The New Republic has posted an interesting essay by Richard Posner criticizing Justice Scalia’s opinion in DC v. Heller. According to Posner, Heller “is questionable in both method and result, and it is evidence that the Supreme Court, in deciding constitutional cases, exercises a freewheeling discretion strongly flavored with ideology.” . . . Posner is ridiculously wrong, of course: The fundamental truth of constitutional law is that Justices who agree with me are divining the true Constitution, while the rest are political hacks twisting the document to suit their policy preferences. Thus, my side is always principled.

Orin Kerr

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