**Supreme Court**

**The current, John Roberts-led U. S. Supreme Court is actually less activist than any Supreme Court in the last 60 years, if activism is defined by a willingness to strike down laws. The Warren court (1953-69 invalidated laws in 7 percent of its cases; the Burger court (1969-86) in 9 percent; the Rehnquist court (1986-2005) in 6.4 percent; and the Roberts court (since 2005) in just 4 percent.** ***(The New York Times, as it appeared in The Week magazine, October 25, 2013)***

**“Preacher, do you believe in everlasting torment?” “Yes. Especially since the Supreme Court blocked term limits for Congress.” (Doug Marlette, Creators Syndicate)**

**When the Founders wrote That a "well-regulated militia" must have the right to bear arms, did they mean every citizen has the right to own an AR-15 capable of killing 50 schoolchildren in a minute ?Early in our history, Alexander Hamilton, Thomas Jefferson, and James Madison on fought bitterly over the meaning of the Constitution they helped draft and ratify. Madison, among other Framers, specifically said that future generations would need to adapt the Constitution's general principles to their own times, "In framing a system which we wish to last for the ages," Madison said, "we should not lose sight of the changes which ages will produce." You might call that an originalist's opinion. (William Falk, in The Week magazine)**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*Oliver Wendell Holmes is generally regarded as one of the most outstanding justices in the history of the U.S. Supreme Court. He was known as the Great Dissenter because he disagreed with the other judges so much. Holmes sat on the Supreme Court until he was 91. Two years later, President Roosevelt visited him and found him reading Plato. “Why?” FDR asked. “To improve my mind,” Holmes answered. *(Bits & Pieces)***

**On January 12, 1932, Oliver Wendell Holmes stepped down from the U.S. Supreme Court at age 90. *(The Daily Chronicle)***

**How far right will Supremes go this term? Supreme Court conservatives are embracing the kind of judicial activism conservatives once fought against, said Donald Ayer. As the 2021-22 term begins with abortion, gun rights, religious freedom, and other explosive issues on the docket, the court’s majority seems ready to “cast aside long-established precedents” to significantly reshape the law. Last term, its six Republican-appointed justices oversaw “a number of radical departures from precedent” on issues such as voting rights, union organizing, and religious exemptions from public health rules and discrimination laws. Recently, the court conspicuously “twiddled its thumbs” as Texas enacted an abortion law that deliberately flouts Roe v. Wade, suggesting a majority could overturn Roe altogether in an upcoming case on Mississippi’s law banning abortion after 15 weeks. When I was part of the Reagan administration’s Justice Department, we sought to correct the “judicial meddling” of the liberal Warren Court. But now court conservatives seem eager to throw out decades of settled precedent. No wonder that a recent poll found public approval of the court has plummeted to 40 percent. If justices consistently render decisions that one party wants, Americans will see them as partisans in robes – and they will be right. *(The Week magazine, October 15, 2021)***

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*Supreme Court: Legitimacy on trial: For years, Supreme Court Chief Justice John Roberts has been deeply worried about "preserving the court's legitimacy," said Ronald Brownstein in TheAtlantic.com. That makes the bitter partisan battle over Brett Kavanaugh's nomination Roberts' "worst nightmare." When hit with allegations of sexual misconduct, a visibly furious Kavanaugh accused Senate Democrats of "colluding to sink his nomination." As he railed about the Clintons and future political payback, he sounded like "a Republican operative in robes." If you look back, every conservative on the court has arrived "in a manner that lacks legitimacy," said Erwin Chemerinsky in Prospect.org. Clarence Thomas lied about sexually harassing female subordinates. John Roberts and Samuel Alito were appointed following the court's blatantly partisan intervention in the 2000 election on behalf of George W. Bush. Republicans confirmed Neil Gorsuch after refusing even to consider President Obama's pick, Merrick Garland. The court's conservative bloc was created through "Republican power plays."**

