The Supreme Court's Increasing Partisan Divide: A Historical and Contemporary Analysis of Consequences on the American Public's Interests

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Prologue:

Political polarization is a cancerous aspect ingrained into American socio-political culture that continues to plague the country, jeopardizing its future and the unity of its people. In 1796, George Washington stated in his farewell address that while political parties "may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion." Nearly two-and-a-half centuries later, Washington's words remain etched in American political culture. Instead of seeking compromise to advance policies favored by a preponderance of the electorate, the party system has since devolved into aggressively absolutist methods of governance (Jilani and Smith). Even the most ostensibly just and impartial institutions are susceptible to such influences. The Supreme Court, despite promoting itself as non-partisan and objective, has become infected by the influence of this party-driven ideological extremism, and its trend toward stark division along ideological lines is part of the harm being done to society by polarization.

In what follows, this study will:

1) use Martin-Quinn scores to show how the rulings of the Supreme Court Justices have trended away from the middle and toward the ideological ends of the spectrum, to demonstrate how, now more than ever, justices are essentially affiliated with either Democratic or Republican partisan values, and the ideological "sides" they represent (liberal and conservative, respectively) to demonstrate the presence of increasing polarization in the American judiciary;

2) analyze the Supreme Court's abortion jurisprudence as a specific paradigm example of these general ideological shifts;

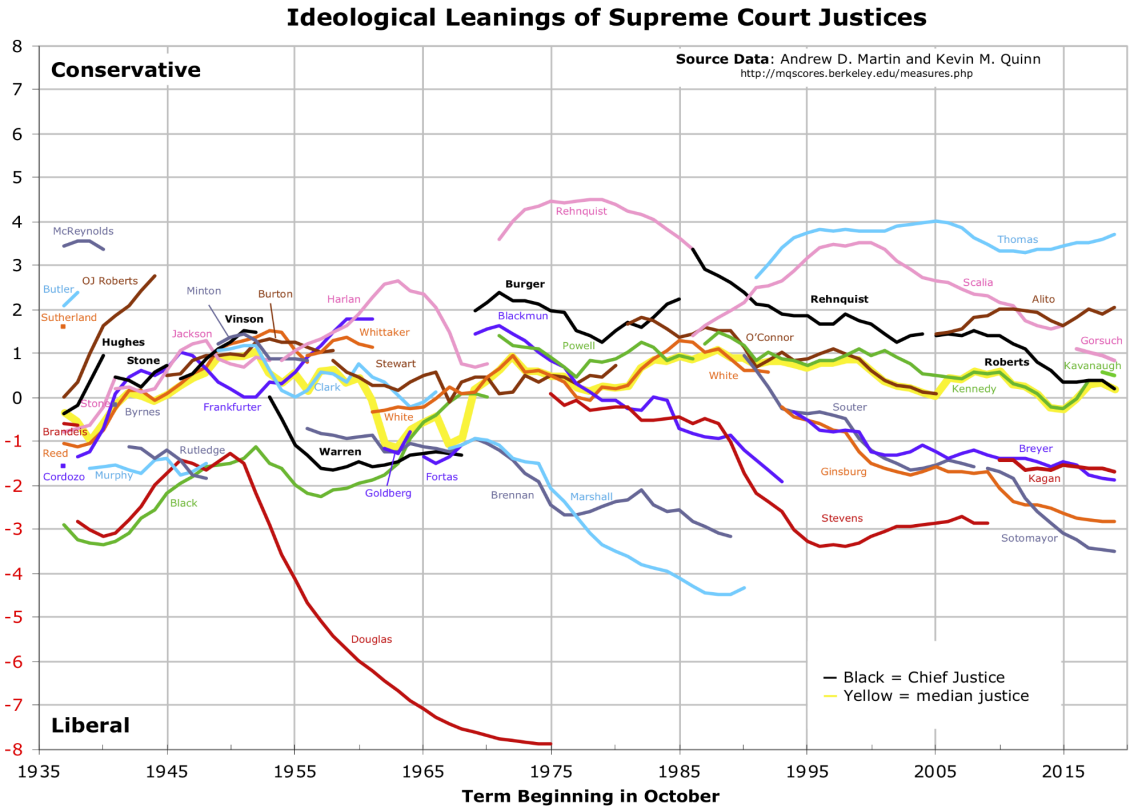
3) offer historically evidenced explanations as to the increasing polarization we have seen in recent decades, and consider how the effects of this polarization impact social policies;

4) discuss possible solutions to the issues raised above.

