



Supreme Court: Year in Review



Announcements

- Sign up on Facebook and Eventbrite for Free the Facts: Student Loans
 - Catering Chick-Fil-A
- Participate in the dining hall conversation boards project
- Look into fellowships with the Hertog Foundation
 - Check most recent email (link at the bottom)

The Current Court: In Ideological Order

LIBERAL BLOC



Sotomayor



Ginsburg



Kagan



Breyer

CONSERVATIVE BLOC



Roberts



Kavanaugh



Alito



Gorsuch



Thomas



Difference Between Political Ideology and Constitutional Ideology

- In theory, the justices' political opinions have no bearing on their rulings. They make judgments based on whether they think something is constitutional or not. The ideological breakdown comes not from how they feel politically, but whether they have an originalist view of the Constitution (that it should be interpreted as the Founders intended) or modern view (that it should be molded to the prevailing national sentiment of the time)
- Whether the Court is actually like this is for you to decide, let's take a look at some of the rulings



The Big Rulings

Iancu v. Brunetti (6-3): the court struck down a federal law barring the registration of vulgar trademarks, saying it ran afoul of the First Amendment:

- Erik Brunetti, was denied a trademark for his clothing line, FUCT. When the case was argued in April, a government lawyer told the justices that the term was “the equivalent of the past participle form of the paradigmatic profane word in our culture.”

Flowers v. Mississippi (7-2): the court decided that a white prosecutor violated the Constitution in excluding potential black jurors at the sixth trial of Curtis Flowers, who is on death row in Mississippi:

- In its history of 6 trials prosecuting Flowers for murder, the previous 5 of which ended in mistrials or vacated convictions, the state struck 41 of the 42 prospective black jurors. Some of the selected white jurors had similar answers to struck black jurors, but the white ones were chosen and the black jurors were struck

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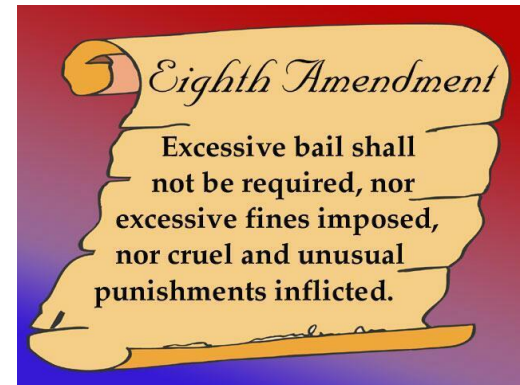
The Big Rulings

Apple vs Pepper (5-4): The Court allowed an enormous antitrust class action against Apple to move forward

- Ruled consumers should be allowed to try to prove that technology giant had used monopoly power to raise iPhone prices.
- It is NOT saying that tech giant did that, only that people have the right to try to prove that
- Liberal bloc + Kavanaugh

Timbs vs Indiana (9-0): Unanimously limited the ability of police to seize private property used to commit crimes

- The Eighth Amendment Excessive Fines Clause applies to the states, not just the federal govt



The Big Rulings



Gamble v The U.S. (7-2): The Court refused to overrule precedent allowing two prosecutions for the same crimes, one in federal court and the other in state

- This goes to the heart of how double jeopardy and dual sovereignty are interpreted

American Legion v American Humanist Association(7-2): The Court allowed a 40 ft cross honoring soldiers from World War I to remain on govt land

- The Court found the Bladensburg Cross does not violate the Establishment Clause because it has historical importance beyond its admittedly Christian symbolism.



The Big Rulings

Partisan Gerrymandering (5-4): In *Rucho v Common Cause* and *Lamone v Benisek*, the court ruled that the Constitution does not bar extreme gerrymandering, though the opinion did express condemnation for such practice

- The Court left in place the extremely partisan lines drawn by NC (to benefit the incumbent Republicans) and those drawn by Maryland (to benefit the incumbent Democrats)
- The opinion stated that while partisan gerrymandering is “incompatible with democratic principles,” it presents nonjusticiable political questions
 - In other words, out of the purview of the courts





Questions

- Are you surprised by the split on some of these votes? Is the Supreme Court more or less politically motivated than the media makes them out to be?
- Which of these rulings do you agree with politically? Are there any you politically agree with but think the Court should not have ruled on (since the Court's main function is to rule on the constitutionality of things)?
- The Senate recently passed a law that changed the confirmation process. Previously, $\frac{2}{3}$ of the Senate were needed to confirm a nominee to the SC. Now only a simple majority is required. Do you think that will impact how politically minded the court is?
- Do you think the court is too politicized? Does it make rulings on things you think it has no right to rule on way or the other?
 - Citizens United, Roe v Wade, Obergefell v Hodges ruling on gay marriage -- >whether you agree politically with the Court's decisions on these, did it have the right to rule on these cases?



More on the Supreme Court

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