

THE BARRETT NOMINATION BLITZ

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[NOTE: This Blitz proposes four “Action Axioms” – principles of action needed to secure the Supreme Court nomination of Judge Amy Coney Barrett, with explanations and arguments supporting each Axiom included in the analysis.]

AXIOM #1: BARRETT, “BORKING,” AND THE CULTURE WAR

Action Axiom: We can advance the confirmation efforts of Judge Barrett most efficiently and effectively only if we adequately and accurately understand the “worldview model” and how to apply it to judicial nominations. Applications of the model to Barrett’s record thus far have strengthened the case for her confirmation.

1. INTRODUCTION: Amy Coney Barrett faces a grueling battle as she prepares to be questioned and voted on by the U. S. Senate and its Judiciary Committee. But she is not the first to undergo an unconscionable and unconstitutional attack from liberal/Humanist Senators, an attack laced with vitriol, misrepresentation, and, perhaps, even lies. In 1987, scholar and Judge Robert Bork nominated to the High Court by President Reagan, was vilified so severely and unjustifiably by Senators opposing him that a new word appeared in our language – “borking” a judge. As the first victim of this malevolent practice, Bork was highly qualified in subsequent years to write about the entire toxic environment in which his nomination rejection occurred – an environment known as the “Culture War,” or “War of the Worldviews” (i.e., Judeo-Christian worldview v. Humanistic worldview (cf., his books published in 1990, 1996, and 2003). He offers Judge Barrett and us as her supporters a wealth of information and insight to arm us for the borking that surely lies ahead.

2. THE CULTURE WAR: Bork’s superb descriptions of America’s Culture War makes it clear that a complex set of interrelationships between the courts, Constitution, and culture lie at the center of the Worldview War. It is therefore imperative that we fully understand and apply a “worldview model” which allows us to identify and weigh the validity of the positions held by judicial nominees, including Judge Barrett.

Bork launches us on the path of understanding worldviews with his word pictures of the War which ultimately defeated his nomination to the Court. He wrote in 2003 that the battle between these rival philosophies (the two worldviews) amounted to a “revolution or a war within the culture” – “a cultural revolution” (Robert Kimball, 2000). And “social or cultural issues are the area where constitutional courts (i.e., courts established under Article III of the Constitution) regularly attack the institutions and laws of ‘ordinary people.’” But the base of this civil war is identified by Peter Berger: “attitudes toward religion and the place of religion in society are a key determinant of who stands where in the [worldview] conflict” (1998). And what/who is the “liberals’ weapon of choice” in transmogrifying Judeo-Christian America into a humanistic society? The judiciary.

3. THE COURTS: Unable to win at the ballot box, America’s cultural/intellectual elites decades ago turned to the unelected federal courts, “The crusading and coercing roles of the Supreme Court and the federal judiciary, ...have been increasing in size almost exponentially in this century, ...aimed at “the wholesale reconstruction of American society” (Robert Nisbet, 1981; cf. also Bruce Ackerman, *Reconstructing American Law*, 1983, 1984; and James Davison Hunter, 1991, 2006).

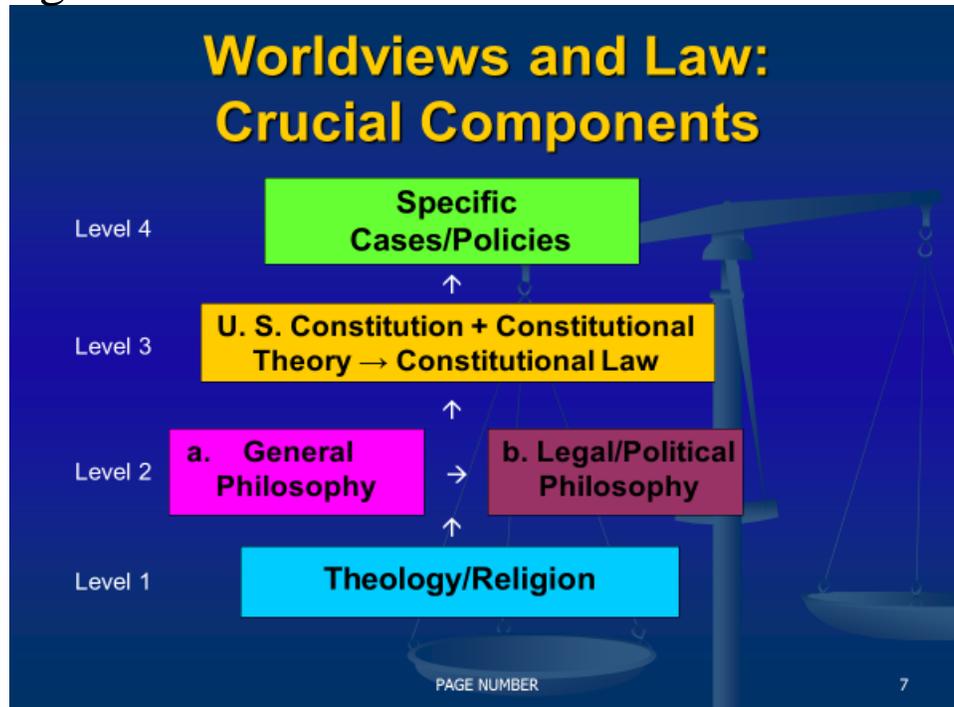
As proof of the judiciary’s usurpation of power to morph the Constitution into a weapon for bludgeoning the culture into a humanistic mold, I suggest the following landmark decisions of the Court in the most basic Culture War policy areas of American law and culture:

1. *Torcaso v. Watkins* (1961): scrubbed “God” away as a necessary ingredient in defining “religion” under the Constitution.

2. *Roe v. Wade* (1973): gave women a constitutional right to an abortion;
3. *Edwards v. Aguillard* (1987): invalidated the dual model of origins in public school teaching;
4. *Romer v. Evans* (1996): invalidated the Colorado state constitutional provision which prohibited the granting of special protections to homosexuals and bisexuals.

4. THE CHART: CRUCIAL COMPONENTS: A properly constructed and applied worldview model is essential in understanding and evaluating the data above and the positions of judicial nominees crucial to our law and culture. In order to deserve and win confirmation, Judge Barrett and the entire Judeo-Christian community must be capable of defining and defending her positions from the perspective of this chart, an effort which, as stated above, has benefitted her thus far.

Figure 1: The Worldview Chart: An Overview



Taken from “Blackstone’s Worldview Blitz,”
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Here is a simple and abbreviated, but accurate, explanation of how worldview analysis is applied to one burning issue in the War – abortion:

1. Level 4: Should *Roe v. Wade* be overturned? (allegedly an impermissible question in a nomination hearing).
2. Level 3: Does the Constitution’s “liberty guarantee” cover the right of a woman to take the life of her unborn child? (“Liberty” is not defined in the text.) Therefore:
3. Level 2.b.: Does American legal philosophy permit abortions? And:
4. Level 2.a.: Is the unborn child a “person” under the Constitution?
5. Level 1. Not applicable to vetting nominees because this component is outside the constitutionally permissible limits on vetting candidates.

Thus, Levels 3, 2b., and 2a., should be the focus of the nomination vetting process. “The basic problem of [contemporary American] Christians in regard to society and ... government, is that they have seen things in bits and pieces instated of totals. ... now, more than ever before, a presuppositional apologetic [i.e., worldview analysis] is imperative” (Francis Schaeffer, 1981). How to further meet this challenge and secure the Barret nomination is the focus of our upcoming articles.