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America is Very Much a Racist Country, Part 1: The Supreme Court

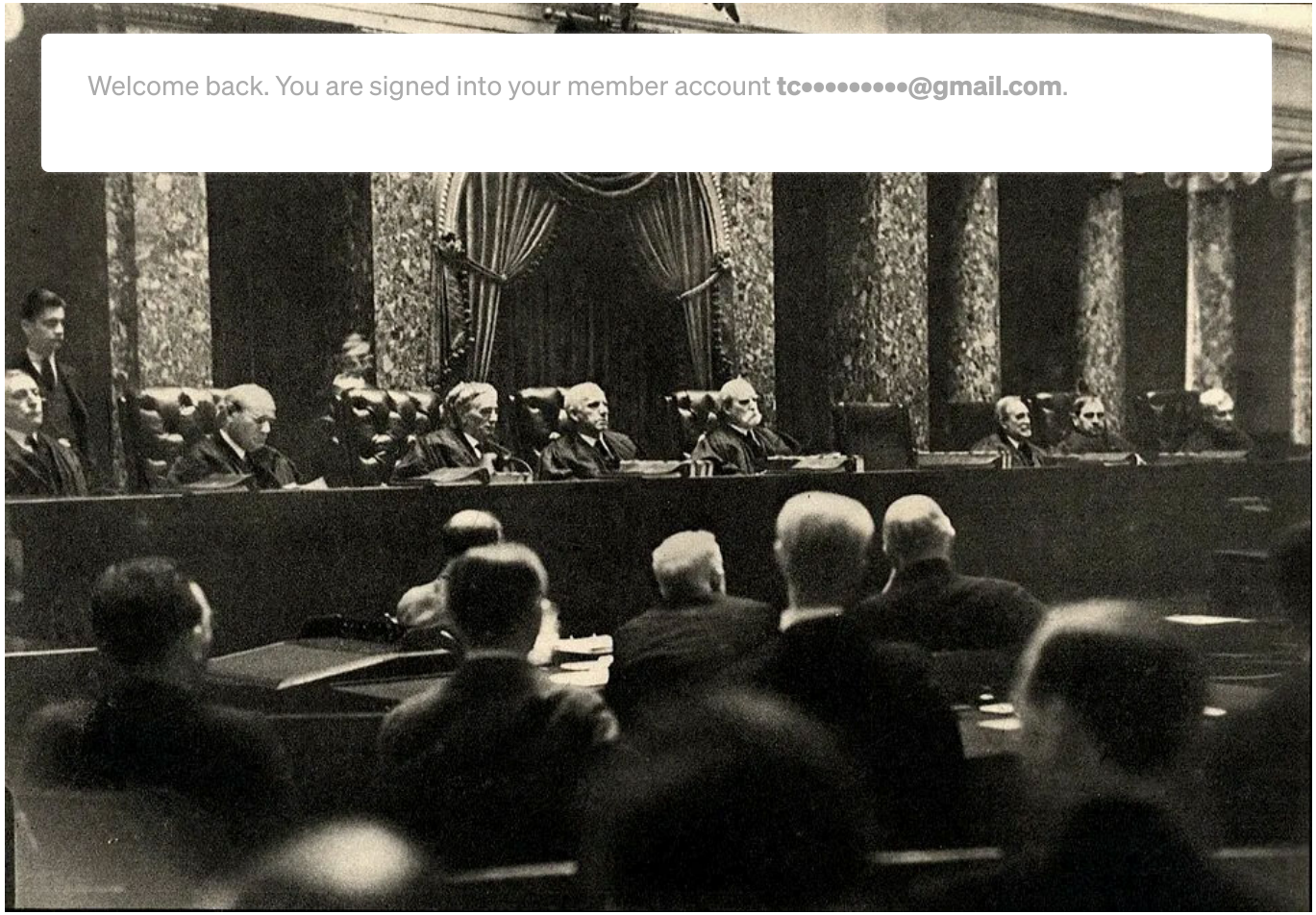
A Judiciary Built for One America, Still Governing the Other



William Spivey Follow 6 min read · 2 days ago

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I started to write a different story entirely, which isn't uncommon for me. My initial focus was on the Supreme Court of the United States (SCOTUS), which finally completed the process it began in 2013 with the Shelby v. Holder decision, which gutted the enforcement provisions of the Voting Rights Act of 1965 (VRA). The 2026 Louisiana v. Callais decision ensured that SCOTUS

would neither prevent nor respond to racist voter suppression, rendering the VI

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Thinking about that story kicked off an internal debate about which branch of government is the most racist: the Courts, the Executive Branch, or Congress? My argument for the Courts was already laid out. SCOTUS was created to protect the rights of wealthy white men over 21.

1. The Constitution itself limited political power to land-owning white men

A. Voting rights (1787–1800s)

At the founding:

- Only white men over 21 who owned property could vote in most states.
- This meant they were the only people who could choose the legislators who confirmed Supreme Court justices.
- Therefore, the Court was structurally accountable only to them.

