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John Roberts and the Demise of American Democracy

Plus: A Case-by-Case Analysis

By deploying judicial authority to expand presidential powers and enable autocracy, the Chief Justice of the United States is turning himself into Donald Trump's pliable tool to co-lead an American counter-revolution.

Recent decisions handed down by the U.S. Supreme Court have reaffirmed that John Roberts, the Chief Justice, has been assiduously laying the groundwork for two fundamental changes in the American system of self-government.

The first is a massive expansion of the powers of the presidency. As if that were not bad enough, the second is a judicial push enabling a shift toward autocracy. These changes would have been unimaginable during the first 250 years of U.S. history.

Both developments run completely counter to the country's founding principles. Indeed, in many ways they constitute a resurrection of the royal privileges that gave rise to the American Revolution in the first place.

A matter of global concern

This development is alarming not merely for the United States, but also for societies far beyond its borders. After all, the United States was long regarded as the champion of democracy and freedom on the international stage.

Few observers would have ever thought such a shift possible in a country that has always prided itself on having a strong civil society as well as a deeply rooted system of checks and balances to protect against brazen power grabs.

The Chief Justice of the United States as a key enabler of autocracy

And yet here we are. Given what is at stake, the role of the U.S. Supreme Court and especially that of its leader, John Roberts, warrants close scrutiny.

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Note to journalists

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Twenty years later, the record shows that he has strayed very far from those assurances.

Roberts' genial demeanor and careful public rhetoric may have earned him a reputation as a cautious institutionalist, but he is using that reputation as camouflage as he systematically shreds the well-established institutional web of the United States, including the separation of powers.

In a seemingly never-ending series of decisions shaped and driven by Roberts, the Supreme Court is dismantling legal frameworks that, however imperfect, are intended to protect the voice and interests of citizens and enforce the limits of executive and economic power in the United States.

In the past, Roberts often pointed out that the Supreme Court avoids engaging in politics. Keeping that distance is essential to protecting its legitimacy. Under his stewardship, however, key Supreme Court decisions since at least 2010 reflect a steady and intensifying partisan bias.

In a seemingly innocuous yet very methodical fashion, Roberts helped set in motion the creation of a constitutional architecture that is tailor-made for a leader with autocratic ambitions. The reason why Donald Trump likes John Roberts is that the Chief Justice and his loyalists on the Court act as Trump's personal anti-democratic clean-up brigade.

The "unitary executive theory"

"Roberts uses his reputation as a cautious institutionalist as camouflage while he shreds the institutional web of the U.S."

The most important tool in Roberts' crusade has been the controversial "unitary executive theory". It posits that executive power rests solely with an all-powerful president, who must have direct and unlimited control over the entire executive branch and whose role is reconfigured as the sole decision-maker in the enforcement of laws.

It is especially revealing that the decision to press for a "unitary executive" was not made when the president's effectiveness or ability to act was limited by encroachment by the legislative branch.

Rather, Roberts made it at a time when the return of Trump to the White House, with his well-known penchant for disregarding democratic procedures, was already a realistic prospect. The corresponding take-over of the House and Senate by supine Republican majorities was an unexpected bonus.

The overriding goal of this Court is to eliminate the enduring system of checks and balances in the United States and to prevent dispersion of power within the executive branch.

"The reason Trump likes John Roberts: the Chief Justice and his loyalists act as Trump's personal anti-democratic clean-up brigade."

This also applies to personnel decisions, such as the dismissal of agency heads who can now be fired solely because Donald Trump wants it so. Originally, Congress established executive branch institutions as independent bodies to insulate them from abuses of power and ensure greater democratic accountability.

Although he is not the most extreme proponent on the Supreme Court of the unitary executive theory, Roberts has repeatedly presided over rulings that weaken independent oversight of the executive branch and concentrate power in the White House.

The Supreme Court's most recent decision, *Trump v. Slaughter* (June 29, 2026), gave Donald Trump the power to fire the leaders of independent federal agencies

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and commissions at will, and it decisively proves that Roberts is a radical, not an institutionalist.

