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Thursday round-up

Posted By [Anna Christensen](#) On August 5, 2010 @ 1:12 pm In [Uncategorized](#) | [Comments Disabled](#)

Yesterday's landmark gay-rights ruling in a federal district court in San Francisco was the primary news story of the day, with general coverage by (among others) the [New York Times](#) ^[1], the San Francisco Chronicle ([here](#) ^[2]), the [San Jose Mercury News](#) ^[3], and the [Los Angeles Times](#) ^[4], as well as Lyle Denniston of [this blog](#) ^[5].

Some coverage focused in more detail on the Court's past and potential future role in the case. At [Slate](#) ^[6], Dahlia Lithwick highlights Judge Walker's many references to landmark gay rights rulings authored by Justice Kennedy, including *Lawrence v. Texas* and *Romer v. Evans*, and she argues that "nobody can fairly accuse Judge [Vaughn] Walker of putting together an insubstantial or unsubstantiated opinion." At [First One @ One First](#) ^[7], Mike Sacks also covers the Judge Walker's reliance on Supreme Court precedent. At the [Volokh Conspiracy](#) ^[8], Orin Kerr explains why – contrary to arguments made by others, including Lithwick – the extensive factual record in the case will not "matter very much" if the case reaches the Court; Dave Hoffman makes a similar argument at [Concurring Opinions](#) ^[9].

The [WSJ Law Blog](#) ^[10]'s Ashby Jones explores the potential next steps in the case, concluding that the law is "quite possibly" bound for the Supreme Court in the very near future, a sentiment echoed by John Schwartz of the [New York Times](#) ^[11] and Ilya Shapiro at [Cato @ Liberty](#) ^[12].

A floor vote is expected today on Elena Kagan's confirmation to the Court, and the media and blogosphere are reporting that a vote in her favor is all but assured. James Oliphant reports on the proceedings at the [Los Angeles Times](#) ^[13], writing that the GOP is not expected to attempt to filibuster the confirmation, and [JURIST](#) ^[14] also reports on the Senate debate. Laura Litvan has coverage of yesterday's developments at [Bloomberg](#) ^[15], and at the [Associated Press](#) ^[16], Julie Hirschfeld Davis addresses the GOP's continuing opposition to Kagan's candidacy. Meanwhile, in an opinion piece at [Politico](#) ^[17], Doug Kendall and Jim Ryan discuss the apparent similarities between the approaches to constitutional interpretation endorsed by Elena Kagan and the Chief Justice. A second [Politico](#) ^[18] piece covers the opposition voiced yesterday by Senators McCain and Sessions to a Court dominated exclusively by graduates of Harvard and Yale.

At [U.S. News & World Report](#) ^[19], Mary Kate Cary opines that, with Kagan's anticipated confirmation, the presence of three women on the Court will significantly influence the way the Justices ask questions. The [New York Daily News](#) ^[20], meanwhile, reports that Justice Ruth Bader Ginsburg has called the possibility of three women on the Court "exhilarating."

The [Wall Street Journal](#) ^[21] has coverage of the upcoming military tribunal for Guantanamo detainee Omar Khadr, who was captured in Afghanistan at the age of fifteen. (On Monday, Lyle reported on Khadr's trial for [this blog](#) ^[22].) [JURIST](#) ^[23] also has coverage of the Khadr trial.

Briefly:

- The [AP](#) ^[24]'s Mark Sherman covers Justice Ginsburg's response to speculation that she might step down soon; in an interview on Tuesday with the AP, the seventy-seven-year-old Justice indicated that she hopes to match the late Justice Brandeis, who retired at the age of eighty-two.

- The [Pittsburgh Post-Gazette](#) ^[25] reports that Senator Arlen Specter has said he hopes to spur a floor vote on the issue of television cameras in the Supreme Court before he leaves the Senate in the coming months.
- At the NRO's [Bench Memos](#) ^[26] blog, Ed Whelan tallies up the anticipated votes against Kagan.

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- [1] New York Times: <http://www.nytimes.com/2010/08/05/us/05prop.html>
- [2] here: <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/08/04/MNQS1EOR3D.DTL>
- [3] San Jose Mercury News: http://www.mercurynews.com/bay-area-news/ci_15677141
- [4] Los Angeles Times: <http://www.latimes.com/news/local/la-me-gay-marriage-california-20100805,0,2696248.story>
- [5] this blog: <http://www.scotusblog.com/2010/08/same-sex-marriage-ban-nullified/>
- [6] Slate: <http://www.slate.com/id/2262766/?from=rss>
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