

A View of Three Supreme Courts

Always a Bastion of Elite Rule

by Jim Tarbell

The Original Court

Patriots viewed the US Constitution's creation of a Supreme Court with grave concern and saw it as a reintroduction of the authority of the British King, which they had fought long and hard to eliminate from the 13 colonies. With Washington's appointments to the first Court in 1789, their worst fears were confirmed. As Gustavus Myers pointed out in his 1925 *History of the Supreme Court of the United States*, "The landed class, being by virtue of its wealth, its cohesiveness and its long hold on government, the dominant class, had no difficulty in getting President Washington, himself an extensive landholder, to fill the Supreme Court bench with men of its own class."

After so many had died to gain independence, Americans looked on in horror as the seats of the court were filled with men deeply connected to the ousted former British power structure. This included: a judge who had been the object of Shay's Rebellion, a popular uprising against the elites in 1786 that sought to insure that the elites did not take over yet again; a lawyer for the rich that the revolutionaries besieged in his home for his protection of the wealthy; the son of a royal British governor; the main advocate for slavery at the Constitutional Convention; and a Chief Justice who was the premier advocate for the largest English landholders in the country. Once seated, the Court worked to get land seized from British royalists returned and all debts owed to the English paid.



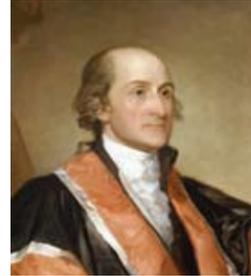
Painting: Robert Hinckley

Associate Justice John Rutledge was a member of an old South Carolina landholding family and a lawyer for plantation owners. He served as the "chief mouthpiece for the Southern slave holders" at the Constitutional



Painting: Robert S. Susan

Associate Justice James Wilson was a lawyer serving rich clients who at one point was attacked by American revolutionaries in his Philadelphia home for his sneering attitude towards the "lower orders."



Painting: Casimir Gregory Stapko

Chief Justice John Jay, scion of an old New York landholding family and married into the wealthy and powerful Livingston family, protected the interests of large land holders.



Painting: C. Gregory Stapko

Associate Justice William Cushing was the son and grandson of Royal British judges in Massachusetts and was a target of Shay's Rebellion.



Painting: Ruth Koppang

Associate Justice John Blair's father was a Royal Governor of Virginia.

Associate Justice William B. Woods, carpetbagger Alabama judge "notoriously favored railroads."

Associate Justice John M. Harlan, Kentucky politician and railroad lawyer.

Associate Justice Samuel Blatchford, son of the financial agent and counsel for Bank of England and Bank of the United States, worked with a New York firm that represented Wells Fargo and other express companies.

Associate Justice Horace Gray, whose shipbuilding grandfather was Boston's wealthiest man.



photo: SCOTUS

Associate Justice Joseph P. Bradley, was a noted New Jersey railroad lawyer and capitalist.

Supreme Court Chief Justice Morrison R. Waite had been a Toledo, Ohio banking and railroad lawyer

Associate Justice Stanley Matthews, was chief Midwest attorney for railroad mogul Jay Gould, and represented several railroad companies while serving in the US Senate.

Associate Justice Samuel F. Miller was a Keokuk Iowa lawyer specializing in land, steamboat, and commercial law.

Associate Justice Stephen J. Fields learned law from his brothers, lawyers for robber barons Jay Gould and James Fisk. When Fields went to California, he befriended Pacific Railroad founder Leland Stanford who became his political patron.

The 1882-1887 Corporate Personhood Court

By the late 1800s, as corporate monopolies grew to dominate both the economy and lives of Americans, the US Supreme Court bench filled with corporate lawyers. President Abraham Lincoln, himself a railroad lawyer, began this process that was continued by his successors until the Court did not even have to consider the question of whether corporations should have the rights of personhood under the 14th Amendment. As Chief Justice Waite proclaimed, "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution... applies to these corporations. We are all of the opinion that it does."

Before joining the Court, Waite's list of corporate clients included the State Bank of Ohio, and the Southern Michigan Railroad Company. Once Waite became Chief Justice, "it was evident...that the railroad corporations had become the sovereign power."

The 1882-87 Waite Court bench also included two Justices associated with two of the most notorious robber barons, Jay Gould and James Fisk. Stanley Matthews was Gould's main Midwest lawyer, and Stephen J. Fields' brothers represented Gould in New York. Chief Justice Waite, who reigned over the Supreme Court from 1874-1888, managed Courts that cleared the legal road for corporate power to rule America.

The Current Court Majority

Five members of the current Supreme Court have continued the long tradition of Supreme Court rulings in the interests of corporations and economic elites. The Alliance for Justice calls it "The Court of the One Percent" and goes on to say that:

With decision after decision coming down on the side of big business, the Supreme Court under Chief Justice John Roberts has proven itself to be willing and eager to twist the law to favor powerful corporate interests over everyday Americans.

In just the last few years, the Court has radically rewritten laws in order to shield big business from liability, insulate corporate interests from environmental and antitrust regulation, make it easier for companies to discriminate against women and the elderly, and enable powerful interests to flood our election process with special interest dollars. Fairness has been thrown out the window.

Their most infamous decision in the Citizens United case was driven by Anthony Kennedy who took the opportunity to "declare McCain-Feingold's campaign finance restrictions unconstitutional, overturn an earlier Supreme Court decision from 1990, and gut long-standing prohibitions on corporate giving." This decision led to the national Move to Amend campaign to end corporate personhood that just had their We the People 28th Amendment to the US Constitution introduced into the US Congress.



photo: Daily Damocles

Associate Justice Samuel Alito is the man that mouthed "not true" when President Obama declared in his 2010 State of the Union address that the Citizens United decision had "reversed a century of law that I believe will open the floodgates for special interests...to spend without



photo: Telegraph.co.uk

Associate Justice Clarence Thomas, known as the most conservative judge on the current Court, worked as a corporate lawyer for Monsanto in Missouri where that company is headquartered.



photo: Salon.com

Chief Justice John Roberts defended more corporations in front of the Supreme Court during the 1990s than almost any other lawyer. His clients included the National Mining Association and Fox Television.



photo: USA Today

Associate Justice Antonin Scalia worked for the corporate law firm that is now Jones Day which "represents many of the world's largest companies and financial institutions."

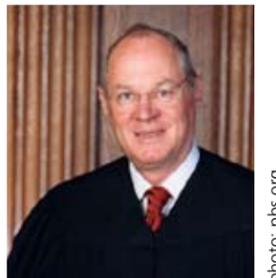


photo: pbs.org

Associate Justice Anthony Kennedy worked as a corporate lawyer and lobbyist in California where he helped Ronald Reagan, who appointed him to the Supreme Court.