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Top 10 U.S. Supreme Court Cases From the Last Term

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Top 10 U.S. Supreme Court Cases From the Last Term

Abstract

"This list is ranked based on my perceptions of importance, newsworthiness, and the interests of this audience. Every Supreme Court case is significant. I just think these will be the most significant for a reading of in all things to know."

Posting about significant U.S. Supreme Court cases from the last term from *In All Things* - an online hub committed to the claim that the life, death, and resurrection of Jesus Christ has implications for the entire world.

<http://inallthings.org/top-10-u-s-supreme-court-cases-you-should-know-about/>

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Top 10 U.S. Supreme Court Cases From the Last Term

all.inallthings.org/top-10-u-s-supreme-court-cases-you-should-know-about/

Donald Roth

Note from the author: *This list is ranked based on my perceptions of importance, newsworthiness, and the interests of this audience. Every Supreme Court case is significant. I just think these will be the most significant for a reading of in all things to know.*

1. [Burwell v. Hobby Lobby Stores, Inc.](#)

Facts: In developing regulations to implement the Affordable Care Act, the Dept. of Health and Human Services (HHS) took the position that employers must provide no cost access to a variety of contraceptives, including several, such as the morning after pill. Religious employers were exempted from the rule, but HHS read this narrowly to mean only churches, non-profits that object to all contraception, and businesses with less than 50 employees.

Opinion (5-4): Justice Alito delivered the Court's opinion, finding that the [Religious Freedom Restoration Act](#) (RFRA) applied to closely held corporations (protected as "people" under the law). RFRA requires that laws which substantially burden free exercise must be justified by a compelling governmental purpose and be the least restrictive option available. The Court found a compelling purpose, but since HHS has already created an alternative for other religious employers (insurance provides these services without cost sharing), there is clearly a less restrictive option available, meaning that the HHS position is untenable.

Concurrence (Kennedy): Justice Kennedy argued the limited nature of the ruling, saying that all the government needs to do is make the solution for religious employers available to objecting closely held corporations.

Dissent (Ginsburg): Justice Ginsburg argues that corporations shed their religious views when they take on for profit status, saying that this decision allows corporations to just opt out of any law they don't like. She also argues that corporations are not "persons" capable of having religious views.

Dissent (Breyer and Kagan): These justices believe that the case fails to put a substantial burden on religious belief for the reasons Ginsburg lays out, namely that the act of paying for care is too attenuated from the act of abortion to be significant.

Significance: This case reaffirms RFRA as a significant protection of free exercise. It also affirms the notion that the choice of form that an organization takes does not necessarily strip it of the worldview of its creators.

2. [McCutcheon v. Federal Election Commission](#)

Facts: The Bipartisan Campaign Reform Act of 2002 (BCRA) restricts the amount of contributions which



Photo by [Nicolas Eckhart](#)

may be made to political campaigns. This is accomplished by both a cap on contributions to a single individual and caps on aggregate contributions to all candidates or committees. In the 2011-2012 election cycle, McCutcheon was limited from contributing to 12 candidates due to aggregate limits and so challenged BCRA as to aggregate limits functioning to limit his political expression (Free Speech).

Opinion (5-4): Chief Justice Roberts delivered the Court's opinion, holding that the government has a significant interest in preventing quid pro quo corruption, but that they cannot limit an individual from spending money to gain a more general influence (which would excessively limit speech). In this case, the aggregate contribution limits serve to significantly burden speech without directly advancing the government's interests. There are more direct and less burdensome alternatives available, such as disclosure of contributions, and the aggregate limits are therefore unconstitutional.

Concurrence (Thomas): Justice Thomas would have overruled *Buckley v. Valeo* entirely, removing all contribution limits under the rationale that the Court should not require a speaker "to explain the reasons for his position in order to obtain full First Amendment protection."

Dissent (Breyer): Justice Breyer argues that the government has a legitimate interest in preventing persons from doing an end run around the individual limits by giving silently earmarked funds to committees and parties to direct to candidates. The Dissent also defines corruption as broader than quid pro quo, saying it involves anything that substitutes money for genuine public support.



Significance: This case, along with *Citizens United* (striking down bans on Corporate contributions), has significant potential to increase the influx of money invested in the political process by single donors. Whether this proves to be the "loophole" the dissent warns of remains to be seen.

3. *Riley v. California*

Facts: David Riley was pulled over for driving a vehicle with expired tags. The officer then discovered that Riley's license was suspended, and he impounded the vehicle, which, during an inventory search, turned up two loaded, unregistered handguns. Pursuant to Riley's subsequent arrest, an officer found and searched through Riley's smartphone, finding evidence of his association with the Bloods. Further searching linked Riley to a gang-related shooting and significantly increased his charges.

