

Racial Justice & Immigration

- ▲ **Trump-appointed judges are undermining protections against racial and ethnic discrimination** and making it more difficult to bring challenges under the rules that remain.
- ▲ These same judges **routinely rubber-stamp Trump's anti-immigration policies** and orders.

The Cases

1 *Cook County v. Wolf*

In a June 2020 case, then-Judge Amy Coney Barrett wrote a [40-page dissent](#) in a case before the Seventh Circuit over whether a county could sue to block President Donald Trump's extreme updates to the "public charge" test applied to immigrants.

What Happened? Plaintiffs sought an injunction against Trump's updates to the Department of Homeland Security "public charge" policy, which dates to 1999. Under Trump's first term, it became a "wealth test." Depending on how it is applied, immigrants can be denied entry or residency — whatever their reason for seeking to immigrate, no matter the threats they face at home, and regardless of how long they've been in the United States — based on assumptions about their potential use of public benefits like housing, nutrition, or energy support.

Impact: The policy fluctuations from Trump to Biden and back to Trump have had a chilling effect on immigrants and lawful residents, leading them to avoid accessing services and to live in a state of fear. Barrett's dissent on Trump's initial "wealth test" during her time on the Seventh Circuit highlights the political motivations of Trump appointees, signaling a willingness to use cases to send broader political messages — and may well have played a role in her eventual appointment to the Supreme Court by Trump.

2 *Students for Fair Admissions v. Harvard/Students for Fair Admissions v. University of North Carolina (UNC)*

In these 2022-23 linked cases brought by Students for Fair Admissions (SFFA), an anti-affirmative action group, against Harvard and UNC for using race as a factor in admissions, the Supreme Court ruled 6-2 (with Jackson recused) against Harvard and 6-3 against UNC respectively.

What Happened? SFFA sued universities under Title VI of the Civil Rights Act of 1964, arguing that race-conscious admissions unfairly disadvantaged white and Asian American applicants. The Supreme Court sided with SFFA, dismantling decades of precedent on affirmative action, including principles upheld in *Brown v. Board of Education* and *Fisher v. University of Texas*. The ruling also weakened *Regents of the University of California v. Bakke* (1978), which deemed diversity a "[compelling state interest](#)." The majority claimed the universities failed to justify their use of race in admissions under *Grutter v. Bollinger* (2003), citing a lack of compelling interest, an endpoint, or safeguards against racial stereotyping.

Impact: Admissions offices attempting to follow *SFFA* cannot consider applicants' race itself as a factor, only "an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise" if the applicant can tie that experience directly to a quality, accomplishment, or achievement relevant to admissions.

3 *Brnovich v. Democratic National Convention*

In this 2021 Supreme Court decision, Justices Samuel Alito, Clarence Thomas, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett decimated Section 2 of the Voting Rights Act of 1965 (VRA).

What Happened? The Supreme Court’s uber-conservative uber-majority overturned a decision by the Ninth Circuit striking a pair of Arizona laws barring ballots cast out of precinct from being counted in state and federal elections (to which precinct is irrelevant) and restricting who can return a ballot on behalf of a voter. Trump’s justices were critical to upholding the Arizona laws and rewriting Section 2 jurisprudence.

Impact: *Brnovich* makes it harder to challenge voting laws that disproportionately deny or restrict voting rights based on race. This blow to Section 2 is especially alarming given the damage from *Shelby County v. Holder* (2013), which eviscerated Section 5’s pre-clearance requirement for jurisdictions with a history of racial discrimination.

The Bigger Picture

The Courts Are Rigged Against Us

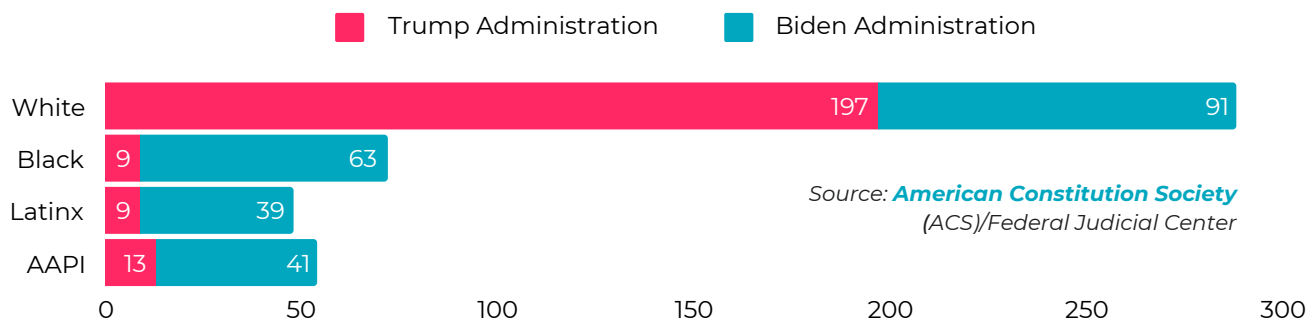
Trump’s anti-immigration and racially charged rhetoric isn’t just posturing — it’s backed by action. His lifetime judicial appointees were chosen to dismantle anti-discrimination laws and policies like race-conscious admissions and DEI programs that promote racial justice and equity. In just a few years, they have overturned decades of precedent — a shift that will shape the courts for generations.

Why This Matters to You

How Trump Judges Are Setting Back Racial Justice and Endangering Immigrants

- Loyalist judges (84% white) with lifetime appointments are attacking precedent promoting racial justice and the humane treatment of immigrants.
- Immigrants too fearful to seek essential services will suffer — especially children.
- Asylum seekers will be deterred, forcing many to remain in dangerous conditions without recourse.
- The Supreme Court’s affirmative action ruling has already led to declining enrollment of Black, Latinx, and Indigenous students, [erasing decades of progress](#) in higher education access.

DEMOGRAPHIC DIVERSITY OF JUDGES



What You Can Do



- Spread the word: Share this fact sheet to educate your communities.
- Hold lawmakers accountable: Demand senators reject any nominees who will protect the wealthy and powerful over the rights of all of us.
- Support organizations like AFJ that are fighting back.