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ORANGE PUNCH

A libertarian blog by Alan Bock, Brian Calle and Mark Landsbaum

Left-leaning Justice Stevens resigns but who will replace him?

April 9th, 2010, 2:56 pm · 5 Comments · posted by Brian Calle

Justice John Paul Stevens, thought of as one of the left-leaning members of the United States Supreme Court, Friday announced his retirement from the highest judicial body in the country. His farewell to the court is not a surprise and had been speculated about since late 2009 when he hired fewer clerks than he had historically, a move many took as a signal of his impending retirement.

Justice Stevens boasts an illustrious career in public service. President Richard Nixon appointed Justice Stevens to the United States Seventeenth Circuit Court of Appeals in 1970 and President Gerald Ford nominated him for the Supreme Court in 1975. His record of service is distinguished. To some it might seem surprising that it was two different Republican presidents who appointed Justice Stephens to his posts given his liberal opinions but many viewed him, at least at the time of the appointments, as a more conservative adjudicator. Time has demonstrated something different.

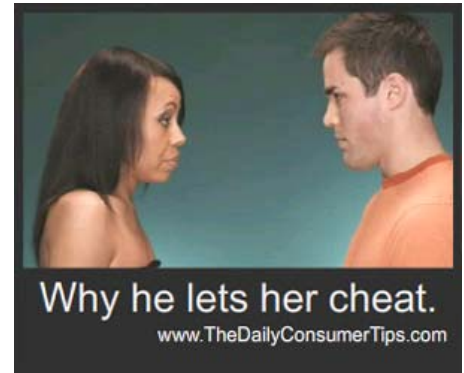
As Ilya Shapiro, a senior fellow in constitutional studies at the [Cato Institute](#) notes "Justice Stevens "grew" from his country-club Republican roots to becoming the Court's liberal lion" and his jurisprudential legacy is marred with an affinity for government action often at the expense of personal liberty. Justice Stevens, through a litany of his opinions, has been more content with judicial activism based on political convictions rather than following a strict constitutional approach on the Court.

In his majority opinion in *Kelo v. New London* Justice Stephens leveled a blow to property rights holding that government could assert eminent domain to transfer private property from one owner to another in the interest of economic development. He dissented in *D.C. v. Heller* a landmark Second Amendment case that protected private gun ownership in federal enclaves. And most recently he offered the Court's minority dissenting opinion on *Citizens United v. Federal Election Commission* which permitted direct corporate spending in elections.

Aside from reliving Justice Stevens' record on the court, his departure is also a sad reminder that the court is more political than the founders intended it to be. From the court-packing days of Franklin Delano Roosevelt to today, when Court Justices seem to retire when ideological bedfellows occupy the White House, the court is becoming more a political body rather than the last bastion for defense of the constitution. Although many of Justice Stevens' decisions have been questionable to the liberty-leaning critic, his replacement given the evident ideological thrust of the Obama Administration could be far more left leaning.

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About this blog

Orange Punch bloggers write from a particular libertarian point of view. We're dedicated to advancing human freedom and believe that the primary role of government is to defend Americans' liberties. We seek a smaller, more limited government, expanded and freer trade at home and abroad, open markets and secure property rights. We believe in the power and goodwill of the individual; that he or she will aspire to a better tomorrow for themselves, for their family and for the community. We would hope for people to exercise integrity and self-responsibility along the way. The bloggers are Alan Bock, Brian Calle and Mark Landsbaum. The genesis of this particular brand of libertarianism is R.C. Hoiles, founder, Freedom Communications, Inc., parent company of the Orange County Register.

Meet the bloggers



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Johnny Blaze, Ghost Rider says:

April 9, 2010 at 5:45 pm

John Paul Stevens was one of the best justices the SCOTUS has ever had. He cannot be replaced, and I can guarantee you whoever does replace him will not fight for the poor or middle class like JPS did.
The man is a hero.

[Post Reply](#)



Mark Alpert says:

April 10, 2010 at 7:26 pm

Blaze, its not the job of a supreme court justice to fight for the poor or the middle class. The job of a judge is to fight for the rule of law, regardless of who it favors in a particular case. Unfortunately, too many liberal judges share your views.

[Post Reply](#)



Johnny Blaze, Ghost Rider says:

April 11, 2010 at 9:29 pm

Blaze, its not the job of a supreme court justice to fight for the poor or the middle class
=====

Nor is it their job to fight for conservative, or christian, or gov causes, which is exactly what Roberts, Thomas and Aalto do on every case and decision. A perfect example of this was when Roberts et al intervened into a PENDING trial in the District Court over gay marriage challenges. That has not happened in over 50 years-but Roberst et al did it, instead of FOLLOWING THE LAW. So your notion that Roberts et al (or any other conservative :activist" judges) are following the rule of law and are not "activists" is misplaced.

Unfortunately the SCOTUS has 4 super conservative "activist" judges-with Roberts and Thomas leading the way.

I will stick with Stevens, who will fight for the rule of law that benefits 99% of Americans-which is the middle class and the poor-instead of Big Business, Gov and Big Money.

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Catfish says:

April 10, 2010 at 12:06 pm

Appointed by Gerald Ford because he was thought to be a "conservative adjudicator", proved to be completely wrong. John Paul Stevens was on side of big Gov't and was very much against personal freedom and liberty. His recent decisions really do reveal that he was not on the side freedom nor property owners:

- Alan Bock
- Brian Calle
- Mark Landsbaum

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1. Kelo vs. New London
 2. D.C. vs Heller
 3. Citizens United v. Federal Election Commission
- He has been a judicial activist with little regard to the original intent of the U.S. Constitution. I only hope that future Conservative President's will select Supreme Court Justices very carefully. It's easy to be a liberal but staying true to the Constitution is very difficult these days.

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Johnny Blaze, Ghost Rider says:

April 10, 2010 at 7:29 pm

Kelo vs. New London was, IMO, the worst decision of the SCOTUS in the last 50 years, possibly the last 100 years-a stunningly awful decision. But Stevens is not an "activist" just Cat, if anything today we have conservative "activist" judges like Roberts, Thomas and Aalto. The court was centrist in 1975 when Stevens was appointed, and Steven was in the middle, but over the last 25 years the courts has taken a hard wing to the extreme right-which makes Stevens look like a liberal when he is really a centrist. He was a great justice and he cannot be replaced. BTW-Kennedy joined Stevens in the Kelo case-and Kennedy from the conservative wing of the court.

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