Is The Supreme Court Legitimate?

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During recent months, there have been sharp public attacks on the Supreme Court. Especially in the wake of Justice Kavanaugh’s appointment, critics loudly question the Court’s legitimacy, and they propose rather dramatic corrective measures, including Justice Kavanaugh’s impeachment and steps to “pack” the Court with additional (Democratic) justices after the next election.

Comparable attacks on the Court’s legitimacy have occurred in the past—for example, during the New Deal and the Civil Rights Era. But they are now playing out under conditions of extreme partisan polarization, waning public trust in our institutions, and an increasingly executive-dominated government. Are the attacks on the Court just partisan hysteria—or are there genuine reasons to worry about the Court’s legitimacy? What could or should the Justices do to allay those concerns and to restore public confidence in the Court?

**MICHAEL S. GREVE** is Professor of Law at Antonin Scalia Law School, where he teaches Constitutional Law, Administrative Law, Federal Courts, Legislation, and Conflict of Laws. Previously, he was the John G. Searle Scholar at the American Enterprise Institute (AEI). Prior to his AEI engagement, he co-founded and directed the Center for Individual Rights (CIR), a public interest law firm specializing in constitutional litigation. A prolific writer, he has authored numerous scholarly articles and ten books, including *The Upside-Down Constitution* (Harvard University Press, 2012). He serves as a Board Member of the Competitive Enterprise Institute. Professor Greve received his undergraduate education at the University of Hamburg (Germany) in 1981 and his Ph.D. from Cornell University in 1987.