Conclusively, to ensure a functioning democracy, we must consider whether certain reforms to the Supreme Court would be beneficial, and offer suggestions as to the best way forward.

Section I: Martin Quinn Scores: Evidence of Increasing Polarization in Judicial Decision-making

The Supreme Court over time has become more polarized over ideological lines. This polarization can be quantified and demonstrated by the use of Martin Quinn scores, a system created by Andrew D. Martin and Kevin M. Quinn in 2002 to quantify the ideological leanings in each justice's voting record. The graph below uses MQ scores and displays the ideological leanings of the various Supreme Court justices from the years 1935 to 2015. In the system devised by Martin and Quinn, a 'zero' indicates that a vote was essentially centrist, i.e., neither liberal nor conservative on a policy basis. As the scores increase in absolute value, a justice's vote becomes either more conservative or more liberal, respectively.



The graph is strong visual evidence of the growing polarization in the Court. From 1935 to 65 for instance, the justices' votes did not stray far from the "zero" centerline. However, from the years 1985 onward, the justices' votes have begun to inch further and further away from the center. The statistical analysis represented in the graph above demonstrates that as time has progressed, and the composition of the Court changed, the ideological leanings of its members

have grown more pronounced and that fewer and fewer justices are casting swing votes and acting as voices of moderation as time progresses.

SECTION II: The Indications and Effects of Polarization: The Abortion Debate

The increasing polarization of the Supreme Court has tangible real-world consequences. This is no more apparent than in the debate over abortion rights and restrictions. In 1970, the Court heard the monumental case of *Roe v. Wade*. The plaintiff, under the pseudonym of Jane Roe, filed against a Texas law that only permitted abortions under the condition The Court ruled that a woman's right to a safe and legal abortion was constitutional under the first, fourth, ninth, and fourteenth amendments. Since then, the issue of giving pregnant women the right to safe and legal abortions has been debated and contested on a variety of fronts, including limitations on access, waiting periods, and debate over the viability of fetuses. A review of the Supreme Court's abortion jurisprudence since *Roe v. Wade* presents a paradigm example of how the increasing polarization of the Supreme Court along ideological lines, which mirrors the increasing polarization of the Democratic and Republican parties, has observable consequences.

Immediately from *Roe's* inception, foretelling signs of conflict began to arise. Late Supreme Court Justice Ruth Bader Ginsburg took issue with the ruling's overtly generalistic and unsettlingly hasty development. She observed how it essentially made every piece of restrictive abortion legislation susceptible to hostile backlash, noting that "doctrinal limbs too swiftly shaped may prove unstable." Despite Ginsburg's wholehearted support of abortion legislation, she argued that the case should have been pursuant to the equal protection clause as a matter of gender equality rather than how it was approached through the lens of fourteenth amendment privacy rights (Gupta). A historical overview of how abortion cases since *Roe* have developed demonstrates clearly that Ginsburg's concerns over its origins that existed outside the interests of feminist advocacy and its aggressive policies that would inevitably cause unrest and discord remain validated.

In the early stages of its *Roe*-related jurisprudence, the Court's rulings were marked by moderation and compromise. In the early years after Roe, from 1973 to 1976, rulings such as *Planned Parenthood of Central Missouri v. Danforth* leaned conservative, but were still relatively moderate and undoubtedly respected the precedent of "strict scrutiny" on restrictions as set by *Roe.* For instance, in *Doe v. Bolton* (1973), a companion case to *Roe v. Wade* decided on the same day, the Court struck down Georgia laws that limited abortions to cases of rape; where a woman's life was in danger from the pregnancy; or where the fetus was likely to be seriously, permanently malformed (Oyez). In doing so, the Court ruled that as a medical procedure, a

