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7-19-2019

### July 19, 2019: Justice Stevens R.I.P.

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Title: Justice Stevens R.I.P.

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7/19/2019—There are a lot of aspects to Justice Stevens legacy. Maybe most revealing of the rule of law is the Scalia/Stevens opinion in Hamdi. Nothing of Obama judges and Trump judges there. That opinion is to me the high point of the career of Justice Stevens. The doctrinal low point was this line from the opinion for a unanimous Court in Jones v. Clinton, the decision that allowed the Paula Jones litigation to go forward and led ultimately to Clinton's impeachment: "The litigation of questions that relate entirely to the unofficial conduct of the individual who happens to be the President poses no perceptible risk of misallocation of either judicial power or executive power." That was stupid because cases like Paula Jones only go forward and are only financed because someone is President. They are brought by political enemies. To me, the real low point, however, was Justice Stevens' concurrence in Thornburgh in 1986, which struck down parts of Pennsylvania's abortion regulations. There, Justice Stevens called the view that a fetus is a person "a religious view," as if no one could think so except for religious reasons. He was probably the most anti-religious Justice in the history of the Supreme Court.