

# Ways to promote an impartial U.S. Supreme Court

“The complete independence of the courts of justice is peculiarly essential in a limited constitution.” — Alexander Hamilton, Federalist Papers No. 78.



IAN  
GILLILAND

Hamilton highlighted the importance of judicial autonomy. An independent judiciary is vital for protecting rights and maintaining the rule of law. In the U.S. system, designed with checks and balances, every branch of government has a role in limiting the powers of the others.

However, the independence of our nation’s top court is being threatened. Chief Justice John Roberts wrote about four areas of concern in his annual end-of-year report: violence, intimidation, disinformation and threats to defy the judgments of the court.

Regarding violence judges often face, Roberts wrote, “Attempts to intimidate judges for their rulings in cases are inappropriate and should be vigorously opposed.”

He cited the 2022 arrest and attempted murder charge of a man who was found outside Justice Brett Kavanaugh’s home with a handgun after the ruling

that overturned *Roe v. Wade*. Roberts added that calls to defy court orders or coerce rulings — especially from politicians and elected leaders — “must be soundly rejected.”

The executive and legislative branches are necessary for creating and enforcing laws but are often driven by political motives. The judiciary — and especially the U.S. Supreme Court, as the nation’s highest court — must apply the law fairly and without political bias, a contrast to the other branches.

But why does an impartial court matter?

The role of an independent judiciary becomes clearer when

considering how much impact the court’s rulings can have on society. Throughout history, courts have defended legal rights, stepping in when the legislative or executive branches overreach.

Consider how the Supreme Court in 1954 with the *Brown v. Board of Education* ruling declared state-sponsored school segregation unconstitutional, even though many states heavily resisted integration. The court upheld constitutional principles, stating that segregation violated the Equal Protection Clause of the 14th Amendment. The landmark decision advanced the Civil Rights Movement and

highlighted the crucial rule of the judiciary in safeguarding legal rights.

Moreover, think about how courts help prevent and punish abuses of power.

In the case of *U.S. v. Nixon* in 1974, the Supreme Court asserted its independence by ordering President Richard Nixon to release the Watergate tapes, despite his claims of executive privilege. In a politically charged environment, the court made it clear that even a president is not above the law, emphasizing the ideal that the law applies equally to everyone, regardless of status.

Please see GILLILAND, Page E8



## EDITORIAL BOARD

Jason Collington ..... Editor  
Ginnie Graham ..... Editorial Pages Editor

Tim Chamberlin ..... Presentation Editor  
Nicole Marshall Middleton .. Scene Editor

Stacey Dickens ..... Assistant Editor

## Gilliland

From E7

How could we promote a U.S. Supreme Court that remains impartial?

**Enact term limits.** Stanford University professor of history and political science Jack Rakove argues that over time Americans have seen how serving for life no longer provides the “impartiality and independence that the framers intended to bestow.” He states that the best proposal so far is setting term limits of 18

years.

Many of the justices like the term-limit idea. Justices Elena Kagan, Samuel Alito and Roberts expressed differing levels of support. Also, Americans are embracing ideas of court reforms. The Annenberg Public Policy Center found in a survey last year that 77% support a formal code of ethics. That’s similar to research from The Associated Press-NORC Center for Public Affairs Research, which reported that 67% of Americans back term limits for the Supreme Court.

**Implement a binding code of ethics.** Attorney and economist Ian Ayres stated in the *Harvard Law Review* that a stricter code of ethics could restore the court’s independence. He argues that a more robust ethical code would create “a more impartial and lasting” Supreme Court.

Some observers argue that justices must recuse themselves on cases they might have an interest in; a stricter code of ethics could ensure just that.

Protect and expand institutional independence. Former Oregon Supreme Court Chief

Justice Paul De Muniz argues that judges throughout the judiciary, particularly in states, must work in well-resourced systems to give autonomy from the rest of the government. This would allow judges to be more open in rulings to act without fear of retribution or political pressure.

The independence of the judiciary is a cornerstone of our legal system and a safeguard against the erosion of our fundamental rights. As Hamilton stated in *Federalist No. 78*, “The complete independence of the courts of justice is peculiarly essential in a

limited constitution.”

To ensure that this independence endures, we must take proactive steps to protect it. In doing so, we honor Hamilton’s vision and that of all the founders.

Only with an impartial and independent court can we ensure that justice is served fairly and equitably for generations to come.

Ian Gilliland is a sophomore at the Riverfield Country Day School and a member of the Youth Advisory Board.