

An Open Letter to
Chief Justice of the Iowa Supreme Court
Honorable Louis Lavorato
Iowa Supreme Court
Des Moines, IA

May 19, 2004

Dear Justice Lavorato,

In your recent public Proclamation on the fiftieth anniversary of the U. S. Supreme Court decision *Brown v. Board of Education (Brown)* you proclaimed that *Brown* "is a testament to the judicial system's ability to establish the rights guaranteed by the Constitution, and demonstrates the vital importance of an independent judiciary in protecting the liberties Americans cherish." Further, you proclaimed that "the spirit of *Brown* continues to inspire and guide Americans in their pursuit of justice." (<http://www.judicial.state.ia.us/news/pressrel/PROCLAMATION.asp>) With all due respect sir, I seriously dissent from this seemingly self-serving proclamation.

As former Asst. Secretary of the U. S. Treasury and former associate editor of the ***Wall Street Journal***, Dr. Paul Craig Roberts recently wrote, "Brown's true legacy is rule by judges, the destruction of equality before the law, the replacement of persuasion with coercion, the end of freedom of conscience, and the rise of insatiable racial grievances. Osama bin Laden, no doubt, is celebrating." <http://www.lewrockwell.com/roberts/roberts46.html>

Derrick Bell, a former NAACP Legal Defense Fund attorney, has written, "that Brown was based on unwarranted faith in integrationist ideals and has harmed black education."

Patrick J. Buchanan, twice a national candidate for the Republican Presidential nomination said, "The Warren Court crossed a historic divide. It had executed, in the name of the 14th Amendment, a coup d'etat. It had usurped power over state schools that had never been granted to federal courts either in law or the Constitution.....Now, having usurped a right to write its own ideology into the Constitution and to impose its writ on America, the Warren Court launched a social, cultural and moral revolution and began openly to dictate to what had been a self-governing people. Under this dictatorship, radically secularist and egalitarian, America's public schools were as de-Christianized as thoroughly as in the Soviet Union." http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=38524

As the *New York Times* headline on May 18, 1954 read: "A Sociological Decision: Court Founded Its Segregation Ruling On Hearts and Minds Rather Than Laws."

Even though Justice Warren (former California politician) wrenched Justice Robert H. Jackson's vote on *Brown* from him on his hospital bed, where he was weak from a recent non-fatal heart attack, Jackson had previously told his clerk John Fasset prior to the final decision, that the prevailing view among the majority of the jurists would institute the phenomenon of "kritarchy" - government by judges.

Your honor, the former President of the Iowa Judges Association and former District Associate Judge Cameron Arnold, of Spirit Lake, IA shared a similar view of the judiciary. He was weary of the power over many social issues that the courts had arrogated unto themselves and did what little he could when he could to stem it. Such power, again, originated with *Brown*. I strive to see other judges join and rule against this social revolution brought about by such kritarchy. (An unintended blessing that has come from *Brown* is that the increasing numbers of Christians and other concerned parents are abandoning their local public schools after seeing the moral and intellectual damage done to them by the courts after *Brown*.) A friend of mine in Tennessee said that in his state 51% of all school age children are now being taught in non-public schools. I haven't been able to confirm this. Regardless, the numbers are growing.

I would ask you to reconsider your views, study history further and strive to restore the balance of civil powers, under God's Holy laws, that our early founders once held so strongly to. God is long-suffering but His justice would be without merit if His mercy extended to such usurpations was inexhaustible.

Please reconsider your position on *Brown* as it has done tremendous harm to Christianity, to our social fabric, and to the education of black children.

Sincerely,

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