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# Sumner Canary Lecture Judging under the Aegis of the Third Article

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JUDGING UNDER THE AEGIS OF THE  
THIRD ARTICLE!

I think that I made a mistake in framing the title of this lecture:  
*Judging Under the Aegis of the Third Article.* Article III is—as every







Brady Gun-Control Statute of 1993—a statute designed to strengthen long-standing federal prohibitions on the possession of guns by convicted felons, drug addicts, persons committed to mental institutions,



























If *Seminole Tribe's* censure of Justice Souter were an isolated in-

would not press the point. But there are signs of a comparable, and more comprehensive, judicial myopia about the world of today which, so it seems to me, has the potential for radically shrinking the Court's

fifty-first Cardozo Memorial Lecture delivered by Justice Ginsburg in 1999:

[R]eadiness to look beyond one's own shores has not

majority were inappropriately reluctant to consider whether lessons might be learned from federal systems other than our own.

At bottom, my concern about the Court's *Seminole Tribe* reproof to Justice Souter — five Supreme Court Justices characterizing a col-

llege's historical analysis as a "diservice to the Court's traditional

to ratify the United Nations Covenants is oft noted; but equally troubling is the apparent reluctance of the [United States] Supreme Court to consider expansive interpretations of

clearly could have profited from such attention. Indeed, with honorable exceptions the United States judiciary, legal profession and law schools are as isolated from international

human rights law as are the legislative and executive branches of the United States. That isolation is a matter of regret for those of us who trade overseas in the American Bill

