

FINAL DECISION: THE DIGNITY OF JUDGE KAREN WILLIAMS

Federal judges, whether liberal or conservative – from Reggie Walton on Libby to Vaughn Walker on al-Haramain and the consolidated wiretapping cases in NDCA to the Republican appointees finally giving Guantanamo detainees Habeas consideration to the Supreme Court Justices that were the only check whatsoever on the unitary power grab of the Bush/Cheney brigade – live and serve in mostly quiet and unappreciated dignity.

That is certainly the case with Fourth Circuit Judge Karen Williams:

Karen Williams of South Carolina, the first female chief judge on the U.S. Court of Appeals for the 4th Circuit, stepped down this week shortly after learning that she was in the early stages of Alzheimer's disease, according to her family. Alzheimer's, for which there is no cure, can cause mental deterioration and memory loss. Williams is 57 years old.

The 4th Circuit, an influential voice on national security issues, hears cases from Virginia, Maryland, West Virginia and the Carolinas. Earlier vacancies have whittled away its strong Republican majority, and the court now has five judges appointed by Republican presidents and five appointed by Democrats. Williams's departure creates a fifth vacancy, so the court could gain a 10 to 5 Democratic majority during Obama's term.

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Williams's eldest daughter, Marian Scalise, 39, said yesterday that her mother made a wrenching decision to leave a job she loves but did so

promptly after her diagnosis to make sure she retired before any of her opinions could be questioned.

"The court has always been in her life. She has always loved the court, and serving the citizens, and making sure her opinions were correct as far as the law is concerned," Scalise said. "It's so difficult for her to step away from that.

I had never heard of Judge Williams before tonight, and what seems to be her most famous decision, *Dickerson v. United States*, I take profound issue with. Heck, even the Rehnquist court, with Rehnquist himself writing the opinion, took issue with it and reversed Williams. That said, my hat is off to Judge Williams for making the call to retire quickly and completely. This is a terrible diagnosis the judge has received, the decision must have been brutal, but Williams appears to have not flinched and looks to have removed herself before she put decisions in serious jeopardy. And, yes, judges with lifetime tenure often do hang on when they have no business whatsoever being there.

Williams' sudden retirement does present an interesting situation in the Fourth Circuit though. With a five to five split, the five potential Obama appointments could produce a seismic shift on a critical Circuit Court of Appeals.

My bet is Republicans will fight Obama appointments to the 4th like holy hell even though Obama will go out of his way to appoint worthless moderate schlubs. Any takers?