woman could have an abortion with physician approval for factors far beyond physical danger—including but not limited to emotional, economic, psychological, familial, or physical ones—when determining whether or not to provide a woman with an abortion. In so ruling, and also eliminating certain Georgia laws restricting access to abortions, *Bolton* was certainly a victory for pro-life advocates. But it was in no way an unqualified victory. In his majority opinion for the Court, Chief Justice Blackmun made clear that there was no absolute right to receive an abortion, and that the states had a compelling interest in pro-life positions such as protecting the lives of fetuses. The Court in *Roe* also reiterated that during the second or third trimesters, the state may intervene in one's decision to abort in the interest of the woman's health and safety or the fetus's viability (Oyez). Thus, *Bolton* helped define the contours of the holding of *Roe.*

In 1976, the Court again confirmed that certain restrictions against abortion rights would be upheld. In *Planned Parenthood v. Danforth*, the Court held that a pregnant woman needed informed consent from her husband, doctors who performed abortions needed to "exercise professional care" in preserving the life of a potentially viable fetus, and a pregnant child needed informed consent from their parents before receiving an abortion (Oyez). This, again, is another example of moderation— the conservative proponents were able to define reasonable boundaries and address potential complications with abortion rights while still allowing abortions to be performed without undue burden.

In these early cases, the Supreme Court managed to craft moderate rulings that gave both parties concessions. However, a different dynamic emerges as the Supreme Court's abortion jurisprudence progresses. For instance, in *Maher v. Roe* (1979), the Court upheld a Connecticut regulation that limited Medicaid benefits for first-trimester abortions to those that were medically necessary. Seemingly at odds with *Roe,* the Court nonetheless reasoned that "there was a distinction between direct state interference with a protected activity and 'state encouragement of alternative activity consonant with legislative policy,'" and "[h]olding that financial need alone did not identify a suspect class under the Equal Protection Clause (which ensures equal protection of the law and constitution to people of each state), the Court found that the law was 'rationally related to a legitimate state interest and survived scrutiny under the Fourteenth Amendment'" (Oyez). Thus, the *Maher* decision seemed to offer a victory to pro-life advocates in setting up a legal framework where a state could attempt to restrict abortion as long as it didn't do so 'directly.'

On the other hand, the Court, seven years later, in *Thornburgh v. American College of Obstetricians and Gynecologists* (1986), overturned a set of pro-life regulations, striking down statutes requiring informed consent, risk analyses, and information about fetal development. *Thornburgh* also abolished a rule requiring doctors to remove potentially viable fetuses using the most life-preserving method possible, and in *City of Akron v. Akron Center for Reproductive Health* (1986), the Court abolished certain laws requiring the distribution of information

regarding the health risks of abortion: Parental consent, waiting periods, safe and humane disposal of fetal remains, and the need for abortions after the first trimester to only be performed in hospitals (Oyez). The *City of Akron* case was especially significant in how it conditionally reversed the ruling of *Danforth* requiring parental consent for abortion in all cases, stating that the maturity of each minor in question was subjective. The case serves as an example of the pendulum swinging again in *Planned Parenthood of Southeastern Pa. v. Casey* (1992).

In this monumental case, the Supreme Court, in a 5-4 majority opinion, replaced *Roe's* standard of "strict scrutiny" on restrictive legislation to a more nuanced one that assessed whether the laws placed an "undue burden" on those seeking an abortion. This reaffirmed some of *Roe*, but upheld three of the four regulations under review, holding that *Casey could* require a waiting period, informed consent, and parental consent if the patient was a minor, but *could not* require written consent from a woman's husband, overturning many of the reforms established in *Thornburgh*. Furthermore, the original framework based on trimesters was abandoned, finding that a fetus could be declared viable from a more medically flexible definition of "viability" at a potentially earlier time (Oyez). While the majority in *Roe* reaffirmed the constitutionality of abortion rights, *Casey* cannot properly be called a 'win' for either side. However, it is not a case that was characterized by moderate opinions — the fact that *Casey* was a 5-4 opinion was a clear indication that any broad consensus on the constitutionality of abortion rights was gone. In a harsh dissent, the four-justice minority — Rehnquist, White, Scalia, and Thomas — argued that *Roe v. Wade* should be overturned. Indeed, pro-life advocacy in the Court before *Planned Parenthood v. Casey* had argued for more restrictions, but never a complete rejection of *Roe's* premise entirely.

