United States: Supreme Court Rules For Gay Discrimination and Denies Student Debt Relief

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On June 30, the final day of its session, the Supreme Court majority issued four reactionary decisions. In addition to the one on affirmative action and another on voting rights, there were decisions curtailing LGBTQ rights and striking down relief for students burdened with large debts for loans to pay soaring costs of higher education.

An article in the New York Times titled "Web Designer Wins Right to Turn Away Gay People" said, "The Supreme Court sided on Friday with a web designer [Lorie Smith] who said she had a First Amendment right to refuse to design wedding websites for same-sex couples despite a state law that forbids discrimination against gay people.…

"The case, though framed as a clash between free speech and gay rights, was the latest in a series of decisions in favor of religious people and groups, notably conservative Christians.

"The decision also appeared to suggest that the rights of LGBTQ people, including to same-sex marriage, are on more vulnerable legal footing, particularly when they are at odds with claims of religious freedom. At the same time, the ruling limited the ability of governments to enforce anti-discrimination laws.…

"The majority [the six reactionary justices] saw the decision as a victory that safeguarded the First Amendment right of artists to express themselves. The liberal justices viewed it as something else entirely — a dispute that threatened societal protections for gay rights and rolled back some recent progress.

"In an impassioned dissent, Justice Sonia Sotomayor warned that the outcome signaled a return to a time when people of color and other minority groups faced open discrimination."

Lorie Smith filed the lawsuit back in 2016 with the backing of the rightwing Alliance Defending Freedom (ADF), a Christian group with an ongoing attempt to roll back the rights of LGBTQ people. Her suit was rebuffed in lower courts, and finally made it to the Supreme Court where she won.

It turns out that Smith has never made any website for any marriage since she filed the lawsuit in 2016. It looks like the whole suit was an ADF concoction to get to the Supreme Court decision, a bizarre story.

"A Colorado law forbids discrimination against gay people by businesses open to the public, as well as statements announcing such discrimination," the Times article said.

"Ms. Smith, who has said her Christian faith requires her to turn away same-sex couples seeking website design services, has not yet begun her wedding business. Nor has she posted a proposed

statement on her current website about her policy and beliefs for fear, she has said, of running afoul of the law.

“So, she sued to challenge it, saying it violated her rights to free speech and the free exercise of religion.

“Colorado’s attorney general, Phil Weiser, warned of the Supreme Court ruling’s implications, saying it would pave the way for all sorts of businesses to turn away LGBTQ customers.”

The man who supposedly wanted Smith to design his same-sex marriage website did not request such a site by her. He is a web designer himself and married to a woman.

Gay rights groups see the ruling as the opening shot to reverse gay marriage and other anti-discrimination laws and practices across the country. The ruling was issued at the end of Gay Pride Month. Activists pledged to press by all methods to protect their community.

Student debt relief denied

In the other ruling, the Court majority struct down a decision by President Biden to provide some relief to 40 million student borrowers owing large debts to the government to meet their costs of attending colleges and universities.

An article in the New York Times said, “The Supreme Court ruled on Friday that the Biden administration overstepped its authority with its plan to wipe out more than $400 billion in student debt, dashing the hopes of tens of millions of borrowers and imposing new restrictions on presidential power.”

In March 2020, President Trump declared that the corona virus pandemic was a national emergency and paused student loan repayment requirements and to suspend the accrual of interest, in light of the severe economic impact of the pandemic. The Biden administration followed suit.

In August of last year, the administration said it planned to switch gears, ending the repayment pause but forgiving $10,000 in dept for individuals earning less than $125,000 per year, or $250,00 per household, and $20,000 for those who received grants for low-income families.

The Supreme Court’s ruling on student debt fits a pattern. Last June the Court curtailed the Environmental Protection Agency’s power to address climate change. The Court also ruled that the Centers for Disease Control and Prevention was not authorized to impose a moratorium on evictions and the Occupational Safety and Health Administration was not authorized to tell large employers to have their workers vaccinated against virus or undergo frequent testing during the pandemic.

In a dissent of the Court’s blocking the partial debt forgiveness, Justice Elena Kagan said that in siding with six Republican states that sued to block the plan was opportunistic, unprincipled, and infected by politics.

“From the first page to the last,” she wrote, “today’s opinion departs from the demands of judicial restraint. At the behest of a party that has suffered no injury, the majority decides a contested public policy issue properly belonging to the politically accountable branches and the people they represent.”

By “a party that has suffered no injury” by the plan to forgive student debt she is referring to the six Republican states. A party that has suffered no injury should have no standing to sue and the Court

should not have even heard the case.

The Court majority invented an “injured party” in order to hear the suit. The so-called injured party was the Missouri Higher Education Loan Authority that administers the day-to-day operations on the loans. Supposedly, the Authority would be harmed by losing a number of student loans to service, and it would ostensibly owe the state money.

The Authority was not consulted about this, and was unwittingly drawn into the case.

Since the Authority is part of the state government, the argument goes, Missouri is also an “injured party”.

But the loan fund that the Authority administers hasn’t paid anything on it to the state of Missouri in the last 15 years, and internal documents show that they have no intention of paying anything to the state.

Compare this ridiculous argument to give an excuse for the Court to hear the suit from Missouri and the other states, to the refusal of the Court to even hear the challenge to the Mississippi constitution’s clause used to deny Black voting rights.

Justice Kagan’s dissent, joined by Justices Sonia Sotomayor and Ketanji Brown Jackson called the Court’s ruling a way to amplify the court’s power.

“The question, the majority helpfully tells us, is ‘who has the authority’ to make such calls,” Kagan wrote. “The answer, as is now becoming commonplace, is this Court.”

Six unelected people now impose their right-wing views on all of us.

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