

One of the most important elements of fair government, supported by the majority of the governed, is justice. This is so basic that even small children protest when decisions or actions are "not fair." Revolutions often begin because of some very unfair action of governments: for example, when a policeman slapped a street vendor in Tunisia and arbitrarily seized his vegetable stand.

The vendor set himself on fire. The Tunisians had finally had enough of unfair police, corrupt officials, a dictator unwilling to step down, and the Arab Spring erupted, followed by similar revolts in Egypt.

The American Revolution against Britain in 1776 began with unfair new taxes without the representation that Englishmen had in their parliamentary system. The colonists considered themselves Englishmen, entitled to the same fair process. Taxation without representation became the catalyst that touched off a total revolt.

Until today, we Americans had prided ourselves on a just system of laws, based on our Founders' intelligence and an evolution that continually updated and transformed how justice was practiced.

Today, however, our justice system is under fire by legal experts, scholars, and citizens themselves. The current Supreme Court is suffering from criticism that we really have not seen since the terrible court, just before the Civil War, that ruled that runaway slaves must be returned to their southern owners. That was the last straw.

In a recent poll (July 26), two out of three people in the US favor term limits for justices. We should also address all federal judges with life tenure and place term limits on them too. Another terrible practice is the election of local judges, a system fraught with corruption.

Distaste for the Supreme Court has been building ever since conservative justices weighed in on the close 2,000 election between George W. Bush and Al Gore, selecting Bush, despite losing the popular vote. They relied on the Electoral College, an unjust relic of our country's founding, giving undemocratic heft to states with small populations.

Distaste has grown into outrage when the Conservative Court ruled that corporations should be treated like people (Citizens United) and also removed voting protections for Black voters, incredibly declaring that there was no longer prejudice in Southern states. Now, the last straw is the overturning of a 50-year precedent that protected women's autonomy over their own bodies.

This decision was largely the work of the now five conservative-majority Justices, three of them appointed by Donald Trump, and all of them guilty of lying to the Senate during their confirmation hearings. They lied that they would not touch Roe v Wade because it was long-standing law.

This issue has enraged a majority of Americans, liberal and conservative women, and men with daughters and granddaughters. When control over women's bodies was turned back to the states, we became once more, as in Abraham Lincoln's time, a nation divided, risking our survival as a single country.

The justices who decided this dreadful miscarriage of justice based their decision on "history," following both the "originalist" notion that laws must reflect the founders' notions and even going back to the 18th century in England, to the writings of a judge who believed that women were property and that witches must be burned. Justice Samuel Alito, who offered this strange reasoning, citing it as "historic" precedence, has become the butt of jokes by comedians and law authorities alike.

My next column will examine even more matters that require a revolution in jurisprudence: the first being that the practice of law today is inherently, intentionally and necessarily backward looking. It is one thing to value previous rulings, but another to ignore societal changes necessitating updating laws.

Thomas Jefferson, one of these revered "founders" of the Constitution, wrote that each generation should have the solemn opportunity to update the constitution every nineteen or twenty years, thus allowing it to be handed on with periodical repairs, from generation to generation, to the end of time.

The second issue is the unavailability of legal protections for the poorer among us, and even for middle class people.

It is time to listen to Jefferson and fix this.

684 words

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