

SCOTUS LINES UP BEHIND TRUMP'S DEFENSIVE STRATEGY

SCOTUS right-wingers are helping Trump. Why though?

OPEN THREAD: TRUMP V. ANDERSON BEFORE SCOTUS

Feel free to discuss today's Trump v. Anderson oral arguments here but bring all your off-topic discussion to this open thread.

SANDRA DAY

Sandra Day O'Connor has passed away. Don't let anyone spoof you, she was one of the nicest, brightest and best people you could ever hope to meet. Graciously is not enough of a word to describe her. She went from the smartest girl in the room at Stanford Law to not being able to get a job because they were all helmed by men. From the NYT and Greenhouse:

"During a crucial period in American law – when abortion, affirmative action, sex discrimination and voting rights were on the docket – she was the most powerful woman in the country.

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Very little could happen without Justice O'Connor's support when it came to the

polarizing issues on the court's docket, and the law regarding affirmative action, abortion, voting rights, religion, federalism, sex discrimination and other hot-button subjects was basically what Sandra Day O'Connor thought it should be.

That the middle ground she looked for tended to be the public's preferred place as well was no coincidence, given the close attention Justice O'Connor paid to current events and the public mood. "Rare indeed is the legal victory – in court or legislature – that is not a careful byproduct of an emerging social consensus," she wrote in "The Majesty of the Law: Reflections of a Supreme Court Justice," a collection of her essays published in 2003.

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The idea seemed so novel that Ronald Reagan's promise during his 1980 presidential campaign made front-page news. Only two years before that, a Broadway comedy, "First Monday in October," featured a conservative female Supreme Court justice, and the very idea was played for laughs. When life imitated art on July 7, 1981, Paramount moved up the release date of the movie version of the play by five months, releasing it in August. Ultimately, of course, it was Sandra O'Connor who had the last laugh.

Sandra Day O'Connor was one of the good people in life, as was her too early departed husband John. Print and visual media will tell you the obvious, good and bad. I'll tell you something different.

Long ago, one of her sons was kind of a friend. He lived in their house while she was mostly away in Washington. There was a raging party at said house, and there was a long line of girls at the main bathrooms. So I, ahem, went outside

by the side of the house. As one does.

After finishing business, I walked out toward the front. Where there was suddenly some kind of black car/limo. It was Sandra Day. She came home early. During the party!

I helped her with her luggage and then asked a freaking sitting member of SCOTUS, if there was anything else I could do?

The response was: 'Can you get me a beer'? So I could and did. Discussion with Sandra Day was incredible for the rest of the night.

Hard to describe how wonderful she was. Saw her occasionally at the local grocery store. Always a beautiful human. So, say what you will, she was better than that, she was.

THE SUPREME COURT HAS ALWAYS BEEN TERRIBLE

And it won't get better without confrontation.

THE MAJOR QUESTIONS METADOCTRINE AND THE SLAUGHTERHOUSE CASES

Ideological biases have always determined SCOTUS outcomes

CRUIKSHANK, GUN CONTROL, AND BAD RULINGS

Second rate people produce third-rate jurisprudence.

THE COLFAX MASSACRE AND US V. CRUIKSHANK

SCOTUS weights the lives of Black citizens against States Rights. Black citizens lose.

THE SLAUGHTERHOUSE CASES

The unnecessary cramping of the 14th Amendment.

THOMAS, ALITO AND CHRISTMAS COOKIES

You have heard about the private jet and yacht trips given to Clarence Thomas, the jet trips given to Samuel Alito, etc. The stories of this type of absolute impropriety are seemingly endless.

Senior Massachusetts District Judge Michael Ponsor has penned an op-ed in today's New York Times: in which he discusses the acceptable limits of what federal judges can take as gift. It is quite good and not very long, I'd suggest a read of it.

What has gone wrong with the Supreme Court's sense of smell?

I joined the federal bench in 1984, some years before any of the justices currently on the Supreme Court. Throughout my career, I have been bound and guided by a written code of conduct, backed by a committee of colleagues I can call on for advice. In fact, I checked with a member of that committee before writing this essay.

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The recent descriptions of the behavior of some of our justices and particularly their attempts to defend their conduct have not just raised my eyebrows; they've raised the whole top of my head. Lavish, no-cost vacations?

Hypertechnical arguments about how a free private airplane flight is a kind of facility? A justice's spouse prominently involved in advocating on issues before the court without the justice's recusal? Repeated omissions in mandatory financial disclosure statements brushed under the rug as inadvertent? A justice's taxpayer-financed staff reportedly helping to promote her books? Private school tuition for a justice's family member covered by a wealthy benefactor? Wow.

This is FAR beyond "the appearance of impropriety", it is actual impropriety. Any judge and/or lawyer with even an ounce of ethics knows this, and it is patently obvious. It is wrong.

Let me give you an analogy that demonstrates how

absurd Thomas and Alito really are.

Many, many years ago, a junior partner in our firm decided to be nice to the local county level judges we practiced in front of. So she got a bunch of boxes of Christmas cookies from a local custom cookie place and tried to deliver them to the pertinent judges for Christmas. They were just local superior court judges, not SCOTUS level. They turned them down, and there were a bunch of cookies suddenly in our kitchen and lounge.

There were a lot of attorneys, including me, both prosecution and defense, that used to drink at a local downtown dive bar after 5 pm. Judges, both federal and state, came in too. The lawyers always swapped rounds. But not the judges, they always paid for their own.

Nobody in the world would have carped about it if the judges would have eaten the cookies, nor had the judges gotten a free drink. They just did not. It was pretty admirable.

And now, when such things should be far more apparent, we have a Supreme Court that thinks they are entitled to the graft and grift. Do I think that makes them “corrupt” per se? I do not know that, we shall see how it all plays out further.

SCOTUS TAKEOVER CONTINUES

SCOTUS says you can’t govern yourselves through your elected representatives unless they approve of every element of the rules.