**The truth is that neither party wants "fair and impartial" justices, said Gerald Seib in The Wall Street Journal. Elena Kagan for example, worked in the policy shop of the Clinton White House, and the political background of other Democratic appointed justices was just as clearly liberal. Unfortunately, "our deeply polarized political system" can't resolve divisive issues such as gun rights, abortion, and same-sex marriage, "so it relies on the courts to do the job." Most of the time, that's not a problem, said Cass Sunstein in Bloomberg.com. While a few high-profile cases have been politically divisive, much of the court's important work interpreting the law and resolving disputes "never reaches the front pages." In those cases, justices are surprisingly like-minded. This past term, for example, Kagan and Roberts joined sides "no less than 80 percent of the time."**

**Nonetheless, "a legitimacy crisis" may be coming, said Amelia Thomson-DeVeaux in FiveThirtyEight.com. Polling suggests "the public has slowly become more disillusioned with the Supreme Court," with the Gallup recently finding that only 37 percent of Americans had a "great deal" or "quite a lot" of confidence in the court. The Kavanaugh battle is likely to bring that figure lower. In the past, when the court ruled on politically charged issues like segregation and suffrage, most Americans grudgingly accepted their rulings. In coming years, that may no longer be true. *(The Week magazine, October 12, 2018)***

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**The limits of originalism: Originalism is based on the premise that judges can and should overcome personal biases and reach "neutral" conclusions about what the Constitution and the laws say. Like the related legal philosophy called textualism, originalism instructs judges to discern the meaning of laws as they were written, rather than considering their broader purpose or real- world consequences. But when law professor Geoffrey Stone once polled colleagues to identify the 20 most significant Supreme Court cases between 2000 and 2013, he found that in every case, Justice Antonin Scalia took the conservative side. Invariably, Scalia voted in favor of corporations, the National Rifle Association, the teachings of his own Roman Catholic faith on abortion and homosexuality, and, in the 2000 Bush vs. Gore decision, a Republican presidential candidate. Liberal scholars argue that originalism is just a front for conservative views, and that it is not possible to discern without any personal bias the intended meaning and application of such ambiguous terms as "equal protection," "unreasonable," "probable cause," "due process," and "well regulated militia." To insist that only originalists properly interpret what the Founded intended, the liberal justice William Brennan said in 1985, is "arrogance cloaked as humility." *(The Week magazine, August 31, 2018)***

**Supreme Court justices confirmed before 1800 lived to an average age of 67 years old, while those confirmed between 1950 and 1974 lived to almost 82. *(The New York Times, as it appeared in The Week magazine, September 14, 2018)***

**Mitch McConnell’s longest-lasting legacy” will be enabling the fall of Roe v. Wade – first, by preventing Barack Obama in the final year of his presidency from replacing the late conservative Justice Antonin Scalia, and then, when liberal Justice Ruth Bader Ginsburg died with weeks left in Trump’s term, “shamelessly” racing to confirm Trump’s pick of Amy Coney Barrett. *(The Week magazine, March 15, 2024)***

**Four Supreme Court chief justices who never attended law school: Salmon P. Chase, John Marshall, Roger Taney, and John Jay. *(Rocky Mountain News)***

**U.S. Supreme Court justices are not required to have any legal training. That's somewhat hard to believe because those judges rule on some of the most complex legal questions in the nation. But nowhere in the Constitution does it say that Supreme Court justices have to be lawyers, or have any legal training. In fact, several justices in the court's history had never attended law school. And James Byrnes, on the court from 1941 to 1942, had little formal education and never attended college. (Charles Reichblum, in Knowledge in a Nutshell , p. 80)**

**Of the 114 Supreme Court justices in history, 111 have been white and 110 have been male. Every justice seated in the past 30 years received a law degree from Harvard, Columbia, or Yale. *(The New York Times, as it appeared in The Week magazine, October 26, 2018)***

**On September 25, 1957, nine black students entered Central High School in Little Rock, Arkansas, under heavy armed guard. It was the city's first school to be integrated after the Supreme Court ruled that school segregation was unconstitutional. *(The Daily Chronicle)***

**On November 13, 1956, the U.S. Supreme Court struck down the segregation of races on public buses less than a year after Rosa Parks was arrested for refusing to sit at the back of a bus. The Montgomery Bus Boycott, an early milestone for the Civil Rights Movement, ended a month later. *(The Daily Chronicle)***

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