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The Justices are doing a job worthy of America's 250th.

The Court's Constitutional Restoration

What is this Supreme Court's project? The answer should be no great mystery, since the Justices explain their thinking in detail, including in 633 pages of opinions released this week alone. Yet the air is filled with lazy and partisan claims that the conservative majority is trying to aggrandize its power or that of President Trump.

Read the Justices, and it becomes clear they are focused on the Constitution and the law. They are protecting ordered liberty, correcting deviations from the Founders' design, and taking the Bill of Rights seriously. The Court isn't partisan, much less MAGA, and its constitutional cleanup is a tremendous accomplishment for the country.

The separation of powers is fundamental to the Constitution, yet those levees have long needed reinforcement. That's the point of Monday's ruling letting any President fire the heads of supposedly "independent" agencies (*Trump v. Slaughter*). Woodrow Wilson liked the idea of rule by experts, but the Founders never envisioned a fourth branch of government unaccountable to voters, and Congress can't create one, with an exception being the Federal Reserve (*Trump v. Cook*).

The Justices are also ruling against Presidents who try unilaterally to impose policies while citing some law that Congress never meant for that purpose. This year the Justices said Mr. Trump can't impose \$4 trillion in tariffs (*Learning Resources v. Trump*). In 2023 it was President Biden's move to forgive \$430 billion in student loans.

Partisans find this frustrating, because after winning an election they feel justified in claiming a mandate. Yet Congress often declines to give them what they want, since lawmakers reflect the country in being closely divided. In 2014 a stymied President Obama announced a new era of executive action. "I've got a pen, and I've got a phone," Mr. Obama said. So do his successors.

When the Justices strike down executive overreach, they're upholding the Constitution. Mr. Trump promised during his 2024 campaign that he would end birthright citizenship. The Court said Tuesday he doesn't have that power (*Trump v. Barbara*). The multiple opinions were an originalist free for all, with six conservative Justices giving four different theories about the meaning of the 14th Amendment.

The Court's effort to re- separate legislative and executive powers is constitutionally correct. One reason for Congress's dysfunction is that lawmakers are used to punting hard decisions to regulators. Why compromise on a law to protect "Dreamers" if a President can do it himself? The Court can help by going further, as Justice Neil Gorsuch suggests, and employing its nondelegation doctrine on Congress's abdications. Note

A second theme for this Court is vindicating liberties in the Bill of Rights. The First Amendment means a state can't punish a Christian counselor who talks through gender questions with clients (*Chiles v. Salazar*), and Washington can't cap the money that political parties spend in coordination with candidates (*NRSC v. FEC*).

The Second Amendment means the government can't disarm casual marijuana users (*U.S. v. Hemani*) or ban firearms by default (*Wolford v. Lopez*). And America has a "colorblind Constitution," as the Court said in a brief unsigned opinion, after its decision removing race from partisan redistricting (*Louisiana v. Callais*). Though the culture wars get attention, some of these cases aren't close: Chiles was 8-1 and Hemani was 9-0.

This term, 44% of the Court's decisions were unanimous, close to the two-decade average. How about the ideological divide? In 24% of cases, all three liberal Justices were in dissent, according to Scotusblog. But 15% had three or more conservatives on the losing side, including the tariff and birthright citizenship rulings, plus major decisions on late mail ballots (*Watson v. RNC*), the Fourth Amendment (*Chatrie v. U. S.*), and more.

Originalism is a method, not a party line, and nobody will like every decision. After the Justices run through cases that unify conservatives, the disputes may get more fractious. Some on the right are already treating Justice Amy Coney Barrett, with whom they mostly agree, as a sellout. They'd do better to recall it was a long legal climb from the founding of the Federalist Society in 1982. Or they could re-read an overheated dissent by Justice Ketanji Brown Jackson, while imagining an alternative Court that might be a President away.

No, today's Court isn't partisan, and its restoration of venerable constitutional principles is a project worthy of America's 250th.

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