OpEdNews Op Eds 10/31/2026 at 9:35 AM EDT H2'ed 10/31/26

Saving or Dismantling Democracy, a Legacy for the Supreme Court that Chief Justice Roberts of Indiana Can Choose


Robert Weiner


Brenna Sculthorpe

By Robert Weiner & Brenna Sculthorpe
Exclusive to OpEd News

Supreme Court Chief Justice John Roberts comes from Indiana values, in which he puts a great deal of importance on the integrity of the government. During his years in high school at La Lumiere School in 1979, he was co-captain of the football team and also co-editor of his school's newspaper club, where he learned leadership skills and also where he became a standout figure in his community.

Now those values will be put to the test. He will now set his and the Court's legacy for all time, positive or negative, with the most important set of decisions in his court tenure: either saving or dismantling democracy with the Midterm Elections coming up.

The Administration is threatening many actions to disrupt the regularly safe elections: ICE and National Guard interference before and after November 3rd with ballot seizures and voter harassment,

The use of the "Insurrection Act" and other "emergencies" when the only emergency will be happening is the White House and DOJ interference, and the changing of congressional norms to certify the results January 3rd, would make things worse for voters in the long run. Establishing these as norms will only lead to fewer voters and less "democracy."

On May 12th of this year, when asked about whether he was open to deploying the National Guard and ICE agents to polling locations, President Trump announced that he would “do anything necessary to make sure we have honest elections.”
While most recently in an interview President Trump did on October 1st, when he was asked about ruling out declaring a state of emergency leading up to the midterms, he said, “I don’t rule anything out or in. We’ll see.”

Yet, the Department of Homeland Security officials come out to say they have no plans to send ICE to the polls.

So which is it?

With these threats and no clear answer from President Trump, Democrats and many nonpartisan officials alike are preparing injunctions and actions to protect voters' sacred rights and results on Election Day and Certification Day. As Chuck Schumer announced in July, he and his fellow Democrats are running tabletop doomsday stimulations to prepare for these upcoming Midterms. These will instantly hit the lower courts, and the Roberts Supreme Court must be prepared to support their rulings if they want democracy to stay protected.

The Supreme Court has recently protected mail-in ballots and stopped many attempted last-minute state gerrymanders, with Supreme Chief Justice Roberts heading those protections. They have received credit for doing so, and in the Constitution says the states, not the White House, run elections. As stated in Article 1, Section 4 of the Constitution: “the times, places and the manner of holding elections for Senators and Representatives, shall be prescribed by the legislature thereof.”

Supreme Chief Justice Roberts said when asked if he would knock down birthright citizenship, “well, it’s a new world, but it’s the same Constitution.” Likewise, he and the Court protected mail-in voting, and stopped Missouri three times from attempting last minute district changes. But Roberts and the Court cannot end there.

The Supreme Court's legacy for all time in American history will be defined by how John Roberts upholds protections for American democracy from partisan election interference in a very timely manner. No other decisions-- and there have been many important ones-- are more significant than what Roberts does with the Court for November 3rd's election and the January 3rd certification.

Will Supreme Chief Justice Roberts uphold his Indiana values and protect democracy? The current administration will be over in two years, but the Supreme Court will likely be with us for all the years of the republic.

Robert Weiner is a former spokesman for the Clinton and Bush White Houses and for the House Government Operations and Judiciary Committees under Chairman John Conyers. He was also Chief of Staff to Rep. Claude Pepper, and a spokesman for Charles Rangel, Ed Koch, Sen. Ted Kennedy, and Four-Star Gen. Barry McCaffrey.

Brenna Sculthorpe is senior Policy & Research Analyst at Robert Weiner Associates and the Solutions for Change Foundation.