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By Stopping the Vote Count in Florida, The U.S. Supreme Court Used Its Power To Act as Political Partisans, Not Judges of a Court of Law

We are Professors of Law at 120 American law schools, from every part of our country, of different political beliefs. But we all agree that when a bare majority of the U.S. Supreme Court halted the recount of ballots under Florida law, the five justices were acting as political proponents for candidate Bush, not as judges.

It is Not the Job of a Federal Court to Stop Votes From Being Counted

By stopping the recount in the middle, the five justices acted to suppress the facts. Justice Scalia argued that the justices had to interfere even before the Supreme Court heard the Bush team's arguments because the recount might "cast a cloud upon what [Bush] claims to be the legitimacy of his election." In other words, the conservative justices moved to avoid the "threat" that Americans might learn that in the recount, Gore got more votes than Bush. This is presumably "irreparable" harm because if the recount proceeded Northwestern Univer-Miguel A. Mendez Sta Naomi Mezey George and the truth once became known, it would never again be possible to University Elliott S. M C. Morgan New York of San Francisco Mai completely obscure the facts. But it is not the job of the courts to polish the Baltimore Neil Netan University of North C image of legitimacy of the Bush presidency by preventing disturbing facts Nancy K. Ota Albany Patterson Georgetow Rudolph J.R. Peritz N from being confirmed. Suppressing the facts to make the Bush government Las Vegas James Po Radin Stanford Unive University Annelise F seem more legitimate is the job of propagandists, not judges. Joel Rogers Univers University of Penns Southern California Joseph Sax UC Berk By taking power from the voters, Randall D. Schmidt American University University Judith A.N the Supreme Court has tarnished its Thomas L. Shaffer U San Francisco Kathe M. Shultz UC Berkele Fordham University E own legitimacy. As teachers whose lives Ann Sinsheimer Univ University of Notre D University Norman W Chicago-Kent College have been dedicated to the rule of law, University of Utah J Tuerkheimer Universit University of Missour we protest. Kathleen Waits Univers of Texas Alan C. Weir Carolina Catharine W Frederic White Cleve of Michigan Stephanie Wildman UC Berkeley Phil Wile University of the Pacific (McGeorge) Patricia J. Williams Columbia University Kenneth Williams Southern Illinois University Gary Williams Loyola Marymount University Charles Wilson Ohio State University Carol Wilson University of San Francisco Ken Wing Seattle University Keith Wingate UC Hastings Zipporah Batshaw Wiseman University of Texas Stephen Wizner Yale University Mary Christina Wood University of Oregon Richard W. Wright Chicago-Kent College of Law Jennifer L. Wright Willamette University Ellen Yaroshefsky Yeshiva University Peter Zablotsky Touro Law School Maryann Zavez Vermont Law School Diane Zimmerman New York University Clifford S. Zimmerman Northwestern University

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