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The Court's One-Two Punch

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Dwight Eisenhower reportedly admitted that he made two big mistakes as President: his two appointments to the Supreme Court, Earl Warren and William Brennan. One day it might be said that George W. Bush got two things right as President: his two appointments to the Supreme Court, John Roberts and Sam Alito.

Last week, the one-two punch of Roberts and Alito scored points, and two more big cases loom on the horizon. By the end of June, Roberts and Alito could deliver knock-out punches to liberal foolishness on key issues ranging from affirmative action to non-English education.

In the first of these cases last week, the Supreme Court reviewed a Ninth Circuit decision that had ruled in favor of "checkoffs" for public employees to contribute to political activities. Idaho law prohibited government employers such as cities and school districts from facilitating political contributions through employee "checkoffs," which automatically funnel a portion of taxpayer-funded salaries to leftist causes.

Much is at stake if public schools are allowed to enhance the political power of unions by facilitating, at taxpayer expense, contributions to political activities. The American people do not want a partisan government to be diverting even more money into liberal candidates' campaign coffers.

Chief Justice Roberts persuasively wrote in favor of Idaho's ban on government-facilitated politicking and, joined by four other Justices, reversed the Ninth Circuit in Ysursa v. Pocatello Education Association. Only three Justices dissented.

Roberts held that "Idaho's law does not restrict political speech, but rather declines to promote that speech by allowing public employee checkoffs for political activities. Such a decision is reasonable in light of the State's interest in avoiding the appearance that carrying out the public's business is tainted by partisan political activity."

This marvelous opinion limits abusive campaign fundraising by public unions and reflects how Roberts has "grown" to begin to realize his potential. In his first few years he seemed more intent on diluting his opinions to appease the liberal wing of the Court, but now Roberts is writing forceful opinions based on legal principles, regardless of whether all agree.

The next day Justice Sam Alito, President George W. Bush's appointee, rendered another splendid decision. Recall that liberals tried to filibuster the confirmation of

Sam Alito, setting an example for Republicans to follow if President Barack Obama nominates a Justice out of touch with the American people.

Last week Justice Alito attracted the support of all Justices except one in affirming the power of a public park to refuse to display a non-traditional religious symbol even though it does display a traditional one such as the Ten Commandments. Under Justice Alito's leadership in Pleasant Grove City v. Summum, the Court thereby reversed the Court of Appeals for the Tenth Circuit, which had ruled that the park must display an obscure non-Christian monument because the park also displays the Ten Commandments.

With an overwhelming Court majority, Justice Alito put an end to the suggestion that if government displays one religious symbol, then it must display all donated religious symbols, no matter how unusual. Justice Alito's opinion allowing parks to display some monuments while rejecting others was joined by every member of the Court except Justice David Souter.

Meanwhile, two even bigger cases are heating up and will result in huge decisions before the Court adjourns in June. One case involves affirmative action, while the other concerns harmful education policies enforced by judicial supremacy.

In Ricci v. DeStefano, white firefighters were passed over for promotion due to the use of affirmative action by the city of New Haven. The white firefighters had scored higher on the qualifying exam, but New Haven decided instead to meet racial goals rather than promote based on merit.

With our new President and the endless publicity about how significant his election was, it seems extremely anachronistic for government to be still clinging to outdated racial quotas in hiring and promotion. It is indeed time for "change" in how courts have ruled in favor of racial preferences rather than merit in the workplace.

The final knockout this spring of outdated liberal notions could come in Horne v. Flores, where the Ninth Circuit held that despite more than 15 years of litigation the Arizona legislature must submit to a federal court demanding more money for non-English education, sometimes called "bilingual education." Never mind that Arizonans voted overwhelmingly against this type of harmful program, which hurts the students who never learn English and which balkanizes and divides our Nation by language.

The federal district court had engaged in judicial supremacy by holding Arizona in civil contempt and slapping Arizona with more than $20 million in civil fines for not doing what the court wanted. But the U.S. Supreme Court, led by Roberts and Alito, will soon have the opportunity to bring real "change" to this judicial activism.