

Major Supreme Court Cases – October 2021 – 2022

Religion

- *Dobbs v Jackson Women's Health Organization* - Mississippi ban on abortion after 15 weeks. Question: "Whether all pre-visibility prohibitions on elective abortions are unconstitutional." Overturning *Roe & Casey*. Decision by Alito - Overturn *Roe* 5-1-3 [Roberts affirms 15 weeks but declines to overturn *Roe*]
- Emergency request - Texas six weeks abortion rule and vigilante enforcement law allowed to go into effect while moving through the courts (stay refused by Supreme Court on Dec 10, 2021)]
- *Carson v Makin* – Challenge to Maine's prohibition of applying state funds from the state's tuition assistance program to schools that provide religious instruction. 6-3 decision by Roberts overturning lower courts. Violates their Constitutional rights under the free exercise (1st amendment), establishment and equal protection clauses (14th amendment).
- *Kennedy v Bremerton School District* – Coach kneeling in prayer on field with players joining him. 6-3 overturn decision by Gorsuch – "Constitution neither mandates nor permits government to suppress such religious expression."
- *Shurtleff v Boston* – City violated 1st Amendment when not allowing a Christian flag to be flown over city hall where other groups had access. 9-0
- *Ramirez v Collier* – Death row inmate allowed to have his clergyman praying aloud and touching him at execution. 8-1

Presidential powers

- *United States v Zubaydah* – Torture case (national security interests versus prisoner discovery rights) 7-2 decision by Breyer (but opinions all over the place). Government may withhold information.
- *Biden v Texas* – Allowed Biden to end "stay in Mexico" Trump-era policy. 5-4 (liberals, Roberts & Kavanaugh). Ended 8/9/22.
- Shadow docket - Blocked Biden's mandate for companies with over 100 employees to vaccinate thru OSHA (1/13/22)
 - Allowed Biden's mandate to vaccinate health care workers thru Medicare and Medicaid (1/13/22)
 - Refused Trump emergency request for prevention of release of papers to Jan 6 Committee (1/19/22) 8-1 vote with significant Thomas dissent [wife issue]

Environment

- *West Virginia v EPA* – 1. Can the Court address the now-defunct, Obama era Clean Power Plan or is it moot (cancelled by Trump and undergoing a complete re-vamping by EPA)? 2. Does the CAA authorize EPA to use market shifting rules to address climate change? 6-3 decision by Roberts - Act does not give EPA authority to require major changes in the US energy market to address climate change. Expounds new "major questions doctrine" - Congress must specifically authorize actions with major impact on economy. Potentially dramatic impact on all administrative agencies and government departments. Major win for conservatives.

Guns

- *New York State Rifle and Pistol Association v Bruen* – First big gun case since *Heller*. Strict criteria for getting a permit to carry a gun outside the home ("concealed carry") and must "demonstrate a special need for self-protection distinguishable from that of the general community..." Question: Does this violate the petitioner's constitutional rights under the Second Amendment? 6-3 decision on 6/23/22 by Thomas – Overturn 100 year old State law; potential to end concealed carry laws in several states including Maryland & DC

Elections

- *FEC v Ted Cruz* – Long standing McCain-Finegold rule placing a \$250,000 limit on how much can be directly given by a donor to a candidate who has loaned his campaign money during an election, after the election. 6-3 decision by Roberts, "no quid pro quo" here even though the money goes directly into the pocket of the candidate. Long held belief by Roberts that American system allows unlimited monetary influence in elections. Vehement dissent by Kagan on the issue of corruption.