

THE REPORTER

Volume 16, Number 3

October 2006

Valparaiso University School of Law Library

FIRST MONDAY

October 2, 2006

Celebrating the Beginning of a New Term of the United States Supreme Court

by Maribel Nash

The Supreme Court (sometimes referred to by the abbreviations SCOTUS or USSC) begins its yearlong term, by statute, on the first Monday in October.

On First Monday, attorneys admitted to the Bar of the Supreme Court of the United States are sworn in, and the order list regarding certiorari petitions is released. Once the list is released, you can find it online at the official Supreme Court website (www.supremecourtus.gov) along with a complete schedule of oral arguments and an automated docket system.

Valpo Law has had many connections with the U.S. Supreme Court. In recent years, we've hosted a number of Supreme Court justices here on campus and at summer sessions abroad in Cambridge, England. Our visiting justices have included former chief justice William Rehnquist, former justice Sandra Day O'Connor, and justices Antonin Scalia, Ruth Bader Ginsburg, and Clarence Thomas. When Professor Probst was a law student, he attended a Con Law class taught by Justice Thomas (imagine how intimidating that must have been). Chief Justice John Roberts has roots here in Northern Indiana: He attended prep school at La Lumiere School in La Porte, just thirty miles away. Having



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The Reporter is published by
the Valparaiso University
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Style Editor and Designer:
Susan Waldschmidt

had these judicial luminaries in our midst makes it especially interesting to consider their place in the history of the Court. Over one hundred people have served on the Court since its first session in 1790.

Through the years, various studies and articles have presented lists of great justices of the past. Although the lists vary, some names appear repeatedly as Supreme Court all-stars: John Marshall, Joseph Story, Oliver Wendell Holmes, Jr., Benjamin Cardozo, Louis Brandeis, Roger B. Taney, John Marshall Harlan, Charles Evans Hughes, Hugo Black, Felix Frankfurter, Earl Warren, William O. Douglas, and William Brennan, Jr. One wonders which recent and current justices may be added when the next list of Supreme Court "greats" is compiled.

Now, it's time for Part Two of

Better Know a Justice

Match the quotes from Supreme Court opinions
with the sitting justices who authored them:

John Paul Stevens
Antonin Scalia
Anthony Kennedy

David Souter
Clarence Thomas
Ruth Bader Ginsburg

Stephen Breyer
John Roberts
Samuel Alito

A "[T]he Court's conclusion that a constitutionally adequate recount is impractical is a prophecy the Court's own judgment will not allow to be tested. Such an untested prophecy should not decide the Presidency of the United States." — *Bush v. Gore*, 531 U.S. 98, 143 (2000) (dissenting).

B "The petitioners are entitled to respect for their private lives. The State cannot demean their existence or control their destiny by making their private sexual conduct a crime." — *Lawrence v. Texas*, 539 U.S. 558, 578 (2003).

C "I prefer to rely upon the judgment of the wise men who constructed our system, and of the people who approved it, and of two centuries of history that have shown it to be sound." — *Morrison v. Olson*, 487 U.S. 654, 733 (1998).

D "A military recruiter's mere presence on campus does not violate a law school's right to associate, regardless of how repugnant the law school considers the recruiter's message." — *Solomon v. Forum for Academic & Institutional Rights, Inc.*, 126 S. Ct. 1297, 1313 (2006).

E "In my mind, government-sponsored racial discrimination based on benign prejudice is just as noxious as discrimination inspired by malicious prejudice. In each instance, it is racial discrimination, plain and simple." — *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 241 (1995) (concurring).

F "Since the co-tenant wishing to open the door to a third party has no recognized authority in law or social practice to prevail over a present and objecting co-tenant, his disputed invitation, without more, gives a police officer no better claim to reasonableness in entering than the officer would have in the absence of any consent at all." — *Georgia v. Randolph*, 126 S. Ct. 1515, 1523 (2006).

G "Common Article 3 obviously tolerates a great degree of flexibility in trying individuals captured during armed conflict; its requirements are general ones, crafted to accommodate a wide variety of legal systems. But requirements they are nonetheless." — *Hamdan v. Rumsfeld*, 126 S. Ct. 2749, 2798 (2006).

H "The point is that, by evaluating the strength of only one party's evidence, no logical conclusion can be reached regarding the strength of contrary evidence offered by the other side to rebut or cast doubt." — *Holmes v. South Carolina*, 126 S. Ct. 1727, 1729 (2006).

I "To restrict radically the legislature's power in this respect, as the majority interprets the Sixth Amendment to do, prevents the legislature from seeking sentencing systems that are consistent with, and indeed may help to advance, the Constitution's greater fairness goals." — *Blakely v. Washington*, 542 U.S. 296, 345 (2004) (dissenting).