



FRIDAY, AUGUST 26, 2005

## Desire V Duty On Supreme Court

by Michael in New York on [8/26/2005 08:46:00 PM](#)

Linda Greenhouse of the NYT (who gets to cover the Supreme Court; I'm jealous) has a very good piece on Justice John Paul Stevens, who is unusually candid when he gives lectures.

[Stevens puts to the lie the far right claims that justices love to impose their will on rulings.](#)

One ruling that many people objected to from the last session was on the right of local gov't's to "take" private property. His personal preference was to see "free market forces" do their job, but Stevens saw no way to ignore the law. Many states and the federal government are passing laws to supersede that right and they should prevail in the long run.

The other ruling was on deciding the Federal gov't's right to enforce drug laws trumped California's medical marijuana laws. Whiel Stevens absolutely agreed with the desire of California to let ill people use marijuana to ease their pain, he knew the right of Congress to regulate commerce was too important to let personal feelings hold sway.

So two rulings, one that angered many (especially on the right) and one that angered many on the left. Stevens was sympathetic and even in agreement with the protestors on both issues, but placed the law ahead of his own desires. What better illustration of a good judge doing his duty could one ask for? Judicial activism my ass.

