

- “I used to say that, as Solicitor General, I made three arguments in every case. First came the one I had planned – as I thought, logical, coherent, complete. Second was the one actually presented – interrupted, incoherent, disjointed, disappointing. The third was the utterly devastating argument that I thought of after going to bed that night...” - Robert Jackson

- **Adjusting to life as a judge.**

- **My love of the law, and love of our form of government.**

- **My path to SG, and time as SG**
 - Kindred spirit in someone who believed that Washington has become far too consequential in the lives of Americans.
 - Reagan “If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.”
 - Separation of Powers - PROTECTOR OF INDIVIDUAL LIBERTY
 - If you think that a bill of rights is what sets us apart, you're crazy. Every banana republic in the world has a bill of rights. Every President for life has a bill of rights. The bill of rights of the former "Evil Empire," the Union of Soviet Socialist Republics, was much better than ours. I mean it, literally. It was much better. We guarantee freedom of speech and of the press -- big deal. They guaranteed freedom of speech, of the press, of street demonstrations and protests; and anyone who is caught trying to suppress criticism of the government will be called to account. Whoa, that is wonderful stuff! Of course -- just words on paper, what our Framers would have called a parchment guarantee. And the reason is, that the real Constitution of the Soviet Union -- you think of the word "constitution," it doesn't mean a "bill"; it means "structure"; [when] you say a person has a sound "constitution," [he] has a sound "structure." The real Constitution of the Soviet Union, did not prevent the centralization of power, in one person or in one party. And when that happens the game is over; the Bill of Rights is just what our Framers would call a parchment guarantee. So, the real key to the distinctiveness of America is the structure of our government.

- **Vertical SoP**
 - The federal system rests on what might at first seem a counter-intuitive insight, that “freedom is enhanced by the creation of two governments, not one.” The Framers concluded that allocation of powers between the National Government and the States enhances freedom, first by protecting the integrity of the governments themselves, and second by protecting the people, from whom all governmental powers are derived. federalism secures to citizens the liberties

that derive from the diffusion of sovereign power.” . . . Federalism secures the freedom of the individual. It allows States to respond, through the enactment of positive law, to the initiative of those who seek a voice in shaping the destiny of their own times without having to rely solely upon the political processes that control a remote central power...By denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power.

- Pruitt’s time as AG came in a time in history where we had an administration that was as aggressive as any in history in expanding federal power and aggregating power in Washington.

- **Horizontal SoP**

- Horizontal separation of powers
 - Madison said of it, in Federalist No. 47, that "no political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty." And no less than five of the Federalist Papers were devoted to the demonstration that the principle was adequately observed in the proposed Constitution.
 - In enlightenment theory and hard won experience under a tyrannical king our founders found proof of the wisdom of a government of separated powers. In the avowedly political legislature, the framers endowed the people's representatives with the authority to prescribe new rules of general applicability prospectively. In the executive, they placed the task of ensuring the legislature's rules are faithfully executed in the hands of a single person also responsive to the people. And in the judiciary, they charged individuals insulated from political pressures with the job of interpreting the law and applying it retroactively to resolve past disputes. This allocation of different sorts of power to different sorts of decisionmakers was no accident. To adapt the law to changing circumstances, the founders thought, the collective wisdom of the people's representatives is needed. To faithfully execute the laws often demands the sort of vigor hard to find in management-by-committee. And to resolve cases and controversies over past events calls for neutral decisionmakers who will apply the law as it is, not as they wish it to be.
- **My judicial philosophy.**
 - “Reversal by a higher court is not proof that justice is thereby better done. There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals of state courts would also be reversed. **We are not final because we are infallible, but we are**

infallible only because we are final.” - *Brown v. Allen*, 344 U.S. 443, 540 (1953) (concurring)

- “In law, the moment of temptation is the moment of choice, when a judge realizes that in the case before him his strongly held view of justice, his political and moral imperative, is not embodied in a statute or in any provision of the Constitution. He must then choose between his version of justice and abiding by the American form of government. Yet the desire to do justice, whose nature seems to him obvious, is compelling, while the concept of constitutional process is abstract, rather arid, and the abstinence it counsels unsatisfying. To give in to temptation, this one time, solves an urgent human problem, and a faint crack appears in the American foundation. A judge has begun to rule where a legislator should.”
- “A judge who announces a decision must be able to demonstrate that he began from recognized legal principles and reasoned in an intellectually coherent and politically neutral way to his result.”
- “When we went to school we were told that we were governed by laws, not men. As a result of that, many people think there is no need to pay any attention to judicial candidates because judges merely apply the law by some mathematical formula and a good judge and a bad judge all apply the same kind of law.” - Robert Jackson

legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” So yes, as a rule the “entire burden” of updating old statutes is indeed on the legislative branch. Congress has consistently declined the opportunity to add sexual orientation to the list of protected classes under Title VII, and judges have no authority to exercise legislative authority in Congress’s place.