

# Judicial Activism in the US Supreme Court

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Conservatives once criticized the Warren and Burger Courts, claiming they engaged in legislating and judicial activism. The irony lies in their shift as originalists, now ignoring the literal interpretation they once championed. Progressives argue for the Constitution as a living document, adaptable to contemporary issues, securing rights like privacy, abortion, and equal protection under the law.

## **Troubling Recent Developments and Cases**

Recent Supreme Court appointments, including those by Trump, have rolled back major rights gained over the past seventy years. The new majority discarded precedent in several cases, often determining outcomes first and then shaping the law to fit. Since 2023, women no longer have a national right to abortion, affirmative action programs under the Civil Rights Act of 1964 have ended, and businesses can discriminate against gay couples in the name of religion.

Adding to concerns, two conservative justices failed to disclose benefits from right-wing interests, raising ethical and impartiality questions.

The judiciary's duty is to settle legal disputes with parties harmed by a law or case. Legal standing requires showing harm incurred. However, the current Supreme Court has selectively ignored this, granting certiorari on cases seeking advisory opinions, such as the Biden tuition loan case, where the litigant, the State of Missouri, arguably lacked a stake.

Another alarming decision involved a wedding webpage designer, Lori Smith, who, without injury, sued Nevada over a law, claiming religious and free speech rights to discriminate against gay couples. This decision sets a precedent for private businesses to discriminate against the LGBTQ+ community.

A significant milestone was the case against Harvard, essentially ending affirmative action. Despite acknowledging racial diversity as a permissible goal in higher education, the Court concluded there was no further need for affirmative action except in the military.

Former Homeland Security Secretary Jeh Johnson emphasizes that systemic inequities persist, intertwined with race, and diversity in higher education is crucial for a better, smarter America.

The current conservative Supreme Court majority actively engages in judicial activism. As democracy faces challenges, particularly fueled by right-wing influences, 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.