

*THE ROLE OF THE JUDICIARY
UNDER THE U.S. CONSTITUTION –
PAST AND PRESENT*

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INTRODUCTION

- The judiciary is the third co-equal branch of our government
- The court’s role in interpreting and upholding the Constitution
- Why this role is critical in a polarized, fast-changing society

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**HISTORICAL ROLE OF THE
JUDICIARY**

- Article III: Judicial power and structure
- Key functions: interpretation, dispute resolution, constitutional review
- *Marbury v. Madison*: Judicial review

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JUDICIAL INDEPENDENCE

- Lifetime appointments and protected salaries
- Independence from political pressure
- Threats to independence today

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JUDICIAL ACCOUNTABILITY

- Transparency and ethical conduct
- Calls for Supreme Court Code of Conduct
- Balancing independence with responsibility

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JUDICIAL ACTIVISM VS. RESTRAINT

- Definitions and key examples (e.g., *Roe*, *Obergefell*, *Dobbs*)
- Risks of overreach and underreach
- Importance of balance

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TECHNOLOGY & PRIVACY

- *Carpenter v. U.S.* and the digital age
- Surveillance, facial recognition, AI
- The Fourth Amendment reinterpreted

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ENVIRONMENT & CLIMATE LAW

- *West Virginia v. EPA*
- Federalism and environmental protection
- Climate justice as a constitutional issue

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CIVIL RIGHTS & EQUALITY

- Affirmative action, voting rights, LGBTQ+ rulings
- Balancing civil liberties and public values
- Evolving notions of equality

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DEMOCRACY & ELECTORAL INTEGRITY

- *Rucho v. Common Cause*, gerrymandering
- Courts' role in preserving free and fair elections
- January 6 and the judiciary's defense of democracy

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STRUCTURAL CHALLENGES

- Public trust decline
- Court delays and access to justice
- Ethics and transparency concerns

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ATTACKS ON THE JUDICIARY

- Personal threats and political pressure
- Delegitimization of courts
- Erosion of public trust = erosion of the rule of law
- The judiciary's strength is credibility, not coercion

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THE WAY FORWARD

- Defend independence without rejecting accountability
- Invest in judicial education and reform
- Uphold constitutional respect

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CONCLUSION

- The judiciary's role is central and enduring
- It must be protected, not politicized
- Justice must remain independent — and visible to all

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QUESTIONS?

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