Lewis addresses critics who have vilified Lincoln for exploiting the Civil War to address slavery as an issue when the war was focused on the secession of the South. “However, more than just a few of Lincoln’s most vehement critics have questioned why the Founding Father are routinely vilified over their silence on slavery, while the sixteenth president is revered for exploiting the issue when the war actually had more to do with secession.” [Power Divided is Power Checked, Jason Lewis pg. 6]

Lewis states that he believes that Judges have illegally extended their constitutional powers into legislating over the states to address hot button issues. “…activist judges have stretched the constitutional limits of central power while simultaneously imposing their will on the states—and not just on the hot button issues of abortion or the death penalty…Yet this form of judicial supremacy was never supposed to occur.” [Power Divided is Power Checked, Jason Lewis pg. 10-11]

He compares federal interventions to prevent hate crimes to a case in Florida where the government stepped in to keep a patient from ending his own life.

“But federal hate crime laws are no more justified than the Schiavo intervention was. And they raise disturbing questions about freedom of expression by attempting to judge state of mind, and not just prove it…What many fear next is prohibiting the thought or expression itself.” [Power Divided is Power Checked, Jason Lewis pg. 33]

Lewis claims that when ethnicity is used as a factor in criminal punishment it creates room for the legal process to value one life over another.

“There is also the issue of equal justice when criminal punishment depends on the ethnicity or behavior of the victim, thus seeming to elevate the value of one life over another.” [Power Divided is Power Checked, Jason Lewis pg. 34]

He claims that after the Civil War judges have started to use the constitution for their own causes by complicating the language of certain amendments to fit their needs.

“Ratified after the South’s defeat, the Civil War Amendments were designed to constitutionalize the end of slavery in America. That laudable goal has regrettably grown to include the policy preferences of individual judges that have little to do with the plan language of a particular amendment. [Power Divided is Power Checked, Jason Lewis pg. 48]

Lewis uses these two court cases to exemplify the court overstepping the constitutional limits of power and altering the language used in cases.

“Say what you will about the Supreme Court’s decision in *Brown v. Board of Education of Topeka;* there was no doubt that forced segregation in schools was a classification based on race. But even here the Court could not leave well enough alone. In 1971’s *Swann v. Charlotte-Mecklenburg Schools* the justices decided that, contrary to the plain language of the Civil Rights Act of 1964, desegregation meant forced integration.” [Power Divided is Power Checked, Jason Lewis pg. 52]

This is the claim that since the Constitution does not directly address the issue of abortion that *Roe v. Wade* was a judicial overreach of power designed to restrict state rights.

“Perhaps the most controversial and well-known decision in judicial overreach involved the beginning of life, not the end. Prior to *Roe v. Wade*, a mother and a father who disagree on the fate of their unborn child would argue the case in state court…Originalists correctly assert that since the Constitution is silent on the issue of abortion (as it is with the death penalty and most matters of criminal law); the federal g government has neither the power to protect not proscribe it. *Roe*, by judicial fiat, ruled otherwise. “[Power Divided is Power Checked, Jason Lewis pg. 61]

Lewis disagrees that the issue of abortion is an issue of privacy.

“A prudent person might find a “reasonable expectation of privacy” in a number of circumstances, but it remains more than a little difficult to see how a right to abortion is among them.” [Power Divided is Power Checked, Jason Lewis pg. 63]

Lewis argues that for there to be true peace over social issues that the power to make decisions on them should be given back to the states.

“If Americans on the left and right truly wish to live and let live, then return the most troubling social issues to the states, and let the people once again choose the laws under which they live, provided they are applied equally.” [Power Divided is Power Checked, Jason Lewis pg. 65]

This is the argument that most forms of law are better created by the state to fit the beliefs of their constituents.

“That’s why regardless of one’s particular view of abortion, or any other social controversy, most matters of intrastate criminal law reside with the states and the common law.” [Power Divided is Power Checked, Jason Lewis pg. 67]

Lewis believes that the courts have started to legislate in modern times.

“In short, the modern courts have entered the realm of policy-making.” [Power Divided is Power Checked, Jason Lewis pg. 82]

Lewis compares the legal issues over tobacco to the arguments that are made over added sugar in food and the dismissal of these issues in courts.

“The tobacco lawsuits occurred not because of public demand. Far from it, outright prohibition would never pass most legislative bodies. No, the litigation lottery was driven solely by money and politics. Money for the lawyers and stepping stone for ambitious attorneys general, the only casualty was the law. Besides, there was very little evidence when taxes and fees were considered (which they were not) that smokers cost governments anything; the reverse is more likely… ‘The food industry,’ it said, ‘puts refined sugar in many products, making them more tasty; as a result some people eat too much (or eat the wrong things) and suffer health problems and early death. No one supposes, however, that sweet foods are defective products on this account; chocoholics can’t recover in tort from Godiva Chocolatier. If, as the Funds and Blues say, the difference is that Phillip Morris has committed civil wrongs while Godiva has not, then the way to establish this though tort suits, rather than through litigation in which the plaintiffs seek to strip their adversaries of all defenses.” [Power Divided is Power Checked, Jason Lewis pg. 84-86]