



# Black Mondays: Worst Decisions of the Supreme Court

*Joel D Joseph*

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## **Black Mondays: Worst Decisions of the Supreme Court** Joel D Joseph

When the first edition of Black Mondays was published in 1987, bad Supreme Court decisions were an anomaly. Now, unfortunately, the nation's highest court has taken advantage of a power vacuum in Washington to become the most powerful branch of government. And the High Court is legislating, despite the apparent "conservative" nature of the court. The worst decision in recent history was *Bush v. Gore* in which the Supreme Court enacted a judicial coup d'état, installing George W. Bush as President of the United States, overruling Florida and Congress. Florida was not allowed to finish counting ballots even though the Supreme Court ruled that prior counting violated the Constitution of the United States. And the Twelfth Amendment to the Constitution specifically provides that Congress shall count the votes of the presidential electors. If two competing slates of presidential electors from one state are presented to Congress, Congress, not the United States Supreme Court must decide which slate of electors are to be counted. In 2008, President George W. Bush signed the Foreign Intelligence Surveillance Act Amendments into law that gave Chief Justice Roberts the power to appoint all members of the FISA Court without Senate confirmation. Concerning government spying, the Supreme Court has ruled that the ACLU does not have standing to challenging the Foreign Intelligence Surveillance Act, thus allowing virtually unlimited surveillance by the government. In recent years, the Supreme Court has taken charge of gun control, video-game violence, campaign finance and class actions. It has taken power from States and cities and given them to corporations. "Corporations are people," the Court has announced, allowing unlimited corporate involvement in political campaigns. Corporations can now dictate that disputes with customers are settled by arbitration, not in court. The Supreme Court has ruled that these arbitrations cannot be class arbitrations overriding State law and individual rights.

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