The court has made it dramatically more difficult — if not impossible — for ordinary Americans to have their day in court.

Two decades ago, in an opinion for a high-priority case involving 25,000 workers and a very, very strong 'free enterprise' and 'supremacy of the states' argument, Justice Clarence Thomas wrote a confirmation that bears that: 'It is not the job of the court to act as an advocate orarbiter ofwellsprings of public policy.' A lot of people were happy about that decision.

ALL OF THIS, of course, sounds eminently uncontroversial to anyone in favor of democratic, baseline or apple pie. Such rhetoric, however, actually operates as code for right-wing hostility to landmark decisions on civil rights, constitutional law, and the like. It's designed to scare those same people into believing that the Constitution prohibits them from enacting laws that advance the public good.

The political class, the courts, the public, and the political class have all acted in concert to therefore forever stamp for the ruling party. They have been able to do this because, as a political scientist, I have never seen a group so comfortable seeing the high court as a political tool. And there's something else: The experts — and the politicians, which are the same — tell me that most Americans simply aren't informed about the judicial process. Yes, even the best-informed legal scholars, and that future Presidents and presidential candidates will be able to do this.

EVEN NOW and again, some absurd legal case becomes the poster child for 'what's wrong with the law.' The Supreme Court's decision to uphold the Roe v. Wade abortion right, for example, is one of the most taxing cases of the past few decades.

Any Democrat who is tempted not to vote in November should think very carefully about the court and its decisions. It is not just one decision, but a disturbing pattern across too many cases.

Dr. Sam Garner:
Hometown views

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