An institutionalist would have instinctively grasped the importance of the intent of Congress to establish those bodies very deliberately as "independent" institutions — and thus suitably distanced from presidential whims.

An institutionalist would have seen what Justice Sonia Sotomayor observed in dissent, that "today this Court undoes centuries of political practice and concludes that all three branches of government have been acting in open defiance of the Constitution all this time."

If Chief Justice Roberts were an institutionalist, when he decreed for the Court that "Subordinates who exercise the President's powers are subject to removal by him," he would have also made it clear that this ruling is not meant to facilitate the destruction of the civil service or replace it with the spoils system of old.

"Trump v. Slaughter gave Trump power to fire agency leaders at will. It proves that Roberts is a radical, not an institutionalist."

John Roberts' fellow Supreme Court Justice Neil Gorsuch made that exact point when he wrote in the context of another decision: "It can be tempting to bypass Congress when some pressing problem arises. But the deliberative nature of the legislative process was the whole point of its design. Through that process, the nation can tap the combined wisdom of the people's elected representatives, not just that of one faction or man."

Further, the fact that the Supreme Court now blatantly overrides legislation passed by the U.S. Congress, even after decades of upholding that very legislation, exposes the shallowness of Roberts' institutionalist demeanor.

An institutionalist would have understood the immense loss of institutional memory at the intersection of regulation and politics that this new presidential power will trigger, from now on, whenever the other party wins the White House.

In addition, Roberts has rolled back the deference that the Court had previously granted to the interpretation of administrative regulations by subjecting their enactment to a newly created "major questions doctrine," inventing in this process new judicial grounds on which the Court can topple crucial restraints on executive power.

"As Trump demonstrates almost daily, a rogue presidency degenerates into a dangerously uncontrollable center of power."

Viewed individually, these decisions may appear to be merely a fine-tuning of the constitutional balance, as Roberts himself has argued. Taken together, however, they shift power away from Congress and independent agencies — the very institutions that counterbalance the power of the president.

As Trump demonstrates almost daily, a rogue presidency under such circumstances degenerates into a dangerously uncontrollable center of power.

A meddler in politics

By serving as Trump's judicial enabler, Roberts is very much engaging in politics, contrary to his lofty earlier proclamations. Nor is he acting as a quasi-neutral "primus inter pares," or first among equals.

In fact, Roberts is institutionally responsible for Supreme Court rulings that are politically one-sided de facto enabling decisions. Roberts has personally enabled the erosion of America's democratic guardrails.

What is especially revealing in this context is that Roberts' ideal is not the United States of America that once existed. Rather than being a traditionalist, as he likes to cast himself, he acts as a revolutionary.

Many of his judicial actions are directly in line with "Project 2025," the master plan compiled by the hard-right Heritage Foundation for the total restructuring of the American state and society, on which Trump and his followers have based many of their policies.

Their overriding goal is to get rid of all aspects of Franklin D. Roosevelt's New Deal and Lyndon B. Johnson's Great Society, the two major legislative packages in U.S. politics aimed at balancing socio-economic conflicts and interests over the last hundred years.

The Roberts Court's steady counter-revolution, from 2010 onward

The genius of John Roberts is that while he persists in claiming institutionalism, he is eroding democracy through his own brand of instrumentalism.

To substantiate the thesis that Roberts has guided a steady judicial path toward the erosion of democracy, we analyze relevant U.S. Supreme Court decisions under his stewardship.

Exhibit 1: Money rules supreme in American democracy

In *Citizens United v. Federal Election Commission* (2010), Roberts joined the majority in unleashing unlimited corporate and union spending in elections. The ruling reframed political spending as protected speech under the First Amendment, by redefining a corporation from being a "legal person" to being a "natural person."

"The result is a 'democracy' that is far more responsive to, and dependent upon, the super-wealthy than the average voter."

This calamitous decision paved the way for billionaires and private support groups not directly linked to political parties to drown out the voices of ordinary voters, via often anonymous donations to Political Action Committees and SuperPACs. The result is a "democracy" that is exponentially more responsive to — and indeed dependent upon — the super-wealthy than the average voter.