In the companion case, *Brima Wurie* was arrested after police witnessed her conduct an apparent drug sale. After arresting Wurie, police used his flip phone to trace a number labelled "my house" and conduct a search at that residence which turned up significant amounts of crack cocaine.

Opinion (9-0): Justice Roberts delivered the opinion of the Court, holding that police must secure a warrant before accessing digital data on a suspect's cell phone. In doing so, the Court declined to extend the "search incident" exception to the warrant requirement to phones under the dual theory that the concern for evidence destruction or injury to officers was less than in other "search incident" cases and that the privacy interest was much stronger.

Concurrence (Alito): Justice Alito doubts the majority's assertion that the search incident exception be tied solely to concerns for officer safety and evidence preservation, but he nevertheless agrees that the

concern for privacy necessitates securing a warrant. He would, however, leave it up to legislatures to draw more distinct lines as to what may or may not be searched on a phone.

Significance: This is one of the most sweeping decisions regarding digital privacy handed down by the Supreme Court. This will significantly alter police protocols and underlines a heightened concern for privacy felt across the court in the digital age.

4. [Town of Greece v. Galloway](#)

Facts: Since 1999, the monthly town board meetings of Greece, New York have been opened with roll call, recitation of the Pledge of Allegiance, and a prayer given by clergy selected from congregations listed in a local directory. These prayers are not limited in scope, and so they are typically sectarian, and, given the makeup of the town, were typically explicitly Christian, although a member of the local Jewish synagogue, as well as a chairman of a Baha'i temple and a Wiccan priestess have also given invocations. Galloway, among others, sued, seeking to compel the city to limit prayers to those of a broadly ecumenical, nonsectarian nature.



Photo by [George Kelly](#). CC BY ND 2.0

Opinion (5-4): Justice Kennedy delivered the opinion of the Court, which found no First Amendment violation. The court looked to the long practice of legislative prayer, finding that it did not violate the [Establishment Clause](#) and that it did not require solely nonsectarian prayer. So long as the city's policy did not coerce listeners into becoming adherents, it was permissible. The city's nondiscriminatory policy for finding "chaplains of the month" was adequate in this regard.

Concurrence (Alito): Justice Alito counters the dissent, first arguing the facts to show how far the city went to avoid any religious favoritism, and second arguing that the dissent's demand for nonsectarian prayer is wholly at odds with historical practice and common sense.

Concurrence (Thomas): Justice Thomas argues that the Establishment Clause is a matter of federalism, or at least about preventing the sort of serious coercion common at the time of the Revolution, namely, the state expressly founding a church and taxing or persecuting citizens to support that church.

Dissent (Breyer): Justice Breyer argues that the city of Greece should have counseled prospective prayer-givers not to exploit the time as an opportunity to proselytize, and he believes the city should have made the "open to volunteers" policy more publicly known so as to draw in non-Christians.

Dissent (Kagan): Justice Kagan argues that sectarian prayers can have the effect of telling minority groups that they are implicitly outside of the system or not welcome in the community. Therefore, all prayers given must be structured so that no one listening could feel excluded or offended. This is particularly true given the intimate setting of a town meeting as compared to a larger legislature.

Significance: This case is a significant reinforcement of the moderate approach to the Establishment Clause, which is primarily concerned with non-coercion. It also falls in line with numerous cases which see less threat of Establishment when religion is meshed into civil ceremony.

5. [National Labor Relations Board \(NLRB\) v. Noel Canning](#)

Facts: During December of 2011, the Senate was in an appointment battle with the President in which Republicans were blocking several of the President's nominees for positions on the [National Labor](#)

Relations Board (NLRB). To prevent the President from using his Recess Appointment Power, the Senate was meeting in pro forma sessions during what was usually a Christmas break. Since no business was being conducted during these sessions, President Obama appointed three members of the NLRB during a brief recess between pro forma sessions. Noel Canning subsequently suffered an adverse decision by the NLRB and wished to challenge that decision by asserting that the recess appointments were invalid, leaving the NLRB without the quorum needed to decide against the company.

Opinion (Breyer): Justice Breyer delivered the Court’s opinion, holding against the President. The Court first looked to the definition of a Senate recess, saying that it permitted the President to make appointments whenever Senate was away long enough to prevent it from being able to transact business. This generally would need to be longer than 10 days. While the Court said that the Senate’s own determination of when it was in session was not conclusive, it was weighty, and the fact that the Senate, although limited in ability, could transact some business (as it did by passing a bill by unanimous consent agreement during that time) shows that it was in session.

