



## **This Court is the Most Pro-Business and Anti-People Supreme Court We've Ever Seen — And It May Permanently Block Student Debt Relief.**

Millions of low- and middle-income Americans are awaiting student debt relief from the Department of Education after conservative-packed district and circuit courts blocked President Biden's debt relief plan. The debt relief program is expected to especially help [people of color and low-income Americans](#), and up to 20 million borrowers could have their debt totally erased. But the fate of the student debt relief program now falls with the Supreme Court as it hears two cases on February 28: *Biden v. Nebraska* and *Department of Education v. Brown*.

The Court has a long record of hostility toward the American people's needs — last term alone, it eliminated the right to bodily autonomy and handed gun manufacturers a huge win by dismantling a century-old gun violence prevention law. It is also the most pro-corporate Court of all time, and decided more than 83% of business-related cases in favor of corporations in the 2020-2021 term.<sup>1</sup> Time and time again, this Court has proven that it will change rules, abandon jurisprudential principles, and give handouts to corporations when they come knocking on its door.<sup>2</sup> Here are just a few of the ways the Court has thrown people and consumers under the bus to appease corporate interests in recent years:

- 1. The Court allowed corporations to pollute with impunity at the expense of the people's health and safety:** In 2022, the Court issued a devastating 6-3 ruling along ideological lines in *West Virginia v. EPA*. In addition to stripping the EPA of its ability to curb power plant emissions, the Court also introduced a [broad new interpretive rule](#) that paves the way for businesses to evade all kinds of environmental protections and government regulations more broadly. *West Virginia v. EPA* is just the latest case that protects corporations from pollution liability; in 2015, the Court laid the groundwork by throwing out the EPA's cost-benefit formula for regulating air pollution, making it more difficult to regulate power plants.<sup>3</sup>
- 2. The Court made it more difficult for unions to recruit and protect workers.** Unions are one of the best tools available to workers seeking better working conditions, fair pay, and other workplace protections. But the Supreme Court has

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<sup>1</sup> Brian R. Frazelle and Elizabeth B. Wydra, "Quick Take: The Chamber of Commerce at the Supreme Court: 2020-2021," *Constitutional Accountability Center* (July 1, 2021).

<sup>2</sup> Senator Sheldon Whitehouse, "A Right-Wing Rout: What the 'Roberts Five' Decisions Tell Us About the Integrity of Today's Supreme Court," *American Constitution Society* (April 2019).

<sup>3</sup> *Michigan v. EPA*, 576 U.S. 743 (2015).

proved time and time again that it is [no friend to unions](#) and has issued a full decade of anti-union decisions, the latest of which is 2021's *Cedar Point Nursery v. Hassid*. Decided 6-3 along ideological lines, the Court ruled in *Cedar Point* that a California law allowing unions to recruit farm workers on agricultural land was unconstitutional — framing union recruitment as a “taking” from property owners. The ruling handed businesses a huge win while leaving some of the most vulnerable workers in the country unable to organize and protect themselves and their interests.

- 3. The Court has made it harder for consumers who are harmed to bring class action suits.** In two cases, *AT&T v. Concepcion* and *American Express v. Italian Colors Restaurant*, the Court's right-wing majority ruled that companies are allowed to [require customers to give up their right to a day in court](#) and instead force them into private arbitration processes — which are cheaper for businesses and favor corporations. Together, these cases created a huge hurdle for harmed customers to bring class action lawsuits against corporations.<sup>4</sup>

- 4. The Court has curbed who can have a day in Court.**

One of Americans' most fundamental rights is the right to a day in court to redress injuries and harms. Without a meaningful right to access the judicial process, it becomes easier and more likely that corporations and anti-consumer interests will inflict harm without fear of consequence. But the Supreme Court drastically limited who has “standing” — or, the right to bring a claim — in federal court. In *Spokeo v. Robins* (2016) and *TransUnion v. Ramirez* (2021), the Court drastically limited who can bring claims and [what harms can be redressed in federal court](#), and barred thousands of claimants against TransUnion in the process. The ruling violates a core principle of equality under the law; courts ought to be a forum where everyday Americans can even the scales and have an equal voice against wealthy corporations and well-connected power players. But this Supreme Court has further eroded that ideal in order to shield the powerful and keep everyday Americans relatively powerless. Ironically, in order to block student debt relief, the Court will need to reverse course and *expand* its definition of standing to include private parties and states not directly harmed by a government action. If it does so, the Court will further prove its willingness to change its mind and reverse course to oppose the needs of actual people and consumers at any given time.

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<sup>4</sup>Edward Berbarie, “Supreme Court’s Amex Decision Creates High Hurdle for Plaintiffs Seeking to Invalidate Arbitration Agreements with Class Action Waivers,” *Little* (June 20, 2013).



**5. The Court gave a corporate welfare handout to certain executives — and made them exempt from federal employment taxes.**

In *Wisconsin Central Ltd. v. United States* (2018), the Court gave a blatant handout to certain executives by ruling 5-4 on ideological lines that railroad executives do not have to pay federal employment taxes on stock-based compensation.<sup>5</sup> In doing so, the Court gave railroad executives a handout and allowed them to evade paying certain taxes on a substantial portion of their total compensation — a privilege not extended to working-class people or to the railroad employees who receive regular wages and no stock compensation.

As the Court gears up to decide the fate of millions of Americans awaiting much-needed debt relief, we cannot forget the myriad ways it has handed businesses win after win, liability shield after shield, and handout after handout — disadvantaging workers and low- and middle-income people all the while. The Court consistently bends its own rules to decide who is deserving of rights and protections and who is worthy of standing before the federal judiciary — provided that bending the rules serves the interests of key political donors and corporate allies. Its record proves decisively that a pro-corporate Court is an anti-people Court.

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<sup>5</sup> Whitehouse, “Right-Wing Rout,” (April 2019).