

# Biden Judges Protecting Rights Harmed or Threatened by the Supreme Court

We are all too aware that the current right-wing Supreme Court majority has seriously harmed or threatened our rights in several areas, such as abortion and reproductive freedom, gun safety, and affirmative action. Lower courts cannot, of course, overturn such rulings. But lower courts play a crucial role in determining how much damage Supreme Court rulings will cause. That is because they interpret and apply the Court's holdings, they find facts in cases that the Court may later hear, and the vast majority of cases are resolved by lower courts, not the Supreme Court.



Having fair-minded appellate and district courts apply Supreme Court rulings can thus limit the damage that Supreme Court rulings cause. That's in contrast to the impact of Trump judges and other far-right lower court judges, who are all too anxious to extend the reach of right-wing Court rulings even further. Biden judges have already had a positive impact in two such areas: gun safety and affirmative action. Confirming more Biden lower court judges is thus very important.

## Gun Safety

In its 6-3 Bruen decision in 2022, the right-wing majority struck down an important New York gun safety measure, but also prescribed a new test for such laws, mandating that they be consistent with the "history and tradition" of the Second Amendment.

Scholars, judges and others have severely [criticized](#) this test, but lower court judges must utilize it. In several cases, Biden judges have used the Bruen standard and nevertheless upheld important gun safety laws, reducing the harmful impact of the Court's ruling. For example:

- Biden judge Regina Rodriguez of the District of Colorado [rejected](#) a criminal defendant's challenge to the long-standing federal law that prohibits people convicted of a felony from possessing firearms. She ruled that the law was constitutional even under the Bruen test.
- Biden judge Lindsay Jenkins preliminarily [upheld](#) several important Illinois state and local laws that restrict purchase and possession of dangerous assault weapons that were enacted after a gun massacre outside Chicago. She rejected an attempt to temporarily enjoin the provisions and ruled that they were likely constitutional even under Bruen.



## Affirmative Action

Many have expressed concern already that the Supreme Court's harmful 6-3 rulings banning affirmative action in college admissions will also damage even race-neutral efforts to increase racial and other diversity in employment, elsewhere in education, and other areas. Even before the court's 2023 rulings, however, Biden judges played crucial roles in several cases that have rejected such challenges. Specifically:

- Biden judge Toby Heytens of the Fourth Circuit cast the deciding vote in a ruling that [upheld](#) an admissions policy at a specialized Virginia high school that seeks to increase student body diversity. A dissenting Trump judge would have affirmed a lower court ruling that struck down the policy.
- Biden judge Jennifer Rochon of the Southern District of New York [dismissed](#) a right-wing challenge to a Pfizer fellowship program that uses affirmative action to promote employment diversity. The case is now on appeal.



The right-wing Supreme Court majority may well review some of these decisions, but so far, Biden judges have helped prevent further damage from the Court's restrictive rulings.

