

HOW COURTS CAME TO CONTROL OUR RIGHTS

We're trapped in the amber of the prejudices of what we hoped was the past.

ALITO VERSUS LAW AND SCIENCE

Alito is a partisan crank married to a partisan crank

ROE V. WADE

SCOTUS opinions are intended in part to persuade as well as to explain. Is Blackmun's opinion in Roe persuasive?

KING JOHN WOULD LIKE A WORD WITH JUSTICE ALITO

There's originalism, and then there's original originalism. Justice Alito, let me introduce you to John, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou.

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. Gracious 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.

...

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.