

Eroding Trust in our Judiciary

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Judicial activism, the practice of judges interpreting the Constitution and laws to align with their personal views, has long sparked debate in the United States. The Warren and Burger Courts faced conservative backlash for perceived activism, while progressives saw it as adapting to contemporary issues, expanding privacy rights and allowing diverse marriages and pre-viability abortions.

However, recent shifts in the Supreme Court signal a reactionary turn, rolling back rights and discarding precedent. Trump-appointed justices, along with others, have sparked concern. Allegations of ethical lapses, such as justices accepting gifts from billionaires, raise questions about impartiality and the Court's integrity.

The declining respect for the Court is evident in divisive decisions, like *West Virginia v. EPA*, rejecting EPA regulations on carbon emissions. The revelation of undisclosed vacations funded by billionaires, as seen in Clarence Thomas's case, adds to skepticism about the Court's integrity.

The Court's departure from its traditional role is apparent in cases like *Biden v. Nevada*, where it granted certiorari despite unclear litigant interest, blurring the lines between the judicial and legislative branches.

In the HEROES' Act tuition loan forgiveness case, the Court stretched the concept of standing, treating Missouri Higher Loan Authority (MOHELA) as synonymous with the State of Missouri, a move criticized for departing from precedent.

The decision to reject Biden's student loan plan raised concerns about a potential double standard, with the Court interpreting Congress's intent while overlooking the term "waive." This decision exemplifies judicial activism, as the Court molded the law to fit predetermined outcomes.

In *303 Creative LLC v. Elenis*, the Court's majority decision, allowing a business to refuse services to a protected class, based on First Amendment rights, opens the door to broader discrimination. This marks a departure from previous rejections of claims for rights to discriminate.

The decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard University*, ending affirmative action, is criticized for dismissing ongoing systemic racism and income disparities. Justice Thomas's concurrence, despite benefiting from affirmative action, reflects a puzzling stance.

In questioning privacy rights in the Dobbs case, Justice Thomas omitted commentary on *Virginia v. Loving*, a case allowing interracial marriage, creating ambiguity about his stance. Systemic inequities persist, and diversity in higher education is seen as vital for progress.

Everything highlighted above underscores concerns about the Court's recent decisions, ethical considerations, and deviations from established norms. The delicate balance between the judiciary and public trust is at stake, urging citizens to remain vigilant in safeguarding the principles that define our legal system.