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TUESDAY, JULY 05, 2005

More On The Looming Supreme Court Battles

by Michael in New York on [7/05/2005 04:30:00 PM](#)

The NYT shows the **dramatic changes for women in the judiciary** since O'Connor was named to the SCOTUS and then focuses in on **the Senate battle over what is "appropriate" to ask** and points out that questioning of Senators has only been around since the Fifties. Fair enough, but times change and now people feel they have a right to know that Supreme Court justices are within the broad mainstream of judicial thinking.

Senator Sessions of Alabama says you can't ask a nominee about Roe v. Wade because that's asking them to "prejudge" a specific matter. I've heard this before, but huh? Why is asking a judge their opinion on a ruling delivered more than THIRTY YEARS AGO akin to asking them to say how they'll vote on a case that might come before the court in the future?

The average citizen certainly has an opinion on court cases -- look at the uproar over the seizure of land for public use ruling that came towards the end of this term. It's hard to imagine an intelligent judge or lawyer who wouldn't also have an informed intelligent point to make about the ruling. (And any nominee who claims not to have ever expressed or even formed an opinion on Roe V Wade should be immediately rejected for either lying or being an idiot.)

And why must it be such an "ancient" ruling? Who interested in the law doesn't have an opinion about the Supreme Court's overturning of the Texas sodomy law and the implications of that judgment? Discussing past rulings doesn't in any way preclude a judge from viewing a case that comes before the court in the future with fresh eyes. But being incapable of discussing these landmark rulings with intelligence and sensitivity surely marks a nominee as either incompetent or so far out of the mainstream that they are afraid to voice their views in public.



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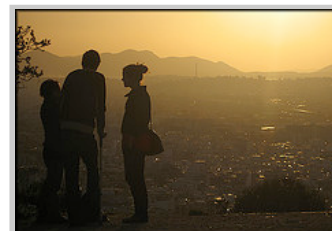
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