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Tuesday round-up

Posted By [Anna Christensen](#) On July 27, 2010 @ 10:59 am In [Uncategorized](#) | [Comments Disabled](#)

Yesterday and today, a number of commentators responded to Adam Liptak's [weekend piece](#) ^[1] on the Roberts Court (which Erin covered in [yesterday's round-up](#) ^[2].) [ACSBlog](#) ^[3] recaps the piece, while Ed Whelan of the NRO's [Bench Memos](#) ^[4] blog criticizes Liptak's article, which he characterizes as "likely to mislead the reader." At [Cato @ Liberty](#) ^[5], Ilya Shapiro also analyzes Liptak's article – disputing, among other things, the assignment of a particular ideological value to judicial decisions.

At [CBS News](#) ^[6], Jeff Greenfield explores what would happen if a conservative Justice retired during the Obama Presidency. Because such a scenario could lead to a dramatic ideological shift on the Supreme Court, he predicts that some conservative commentators might argue "that the Congress should simply leave the position vacant until voters decide in 2012 who should be nominating justices." Mike Sacks, at his [First One @ One First](#) ^[7] blog, dismisses Greenfield's hypothetical as "a speculation too far."

Several publications also weigh in today on the Disclose Act, a response to the Court's recent *Citizens United* ruling on which the Senate is scheduled to vote soon. The editorial board of the [Washington Post](#) ^[8] urges Senators to pass the legislation if they "care about maintaining a transparent campaign finance system," while the editors of the [San Jose Mercury News](#) ^[9] also praise the bill. The [Los Angeles Times](#) ^[10] reports that President Obama also urged Senators yesterday to pass the Disclose Act.

At the [Wall Street Journal](#) ^[11], Chad Bray reports on the fall-out of the Court's recent decision in *Morrison v. National Australia Bank*, reporting that the media conglomerate Vivendi SA has recently argued that the ruling bars shareholders who bought Vivendi stock overseas from bringing fraud claims in the U.S. [Bloomberg](#) ^[12] also reports on the Vivendi case, as does [ABC News](#) ^[13].

Briefly:

- At his [Jost on Justice](#) ^[14] blog, Ken Jost notes that the GOP's stance on the Commerce Clause has "put Republicans in the contradictory position of begging [Elena] Kagan, if confirmed, to be a 'judicial activist'" on the issue.
- Richard W. Garnett speculates as to Kagan's possible stance on religious liberty in an opinion piece for the [USA Today](#) ^[15].
- The [Knoxville News Sentinel](#) ^[16]'s Kristi L. Nelson profiles activist George Lane, whose landmark disability-rights case, *Tennessee v. Lane*, was decided by the Court in 2004.

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URLs in this post:

[1] weekend piece: http://www.nytimes.com/2010/07/25/us/25roberts.html?_r=1

[2] yesterday's round-up: <http://www.scotusblog.com/2010/07/monday->

round-up-38/

- [3] ACSBlog: <http://www.acslaw.org/node/16560>
- [4] Bench Memos: <http://www.nationalreview.com/bench-memos/231397/nyt-supreme-court-coverage-under-liptak-most-conservative-decades/ed-whelan>
- [5] Cato @ Liberty: http://www.cato-at-liberty.org/2010/07/26/is-the-supreme-court-conservative/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+Cato-at-liberty+%28Cato+at+Liberty%29
- [6] CBS News: http://www.cbsnews.com/8301-503544_162-20011598-503544.html
- [7] First One @ One First: <http://f11f.wordpress.com/2010/07/26/a-speculation-too-far/>
- [8] Washington Post: <http://www.washingtonpost.com/wp-dyn/content/article/2010/07/26/AR2010072604862.html>
- [9] San Jose Mercury News: http://www.mercurynews.com/opinion/ci_15608108?nclick_check=1
- [10] Los Angeles Times: <http://www.latimes.com/news/nationworld/nation/la-na-obama-campaign-finance-20100727,0,1137072.story>
- [11] Wall Street Journal: <http://online.wsj.com/article/SB10001424052748704700404575391390368078382.html>
- [12] Bloomberg: <http://www.bloomberg.com/news/2010-07-26/vivendi-says-supreme-court-ruling-limits-billions-sought-in-u-s-lawsuit.html>
- [13] ABC News: <http://abcnews.go.com/Business/wireStory?id=11252616>
- [14] Jost on Justice: <http://jostonjustice.blogspot.com/2010/07/republicans-want-activist-kagan-on.html>
- [15] USA Today: http://www.usatoday.com/news/opinion/forum/2010-07-26-column26_ST_N.htm
- [16] Knoxville News Sentinel: <http://www.knoxnews.com/news/2010/jul/25/courtroom-plight-aids-others-disabilities/>

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