Also notable is the fact that the majority opinion went out of its way to explicitly state that the justices were not "susceptible to political pressure." Chief Justice Rehnquist even specified that "the Court must take care to speak and act in ways that allow people to accept its decisions on the terms the Court claims for them, as grounded truly in principle, not as compromises with social and political pressures having, as such, no bearing on the principled choices that the Court is obliged to make." This statement represents an acknowledgment of the growing partisan rift in society over the abortion issue – and how the perception was that it was being reflected in the Court's jurisprudence. Thus, the opinions in *Planned Parenthood v. Casey* served as a recognition of the very real "social and political pressures" the Court was indeed facing, but that the Court would have public belief play no part in its decisions. The majority thus essentially admitted that political, social, and legal polarization was a problem that was affecting how the Court viewed the abortion debate. The Court's jurisprudence has not been clarified since, as evidenced by cases such as *Stenberg v. Carhart.* This case, which dealt with determining the constitutionality of a Nebraska law that criminalized half-birth abortions, demonstrates the murky and inconsistent nature of the Court's opinion in recent years. These cases have not clearly defined any kind of consistent standard in deciding a constitutional

framework for determining undue burden; a clear indication of division and struggle within the Court that cannot come to equitable consensus on the issue.

Table I:
An Overview of Significant Abortion Cases and Rulings Since Roe v. Wade (Oyez)

Case	**Year**	**Ruling**	**Majority**	**Minority**
Doe v. Bolton 410 US 179	1973	Compromise	Burger, Douglas, Brennan, Stewart, Blackmun, Marshall, Powell	Rehnquist, White
Planned Parenthood v. Danforth 428 US 52	1976	Compromise	Brennan, Stewart, Marshall, Blackmun, Powell, Stevens	Burger, White, Rehnquist
Maher v. Roe 432 US 464	1979	Pro-Life	Burger, Stewart, White, Powell, Rehnquist, Stevens	Brennan, Marshall, Blackmun
Colautti v. Franklin 439 US 379	1979	Pro-Choice	Brennan, Stewart, Marshall, Powell, Blackmun, Stevens	Burger, White, Rehnquist
Harris v. McRae 448 US 297	1980	Pro-Life	Burger, Stewart, White, Powell, Rehnquist	Brennan, Blackmun, Marshall, Stevens
H.L. v. Matheson 450 US 398	1981	Pro-Life	Burger, Stewart, White, Powell, Rehnquist, Stevens	Brennan, Marshall, Blackmun
City of Akron v. Akron Center for Reproductive Health 462 US 416	1983	Pro-Choice	Burger, Brennan, Marshall, Blackmun, Powell, Stevens	White, Rehnquist, O'Connor
Thornburgh v. American College of Obstetricians and Gynecologists 476 US 747	1986	Pro-Choice	Brennan, Marshall, Blackmun, Powell, Stevens	Burger, White, Rehnquist, O'Connor
Webster v. Reproductive Health Services	1989	Pro-Life	Rehnquist, White, O'Connor, Scalia, Kennedy	Brennan, Marshall, Blackmun, Stevens

Case	Year	Ruling	Majority	Minority
492 US 490				
Hodgson v. Minnesota 497 US 417	1990	Pro-Life	Brennan, Marshall, Blackmun, Stevens, O'Connor	Rehnquist, White, Scalia, Kennedy
Rust v. Sullivan 500 US 173	1991	Pro-Life	Rehnquist, White, Scalia, Kennedy, Souter	Marshall, Blackmun, Stevens, O'Connor
Planned Parenthood of Southeastern Pa. v. Casey 505 US 833	1992	Compromise	Blackmun, Stevens, O'Connor, Kennedy, Souter	Rehnquist, White, Scalia, Thomas
Schenck v. Pro-Choice Network of Western New York 519 U.S. 357	1997	Pro-Choice	Rehnquist, Stevens, O'Connor, Souter, Ginsburg, Breyer	Scalia, Kennedy, Thomas
Hill v. Colorado 98-1856	2000	Pro-Choice	Rehnquist, Stevens, O'Connor, Souter, Ginsburg, Breyer	Scalia, Kennedy, Thomas
Stenberg v. Carhart 99-830	2000	Pro-Choice	Stevens, O'Connor, Souter, Ginsburg, Breyer	Rehnquist, Scalia, Kennedy, Thomas
Gonzales v. Carhart and Gonzales v. Planned Parenthood Federation of America, Inc. (Carhart II) 127 S. Ct. 1610	2006	Pro-Life	Roberts, Scalia, Kennedy, Thomas, Alito	Stevens, Souter, Ginsburg, Breyer
Whole Women's Health v. Hellerstedt 15-274	2016	Pro-Life	Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	Roberts, Thomas, Alito

