

Veterans Day and Veterans on the Supreme Court

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North Carolina's courts are closed today for Veterans Day, so although UNC is open, we won't run a substantive post. Instead, I wanted to take a moment to thank all veterans, including those who work in and with the court system. Yesterday was the 100th anniversary of the armistice that ended WWI, making it an appropriate time to reflect on the sacrifices veterans have made throughout the nation's history.

While reading about Veterans Day, I happened on [this article](#), which addresses the role of veterans on the Supreme Court of the United States. The whole piece is worth reading, but for those interested in an executive summary, it makes two major points.

First, that veterans historically have played a major role on the Court:

[M]any of the Court's most well-respected justices came from impressive military backgrounds. John Marshall, who is generally regarded as the architect of the Supreme Court's judicial review authority, was an officer at Valley Forge. Oliver Wendell Holmes famously fought for the Union in the Civil War as part of the Twentieth Massachusetts Infantry Regiment. And, a handful of justices served in World War II, including Lewis Powell, John Paul Stevens, Byron White, Potter Stewart, William Rehnquist, and John Marshall Harlan.

And second, that the Court is nearly bereft of military experience today:

[T]he current makeup of the Supreme Court . . . suffers from a dearth of veterans, when compared with historical percentages. Although Justice Alito served in the Army Reserves, and Justice Breyer served a six month period on active duty in 1957, there are no justices on the Supreme Court that served on active duty during wartime or participated in combat. The last justice to have any wartime military experience was Justice Stevens, who retired in 2010.

Perhaps this latter point isn't surprising, given that the share of the population that has ever served in the military is declining -- [to about 7%, down from 16% a few decades ago](#). But it is worth thinking about whether a Court with little military experience may lack an important perspective on issues like the scope of presidential powers, the balance between liberty and security, and how the military should address the push for greater inclusion.

Food for thought. But I want end where I began -- by thanking all veterans for their service. For those who have the day off, enjoy the holiday.