Wit and Wisdom

from Faculty on Legal Issues of the Day

"**The SEC allegations** are premised on the fact that hedge funds and Goldman Sachs itself were so convinced of cataclysmic failure that they were looking for investment vehicles that would profit each time a homeowner defaulted on his or her mortgage. In other words, there were competent and smart people making billions because they could foresee the obvious: people with poor credit would not be able to repay their home loans. In short, it was not that no one knew. Savvy insiders knew."

—***Michael Greenberger*** *in* The New York Times *on the SEC's filing of a civil lawsuit against Goldman Sachs for securities fraud*

"**Many of us were made uncomfortable** by the scene that Justice Roberts described, of Congressmen standing up and cheering a criticism while the Supreme Court sat there. The reality is that the Court doesn't often have to face the public. This is one of the few occasions in which they do, and I think our Supreme Court and our democracy is strong enough to survive the Court sitting there for one evening a year and facing—on some occasions—some derision from the members of Congress."

—***Sherrilyn Ifill*** *on MSNBC discussing treatment of Supreme Court Justices at the 2010 State of the Union address*

"**OMB is substituting its** judgment for the judgment of the EPA administrator, and that's not the way this is supposed to work. [EPA administrator] Lisa Jackson is accountable for environmental protection and that she could be overruled by a bunch of economists in the basement of the executive office tells us that this process is frighteningly dysfunctional."

—***Rena Steinzor*** *in a* New York Times *article about the White House overruling EPA's proposed regulation of coal ash*

"**What?** That's absolutely wrong. . . . That's the definition of bribery."

—***Abe Dash*** *in a* Washington Post *article about a Prince George's County lawmaker who opined that asking for campaign contributions in exchange for votes is politics as usual*

"It's one thing to buy something because you think it tastes good, but it's another thing if you buy it because you believe it has health properties. On the flip side, to the extent that these products are beneficial and therapeutic, we don't want to over-regulate them and stifle their development and people's ability to access them in the marketplace."

—***Diane Hoffmann*** *in a* Baltimore Sun *article about her research into the efficacy and potential need for regulation of probiotics*

"Jurists can hold differing views concerning the role (and even the possibility) of original understanding, the value of precedent, how constitutional structure informs constitutional meaning, and the extent to which considerations of history—and yes, policy—prove relevant after other considerations have been exhausted. These are fundamental questions in a deliberative democracy, and ones that a meaningful, and teachable, confirmation hearing would explore."

—***Max Stearns*** *in a* Baltimore Sun *op-ed calling for a more forthright confirmation process for Supreme Court nominees*

"Because the remarks can be reasonably interpreted as political rhetoric and not allegations of specific wrongdoing, the court should refuse to unmask the posters and dismiss the suit."

—***Danielle Citron*** *in an* Associated Press *article about a Louisiana parish president's defamation lawsuit against anonymous online commentators*

"The notion of benefiting public health and public safety without spending tax revenues is a beguiling one, relentlessly espoused by a handful of national plaintiffs' mass tort-law firms that stand to benefit handsomely."

—***Don Gifford*** *in an* Associated Press *article about a Rhode Island lead paint case*

"The present religious makeup of the Supreme Court seems a similar statistical oddity unreflective of broader social practices. Protestants have long been overrepresented on the Supreme Court, in the federal judiciary, in state judiciaries, and in most government offices. Protestant voices will be heard, even if no Protestant is on the Supreme Court. In a country where every President but one has been a Protestant, we might pause before demanding the Supreme Court demographically represent the United States.

—***Mark Graber*** *on the UMDLaw faculty's new blog, "Quoth the Raven"*