B. Office-holding requirements

Many states require:

- Property ownership

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- Whiteness

The political class that shaped the judiciary was exclusively land-owning white men.

2. The Supreme Court's early landmark decisions explicitly protected their interests

A. Chisholm v. Georgia (1793)

The Court recognized broad federal judicial power — a decision that alarmed wealthy landowners who feared lawsuits over debts. The backlash led to the 11th Amendment, which limited suits against states to protect property-holding elites.

B. Marbury v. Madison (1803)

Judicial review was established in a case about elite political appointments, not popular rights. The Court positioned itself as the arbiter of disputes within the ruling class.

C. Fletcher v. Peck (1810)

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Th ıe ruling protected the property rights of wealthy land speculators, even when the property was obtained through fraud.

D. Dartmouth College v. Woodward (1819)

The Court protected corporate charters as contracts — a massive win for wealthy trustees and donors.

E. Dred Scott v. Sandford (1857)

Chief Justice Taney declared:

- Black people "had no rights which the white man was bound to respect."
- Congress could not restrict slavery in the territories.
- Enslaved people were property, not citizens.

This is the clearest judicial statement of whose rights the Court was designed to protect.

3. Who counted as a "person" with rights under the C

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A. Enslaved people

- Counted as 3/5 of a person for representation
- Had no legal standing
- Could not sue in federal court
- Were treated as property

B. Native Americans

- Considered "domestic dependent nations."
- Not citizens
- Not protected by the Bill of Rights
- Subject to removal, dispossession, and forced treaties

C. Women

- No voting rights
- No property rights independent of husbands

- No standing in most legal matters

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- Could not hold a federal office

D. Poor white men

- Excluded from voting in many states
- Lacked access to courts due to fees and property requirements

E. Land-owning white men

- The only group with full political rights
- The only group represented in Congress
- The only group that could shape the judiciary
- The only group whose property and contracts the Court consistently protected

This is the structural evidence.

4. The Court's design insulated it from democratic accountability

Lifetime appointments

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Er on the political class that appointed them.

Appointment by the President, confirmation by the Senate

Both offices were originally chosen by:

- White male voters (House)
- State legislatures dominated by white male landowners (Senate)

No mechanism for removal except impeachment

Meaning the Court could protect elite interests without fear of consequence.

5. The framers' own writings confirm their priorities

James Madison

Feared "the tyranny of the majority" — meaning non-property-holding men.

Alexander Hamilton

Argued the judiciary should protect "the rights of property" from democratic

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John Jay (first Chief Justice)

Wrote that "those who own the country ought to govern it."

6. The Court's early docket overwhelmingly involved property, contracts, and commercial disputes

Between 1789 and the Civil War, the Court heard:

- Far more cases about land titles, corporate charters, contracts, and commerce than about individual rights or liberties

This reflects who had access to the courts and whose interests the Court prioritized.

7. The Court did not begin protecting the rights of non-white, non-male, non-property-owning people until the mid-20th century

Key shifts:

- Brown v. Board (1954)

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- Loving v. Virginia (1967)
- Reed v. Reed (1971) (first gender-equality case)

For its first 165 years, the Court overwhelmingly protected:

- Property
- Contracts
- Corporate power
- White supremacy
- Patriarchal authority
- State control over marginalized groups

I have made the case that Brown v. Board was so lacking in authority that school segregation lasted well into the 1970s until the Justice Department began imposing consent decrees on major cities, requiring integration. Justice Clarence Thomas, in his concurring opinion in Dobbs, which overturned Roe v. Wade, wrote that the Court should reconsider several

major cases grounded in substantive due process. He didn't list Loving v

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dismantling the VRA, it can no longer be said what SCOTUS would and wouldn't do, or what is "settled law."

When candidates for the Court are vetted by the still predominantly white, rich men in the Senate, each person is grilled about their obedience to originalism, meaning as a Justice, they will always do what SCOTUS has always done, protect the interests of wealthy white men, which has now been expanded to include corporations via Citizens United. Lip service is paid to protecting settled law, though presidents appoint them because they believe they will follow a political agenda. The rich, predominantly white and male members of the Federalist Society produce lists of acceptable nominees that will serve their interests.

Beginning in the 1980s — and especially after 2000 — the Federalist Society became the primary vetting mechanism for conservative judicial appointments.

Since Clarence Thomas, every Republican-appointed male Justice has been a member or a close affiliate:

- John Roberts — long-time FedSoc participant

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- Neil Gorsuch — member
- Brett Kavanaugh — member
- Clarence Thomas — member

While the Black and female members of the Court aren't members, Amy Coney Barrett has attended and spoken at events. They have never outnumbered the Federalist Society members and couldn't control decisions.

The history of the Supreme Court is part of the reason America is a racist country. Certainly, not every Justice is racist, but that hardly matters when the decisions are. I judge them as much for what they ignore as for their actions. When Jim Crow took over and lasted for a century, SCOTUS did next to nothing. Whenever Congress passed a Civil Rights Act or a Voting Rights Act, SCOTUS whittled them away until they were meaningless. When presented with evidence of a racist impact, SCOTUS chose to rely on intent and ignore the proof.

