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The Supreme Court in 2025 and Beyond



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When Donald Trump and his three Supreme Court justices decided to overturn *Roe v. Wade*, it was the first time the Court had taken a constitutional right away from the American people. They also granted Presidents immunity from crimes they commit in office, restricted the power of government agencies to protect the public, paved the way for discrimination against LGBT people, allowed Trump's "Muslim ban," and more. Since Trump's presidency, the Supreme Court has changed the lives of every American.

If Trump is reelected, he will have the power to do more long-lasting damage to the country and the judicial system. That's why the conversation around the 2024 election needs to include serious discussion of the need to restore balance to the Court and prevent a far-right majority from controlling the country for generations.

Trump's Impact on the Courts

Trump in the Lower Courts

The former president radically reshaped the Court during his first term. He was able to confirm three Supreme Court justices to the bench, the most of any president since Ronald Reagan, while rushing judicial nominees into lifetime seats on the lower courts. His appointments shifted the highest court in the land from a 5-4 bench leaning conservative to a 6-3 solidly conservative block. He appointed 226 judges to the federal bench, including 54 appellate judges, which is one less than President Obama did in two terms. This means that a quarter of all federal judges and a little less than a third of appellate judges are Trump appointees.

While the Supreme Court gets most of the public's attention, they only hear about 80 cases per year. The appellate courts hear about 50,000, and the district courts can hear as many as 340,000. And with an increase in "venue shopping," where plaintiffs pick the judge they want to hear their case, MAGA-minded judges are deciding a lot of monumental cases—some of which involve the former president.

Case Study: District Courts

While the Trump-filled Supreme Court and appellate courts have made major decisions undercutting the rights and protections of the American public, even district court judges can wield major influence to advance a far-right agenda. Two examples of Trump's impact on the district courts are Aileen Canon and Matthew Kacsmaryk.

Canon, the Trump-appointed judge from Florida, has been accused of playing favorites with the former president after dismissing his classified documents case in Florida. Despite the photographic and audio-recorded evidence of classified documents being stored at Trump's Mar-a-Lago resort, Canon dismissed the case on the grounds that special prosecutor Jack Smith was unlawfully appointed to his position. Many experts considered this to be an open and shut case against Donald Trump, so by dismissing it, Canon is doing Trump a massive favor on the national stage. Some speculate that if Trump were to win, he would more than likely appoint Canon to the Supreme Court to continue doing his bidding.

Kacsmaryk, while not directly overseeing a Trump case, has been chosen as the judge of choice by many conservatives trying to undermine long-held rights. He ruled that the abortion-inducing drug Mifepristone was not safe for public consumption, despite it being used by medical professionals regularly for 20 years. He has also blocked two different Biden border policies, forcing asylum seekers to remain in dangerous areas on the Mexico border.

These examples give just a peek into a terrifying potential future for the country if Trump has another term to stack the courts with loyalists.

What's at Stake in 2024

It's impossible to discuss the Supreme Court without noting the ages of the justices. Justices Clarence Thomas, 76, and Samuel Alito, 74, are rumored to retire soon, and Justice Sonia Sotomayor, 70, has been dealing with some health issues as a side effect of her diabetes. If Trump wins, he could have the potential to appoint three justices, or more, meaning he would have handpicked six out of the nine Supreme Court justices—all of them likely under 60.

Trump has said he is interested in appointing young justices to the Court. If he were to appoint a 40-year-old to the bench in 2025, it would be 2061 by the time that justice reached Clarence Thomas's age. Over that time period, there will be nine presidential races.

Upcoming Cases

When *Roe v. Wade* was overturned, Justice Thomas wrote in his concurring opinion that the Court was entering into a new era. He said he was interested in reexamining three key Supreme Court cases that are all based on the right to privacy:

1. *Obergefell v. Hodges*: Legalized marriage equality in all 50 states
2. *Griswold v. Connecticut*: Confirmed the right to birth control for married couples
3. *Lawrence v. Texas*: Declared sodomy laws unconstitutional

There is clear evidence to suggest that there is interest on the part of Trump's nominees to overturn these cases. For example, Judge Kacsmaryk has worked to restrict access to birth control and said that same-sex marriage will “send the country on a road to potential tyranny.”

And that's not all that the Supreme Court has in store for us, specifically around the area of abortion. This session, the Court dismissed *Moyle v. United States*, which gave women in Idaho access to abortions in case of emergency. By dismissing the case, they temporarily protected emergency abortion access in the state. But legal experts speculate that the choice to dismiss the case was founded in politics. Trump's justices knew that Republicans were losing favorability because of their stance on abortion and may have chosen to wait until after the election to take the right to emergency abortions away from women.

Similarly, in *Food and Drug Administration v. Alliance for Hippocratic Medicine*, the justices allowed for access to the abortion-inducing drug Mifepristone. But the case was decided because they did not

believe the case had standing—the ruling had nothing to do with the legality of medication abortions. If they are given a more concrete case, it is possible that medication abortions, which make up 60% of all abortions in the United States, could disappear.

And it is likely that these far-right courts will be seeing more cases than ever before since the Supreme Court recently overturned *Chevron v. Natural Resources*. Chevron decided that the power to make executive decisions regarding regulations that Congress had not yet weighed in on belongs to the executive administrations (Food and Drug Administration, Bureau of Alcohol, Tobacco, and Firearms, etc.). When Chevron was overturned, the justices said that the power to make those regulations should lie with the courts. They are taking power away from the experts, and with the ability to venue shop, far-right judges can wreak havoc on consumer protections, and our government writ large.

Conclusion

We are past the point where we can pretend that elections have nothing to do with the Supreme Court, especially when these cases are radically changing the state of our country. Upcoming cases and young judicial appointees will have a major impact on the United States for generations.

The possibility of a mega-far-right Supreme Court is tangible, but it's also preventable. There are two things Americans can do to prevent the worst-case scenario: 1. Vote for Senators who can stop extreme nominees from being confirmed to the bench and 2. Stop Trump from regaining the White House.

The next American generation can't risk another Trump presidency.