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The Five Horsemen of the Apocalypse¹

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During the “Lochner Era,” which extended from the 1890s through the Great Depression, a bloc of fiercely conservative Supreme Court Justices plagued the administrations of Teddy Roosevelt, Woodrow Wilson, and Franklin Delano Roosevelt by repeatedly striking down progressive legislation. Labeled the “Four Horsemen of the Apocalypse,” they invalidated minimum wage laws, laws restricting the number of hours employees could work, and child labor laws, as well as regulations of banking, insurance and transportation industries.

In his confirmation hearing, Chief Justice Roberts criticized *Lochner v. New York*, the case that gave its name to that era, by saying of his forefathers, “it's quite clear that they're not interpreting the law, they're making the law.” Of course, that is exactly what he went ahead and did, presiding over the decisions in *Citizens United* and *Shelby County*, striking down long-standing precedents in acts of blatant judicial activism.

Today, there are Five Horsemen, led by Chief Justice Roberts. While he is no less conservative than he was when appointed, he's now labeled a “swing vote” only because Clarence Thomas, Sam Alito, Brett (“What Goes Around Comes Around”) Kavanaugh, and Neil “Stolen Seat” Gorsuch are all to the right of Attila the Hun.

If our lost opportunity to reshape the Court after the 2016 election makes you gnash your teeth, just reflect upon whether we can prevent an apocalypse if Trump is reelected and there are not Five, but Seven, Horsemen.

¹ *The Delray Democrat*, August 2019, p. 6.