

need to step down” (Levesque). One could say that Greer utterly toes the Republican Party line—at least the one that existed before his party was hijacked by extremists.

In addition to Judge Greer, there is no basis for slapping the liberal-bashing label of “activist judge” on most of the nearly 50 judges who have been involved in the Schiavo case over the years. The majority of these judges, including Greer—who ran against an opponent critical of his handling of the Schiavo case—were elected by the people. Of the 37 Schiavo judges that were appointed, 19 were appointed by Republicans, and 18 by Democrats (Daily). Several of the judges on the Florida Supreme Court were appointed by Governor Jeb Bush, who has on many occasions railed against “the increasing power” of a judiciary that “should not come at the expense of institutions that have a more legitimate claim to govern our lives” (Whose). Yet the Florida Supreme Court unanimously rejected his hastily passed “Terri’s Law” as unconstitutional. The interference of far-right conservatives in both state and federal governments in the Schiavo case was specifically designed to subvert an independent judiciary’s interpretation of the Constitution and impose personal opinion and political agenda on the law. The same people who vociferously decry judicial activism were just as loudly imploring the courts to give them the very thing which they allegedly despise.

Despite such vocal hostility toward judicial activism, it is not necessarily a bad or dangerous concept. The first real outcry against activist judges and the labeling of a judge as such was in regards to United States Supreme Court Chief Justice Earl Warren. A Republican appointed by President Eisenhower, Warren proved to be quite the activist judge, causing Eisenhower to rue the day he nominated him. Warren’s ruling in *Brown vs. Board of Education* and his Herculean efforts to forge unanimity among all the justices in that case reflected his “opinion” that segregation was incompatible with American ideals. His critics stated that his judicial opinion in *Brown* lacked “constitutional analysis” and its “key finding does not appeal to precedent or to the history of the Fourteenth Amendment” (Cray). Warren believed, however, that “common sense, justice, and fairness” could not be limited strictly to the Constitution as written, but that the Constitution does, however, prohibit “the government from acting unfairly against the individual” (Cray). Like Judge Greer, Chief Justice Warren was branded with the scarlet “L” and dismissed as a reckless liberal, yet he believed he was acting in accordance with his Republican values.

In an increasingly rancorous political climate, it is important to reflect on this previous turbulence in American history and ask ourselves if we can afford to relinquish the independence of an entire branch of our government. According to Republican Senator John Cornyn, the Supreme Court should be “an enforcer of political decisions made by elected representatives of the people” (NY Times). If that were the case and our judiciary was powerless to enact its own decisions, such as those of the Warren Court, not only would our educational system still be segregated, but any one of us could be arrested at any time with no rights against a still dangerously unaccountable, un-professionalized police force; and without money for hefty legal fees, we would be forced to defend ourselves in court. While conservative legislators vehemently condemn what they call a judicial system run amok, the idea of a legislative and/or executive branch run amok is even more frightening. Though many judges are elected, the founding fathers created a system in which all federal judges receive lifetime positions through executive nomination and bipartisan legislative approval (NY Times). Their vision of a limited government with strong checks and balances to curtail the kind of oppressive government they had experienced in the past was their utmost goal, and should be remembered above all when politicians try to co-opt their intentions.