THE

SUPREME COURT

On Wednesday, the Supreme Court issued a 6–3 decision in ***U.S v. Skrmetti,*** upholding Tennessee's ban on gender-affirming care for transgender youth. As of August 2024, **roughly 26 states** have enacted similar bans. In her dissent, Justice Sotomayor wrote that the Court "abandons transgender children and their families to political whims."

This decision is the Court's **latest blow to freedom** and bodily autonomy. It will only embolden state legislatures determined to pass anti-LGBTQ+ laws — and to embed discriminatory, sex-based restrictions in plain sight.

Today, the Supreme Court issued several opinions, including ***Stanley v. City of Sanford, Florida,*** where the conservative majority weakened the Americans with Disabilities Act. The Court ruled that a retiree could not sue for disability-related retirement benefits because they were no longer an employee. In dissent, Justice Jackson criticized how the Court's opinion "diminishes disability rights that the people (through their elected representatives) established more than three decades ago."

This opinion — one of many released — reveals a troubling vision for the future of our country and the rule of law. The Supreme Court's conservative majority continues to distort the law in **favor of the wealthy and powerful** at the expense of everyone else.

Emergency "Shadow" Docket

The Supreme Court continues to abuse its emergency, or "shadow," docket to grant relief to the Trump administration — even in cases that show no signs of genuine urgency. These decisions are issued without full briefing, oral argument, or transparent reasoning, yet they carry sweeping consequences.

In ***SSA v. AFSCME,*** the Court granted the Department of Government Efficiency access to the sensitive Social Security data of millions of Americans. Just moments later, in ***U.S. DOGE v. CREW,*** the Court shielded DOGE from having to release public records to **Citizens for Responsibility and Ethics in Washington.** Both decisions fell along ideological lines.

In *SSA v. AFSCME,* Justice Jackson — joined by Justice Sotomayor — authored a pointed dissent, highlighting what seems to be the Court's **preferential treatment** to this executive. She criticized the majority for overriding the lower court's well-reasoned judgment and for relaxing the standards typically applied to emergency relief.

In the face of an overreaching executive and a Congress intent on enabling Trump's authoritarian impulses, it is alarming that the Court continues to wield their "equitable power to fan the flames rather than extinguish them."

THE SENATE

JUDICIARY COMMITTEE

Confirmation Hearings

The Senate Judiciary Committee recently held hearings on Trump's first slate of judicial nominees — a group of right-wing ideologues with brief legal careers largely defined by pushing extreme shifts in the law. Despite the stakes of granting lifetime appointments under an executive openly hostile to the judiciary, Senate Democrats failed to either show up for the full hearing or to meaningfully challenge the nominees and their anti-civil rights records. They should remember how eagerly Republicans attacked Biden's nominees, often relying on misinformation to do so.

During their confirmation hearings, Trump's nominees offered no meaningful explanations for some of their most extreme views and repeatedly declined to answer even the most basic questions about their legal philosophy and experience. **Hermandorfer** (6th Circuit), closely tied to the secretive, Leonard Leo–backed Teneo Network, could not clearly explain what the group does — raising serious concerns about her role in the broader effort to capture the judiciary for the ultra-wealthy and far-right.

Divine evaded questions on marriage equality and downplayed his past claim that he was a "religious zealot" for anti-abortion causes. He, along with **Bluestone** and **Lanahan**, also refused to clearly affirm that the executive branch must comply with lower court orders.

Despite serious concerns raised by public and civil rights organizations, Senate Democrats on the Judiciary Committee failed to demand answers — many didn't even stay for the full hearings. It is the Senate's duty to thoroughly vet lifetime judicial nominees, and that responsibility must be taken seriously moving forward.

Trump's Second Slate of Judicial Nominees

With nominees as extreme and ideological as the first slate, Trump continues his efforts to push his loyalist into lifetime judgeships.

Emil Bove's nomination to the U.S. Court of Appeals for the Third Circuit makes clear that corruption and blind loyalty aren't flaws in Trump's judicial strategy — they're the point. In addition to serving as Trump's personal attorney, Bove has used his senior position at the Department of Justice to weaponize the rule of law. He directed the U.S. Attorney's Office for the Southern District of New York to **drop charges against Mayor Eric Adams,** who was accused of using his office to solicit bribes and illegal campaign contributions. Bove has also **targeted** FBI officials and experienced prosecutors for their efforts to hold January 6th rioters accountable. It is deeply alarming to consider the damage Bove could do as a lifetime federal appellate judge, with the power to shape the law and impact countless lives for generations to come.