Concurrence (Scalia): Justice Scalia argues that the Recess Appointment Power is not meant to be “a powerful weapon in the president’s arsenal” (as the majority characterizes it), but that it is instead a narrow tool to ensure continuing functioning of the government for vacancies that arise during recesses between sessions of Congress. Given the changes of the modern era, Scalia argues that this presidential power is largely an anachronism which has allowed the President to seize power by “adverse possession.”

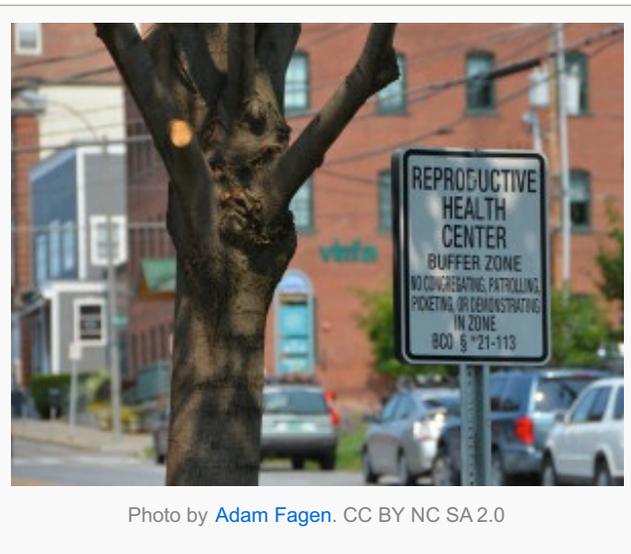
Significance: Recess appointments have been a controversial but increasingly popular feature of presidential politics. This case is a significant reigning in of a rather aggressive move made by President Obama in the face of frustration at getting his nominees through the consent process.

6. **McCullen v. Coakley**

Facts: In 2007, Massachusetts amended its Reproductive Health Care Facilities Act to create 35 foot “buffer zones” around abortion facilities. The law makes it a crime to “knowingly enter or remain” in these buffer zones unless the person is an employee, emergency personnel, patient, or just passing through. While the law is ostensibly aimed at protestors, several persons who engage in “sidewalk counselling” (a much more gentle approach) challenged the restrictions of the law as abridging free speech.

Opinion (9-0): Justice Roberts delivered the opinion of the Court, which held these buffer zones unconstitutional. The Court found that this law was a restriction on speech in what is known as a traditional public forum (the street). In these places, the state may only regulate the time, place, and manner of speech through laws which are facially neutral toward the content of speech. While finding this law facially neutral, the Court found that Massachusetts did not meet another requirement of public forums, namely that the challenged law is the least intrusive (burdening the least speech) option available. The Massachusetts law is a significant burden on speech, and there is no sign that the state has ever tried or considered something less burdensome. Since the Court could cite several plans which might fit that bill, it ruled against the state.

Concurrence (Scalia): Justice Scalia rejects the notion that the Massachusetts law is neutral as to the



content of regulated speech. He argues that the location of the speech and the types of persons excepted from regulation show that this is clearly a law targeted at one viewpoint, making the law subject to the higher test of “strict scrutiny,” which Scalia says the state utterly fails.

Concurrence (Alito): Justice Alito argues that the law blatantly discriminates based on the viewpoint expressed in speech. He demonstrates his point by arguing a hypothetical that shows that speech promoting a clinic is welcome within the buffer zone, while any speech opposing the clinic, even if the clinic had a bad health record, would be banned.

Significance: This case strikes down a fairly aggressive law passed to protect women from being harassed outside of abortion clinics. However, as noted by the concurrences, this case does so without disturbing a line of cases (such as *Hill v. Colorado*) which view this type of legislation as somehow content neutral, making this a modest victory for the anti-abortion side.

7. [Schuette v. Coalition to Defend Affirmative Action](#)

Facts: In response to [Grutter v. Bollinger](#), which approved of a University of Michigan program which gave holistic consideration to racial minority as a factor which could improve chances of law school admission, the state of Michigan passed Prop. 2 in 2006, which amended the state constitution to ban the use of affirmative action in public employment, education, or public contracts, unless required by federal law. Several opponents of the amendment then challenged it in federal court.

