

 **TAKE BACK
THE COURT**

Supreme Court Repeals the 20th Century

WE WILL NOT
QUIETLY GO
BACK TO THE
1950s

July 2022

KEEP
ABORTION
LEGAL

Supreme Court Repeals the 20th Century

In a matter of weeks, the Supreme Court has undermined, gutted, and outright reversed some of the most significant advancements of the 20th Century meant to protect Americans' rights and freedoms. The Court's illegitimate right-wing majority has overturned the right to abortion, stymied the federal government's ability to protect our right to clean air and fight the climate crisis, opened up the floodgates to increased gun violence, gutted Miranda rights, eviscerated the separation of Church and state, and continued its assault on voter protections. These rights and protections are central to maintaining our collective safety, our personal autonomy, and the integrity of our democracy — and that's exactly why the Court has targeted them. The Court's rulings are bound together by no coherent judicial philosophy, only by six unelected lawyers' determination to impose their own extreme views on the American people.

The Court Overturned the Fundamental Right to Abortion

Five decades after the Court recognized Americans' fundamental right to abortion in *Roe v. Wade*, the Court's conservative supermajority overturned that right in *Dobbs v. Jackson Women's Health Organization* — cutting off millions of Americans from abortion care and putting countless lives at risk. We need to be clear about exactly what this decision means: Unelected, right-wing justices are forcing people to carry pregnancies against their will. And in the process,

they dismantled the privacy rights that formed the basis of *Roe* and the landmark cases that struck down bans on contraception, interracial marriage, marriage equality, and private sexual acts. The devastation this case will cause cannot be overstated. The right-wing attacks on bodily autonomy of women, trans and nonbinary people have never been about abortion itself — they are about ensuring the power to control people's lives and bodies ends up in the hands of six unelected extremists imposing an unpopular agenda. And the tragic consequences will fall most heavily on the shoulders of Black, Indigenous, and people of color, people with

disabilities, people in rural areas, young people, immigrants, and those having trouble making ends meet.

The Court Did Away With a 100 Year Old Gun Safety Law

In a blatantly bad-faith reading of the Second Amendment, the Supreme Court threw out a 100 year old gun safety provision, putting countless lives at risk in service of the gun lobby. After horrific massacres in Buffalo, Uvalde, and more than 250 other mass shootings this year, the Supreme Court ruled in *New York State Rifle & Pistol Association v. Bruen* to make it easier for people to carry dangerous, concealed weapons. New York and eight other states with similar statutes had among the lowest gun death rates in the country, but the Court ruled that the people in these states no longer have the right to protect themselves through century-old common-sense gun safety provisions. And that's not all; this ruling will open the floodgates to attacks on many essential public safety provisions. Everything from public-carry restrictions in areas like subways and crowded stadiums to restrictions on assault weapons and large magazines to "every gun law on the books" are now at risk. With 2022 shaping up to be the deadliest year on record, a Court that truly served the American people would prioritize public safety and work to prevent further tragedies. But instead, the right-wing justices made the radical decision to abandon prior precedent to side with conservative donors and gun lobbyists.

The Court Weakened the Clean Air Act and EPA, Putting the Climate's Future at Risk

During the hottest summer on record, the Court's six conservative justices sided with coal companies over communities and made it harder to tackle the worsening climate crisis. For more than 50 years, the Environmental Protection Agency and the Clean Air Act have been the cornerstones of our country's environmental protection infrastructure, and have enjoyed broad, bipartisan public support since their inception. The joint impact of this infrastructure has been invaluable: together they have improved air quality, helped repair holes in the ozone, reduced toxic emissions, and protected the health of communities across the country. Yet in *West Virginia v. Environmental Protection Agency*, the Court ruled that the EPA does not, in fact, have the authority to curb the emission of harmful pollutants because Congress didn't explicitly delegate that specific power. In doing so, the Court didn't just hamstring the EPA's ability to protect our environment; it also took steps to tie the hands of the federal government in efforts to address any of our nation's most pressing problems.

