

Appendix C: Excerpts from *Scalia/Ginsburg*

An American opera in one act by DERRICK WANG
Libretto by the composer

Inspired by the opinions of U.S. Supreme Court Justices
RUTH BADER GINSBERG and ANTONIN SCALIA
and operas by HÄNDEL, MOZART, VERDI BIZET, *et al.*

Justice will be sung.

Aria: “The Justices are blind!” (Scalia)

SCALIA:

This court’s so changeable—
As if it’s never, ever known the law!

The Justices are blind!
How can they possibly spout this—?
The Constitution says absolutely nothing about this,
This right that they’ve enshrined—
When did the document sprout this?
The Framers wrote and signed
Words that endured without this;
The Constitution says absolutely nothing about this!

We all know well what the Framers did say,
And (with certain amendments) their wording will stay,
And these words of our Fathers limit us,
For we are unelected,
And thus, when we interpret them,
Rigor is expected.

SCALIA (cont’d):

Oh, Ruth, can you read? You’re aware of the text,
Yet so proudly you’ve failed to derive its true meaning,
And never were so few
Rights made so numerous—
It’s almost humorous
What you construe!
Oh, well; oh, well; oh, well; oh, well:
You are the reason I have to rebel!

Though you are all aligned
In your decision to flout this,
The Constitution says absolutely nothing about this—
So, though you have combined,
You would do well not to doubt this:
Since I have not resigned,
I will proceed to shout this:
“The Constitution says absolutely nothing about this!”

Copyright © 2012–2015 Derrick Wang. All rights reserved. Possession of this publication does not constitute a license to reprint or perform this material. For inquiries regarding the publishing, licensing, and/or performance of material from *Scalia/Ginsburg*, please contact info@derrickwang.com.

Aria & Variations: “You are searching in vain (for a bright-line solution)” (Ginsburg)

GINSBURG:

How many times must I tell you,
Dear Mister Justice Scalia:
You’d spare us such pain
If you’d just entertain
This idea...
(Then you *might* relax your rigid posture.)

(À la Verdi)

You are searching in vain for a bright-line solution
To a problem that isn’t so easy to solve—
But the beautiful thing about our Constitution
Is that, like our society, it can evolve.

For the Founders, of course, were great men with a vision,
But their culture restricted how far they could go,
So, to us, I believe, they bequeath the decision
To allow certain meanings to flourish and grow.
Let ’em grow...

(Jazz waltz)

For the law of the land in that era was grounded
In the notion that justice was just for the few,
But the Founders’ assumption was wholly unfounded,
So we’ve had to subject it to further review.

GINSBURG (cont’d):

So we’re freeing the people we used to hold captive,
Who deserve to be more than just servants or wives.
If we hadn’t been willing to be so adaptive,
Can you honestly say we’d have led better lives?

(Gospel-pop ballad)

And we can’t wait for slow legislation
To catch up with the lives that we already lead;
We have rights, and they need preservation,
And we have to remember this if we intend to succeed:

Though we won’t be afraid of forgiving,
We must not stop in our mission to right every wrong—
Not until We the People and our Constitution are living
In a nation, in a place
That, regardless of station or race,
Is a nation where *all* of us truly belong!

(À la Verdi)

So, until every person is treated as equal
Well beyond what the Founders initially saw,
Let our past and our present be merely the prequel
To a future enlightened by flexible law!

(Rouades in all three styles: opera, jazz, and pop)

Law, law, law!

Duet: “We are different. We are one” (Scalia, Ginsburg)

SCALIA, GINSBURG:

Yes:

We are different.
We are one.
The U.S. contradiction—

SCALIA:

The tension we adore:

SCALIA, GINSBURG:

Sep’rate strands unite in friction
To protect our country’s core.
This, the strength of our nation,
Thus is our Court’s design:
We are kindred,
We are nine.

SCALIA:

To strive for definition,

GINSBURG:

To question and engage,

SCALIA:

Let us speak to our tradition—

GINSBURG:

Or address a future age.

SCALIA:

This, the duty upon us...

GINSBURG:

This, the freedom...

SCALIA, GINSBURG:

...To judge how our strands are spun:
This makes us different:

SCALIA:

We are one...

GINSBURG:

We are one decision from forging the source of
tomorrow...

SCALIA:

One decision from shifting the tide...

SCALIA, GINSBURG:

Always one decision from charting the course we will
steer...

For our future

Is unclear,

But one thing is constant—

The Constitution we revere.

We are stewards of this trust;

We uphold it as we must,

For the work of our Court is just

Begun...

And this is why we will see justice done:

We are different;

We are one.