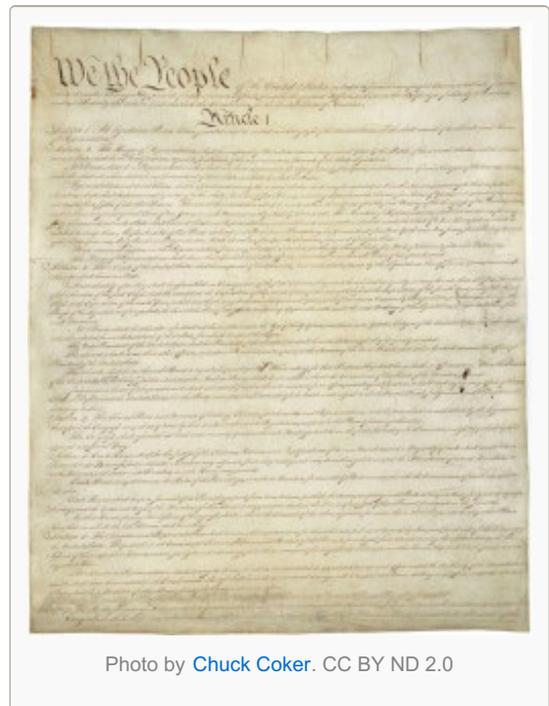
Opinion (6-2): Justice Kennedy wrote a plurality opinion deciding this case on non-constitutional grounds as a question of when states may prohibit race-conscious decision-making and as part of a larger national dialogue about college admission practices. The Court declines to extend a line of cases which included the overturning of a ban on busing practices in *Parents Involved v. Seattle School Dist.* (2007), saying that those specific considerations of voters bringing harm to a racial group are not present here.

Concurrence (Roberts): Justice Roberts engages with the dissent, arguing against the assertion that those who vote against race-conscious decision-making fail to take race seriously. He also argues that these preferences may do more harm than good by reinforcing doubts about whether minorities belong.

Concurrence (Scalia): Justice Scalia argues that holding with the dissent would result in a bizarre case where the Equal Protection Clause of the Constitution is held to ban what its own text requires (i.e. prohibition of racial discrimination).

Concurrence (Breyer): Justice Breyer sees this as a clear “the Lord giveth” type of case, in that the same principle which gives people the right to adopt affirmative action policies also gives them the right to vote not to adopt affirmative action policies.

Dissent (Sotomayor): Justice Sotomayor objects to the use of a (state) constitutional amendment to accomplish what Prop. 2 did, arguing that this “changed the basic rules of the political process in that State in a manner that uniquely disadvantaged racial minorities.” Sotomayor claims herself to be a beneficiary of



affirmative action policies, and she argues that opponents of those policies should have lobbied University Boards rather than going over their heads, saying that this amendment is part of the nation's "long and lamentable record of stymieing the right of racial minorities to participate in politics."

Significance: This case is one of a growing trend which is seeing the winding down of affirmative action policies across the country. One of the strongest remaining areas where these policies were employed was state university admissions, and this case shows one avenue that voters of a state can take to end such policies.

8. [Kaley v. United States](#)

Facts: The United States Law permits courts to order pre-trial asset freezes to "preserve the availability of forfeitable property" while criminal proceedings are pending. This is available when there is probable cause to believe a defendant has committed a crime permitting forfeiture, and the frozen assets can be traced to that crime (i.e. are likely to be forfeited).

After a grand jury (legal determination of probable cause which typically does not involve the defendant or their attorney) indicted Kerri and Brian Kaley for reselling stolen medical devices and laundering the proceeds, the prosecution obtained a freeze on all of their assets. The couple then sought to challenge the denial of a hearing to challenge the grand jury's determination, since that indictment led to the freezing of assets they intended to spend retaining an attorney.

Opinion (6-3): Justice Kagan delivered the Court's opinion, finding that the criminal court system entrusts the probable cause determination strongly with the grand jury and that allowing a challenge to that determination would undermine the system. Furthermore, the Court did not find the freezing of assets used to hire an attorney overly burdensome, relying on a previous decision in *U.S. v. Monsanto*.

Dissent (Roberts): Chief Justice Roberts argued that while the government was allowed to freeze the assets of a defendant prior to trial, even if they would be used to hire a lawyer, doing so without giving the defendant an opportunity to challenge that asset freeze was impermissible. Roberts also related significant factual issues in the case which showed that the government claim was not particularly likely to succeed, and that the Kaley's had a pretty good claim that the frozen assets should not have been taken.

Significance: As Roberts said in his dissent, "An individual facing serious criminal charges brought by the United States has little but the Constitution and his attorney standing between him and prison." This ruling essentially allows the government to deny a defendant access to an attorney of their choice without ever letting the defendant challenge the accusations levelled against them. This ruling gives prosecutors a significant weapon against certain types of defendants.

