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The Supreme Court Gets Ready to Pile on “the Stench”¹

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At oral argument in the Mississippi abortion case, Justice Sotomayor asked whether the Supreme Court could “survive the stench” of being considered a political institution. It’s a fair question.

Given the overwhelming stench of two stolen Supreme Court seats and the stolen election of 2000, and given the stench of the overtly political decision in *Shelby County v. Holder* that gutted the heart of the Voting Rights Act, one is tempted to respond with a different question: “What’s a little additional stench?” But perhaps this will be the decision that finally causes America’s collective gorge to rise.

That was clearly on the mind of Chief Justice Roberts, the most political of the Justices. Messrs. Alito, Thomas, and Gorsuch would overrule *Roe* because they are zealots and judicial activists with no respect for long-standing precedent. Roberts is a judicial activist but not a zealot. He understands the political consequences of overruling *Roe*, so he is pushing to merely hobble it.

However this plays out, we must ensure that Republicans pay the price in next year’s midterms.

¹ [The Delray Democrat](#), December 2021, page 4.