

FOR WHAT IT'S WORTH

by: Chester E. Brost

Yet another landmark decision was reached by the United States Supreme Court. The Court, in a 5 to 4 decision, ruled that it is unconstitutional to execute children. Or, should I say, people who committed their crimes as children. 19 states currently have/had laws on their books that allowed them to sentence children (under 18) to death. The case will effect approximately 70 of the 3500 inmates currently awaiting to be executed by their state.

Personally, I never really understood the term: "Tried as an adult." Because the fact finding phase, is simply that: a search for the truth. (Well someone's version of it, anyway.) And, whether you're an adult or not, that search is generally the same. It is my opinion that the term should be rewritten as: 'Punished as an adult.' because that's really what that means. But then again, that wouldn't be very politically correct, and may not fair very well at the polls.

But, that is precisely why we keep our prisoners in "cells." For to keep a man in a cage for decades at a time would be deemed too barbaric and uncivilized for our society. So, thank heavens for the redeeming power of the euphemism and its ability to provide a means for us to guiltlessly do what we think is right, regardless if we know that it is wrong.

Which brings me back to the United States Supreme Court. The Court's impact in society is incalculable: when disputes arise, they serve as the final word for a nation built on laws. They interpret the Constitution and all that it brings with it: how we conduct ourselves in society, boundaries for individuals and the government, questions literally of life and death.

Since there are no cameras allowed in the Court room, few American citizens know how the Court works, and because the arguments and opinions of cases are usually confusing for non-lawyers, I thought I would give you a short 'in a nutshell' explanation of the Court.

The first time that the Supreme Court met was in 1790, it was designed to be the pinnacle of the judicial branch of government. Led by a Chief Justice, there are nine justices in all, whom of which, must be nominated by the President and confirmed by the Senate. These justices serve as long as they wish. Prior to 1935, the court used borrowed space in the chambers of the senate in the Capitol Building in Washington, D.C. They now occupy their own building in Washington.

The U.S. Supreme Court is a Court of traditions. Each term traditionally begins the first Monday in October, and final opinions are issued usually by late June. Justices divide their time between "sittings" and "recesses." During their sittings, they hear cases and issue decisions. And during their recesses, they meet privately and write their decisions. They also use this time to consider other business before the Court.

Court arguments are open to the public in the main courtroom, and visitor have the option of watching all the arguments or only a small portion of them. The Justices wear black robes which they have done for the last two centuries. As I said before, tradition is very important, so much so that quill pills still adorn their desks, and like the black robes, have done so for the last 200 years.

The Justices are seated by seniority, with the Chief Justice seated in the middle. Before the commencement of any business before the Court, they all shake hands as a show of harmony of purpose. The Solicitor General is the federal government's principal lawyer before the bench.

As the strike of the gavel makes its sound, and the Justices are seated, the traditional welcome is shouted by a marshal, which reads in part: "Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court.

Arguments begin at 10 a.m. Around 130 petitions are received by the Court for review each week. These petitions are requesting review of a lower federal court's decision and relatively few petitions are granted full review. Each term approximately 7000 such petitions reach the Court's docket. Out of that number only about 100 cases will have oral arguments heard. During these oral arguments there are no juries or witnesses, just lawyers from both sides addressing the bench. This give-and-take, question and answer session can be entertaining, and usually lasts about an hour. This repartee requires the lawyers to think logically and concisely on their feet because lawyers on both sides often have their prepared briefs interrupted by pointed questions from a justice. And by the tone of their questioning, it often gives insight into a Justice's thinking, an indicator of that particular Justice's decision-making.

In addition, out of the approximate 100 cases to have oral arguments heard, final opinions may only be issued in about 80 to 90 of these cases. Most of the cases that are heard and decided upon by opinion of the Court, are cases in which two or more lower federal courts are in conflict of the particular question of law. Further, if the Supreme Court does not grant a case a hearing (on of the some odd 6900 other cases filed) this basically affirms the lower federal court's decision. Which, in some cases, is better than having the case heard and denied because the court's opinions are final, no exceptions. This is just FOR WHAT IT'S WORTH. Ride safe. Chuck

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