9. [Stanton v. Sims](#), [Plumhoff v. Rickard](#), [Tolan v. Cotton](#) (Qualified Immunity Cases)

Stanton – La Mesa, Cal. PD officers responding to a call about an "unknown disturbance" involving a baseball bat determined that a group of men were acting suspiciously by seeking to avoid the police. When Officer Stanton ordered one man to stop, the man quickly ducked through a gate into Drendolyn Sims' yard. Believing this evasion to be a jailable misdemeanor, Officer Stanton kicked open the gate in pursuit of the suspect. In doing so, Stanton kicked the gate into Sims' face, cutting her forehead and injuring her shoulder.

Plumhoff – Donald Rickard led police on an extended high speed chase after being pulled over for a routine traffic stop. When Rickard spun out and officers moved in, he resumed maneuvering his vehicle, attempting to push through a police blockade. As the car pushed clear, officers fired 15 shots into the vehicle, which then crashed, killing both the driver and the passenger. Rickard's daughter then sued, alleging excessive force.

Tolan – A Bellaire, Tex. Police officer watched a black Nissan SUV pull quickly onto a driveway at 2:00am and incorrectly entered the license plate of a vehicle, leading him to believe that it was stolen. The officer then drew his weapon and detained the two men exiting the vehicle, telling them to get on the ground. The owners of the house then came out and identified the men as Robbie Tolan (played for Washington Nationals), their son, and his cousin. They also tried to clarify that they owned the vehicle, but the officer wasn't hearing it. About this time, Sgt. Jeffrey Cotton showed up on scene, and in the space of about 30 seconds he threw Tolan's mother against the garage (bruising her) and causing her to fall to the ground, at which point Tolan rose to his knees and yelled "Get your fucking hands off my mom," at which point Cotton turned and shot Tolan three times. Tolan survived, although his career was over, and sued the PD.

Opinions – All of these cases involved the police use of force alongside a doctrine known as Qualified Immunity. This doctrine immunizes the state from a lawsuit unless officers' actions violate a "clearly established Constitutional right."

In *Stanton*, the Court found that there was insufficient clarity as to whether the doctrine of "hot pursuit" applied to allow warrantless entry onto property in pursuit of a misdemeanor. Due to this lack of clarity, the court found no clear rights violation and applied qualified immunity to bar Sims' suit.

In *Plumhoff*, the Court held that the officers' decision to fire on the fleeing vehicle was not unconstitutional and that, even if it was, it was not so clearly wrong as to waive qualified immunity.

In *Tolan*, the Court overturned the lower court's decision to terminate the case on summary judgment (which granted victory without a trial on the basis the no reasonable jury could find for the plaintiff), saying that the record contained ample evidence which could show a clear violation of rights which waive immunity.

Significance – *Stanton* is fairly routine, while *Plumhoff* may significantly increase the willingness of police to fire upon a fleeing vehicle. However, *Tolan* represents the first ruling in over a decade holding against an officer in a qualified immunity case.

10. [Bond v. United States](#)

Facts: When Carol Bond's husband impregnated Myrlinda Haynes, Ms. Bond threatened to make Myrlinda's life a "living hell." To further this, Ms. Bond spread toxic chemicals (potassium dichromate) on Ms. Haynes' car, mailbox, and doorknob, hoping to give her an uncomfortable rash. Ms. Haynes did at one point suffer a minor chemical burn treated by rinsing her finger with water. Ms. Bond was then brought up on various federal charges, including charges related to violation of the [Chemical Weapons Convention](#) (CWC). Bond challenged the application of the CWC to her case, particularly whether or not Congress had the power to reach such a purely local crime.

Opinion (9-0): Chief Justice Roberts delivered the opinion of the Court, finding in Bond's favor. The opinion relied on the rule that a federal law will only be viewed to reach a purely local offense if there is clear evidence that this was Congress' intent. Since no such evidence exists for the enacting legislation behind the CWC, the law does not apply to cases like Ms. Bond's.

Concurrence (Scalia): Justice Scalia argues that the majority opinion essentially rewrites a law on Congress' behalf, given that the statute's sweeping language undoubtedly embraces Bond's case. Instead, Scalia argues that Congress lacks the authority to pass a law which reaches this type of case. This reaches the deeper Constitutional question of whether Congress, when giving effect to a valid treaty, has power to enact laws which it would not independently have the power to make. Scalia answers this question strongly in the negative.

Significance: Because the majority avoided the Constitutional issue, the significance is somewhat limited;

however, Scalia's concurrence presses the really interesting issue that this case raises, and we will have to wait for a case where the whole Court is willing to address the question of the extent of Congress' Treaty-making Authority.

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