The present political state of affairs, one characterized by the intense polarization of the electorate, has real-world consequences: diminishing public opinion for the integrity and impartiality of the Court. As of 2021, the Supreme Court's approval rating dropped to an all-time

low of 40%, with many criticizing its staunch ideologies and subjectivity (Jones). What's more, the Supreme Court's stark division; the effect that compromise will be abandoned entirely. When the Court handed down its decision in *Dobbs v. Jackson Women's Health Organization,* it would seem to represent a fundamental rejection of stare decisis (the practice of defining rulings by precedent), and, worse, a rejection of the will of the people. As of 2021, 59% of polled voters claimed to support abortion in most or all cases, whereas a contrasting 39% disapproved of it in most or all cases (Pew Research Center). The significant majority of the public is pro-choice, or at least pro-*Roe.* Should *Roe* be overturned, one can only imagine the impact on the public perception of the Court's independence and objectivity, further eroding the American people's faith in the government as a whole.

The rulings since *Casey* have continued to be marked by a see-saw dynamic. To elaborate, Table I shows a comprehensive list of every Supreme Court case and decision regarding abortion. A pattern seems to emerge: the moderate compromise rulings stop after 1976 and, with pendulous consistency, devolve into a back-and-forth of pro-life and pro-choice-leaning rulings. For instance, *Maher v. Roe* denied public funding to abortion clinics for women seeking to terminate fetuses in the first trimester for a medically unnecessary reason, whereas the subsequent case, *Colautti v. Franklin*, decided that the saving of potentially viable fetuses did not take precedent over a woman's choice to abort it. The sheer number of cases presented to the Court and their increasing intensity is an indicator of the increasingly bitter division of American political discourse.

This is further evidenced by the chronological spacing and number of cases within a certain period. In the "compromise case" years (1973-6), there were a total of two cases. However, over the next three years, the number of cases doubled in the same amount of time, presaging the rise of intense partisan conflict over this issue, which has in the decades since sparked the tensions that have resulted in the Court's pendulous ruling patterns. The power struggle became great enough to warrant a complete overhaul of the original expectations regarding the issue of abortion. The minority opinion in *Planned Parenthood v. Casey* was the first to suggest that *Roe v. Wade* should be overturned. The idea that the abortion jurisprudence became more fraught over time is indicated also by several instances of the Court abandoning stare decisis and overturning older holdings, such as when the Court overturned cases such as *Thornburgh* and *Harris,* which had required informed consent. These patterns would suggest if anything, that either side will continuously try to undo each other's progress on varieties of issues. Decisions have gone from compromises and a certain give-and-take concessionary dynamic to a series of constant conflicts in an attempt to gain political leverage for specific ideologically-charged causes.

On December 1st, 2021, the Supreme Court heard oral arguments in *Jackson Women's Health Organization v. Dobbs*. Under review in *Dobbs* is a Mississippi statute that would

[determine the legality of a pre-vitality abortion ban] (Oyez). Jackson's Women Health Organization sued to have the law declared unconstitutional, arguing that [the law was in clear violation of Roe, etc.], which stipulates that abortions are legal within a six-month period. By accepting the case, the Supreme Court has effectively taken up a direct challenge to *Roe*; it appears it will decide anew whether state laws that bar abortions before the fetus is in a viable state are unconstitutional (Totenberg 2021). If the Supreme Court upholds the Mississippi statute under review, it risks stripping away a constitutional right that has existed for nearly half a century, jeopardizing the interests of the public.

