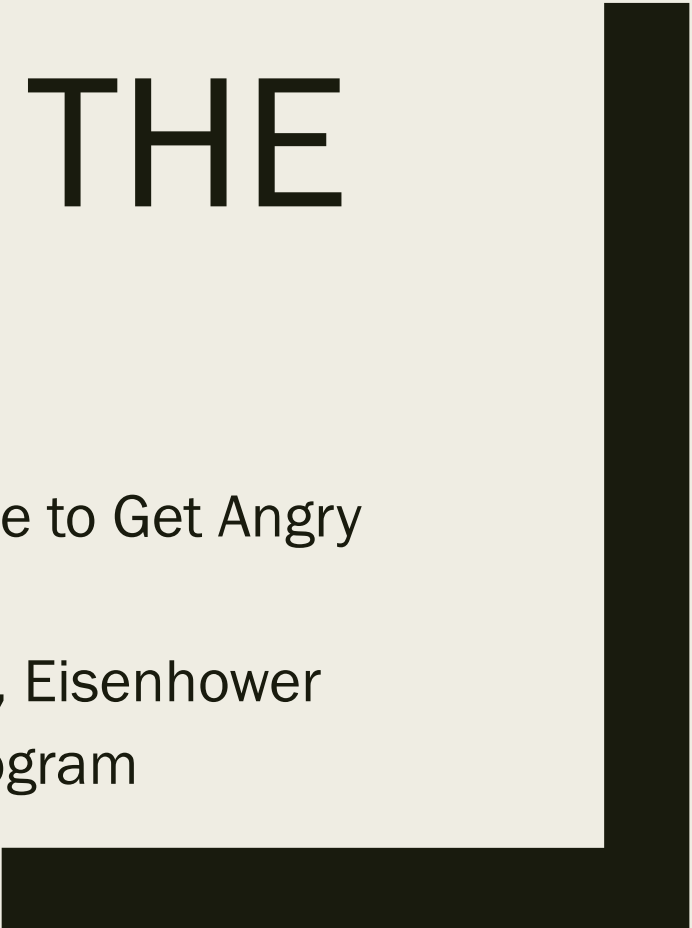




HOT AIR FROM THE BENCH?

The Supreme Court, Climate Change, and Where to Get Angry

Presented by: Mark Wolfe, Gettysburg College, Eisenhower
Institute Environmental Leadership Program



The Judicial Stay

- February 9, 2016: Supreme Court issues a stay on the enforcement of the Clean Power Plan
- June 2015: Stay on restrictive Texas anti-abortion legislation
- January 2014: Stay on marriage equality in Utah
- A stay is issued by the Court in issues of constitutional ambiguity, especially on a national scale
- The stay is not an overtly political act; it is standard Supreme Court procedure, especially for a Court that values restraint.

Chief Justice Roberts on Restraint

“Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them.

The role of an umpire and a judge is critical. They make sure everybody plays by the rules.

But it is a limited role. Nobody ever went to a ball game to see the umpire.”



Where is action best directed?

- While there are some definite benefits to judicial restraint, should we want a Supreme Court willing to take (or not take) action to combat clearly pressing matters?
- The Court has already shown itself sympathetic to President Obama's climate initiatives
- It is far more useful to focus our passion on the political branches, so that they can hopefully reach consensus on viable, strong environmental laws and shape a more ideal judiciary
- A look to the future of the Court