



# Elena Kagan: Would she turn Supreme Court into We the People?

Elena Kagan, if confirmed as the next Supreme Court justice, would shift the balance dramatically - with three women and a Jewish-Catholic bloc. So would the high court look like We the People?

(Page 4 of 6)



Like You and 57 others like this. 57 people like this. Admin Page Error Unlike

But while NAPABA has taken no stand on whether diversity's value is aesthetic or experiential, Billy Chan, the Asian-American Bar Association president, has sided with Sotomayor's now-disavowed speech. "[Liu] brings more than his superior qualifications as a lawyer and a teacher. He brings his perspective as a person of color raised and working in the United States," wrote Mr. Chan in an April letter to the editor in the San Francisco Chronicle.



This article is the cover story of the June 28 issue of The Christian Science Monitor weekly magazine.

Enlarge



Graphic Chart: Majority of Supreme Court justices hail from east of the Mississippi

He chided conservatives for assuming "judges can magically remove themselves from life experience and make decisions purely on the facts and the law ... [they] are affected by their background and life experience as well as their intellectual analysis, and it is unrealistic to pretend otherwise."

But upon this sentiment, Dinh, Chan's fellow Asian-American, disagrees. "Justice O'Connor loved saying that a wise old woman thinks the same as a wise old man," says Dinh, voicing the very sentiment Sotomayor contested in her 2001 speech. "I think it is a profound mistake to assume that a person will think a certain way or approach the law from a certain perspective because of their backgrounds, be it race, gender, religion, or even political affiliation."

...

In the beginning, long before religion, race, and Roe v. Wade, there was geography. Starting with George Washington's first batch of Supreme Court justices, "the

## More USA



About these ads



## Most viewed

1. Glenn Beck's 'demagoguery' threatening Republican party, says veteran GOP lawmaker
2. Oakland riots produce multiple arrests and damage following fatal shooting verdict
3. Blog: Solar eclipse: Only the rich will be able to view this one
4. Blog: Octopus Paul has thunder stolen by Mani the Parakeet
5. Vuvuzela fatwa: United Arab Emirates bans the loud plastic horns
6. Top Kill 2: BP aims to turn off Gulf oil spill spigot soon
7. Were deported Russian spies as incompetent as they seemed?
8. Arizona immigration lawsuit: Obama sails into a political storm
9. Six lessons from the BP oil spill
10. Anna Chapman deported to Russia, British tabloids will miss her

### Related Stories

[Elena Kagan: former solicitors general back Supreme Court nominee](#)

[Supreme Court confirmations, as Elena Kagan saw them](#)

[Obama cites 'temperament' of Kagan, Supreme Court nominee](#)

[Opinion: Elena Kagan: Would she embody empathy as a Supreme Court justice?](#)

need for geographic diversity was a matter of practicality," says David Yalof, author of the book "Pursuit of Justices: Presidential Politics and the Selection of Supreme Court Nominees." Until Congress created the courts of appeal in 1891, the justices "rode circuit," traveling to their home regions to hear appeals arising out of federal courts.

And geography played a role in President Lincoln's appointment of Justice Stephen J. Field, who came to the court to represent the country's newly admitted

Pacific Coast states. His formative experiences in California's unregulated gold rush boomtowns led him to become the architect of the Supreme Court's turn-of-the-century laissez-faire, pro-property rights jurisprudence.

Political loyalty also mattered to the early presidents. Chief Justice John Marshall's Federalist Party affiliation animated perhaps the most important case in Supreme Court history: 1803's Marbury v. Madison. President Adams appointed Marshall in 1801 so as to entrench the Federalists' political philosophy in a national government about to be taken over by their ideological antagonists, Jefferson and his Democratic-Republican Party. By establishing judicial review – or the court's power to strike down an act of Congress – Marshall's Marbury opinion sent a warning to the Jefferson administration and Congressional allies to tread lightly in setting national policy that may be at odds with the Federalists on the court.

Loyalty and geography governed even the nomination of the court's first Catholic, Roger B. Taney. "There is no evidence that [President] Jackson meant to appeal to a Catholic constituency [with Taney]," Mr. Yalof notes.