Section III: The Widening Divide

One of the primary reasons for the recent trend of broadening polarization is the near extinction of swing votes. Justice Anthony M. Kennedy is a paradigm example. Considered a "quintessential swing vote" (Dwyer), many 5-4 Court decisions that were otherwise divided along liberal and conservative party lines were decided by Justice Kennedy, without consistent favor to one side or another. His retirement in 2018 represented the end of a voice of compromise that had settled many high-profile partisan disputes. Another moderating influence on the Court was Justice Sandara Day O'Connor, who was the swing voter in 5-4 cases such as *Grutter v. Bollinger,* in which she cast the deciding vote to allow affirmative action in universities in 2003 (ACLU). Chief Justice John Roberts is currently being called the Court's only remaining swing vote; however, he is widely known for being more conservative in his rulings, being an institutionalist and an anti-abortion advocate (McCarthy).

Far more so than in decades past, the appointment of new Supreme Court justices (and federal judges generally) has become an extremely partisan and vitriolic process. The polarization of the political parties has resulted in the weaponization of the judiciary, with each side seeking to appoint what they consider 'ideologically pure' jurists who will cement the partisan positions in the judiciary. Perhaps the most famous example of this political weaponization of the judiciary, and one that has consequences to this day, is the denial of the appointment of Attorney General Merrick Garland in 2016. Garland, nearly universally considered a moderate jurist not driven or characterized by ideology, was nominated to the Supreme Court by former President Barack Obama. However, former Senate majority leader Mitch McConnell refused to even bring up Merrick Garland for a vote in a confirmation, asserting that the next justice should be chosen by the next president to be elected later that year (Elving). Many conservatives have since adopted the strategy of "[playing] tit-for-tat whenever they take control over the other two branches. They would pack the Court with more conservative justices — and then the Democrats would add even more liberals whenever they returned to power," as observed in the suggestions by members of President Biden's commission to pack the court (Dershowitz). The Court is in legitimate danger of becoming an "unstable

institution, whose membership would constantly be expanded to meet the short-term needs of the party in power" (Dershowitz).

The ripple effects of McConnell's unprecedented obstruction were made clear last year, when Donald Trump appointed Amy Coney Barrett to replace the recently deceased Justice Ruth Bader Ginsburg, in addition to his earlier appointments of the conservative justices Gorsuch and Kavanaugh (Toobin). Trump was transparent and explicit in his decision to appoint Barrett as a means of driving attention and support in his largely conservative voter base. The Barrett appointment has now cemented a 6-3 conservative majority, one that public observers consider likely to overturn *Roe,* with "groups that oppose abortion rights [celebrating] her nomination" (Green).

Section IV: Ways to Ameliorate the Problem

Many activists and politicians, perturbed by the course of events presented above, have started calling for aggressive judicial reform policies as a direct response to what they perceive as the Republican's illegitimate power play. One such proposal, a "nuclear option" of sorts, is court-packing, or the addition of more justices to the judiciary. Historically, court-packing saw its origins during the Roosevelt administration (1933-1945). Following the Great Depression, Roosevelt's New Deal saw great resistance in the largely conservative Supreme Court. Frustrated by a lack of progress, the president threatened to pack the Court, thus taking away power from the conservative majority. Following the packing proposal, the justices conceded, allowing the economic New Deal reforms to go through. This phenomenon is referred to historically as the "switch in time that saved nine" (Goldman). Essentially, new justices could be introduced without replacing the old ones, increasing the total number of justices permanently and lessening the impact of each individual's vote in the Court as means of political leverage (Millhiser). A higher number of justices would ensure a wider variety of ideological positions and representation within the Court. However, this sets a constitutionally dangerous precedent. Legal experts express such sentiments, noting that "court-packing isn't really a permanent solution, since the two parties enter in a never-ending cycle of one-upmanship as each side seeks to expand the Supreme Court when its side is in power — a recipe for an unwieldy Court and increased partisanship in the Court" that decays the constitutional integrity of the institution (Rubin). Allowing the very same bodies that the Court stands to mediate and balance to diminish the power of it defeats the purpose of the judiciary entirely. Within a contemporary context, a significantly high number of Democrats pushed for the Court to be packed as a means of gaining support on issues they could not with a primarily conservative Court, appointing four more liberal justices with hopes of counter-influencing Barrett (Moore).