The Court Continued its Assault on Voting Rights

Knowing their extreme agenda is wildly unpopular, the Court's right-wing justices are eviscerating voter

protections that ensure fair access to the ballot box — especially for voters of color and voters with disabilities. The attack on Americans' most fundamental democratic right is an obvious effort to stifle the American people's voices so the right-wing justices and their allies can more easily force their radical policies on the public. In *Shelby County v. Holder*, the Supreme Court eviscerated the Voting Rights Act of 1965 (VRA), a landmark piece of legislation that banned discriminatory voter restrictions and enfranchised millions of people of color. Since *Shelby County*, the Court has continued its assault on democracy by chipping away at the few surviving voter protection infrastructures. Last term, in *Brnovich v. Democratic National Committee*, the Court demolished the VRA's protections against voting laws with a disproportionate impact on racial minorities — allowing for the further suppression of voters of color at the ballot box. This year, the Court has repeatedly issued rulings that have undermined Black voting power. In February, the Court allowed Alabama to reinstate a racist voting map after a lower court held the map was unlawful. Several weeks later, the Court threw out a Wisconsin Supreme Court redistricting ruling that adopted a map adding a majority-Black seat to the state legislature. And in the last week of the term, the Court intervened to revive Louisiana's racially gerrymandered congressional map, which had been blocked by a lower court.

The Court Attacked the Foundational Principle Separating Church and State

The conservative Court ruled twice this term to privilege right-wing Christians under the law by blurring the lines separating church and state. In *Carson v. Makin* and *Kennedy v. Bremerton School District*, the Court dealt back-to-back blows to the foundational constitutional guarantee of freedom of and from religion. In doing so, they upended decades of precedent and rolled back 20th Century advances that protect everyone's rights, especially religious minorities and the nonreligious. In *Kennedy*, the right-wing supermajority opened the door to public school employees pressuring students into participating in religious activities. In *Carson*, the Court forced taxpayers to fund religious education at private schools. Conservatives have long sought to codify special privileges for Christians into law, with school-sponsored prayer among the party's top priorities. Now, the Court has given a them another greenlight bypass the First Amendment's separation of church and state — further opening the door for discrimination against non-Christians at work, school, and in society.

The Court Gutted People's Miranda Rights

As part of its ongoing effort to give those in power more agency to infringe upon the rights of the American people, the Court defanged Americans'

***Miranda* rights this term — removing a crucial mechanism for those facing abuse by law enforcement to fight back in the courts.** For more than 50 years, officers conducting arrests have had to read us our rights — crucially, the “right to remain silent” and the “right to an attorney” before interrogations. But the Court hollowed out *Miranda* rights this term, ruling in *Vega v. Tekoh* that Americans cannot sue officers if these rights are violated during an arrest. By removing consequences for violating someone’s *Miranda* rights, the Court almost certainly made it more likely that law enforcement will infringe upon people’s rights and put their legal status and safety at risk.

If We Want to Protect Our Rights and Freedoms, We Have to Expand the Court

In its crusade to turn back the clock on all of our rights and impose a radical backwards agenda on the public, the Supreme Court has reversed some of the 20th Century’s most valuable victories. And this term, perhaps more clearly than ever before, the right-wing justices’ activism has been on full display. It’s never been more apparent that the supermajority has no coherent judicial philosophy and is making its reasoning up along the way to best serve its extreme and oppressive policy goals. And the Court is not stopping here: this coming fall, rights and protections for LGBTQ Americans, the Clean Water Act, and affirmative action are all on the Court’s chopping block. Perhaps most ominously, its crusade against

democracy will continue as it takes up opportunities to attack equitable and non-discriminatory voting maps and potentially give state legislatures sole authority over election procedures, a radical departure from established law, making it easier for anti-democratic forces to pull off the unilateral declaration of victory they attempted in 2020.

We cannot allow six unelected politicians in robes to continue stripping away all our rights and freedoms with impunity. We have a chance to rebalance our Court and ensure it once again serves the American people. It is time to expand the Court — before it’s too late.