Justices never have to explain their actions, except in their opinions. They occasionally speak to private groups that share their views or to media

outlets on their side. Justices don't give press conferences or answer tough

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gerrymandering and racial gerrymandering; thus, there is no difference between John Roberts and former Chief Justice Roger B. Taney, who wrote that Black people had no rights he was bound to respect.

In the next two segments, I will address the historical racism of the Executive Branch and the Congress. To be continued...

History Racism Money Culture Life



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What are your thoughts?

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The most disheartening thing about the Supreme Court ruling, the gleeful way Republican gerrymander away black representation in Congress, and so many Americans embracing Trump is how little American society has really progressed in terms of racism... more

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originalism, meaning as a Justice, they will always do what SCOTUS has always done, protect the interests of wealthy white men,

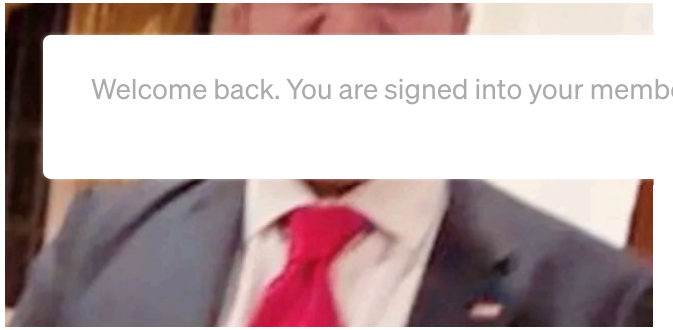
I'm not intending to sound antisocial but who gives a flying fart about the ways it has always been?! Baby girl ❤️‍🩹 the only thing holding this world together is something called gravity...the laws of physics, motion, "for every force or action there... more

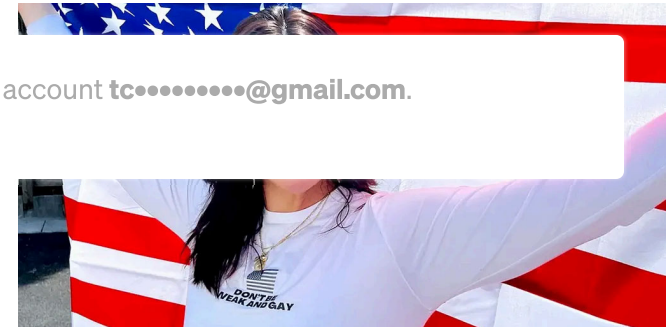
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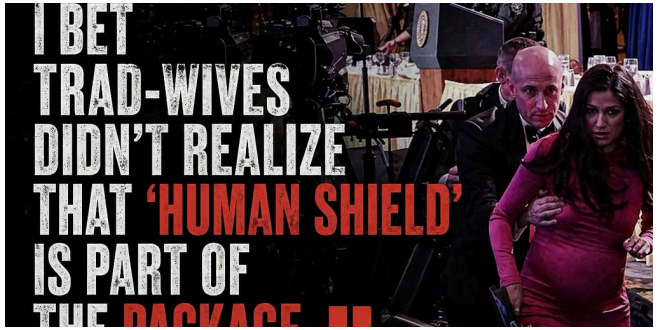
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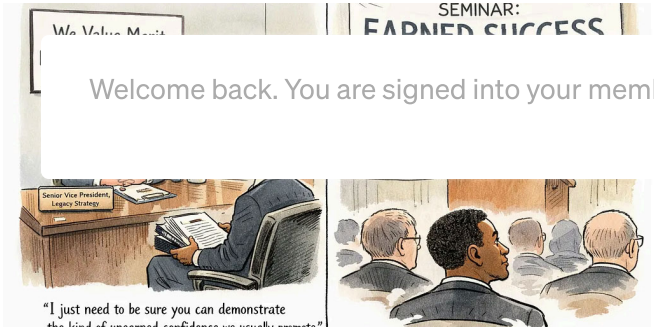


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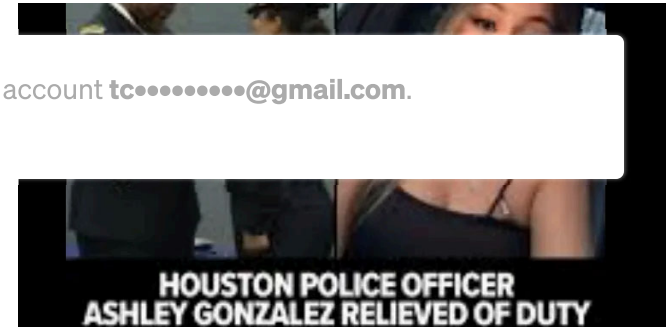
Trump's #1 Mandate Was to Make America A White Supremacist...

African Americans were never supposed to win.

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