Supreme Court Needs at Least One Veteran

by Phyllis Schlafly April 2, 2010

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For as long as we can remember, the U.S. Supreme Court has included at least one military veteran. Recent examples include Republican-appointed Chief Justice William Rehnquist, who died in 2005, and Justice John Paul Stevens, who is expected to resign this year.

The Democrats have not placed a veteran on the Supreme Court in nearly half a century. When President Obama fills Stevens' seat, will the High Court be left without anyone who has military experience?

Veterans in the U.S. Senate should make sure that such an embarrassment does not occur. Cases concerning the military appear every year before the Supreme Court, and our nation will not be well-served by a Court lacking in military experience.

"Somebody was saying that there ought to be at least one person on the Court who had military experience," Stevens himself declared in a recent interview. "I sort of feel that it is important. I have to confess that."

Stevens is a liberal, but he loves our nation as veterans do. In 1989 in Texas v. Johnson, Stevens dissented when the Supreme Court by 5-to-4 okayed a so-called free-speech right to burn the American flag.

Stevens wrote: "The case has nothing to do with 'disagreeable ideas.' It involves disagreeable conduct that, in my opinion, diminishes the value of an important national asset."

Obama's disdain for the military is no secret, and the leading names on his short list for possible Supreme Court appointment are as anti-military as he is. The number of veterans in Congress has declined to about 21 percent, but that's enough for them to make a public demand that High Court diversity include a veteran.

Elena Kagan, who tops Obama's short list, banned military recruiters from the Harvard Law School campus where she was the Dean. She defied the Solomon Amendment, passed by Congress and signed by President Bill Clinton, which requires withholding federal funds from any schools that exclude the military from their campuses.

Kagan even signed a legal brief claiming that the Solomon Amendment was unconstitutional. The Supreme Court rejected that argument by an 8-to-0 vote.

Next on Obama's list of nominees is Diane Wood, perhaps better known as the "Ghost of Harry Blackmun." She had clerked for Justice Blackmun, and now sides with the abortion industry, as her mentor Blackmun did.

Blackmun wrote the Roe v. Wade decision that imposed abortion-on-demand, and Judge Wood has done as much as anyone to perpetuate and extend that mistake. She held, for example, that pro-life protesters of abortion clinics were liable under a racketeering law that was designed to combat mobsters. Fortunately, the Supreme Court reversed her 8-to-1.

Not only the women but the men on Obama's short list also lack military service. Cass Sunstein, a former law professor who is now Czar of the White House Office of Information and Regulatory Affairs, has such a twisted view of the First Amendment that he wants to regulate internet bloggers.

Sunstein is infamous for claiming that animals should have lawyers to represent them in Court. We wonder if he would want to exclude testimony, based on attorney-client privilege, about how a dog barked during a crime!

Sunstein wants "to ban hunting . . . if there isn't a purpose other than sport and fun." "It's time," he declared, to make it "against the law."

Next on the list is Harold Koh, the former Dean of Yale Law School, who is now the top attorney in Obama's State Department. Koh calls himself a "transnationalist," which means he wants to import and integrate all sorts of foreign laws into our domestic laws.

Obama could nominate any of the above to the Supreme Court or to another federal court. He recently nominated to the Ninth Circuit Court of Appeals Goodwin Liu, who thinks that illegal aliens are entitled to the same rights as American citizens, which would include driver's licenses and full government financial benefits.

Senators stood up against Obama's nomination of Craig Becker, refusing to confirm him for the National Labor Relations Board. Becker has been an attorney for the powerful SEIU union of government workers, and is known for wanting to implement the so-called "Card Check" regulation so that unions can intimidate workers by depriving them of the secret ballot.

Senators blocked Becker's confirmation and even sent Obama a letter warning him not to give Becker a recess appointment. Obama ignored the Senate and installed Becker as soon as the Senate adjourned for Easter.

Obama thumbed his nose at the Senate, but the Senate should not allow him to thumb his nose at our armed services by replacing the last decorated veteran on the

Supreme Court with a non-veteran. The men and women who risk their lives for our nation's security deserve better.