

# Supreme Court 2022-2023 Preview

The 2021-2022 Supreme Court term is now over, but we will feel the ripple effects of cruel decisions for years to come. The radicalized Trump Court overturned *Roe v. Wade* and the constitutional right to abortion; undermined the separation of church and state; jeopardized the ability of states to enforce common sense gun violence prevention measures; undermined the EPA's ability to enforce safeguards for our climate and environment; and much more.

This is likely only the beginning for a Court that is hellbent on overturning progress and rolling back our most cherished rights. Next term, the Court will consider cases with implications for millions, on topics including democracy, civil rights, and the criminal justice system. Here's a preview of what's at stake.



## Access to Justice

**Arellano v. McDonough:** The Court will decide whether a one-year filing deadline for veterans to submit disability claims after they are discharged can be extended for "good cause." Mr. Arellano, a Navy veteran, had several service-connected mental health conditions that prevented him from filing a disability claim sooner. A ruling in his favor could potentially benefit thousands of veterans, allowing them to receive disability payments retroactive to discharge.



## Criminal Justice

**Reed v. Goertz:** Rodney Reed, a man on death row who has maintained his innocence for over 25 years, is appealing a Fifth Circuit decision refusing Reed's request to DNA test crime scene evidence. Reed, who is Black, was convicted of killing a romantic partner even though evidence pointed to her white police officer fiancé. For years, Reed has been in a legal battle with the state of Texas to obtain the DNA evidence needed to clear his name. A decision against Reed would have life-and-death implications for wrongfully convicted individuals seeking exoneration.



## Education

### **Students for Fair Admission (SFFA) v. Harvard and SFFA v. UNC:**

The previously consolidated cases from Harvard University and University of North Carolina would have serious implications for affirmative action and racial justice. Both cases were brought by anti-civil rights radical Edward Blum as part of a larger effort to end holistic, race-conscious admissions policies that have been upheld by the Supreme Court for decades. The cases, brought by Asian American plaintiffs recruited by Blum, are attempts to drive a wedge in inter-racial solidarity and attack race-conscious policies and programs that facilitate opportunities for all people of color.



## Environmental Justice

**Sackett v. Environmental Protection Agency:** A decision against the Environmental Protection Agency (EPA) in this case could significantly limit the agency's power under the Clean Water Act (CWA). Petitioners, who initially came before the Court in 2012, are asking the Court to resolve a conflict about the definition of "water of the United States" under the CWA. A narrower definition of the term, proposed by former Justice Scalia and favored by conservatives, would limit the EPA's ability to fight pollution and keep our waters and communities safe.



## LGBTQ+ Rights

**303 Creative LLC v. Elenis:** This case involves a Colorado graphic designer who refused to create websites for same-sex couples. A decision in favor of the designer would invalidate the Colorado law prohibiting discrimination against LGBTQ+ customers, as well as any other state laws that provide similar protections, giving business owners an unfettered right to discriminate.



## Native American Rights

**Brackeen v. Haaland:** This case challenges the Indian Child Welfare Act (ICWA), a 43-year-old federal law passed in the wake of decades of state-led, anti-tribal forced separation of Native American children from their families. Texas is challenging the constitutionality of ICWA, arguing that it constitutes federal overreach. A decision in favor of Texas would have a devastating impact on Native families and tribal sovereignty.



## Voting Rights

**Moore v. Harper:** This redistricting case out of North Carolina could have serious implications for voting rights and the future of our democracy itself. If the Court accepts the radical “independent state legislature” theory, it will effectively allow state legislatures to set their own rules for presidential and congressional elections and strip state courts of the power to strike down anti-democratic laws.

**Merrill v. Milligan:** A federal district court held that Alabama’s 2021 redistricting plan violated the Voting Rights Act (VRA) by diluting Black votes. In a shadow docket order last term, the Supreme Court temporarily reinstated the discriminatory maps. Now, it’s set to decide whether to make its order permanent—the Court’s decision could make it so gerrymandered maps are in place until the next redistricting cycle begins in the 2030s.