What little constraint remained on the size of political contributions was lifted by the recent decision in National Republican Senatorial Committee v. Federal Election Commission (June 30, 2026). Writing for the majority, Justice Brett Kavanaugh held unconstitutional a statutory requirement designed to prevent circumvention of limits on the size of individuals' campaign contributions to candidates.

Exhibit 2: Uprooting voting rights restriction (2013)

In *Shelby County v. Holder* (2013), Roberts wrote the majority opinion that struck down a central provision of the *Voting Rights Act* of 1965 — the requirement that certain jurisdictions with histories of racial discrimination must obtain federal clearance before changing voting laws. Roberts had long argued that protections for Black, Hispanic and other minority voters were no longer warranted.

To Roberts, the ruling was justified because, as he improbably argued clearly favoring the conservative Republican view of the land, "things have changed in the South."

Within hours, Republican-led states moved to purge voter rolls and implement restrictive voting measures, ranging from strict ID laws to shuttering polling places in minority communities.

The Supreme Court's decision did not mandate voter suppression — it simply removed the strongest legal barrier against it. The effect was swift and measurable in undermining equal access to the ballot.

In *Louisiana v. Calais* (April 29, 2026) the Court gutted what was left of section 2 of the *Voting Rights Act*. In his opinion, Justice Samuel Alito effectively required petitioners to prove discriminatory intent, a nearly impossible task and a high bar that was calculated with Roberts' complicity to neuter the last of the intended protections of the Act.

Exhibit 3: Politically motivated reconfiguration of Congressional seats (2019)

U.S.-style "redistricting" for legislative seats goes far beyond what anyone in other advanced democracies could imagine. In other well-established democracies, geographically coherent districts that largely follow political boundaries are a requirement.

"The Supreme Court's decision did not mandate voter suppression. It simply removed the strongest legal barrier against it."

The crucial turning point here was the Supreme Court's 2019 decision in *Rucho v. Common Cause*. Roberts, writing for the majority, declared that claims of partisan gerrymandering present "political questions beyond the reach of the federal courts."

He thus removed federal judicial oversight as a safeguard against extreme partisan map-drawing. This ruling, decided 5-4 along ideological lines, left disputes over redistricting to be handled by state courts and legislatures.

This decision underpins what has been playing out in Texas recently. With no federal check on partisan manipulation of congressional districts, Texas Republicans moved aggressively to redraw district maps to secure additional seats for the GOP in Congress.

At Trump's command, they sought to gain five seats by packing many Democratic voters into curiously configured districts. By diluting the political influence of minority populations, other districts are thus made "safe(r)" for Republicans. The goal is to lock in a favorable partisan balance ahead of the 2026 midterm elections.

Republicans in other states followed Trump's marching orders, which led Democrats in California to propose changes to districts in their favor as well — although not by fiat (as with the Republicans in southern states), but rather through ballot initiatives placed before the voters.

Interestingly, the march toward redistricting in Republican-dominated states hit a wall in South Carolina, of all places, where the stench of racial and political corruption inspired such overwhelming African-American (and some bipartisan) opposition that Republican leaders were forced to shelve their off-year redistricting plans.

Exhibit 4: Favoring Trump, not the presidency per se, with tactical decisions (2024)

When the 2024 presidential election raged, people wondered not so much whether Roberts was neutral, but what his real motivation was. Was he acting on behalf of a philosophy favoring the office of the presidency — or on behalf of Donald Trump the candidate?

While there is no sign that Roberts personally likes Trump, his decisions benefitted Trump, the candidate, just as they now benefit Trump, the president. This Supreme Court's record is appalling: It has used control over its docket to act quickly when that suits Trump, and slowly when a delay works better for him.

In *Trump v. Anderson* (2024), an "originalist" Supreme Court took only three months (from December 2023 to early March 2024) from the first lower court decision in Colorado to reach a decision. It negated Section 3 of the all-important post-Civil War 14th Amendment, which disqualifies from office persons who have "engaged in insurrection or rebellion against the United States."

