

Wonkette

Dear Justice Alito, Please Stop Whining

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Supreme Court Justice Samuel Alito gave a speech Thursday night to the Federalist Society's annual National Lawyers Convention, a chance for aggrieved rightwing lawyers to be aggrieved all together about the sorry state of Liberty. Spoiler: It's endangered, as always — *but not how you might think!* There was no concern for a peaceful transfer of power in a democratic nation — perhaps because we are a republic. Instead, Alito fulminated about the "previously unimaginable restrictions on religious liberty" resulting from the wide deference given state and local leaders to issue orders aimed at controlling the COVID-19 pandemic, fretted that such orders undermine the power of the legislative branch, and complained that responses to the pandemic were unduly worshipful of "experts." And of course he worried, as he did in his dissent to the *Obergefell v. Hodges* case that legalized marriage equality, that Teh Gayz had completely taken over America and stifled free speech for heteros.

This *Washington Post* piece has a nice rundown of Alito's many grievances, most of which involved the alleged persecution of conservatives like his rightwing colleagues who will now control the Court, and much of the federal judiciary, for decades to come. If you want video and a transcript of Alito's remarks, the full mess is at the libertarian organ *Reason*, with the added benefit of a Cato Institute dude hopping in to enumerate Alito's points, like so: "Fourteenth, he turned to the Freedom of Speech." Which is actually the onlienth point we'll be rolling our eyes at here.

Samuel Alito is worried that letting people marry whom they love has unleashed a veritable storm of oppression against people who think marriage is reserved for only one sort of people. He had warned at the time of *Obergefell* that the decision "will be used to vilify Americans who are unwilling to assent to the new orthodoxy," and now, after just five short years, here we are in a totalitarian hellscape where no one is allowed to speak in favor of p-in-v marriage anymore, except all over the internet, in churches, and in speeches by one of the nation's top judges to the Federalist Society.

He reminded us that once, long ago, George Carlin did a comedy bit called "The Seven Words You Can Never Say on Television," and noted, incidentally, that nowadays, "you can see shows on your TV screen in which the dialog appears at time to consist almost entirely of those words." (Sounds like he's seen that one excellent scene from "The Wire," then.) Oh, but in today's fallen world, Alito says,

Carlin's list seems like a quaint relic, but it would be easy to put together a new list called things you can't say if you're a student or professor at a college or university or an employee of many big corporations. And there wouldn't be just seven items on that list. 70 times seven would be closer to the mark. I won't go down the list, but I'll mention one that I've discussed in a published opinion. **You can't say that marriage is the union between one man and one woman. Until very recently, that's what the vast majority of Americans thought. Now it's considered bigotry.**

This is a somewhat peculiar claim to make before a nonprofit whose members mostly agree that marriage is the union of one man and one woman, and which for the last four years has served as a conveyor belt shipping like-minded people to lifetime appointments on the federal bench. In fact, Justice Alito is saying it right here on this very Zoom call!

But you see, even though people have the right to believe that, they dare not exercise their right to say it in all settings, because such bigotry is frowned upon by private employers, the general public, and so on. And by golly, that's simply not fair.

Alito harkened back to his prophetic words in his *Obergefell* dissent, pointing out he'd already seen where all this gay-marrying was headed:

I wrote the following: "I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers and schools." That is just what is coming to pass.

Why, in the old days, it used to be okay to publicly mock and abuse gay people, and fire them from all sorts of jobs because they were perverts and security risks and stuff, but nowadays, if you so much as say you think the Bible frowns on homosexuality, you'll be called a bigot, which is surely a violation of your free speech rights. In fact, if you're a public school teacher who loudly condemns sodomy in the classroom, you might find yourself out of a job. (Yr Wonkette, on the other hand, believes sodomy is best practiced in private.)

Fact check: It's perfectly legal to be a bigot. But you don't have an inalienable right to act on your bigotry by telling kids in a public school that they or their parents are violating God's laws, you just don't. And nobody is legally obliged to be *nice to you* for being a bigot, either.