

America's "Aristocratic Branch": Supreme Court Justices Represent Privilege Exclusively

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Obama's Supreme Court nominee Merrick Garland is a well-known Washington establishment figure - currently US Court of Appeals for the District of Columbia Circuit chief judge.

He's a 1974 Harvard summa cum laude/Phi Beta Kappa, class valedictorian graduate, former president of its Board of Overseers, a Harvard Law School 1977 magna cum laude graduate, its Harvard Law Review articles editor.



All High Court members, including the recently deceased Antonin Scalia, attended Harvard or Yale law schools. If Garland's nomination is approved, tradition will remain unchanged.

Ruth Bader Ginsburg graduated from Columbia Law School after transferring from Harvard.

Garland clerked for US Court of Appeals for the Second Circuit Judge Henry Friendly, later for Supreme Court Justice William J. Brennan, Jr.

He's a former federal prosecutor and private law firm Arnold & Porter corporate litigation partner. Earlier he taught antitrust law at Harvard Law School.

On March 16, Obama nominated him to fill the vacancy left by Scalia's death. He represents privilege, not populism. In *Odah v. United States* (2003), he ruled against federal courts hearing challenges from Guantanamo prisoners - reversed by the Supreme Court in *Rasul v. Bush* (2004).

Since the High Court's 1789 founding, its rulings show allegiance to power, not "we the

people.”

Privilege alone matters. The prevailing fiction about America’s founders establishing an egalitarian system representing all citizens equitably is polar opposite reality.

The nation was always ruled by men (more recently including women), not laws. They lie, connive, misinterpret laws, and pretty much do what they please for their own self-interest and powerful constituents.

Democracy is pure fantasy. So is liberal governance in all three federal branches. A chief executive serves as a virtual dictator in times of war.

One senator can negate the will of the majority. Congressional committees are run by power brokers. Money controlled lobbyists wield enormous influence.

America is a one-party state with two wings, each in lockstep on issues mattering most – notably war and peace, corporate empowerment and cracking down hard on resisters.

The Constitution’s Article I, Section 8 stating “(t)he Congress shall have power to...provide for (the) general welfare of the United States” – the so-called welfare clause applicable to the Executive and High Court belies reality.



America's sordid history includes endless wars, police state laws, streets turned into battlegrounds, cops licensed to kill with impunity, unchecked political and corporate corruption, racketeering labor officials, and neglected social needs.

In his important book, titled "[Democracy for the Few](#)," Michael Parenti called the Supreme Court America's "aristocratic branch."

Its members are appointed for life with enormous power, serving privilege, not "we the people," nearly always siding with wealth and power interests.

Even during the Franklin Roosevelt New Deal era, "the Supreme Court was the activist bastion of laissez-faire capitalism," Parenti explained.

High Courts notably "oppose restrictions on capitalist power...support(ing) restrictions on the civil liberties of persons who agitated against that power."

Justice in America is a four-letter word. High Courts earlier and now "treated the allegedly pernicious quality of a radical idea as evidence of its lethal efficacy and as justification for its suppression."

"(T)he threat of revolution in the United States has never been as real or harmful as the measures taken to 'protect' us from revolutionary ideas..."

America's courts, especially its highest, serve as guardians of power, continuity of a system serving privilege exclusively.

The Warren Court (1953 - 1969) was the exception proving the rule. Its distinguished members included William J. Brennan, Jr., William O. Douglas, Felix Frankfurter and Thurgood Marshall for a short period.

For the first time ever, justices ruled "repeatedly on behalf of the less affluent," Parenti explained, including the landmark 1954 *Brown v. Board of Education* decision, ruling "separate educational facilities inherently unequal" - years before Marshall joined the High Court.

Post-Warren courts for nearly half a century have been notably right-wing, today more than ever. High Court injustice prevails, people rights and needs consistently spurned, privilege exclusively served.

Garland represents business as usual. No modern-day William Brennans or Thurgood Marshalls are considered for High Court appointments. America's privileged class demands its own.

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