## SUPREME FACTS

Of **111** justices since 1789:

- \* **53** was the average age at appointment
- \* **36** served in the military
- \* **11** had no children
- \* **6** never married
- \* **4** were divorced
- \* **3** did not have a private law practice
- \* **39** were not judges before appointment
- \* **39** were Episcopalian
- \* **18** attended and 14 graduated from Harvard Law School

### Photos of the day

07.09.10 >



### In Pictures



Space photos of the day 07/09

### Inside CSMonitor.com:



**PTSD: New regs will make it easier for war vets to get help**

As many as 300,000 war vets from Iraq and Afghanistan have experienced post-traumatic stress disorder. Now, the process for getting treatment and compensation for PTSD is being streamlined.

**Put off by the LeBron James spectacle? Here's a redeeming virtue.**

**LeBron James and his superteam: Player collusion or OK?**

**Australia plan to divert asylum seekers gets cool reception**

Global News Blog

**PLA 'Beat It' video: Is being cheeky about China's military risky business?**

About these ads

**FREE Daily Digest E-mail**

CSMonitor.com top stories, cartoons and photos

- \* **26** were from judicial families
- \* **41** had fathers who held public office
- \* **39** grew up in urban or small-city settings
- \* **40** grew up on family farms, family plantations, or rural settings
- \* **31** grew up in small towns

Follow us on [Twitter](#) and [Facebook](#).



Like You and 57 others like this. 57 people like this. · Admin Page · Error Unlike

[Click here to receive the next full month of the Daily News Briefing – a new news service from The Christian Science Monitor – ABSOLUTELY FREE!](#)



[See sample](#) | [Privacy Policy](#)

[Sign up!](#)

What happens when ordinary people decide to pay it forward? Extraordinary change. See how *individuals are making a difference...*



Srikumar Rao speaks to a gathering of former students at the Glen Cove (N.Y.) Mansion on Long Island. They all took his 'Creativity and Personal Mastery' course.

**A business course that puts personal growth on the bottom line**

Something of a rock star among business school teachers Srikumar Rao offers a class that gives his students broader perspectives on their lives.

Become part of the Monitor community

15,200 Fans | 5,740 on Twitter | 700K RSS subscribers



**Get 4 FREE issues ►►**



THE CHRISTIAN SCIENCE MONITOR

Science »



Discoveries: Octopus Paul has thunder stolen by Mani the Parakeet

World »



Africa Monitor: South Africa jazz great Hugh Masekela prays for peace

The Culture »



Despicable Me: movie review

World »



Tour de France 101: Where does it go?

USA »



Emmy nods: Conan O'Brien gets his day as TV landscape evolves

World »



Tour de France 101: Is this a race of individuals or teams?

Ads by Google

[\(About these\)](#)

[Courthouse Security](#)  
Surveillance, Monitoring, CCTV and More. Learn How ADT® Can Help.  
[www.ADTBusiness.com/Government](http://www.ADTBusiness.com/Government)

[Sotomayor's Nomination](#)

Sponsored Links

Booking Agency  
Grabow Entertainment Agency  
Business Resources  
Business Cards  
Checks  
Computers

Graphic Design  
Logo Design - LogoBee  
Real Estate  
International Shipping  
Mortgage Calculator  
Moving  
Moving Companies

Speakers Bureau  
Christian Speakers  
Motivational Speakers  
Sports Speakers Bureaus  
Web Services  
Dedicated Servers  
Web Hosting

Local Guides

Alabama  
Alaska  
Arizona  
Arkansas  
California

President Obama Nominates Sonia Sotomayor For The Supreme Court  
[AARP.org](http://AARP.org)

**[International trade law](#)**  
Search laws, regulations, codes by practice areas & state.  
[www.FindLaw.com](http://www.FindLaw.com)



Ads by Google

[PowerEdge Memory](#)  
[Charitable Donations](#)  
[Car Donations](#)  
[Boat Donations](#)

[Real Estate](#)

[Colorado](#)  
[Connecticut](#)  
[DC](#)  
[Delaware](#)  
[Florida](#)  
[Georgia](#)  
[Hawaii](#)  
[Idaho](#)  
[Illinois](#)

[About these ads](#)

---

[Home](#) | [About](#) | [Site Map](#) | [Monitor Topics](#) | [Contact Us](#) | [Subscribe](#) | [Text](#) | [Specials](#) | [Multimedia](#) | [Make Us Your Home Page](#)  
[Careers](#) | [Corrections](#) | [Find us online](#) | [Advertise With Us](#) | [Monitor Mall](#) | [Today's Article on Christian Science](#)

---

© The Christian Science Monitor. All Rights Reserved. [Terms](#) under which this service is provided to you. [Privacy Policy](#).