Trump's other nominees include Kyle Dudek, Anne-Leigh Gaylord Moe, John Guard, and Jordan Pratt for the Middle District of Florida, as well as Ed Artau for the Southern District of Florida. These nominees all have deeply troubling records:

Kyle Dudek (M.D. FL): The majority of Dudek's litigation experience has been dedicated to defending police officers, public officials, and prison guards against civil rights violations. The rest of Dudek's litigation experience was in representing corporations in employment-related disputes.

Anne-Leigh Gaylord Moe (M.D. FL): Moe has demonstrated a clear willingness to disregard precedent and legal norms to advance a partisan agenda. In one case, she ruled — despite overwhelming precedent — that a city lacked authority over its own zoning decisions. In another, she applied a Florida tort reform law retroactively, even though the law explicitly stated it would not apply to past cases. The law severely limited plaintiffs' ability to pursue negligence and bad-faith insurance claims, and Moe's decision effectively amplified its harm.

John Guard (M.D. FL): A member of both the Federalist Society and the National Rifle Association, John Guard has embraced far-right legal positions. He called for an investigation into Dr. Fauci over the federal COVID-19 response, sued the Biden administration over what he claimed was an "unlawful immigration policy of releasing aliens," and defended Florida's abortion ban following the fall of *Roe v. Wade*.

Jordan Pratt (M.D. FL): Before his appointment to the Florida Fifth District Court of Appeal, Pratt served as counsel for First Liberty Institute — the same far-right legal group behind Trump-era judicial nominees like Matthew Kacsmaryk and Andrew Oldham. Throughout his career, Pratt has consistently prioritized a conservative ideological agenda over well-established constitutional protections, especially when it comes to bodily autonomy, LGBTQ+ rights, public health, and gun safety.

Ed Artau (S.D. FL): Artau, a judge on Florida's Fourth District Court of Appeal, has demonstrated a judicial philosophy hostile to LGBTQ+ rights, gun safety laws, environmental protections, and free speech. His record also raises serious ethical concerns. In 1995, a gubernatorial investigation found he acted improperly and more recently, after entering talks with Senator Rick Scott about a potential federal judgeship, Artau refused to recuse himself from a defamation case brought by Trump against members of the Pulitzer Prize Board. In his ruling favoring Trump, he echoed the former president's rhetoric about "fake news" and a "hoax." He was interviewed by the White House Counsel shortly afterward for a judicial nomination.

On Wednesday, Trump announced his intent to nominate Chad Meredith to the U.S. District Court for the Eastern District of Kentucky. A stanch supporter of abortion restrictions and former Kentucky solicitor general, Meredith marks the beginning of Trump's third slate of judicial nominees this term — continuing a pattern of selecting candidates with strong anti-civil rights records. AFJ strongly opposes each of these nominees. We will provide detailed research on their extremist records ahead of their Senate hearings, and we urge the Senate Judiciary Committee to hold them accountable for their anti-civil rights actions.

HOLDING

THE BENCHLINE

This week, U.S. District Court Judges Charles Breyer (N.D. Cal.) and William Young (D. MA) are Holding the Benchline. Last Thursday, Judge Breyer **ruled** that Trump had unlawfully taken control of California's National Guard to suppress protests against the administration's aggressive and unprecedented use of military personnel on civilians.

Shumate, the Assistant Attorney General, in keeping with Trump's refusal to be constrained by the Constitution argued that this was not "subject to judicial review." Judge Breyer firmly disagreed, stating that the "president exercising his authority" is still "limited in that authority. That's the difference between a constitutional government and King George."

The Ninth Circuit quickly paused the lower court's ruling and, on Thursday, **sided with Trump** — finding he likely has the authority to federalize the National Guard. The three-judge panel which included Trump appointees **Mark Bennett** and **Eric Miller** held that the president can do so when there is a "rebellion or danger of a rebellion." This sets a dangerous precedent for those seeking to exercise their First Amendment rights. Peaceful protest should never be equated with rebellion. The ruling opens the door for Trump to use military force to suppress dissent — now with legal cover.

On Monday, Judge Young **ordered the federal government** to restore the funding the administration had moved to cut for the National Institute of Health. Judge Young noted that the administration's effort to eliminate diversity and equity initiatives appeared to be rooted in prejudice. Judge Young, appointed by Reagan has over 40 years of experience, and stated that during that time he had "never seen government racial discrimination like this."

Holding Court

Join Alliance for Justice on Thursday, June 26 at 3pm ET for a timely debrief on the Supreme Court's latest term, with a focus on its shifting approach to religious liberty. As the Court's conservative majority continues to reshape American law, this term marks a significant shift in how the Establishment and Free Exercise Clauses are interpreted — raising critical questions about the balance between religious liberty, anti-discrimination protections, and government neutrality. Our expert panel, including Chris Geidner, publisher of Law Dork, will unpack what these decisions mean for advocates, policymakers, and the public.

Additional panelists to be announced soon. **Register Here!**

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