To most observers, that decision does not square with Trump's complicity in the January 6, 2021, attack on the U.S.

Capitol. The Court did not attempt to deny the Constitutional legitimacy of Section 3; Roberts got all nine justices to agree that a state court could not determine eligibility under Section 3 for federal office holders, and then five agreed that Section 3 could not be applied unless Congress passed an implementing statute (a practical impossibility). The decision ensured that Trump would be on the ballot in all 50 states.

"The Court has used control over its docket to act quickly when that suits Trump, and slowly when a delay works better for him."

While the Roberts Court acted rapidly in this instance, it did the opposite in other cases when slow-walking the decisions suited the Republican cause.

In *Trump v. Barbara*, (June 30, 2026), the Court upheld the Fourteenth Amendment's birthright citizenship provision by the narrowest margin, 5-4, and it did so only after allowing a year of legal uncertainty.

Exhibit 5: Presidential immunity (2024)

The Roberts Court likes to emphasize that it takes an "originalist" approach, meaning that it claims to base its decisions on its understanding of the text of the relevant provisions of the Constitution at the time of their writing. Completely contrary to that approach, the Court drew its endorsement of Trump's assertion of presumptive presidential immunity out of thin air.

This immunity doctrine is not just highly controversial. It runs fundamentally counter to what is perhaps the original core principle of the American republic — to avoid having kings who stand above the law, as was the case in Europe at the time of the Revolution.

That is why *United States v. Trump* must be considered among the most preposterous, if not historically shameful interpretations of the Constitution in U.S. history.

The Supreme Court ruled that a president has absolute criminal immunity for official acts done under core constitutional powers, and presumptive immunity for other official acts, but no immunity for unofficial acts. The case made law of disgraced former President Nixon's amazing post-resignation claim of May 1977: "Well, when the president does it, that means that it is not illegal."

The strange Nixonian turn aside, the Court's decision was even more astonishing because scholars had thought the Court might not review the case; two distinguished lower courts had already rejected Trump's claim.

With hyper-political timing, the Supreme Court delayed its decision until the very last day of its term, July 1, 2024. Since the decision was announced only four months before that year's presidential election, this practically guaranteed that the planned trial could not begin before the election. If that was not a politically inspired, nor voluntarily subservient court decision, what is?

Many people wonder what led Roberts to do this. Critics find his institutional claims incredible. The Chief Justice's decision rejects one of the most American of legal tenets: No one is above the law. And yet, without authorization in the

Constitution or legislation by Congress, Roberts has placed this president, any president, above the law.

Indeed, Justice Sotomayor predicted that outcome in her dissent in *United States v. Trump,* when Trump was still out of office.

Since regaining office, he has proven it true countless times and likely benefited in many ways, including through significant financial profit; court settlements that protect himself, his family and businesses from government investigations and penalties; unilateral assertions of control of government properties; and fantastical prosecutions of his political enemies.

The damage Roberts creates: The perniciousness of slowly eroding democracy

"Without authorization in the Constitution or by Congress, Roberts has placed this president, any president, above the law."

Couched in the formalism of legal reasoning, Roberts' effect on American democracy is incremental and spreads out over decades. His way of hollowing out democracy has been insidious, but no less drastic. Democratic decline rarely comes all at once, even though it did at the end of Germany's Weimar Republic in 1933.

Outwardly, but deceptively, Roberts proceeds in an incremental fashion: A provision is struck down here, a precedent weakened there, and then another norm previously considered sacred to the American republic is eroded.

It cannot reasonably be said that Roberts' rulings abolish democracy outright. However, they have reshaped it enough to give the forces of concentrated wealth and unchecked executive power the upper hand. Throughout, the Chief Justice has found a way to claim institutionalism while eroding democracy through instrumentalism.

By limiting Congress' ability to restrain the president, weakening voting protections and empowering the wealthy in politics, John Roberts, presumably a genteel, non-revolutionary man, has helped create conditions where the democratic process is increasingly hollow — it is superficially intact with respect to procedure, but substantively diminished.

