how to better evaluate the original intent of the Constitution and the letter and the intent of our Federal law and our State laws and constitutions and legislation.

Foreign case law upon United States of America? It is impossible to anticipate how the courts will rule given just U.S. court decisions let alone foreign, and some of these countries by the way do not let their people have freedom of speech, freedom of assembly or freedom of religion or they cannot go to the polls and elect a leader. So those decisions in the courts will not reflect the will and the character of the people. We need to redefine this line.

The Congress is also culpable; and I will hold them, in fact, more accountable because I think it is natural if you are a member of the executive branch of government, you are going to want to expand the authority of the executive branch. That is where you have got the most leverage, and that is where you have the most faith. And if you are a member of the legislative branch as I am, I wanted to expand the power we have here because I think it reflects the voice of the people; and that voice of the people should be prominent. And if you are a member of the judicial branch, I cannot image why human nature would not also apply there. And if you are a member of the judicial branch I would think you would want to lend the power and leverage that you have in the judicial branch.

I do not blame them for that. But I will ask the courts, please rein it in because if you do not rein it in, sooner or later this Congress will. We do have the authority to do so; and if we exercise that will, that sets up a conflict between us. And I would rather see that be resolved in a peaceful way, a willing way with the best interests of the American people than I would want to have to impose that upon the courts. In fact, I am a little apprehensive that we cannot find the will in this Congress until it becomes a crisis.

Speaking of a crisis, the filibuster and all of this thing. It is simply a document that happened to fall in our laps that the Founding Fathers stumbled across and stumbled into, and it happened to be a convenient thing that got us through the first 220 or so years of our existence?

Is it something that means what it says? Is it something that has a provision for amendment for a reason that we are to adhere to the Constitution, the letter of the Constitution and the intent of the Constitution and not deviate from some unless we are willing to step forwards and amend it? That is what our Founding Fathers intended, but it is not what we see happening here in the United States Supreme Court, and it is not what we see happening in the inferior courts that have been established by this Congress.

What do you believe that you can suspend the 14th amendment, the equal protection clause that is established in our Constitution, suspended equal protection so we could have a critical mass of diversity by the way, because that diversity, as indexed to skin color, had, in the minds of the court, academic value. And then the court, in its majority opinion, ruled that perhaps in 25 years, we can go back and we can redefine this matter of preferential treatment and affirmative action, revisit this subject matter and maybe, perhaps, this civilization, this culture, this American populace, will have moved forward into the new world far enough that we can then reestablish the 14th amendment equal protection clause, and maybe we do not need to have critical mass of diversity that we are going to declare to have academic value again.

Where does that come from, Justices? How do you believe that you can suspend the 14th amendment, for academic value on skin color and think we will be able to adhere back to our Constitution again? And if this Constitution does not mean what it says, if it can be suspended as simply myopic as this idea of critical mass of diversity, if that can happen, what meaning does the Constitution have anymore? Is it simply a document that happened to fall in our laps that the Founding Fathers stumbled across and stumbled into, and it happened to be a convenient thing that got us through the first 220 or so years of our existence?

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Or is it something that means what it says? Is it something that has a provision for amendment for a reason that we are to adhere to the Constitution, the letter of the Constitution and the intent of the Constitution and not deviate from some unless we are willing to step forwards and amend it? That is what our Founding Fathers intended, but it is not what we see happening here in the United States Supreme Court, and it is not what we see happening in the inferior courts that have been established by this Congress.

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