Aside from court-packing, various less extreme judicial reform proposals have been put forth. One proposal involves setting term limits for Justices. Unlike a senator or president, Supreme Court Justices are appointed for life. Jack Balkin, a Yale law school professor, has proposed having each justice serve 18-year terms and be replaced, so partisan-affiliated presidents or Congress would have less political influence on the Court's composition (Ferro). This proposal is receiving some traction in the House of Representatives. Following a controversially restrictive abortion ruling in Texas, *Whole Woman's Health v. Hellerstedt*, House Representatives Khanna, Lee, Tlaib, and Beyer became concerned with the perpetuation of ideological consistency in the Court and proposed a bill putting 18-year term limits on future justices with H.R.8424, the Supreme Court Term Limits and Regular Appointments Act of 2020 (Solender). This 18-year stretch, in theory, would be short enough to replace justices and have ideological mediation in the Court and ensure the temporization of ideologically extreme justices, but long enough so that they could not be constantly replaced as a means of gaining leverage. Another proposal would have federal circuit court judges be randomly selected to serve on the Supreme Court in months-long increments (Millhiser). Though this lottery system could succeed in ensuring a constant balance of political opinion and leanings within the Court, several major complications could ensue in regards to consistent jurisprudence in the Court that could make lasting reforms through multiple sets of judicial administrations over the years.

Perhaps the most potentially effective route of reform, however, lies in instituting a binding code of ethics for justices. Though there currently is a code of conduct for federal judges that instructs justices to refrain from political activity or any kind of affiliation that would mar their impartiality, the code is viewed as more of a sentimental set of aspirations rather than a binding code. Enforcing measures to keep judges from partisan registration, endorsement, or campaign support for specific candidates or partisan platforms stands to be an effective means of maintaining the Court's impartiality (McCammon). Though it is impossible to control the specific ideological extremities of individual justices through means of legislation, this would effectively attenuate links between the Court and external political entities, thus advancing the agenda of truly impartial mediation. This is also an inherently non-inflammatory option that does not significantly change the constitutionality or influence of the Court in a way that packing or term limits would, thus making for a solution that combines practical efficacy with feasible implementation and political stability.

Conclusion

As of February 2022, Justice Alito began circulating a majority Court opinion to strike down the case of *Roe v. Wade.* On June 24th 2022, it was overturned (Oyez). This majority opinion is yet another extension of aggressive partisanship that continues to be a pervasive

influence in the Court. Before *Casey,* the ruling of *Roe* was generally established as a matter of constitutional expansion and was not contested by even the most staunchly conservative members of the Court. Consequently, policy battles over state statutes and a decreasing number of compromises and concessions by ideological bodies in the Court resulted in the bringing of the issue to such a tense and impassioned level that it threatens both the security of the judiciary and the interests of the American public.

America faces a bitter divide over many issues, of which abortion is just one of the most high profile. The ever-increasing ideological rigidity of the federal judiciary, and the Supreme Court as its most high-profile entity, both reflect and amplify this divide. If something does not change, public confidence in the judiciary will only further erode, along with the belief in the political process itself. Something must be done to temper the ever more intemperate climate, and it seems an appropriate time for modest, common-sense reforms such as binding codes of ethics to cement the Court's role as a mediator of American policies that sees no influence from fluctuating partisanship or contemporary trends.

The Supreme Court of the United States stands as a beacon of justice that seeks to advance the constitutional principles of the country by moderating its policies with impartial, benign intentions. It is lamentable, therefore, that modern politics have influenced the Court in such a way that divides and saturates it with unnecessary conflict, which has since polluted both the integrity of the judicial branch and the American public's faith in it. In addition to tangible and practical policy change, both the judiciary and the American people need to adopt an attitude of compromise and civility in their political discourse. Only through permanent patterns of internal and external reform can the Court recover the public's hope and its genuine ability to stand between the ever-changing country and the perils of political strife that threaten the founding democratic values of the United States of America.

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