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## Conservatives Split on Gingrich's Courts Plan

By Shannon Bream

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For nearly a decade, 2012 contender Newt Gingrich has been floating some controversial ideas aimed at reining in the federal judiciary. He's called that branch of government "grotesquely dictatorial" and elitist. Should he become president, Gingrich says he'll ignore Supreme Court decisions if they don't square with his interpretation of the Constitution or what he believes the country's founders intended.

Gingrich says federal judges should be called before Congress to explain their decisions, suggesting Sunday that he'd even approve of arresting them if they refused to show up. It's an issue raised Thursday in Fox News' GOP debate in Iowa, with Gingrich responding, "I would be prepared to take on the judiciary if, in fact, it did not restrict itself in what it was doing."

Former Pennsylvania Rep. Bob Walker, a Gingrich supporter, says the proposals are spot on.

"What he's suggesting is a very, very important change in the direction of how we deal with the courts acting more like legislatures than like courts," Walker said. He adds that it's time to "rebalance" the system. For Gingrich, in some cases, that would mean abolishing certain courts altogether.

There are plenty of critics taking aim at Gingrich, including those who say he's misread the Constitution and Federalist Papers. Roger Pilon, vice president of legal affairs for the CATO Institute, says Gingrich is challenging the very system established at our nation's origins.

"If you're going to attack it, you're really attacking the (Constitution's) framers," he said.

Others who agree with Gingrich that the federal judiciary has often overstepped its bounds say the solutions he's proposing are unworkable.

"What Newt Gingrich is proposing are feel-good measures that will not accomplish anything and that will ignite a firestorm," Ed Whelan, president of the Ethics and Public Policy Center, said. Whelan cites Gingrich's suggestion that more judges should face impeachment, noting two-thirds of the Senate would have to agree. "That is a fool's errand."

Some conservatives fear Gingrich may be trading one problem for another, in that courts are often the only tool they have to fight back against what they view as legislative overreach. They point to the current legal battle over the president's health care law, arguing that the inability to check the legislative branch would lead to what conservatives object to most: bigger federal government.

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