



THE BENCHMARKLINE

The Supreme Court

The 2025 Supreme Court term officially began on Monday. The term is poised to be hugely consequential as the Justices will be asked repeatedly to stand up against a presidential administration’s intent on consolidating power, bucking the rule of law, and limiting constitutional rights. Decisions will have ripple effects for decades, especially in determining the balance of power between the President and the co-equal branches. Members of the Court’s conservative majority have already provided early insight into their approach. Justice Thomas even **stated outright** he isn’t interested in giving deferential weight to years of critical precedent.

The term will cover a wide range of impactful issues, with cases that could further decimate (or even end) the Voting Rights Act, define what qualifies as “persecution” in asylum cases, and decide whether incarcerated people can seek damages from state officials who violate their religious rights.



This week and next, the Court will hear oral arguments in the following key cases:

- ***Chiles v. Salazar*** (October 7): The Supreme Court will decide whether Colorado's lifesaving ban on so-called "conversion therapy" for minors, an abusive and discredited practice aimed at forcing LGBTQ+ youth to conform to heterosexual and cisgender norms, violates the First Amendment's protections of free speech and religious exercise. At a time when LGBTQ+ youth already face heightened rates of depression, bullying, self-harm, and suicide, the Court's decision could mean life or death for many young people across the country.
- ***Bost v. Illinois B.D. of Elections*** (October 8): While this case is supposed to be limited to whether Rep. Bost has standing to challenge state election law, the Roberts court could end up ruling on the validity of late-arriving mail-in ballots. Such a ruling could risk turning commonsense election laws into highly partisan litigation disputes, opening the door for the suppression of votes cast by mail and disproportionality affecting low-income, disabled, minority, and older voters.
- ***Louisiana v. Callais*** (October 15): The Supreme Court will address whether a redistricted congressional map in Louisiana, which created a second majority-Black district, violates section 2 of the Voting Rights Act. A decision finding the redistricting was a racial gerrymander may have dire impacts: limiting the scope of the Voting Right Act's protections and making it harder for minority groups to seek judicial intervention when electoral maps are drawn.

THE SENATE

JUDICIARY COMMITTEE

On Monday, the Senate Judiciary Committee advanced four of Trump's judicial nominations for consideration by the full Senate, two with support from Senate Judiciary Democrats.



Jennifer Mascott (3rd Circuit) and **Edmund LaCour** (ND AL) were both advanced on party-line votes. **Bill Lewis** (MD AL) and **Harold Mooty** (ND AL) were confirmed by votes of 14-8 and 18-4.

While AFJ has opposed all of Trump's nominations so far, we are especially alarmed by Mascott and LaCour's nominations to the federal bench. Mascott has promoted an **expansive view of executive authority** — shielding presidents from accountability, while at the same time working to weaken Congress's ability to delegate power to federal agencies and enact protections for the public. LaCour is equally concerning. While serving as Alabama's Solicitor General, he misused his power to advance an extremely far-right ideological agenda, eroded voting and other fundamental rights, and expanded power for the privileged few.

Earlier today, the committee advanced a slate of North Carolina nominees, as well as Rebecca Taibleson (7th Circuit). David Bragdon (MD NC) advanced on party line votes, while Lindsey Ann Freeman (MD NC), Susan Courtwright Rodriguez (WD NC), and Matthew Emile Orso (WD NC) advanced with support from Senate Judiciary Democrats.

Bragdon has been disturbingly outspoken about his extremist and radical views. Earlier this week, **a dozen North Carolina-based** racial justice, reproductive rights, and community advocacy organizations voiced their opposition to his nomination as well.

HOLDING

THE BENCHLINE

President Trump continues to illegally use the National Guard as his personal military, deploying the guard in full force to Portland and Chicago over the weekend. Trump used the same tactics in Los Angeles earlier this year before he was **ordered** by U.S. District Judge Charles Breyer to stop using the National Guard for activities such as arrests, searches, traffic or crowd control, and interrogation, as doing so blatantly violated the law.

Both cities are pushing back. After Trump-appointed U.S. District Judge J. Immergut had **already blocked** the deployment of the National Guard members to Portland, the Trump administration tried to circumvent the order by deploying California National Guard Troops. Judge Immergut then **issued** a second, broad order barring any National Guard members from being relocated from any state for federal service in the state of Oregon. Trump's actions to maneuver around the Court's order and the rule of law prompted the State of California **to join the suit** against the Trump administration, alongside the State of Oregon and the City of Portland. After adding California, the parties sought a new emergency order to block the California National Guard troops from mobilizing in Portland.

Illinois and Chicago responded similarly, **suing** to stop the federalization of National Guard troops from their state and Texas. U.S. District Judge April Perry temporarily **allowed the administration** to continue its deployment until Wednesday at midnight, when the administration is required to provide more information on how the National Guard troops would be deployed in Chicago and in what capacity.

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