This is why for scholars of European history, the comparison to Germany's 1930s-era President Paul von Hindenburg resonates. Both men operated within the legal frameworks of their times.

"Neither Roberts nor Hindenburg personally dismantled democracy, but each presided over decisions that empowered those who could."

Neither personally dismantled democracy, but each presided over decisions that empowered those who could. In Hindenburg's case, the consequences were immediate and total. In Roberts', they are gradual — but potentially just as irreversible if left unchecked.

Institutional irresponsibility at work

History will not remember the doctrinal subtleties. It will remember whether, when the foundations of democracy were quietly being undercut, the Chief Justice stood as a guardian — or as an enabler.

John Roberts has made his choice. He is Donald Trump's pliable instrument in converting the United States to an autocracy.

True, he could change his mind. So, too, could Trump's enablers in the U.S. Congress. What is truly sobering at this stage of the U.S. turn to autocracy is that it would take only a few such changes of mind, by officials who know better, to re-create a stable American Republic.

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Conclusion: The way out of the mess

For generations, American lawyers, judges and law professors have built their careers and earned global esteem based on the idea that the U.S. legal system embodies an unshakable commitment to the rule of law.

That proud claim is now very much in question. The country's bar associations, former Justice Department officials, conservative legal networks and law schools face a stark choice. If they do not stand up now, they risk turning the practice of law in the United States into just another branch of loyalty politics.

"What is truly sobering: it would take only a few changes of mind by officials who know better to re-create a stable Republic."

Similarly, U.S. democracy with a little "d" could be shielded from the continual slide to autocracy — what Tim Wirth and Richard Gephardt have called a "rolling coup" — if only some Republican legislators would live up to their responsibilities under the U.S. Constitution and end their submissive support of a relentlessly imperial president.

■

Key Findings:

John Roberts and the Demise of Democracy

1. John Roberts has made his choice. He is Donald Trump's pliable instrument in converting the United States to an autocracy.

2. What is truly sobering, at this stage of the U.S. turn to autocracy, is that it would take only a few changes of mind by officials who know better to re-create a stable American Republic.

3. Roberts' genial demeanor and careful public rhetoric earned him a reputation as a cautious institutionalist. He has used that reputation as camouflage while he shreds the institutional web that protected U.S. democracy.

4. In the past, Roberts often pointed out that the Supreme Court avoids engaging in politics. Keeping that distance is essential to protecting its legitimacy. Under his stewardship, however, key Supreme Court decisions reflect overt partisan bias.

5. The overriding goal of this Court is to eliminate the enduring system of checks and balances in the United States and to prevent dispersion of power within the executive branch. This even applies to personnel decisions. It is comprehensive.

6. The fact that the Supreme Court now blatantly overrides legislation passed by the U.S. Congress, even after decades of upholding that very legislation, exposes the shallowness of Roberts' institutionalist demeanor.

7. Roberts is institutionally responsible for Supreme Court rulings that are politically one-sided de facto enabling decisions. Roberts has personally enabled the erosion of America's democratic guardrails.

8. The Supreme Court's first decision undermining the Voting Rights Act did not mandate voter suppression. It simply removed the strongest legal barrier against it. The reaction from Republican-led states to suppress voters was immediate.

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9. This Supreme Court's immunity doctrine runs fundamentally counter to what is perhaps the original core principle of the American republic: to avoid having kings who stand above the law.

10. The Roberts-led Court has used control over its docket to act quickly when that suits Trump, and slowly when a delay works better for him.

11. It cannot reasonably be said that Roberts' rulings abolish democracy outright. However, they have reshaped it enough to give the forces of concentrated wealth and unchecked executive power the upper hand.

12. For scholars of European history, comparing Roberts to Germany's 1930s-era President Paul von Hindenburg resonates. Both men operated within the legal frameworks of their times. Neither personally dismantled democracy, but each empowered those who could.

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"Strategic Intervention Papers use lessons from other countries to widen what looks politically possible in a stalled debate."

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