

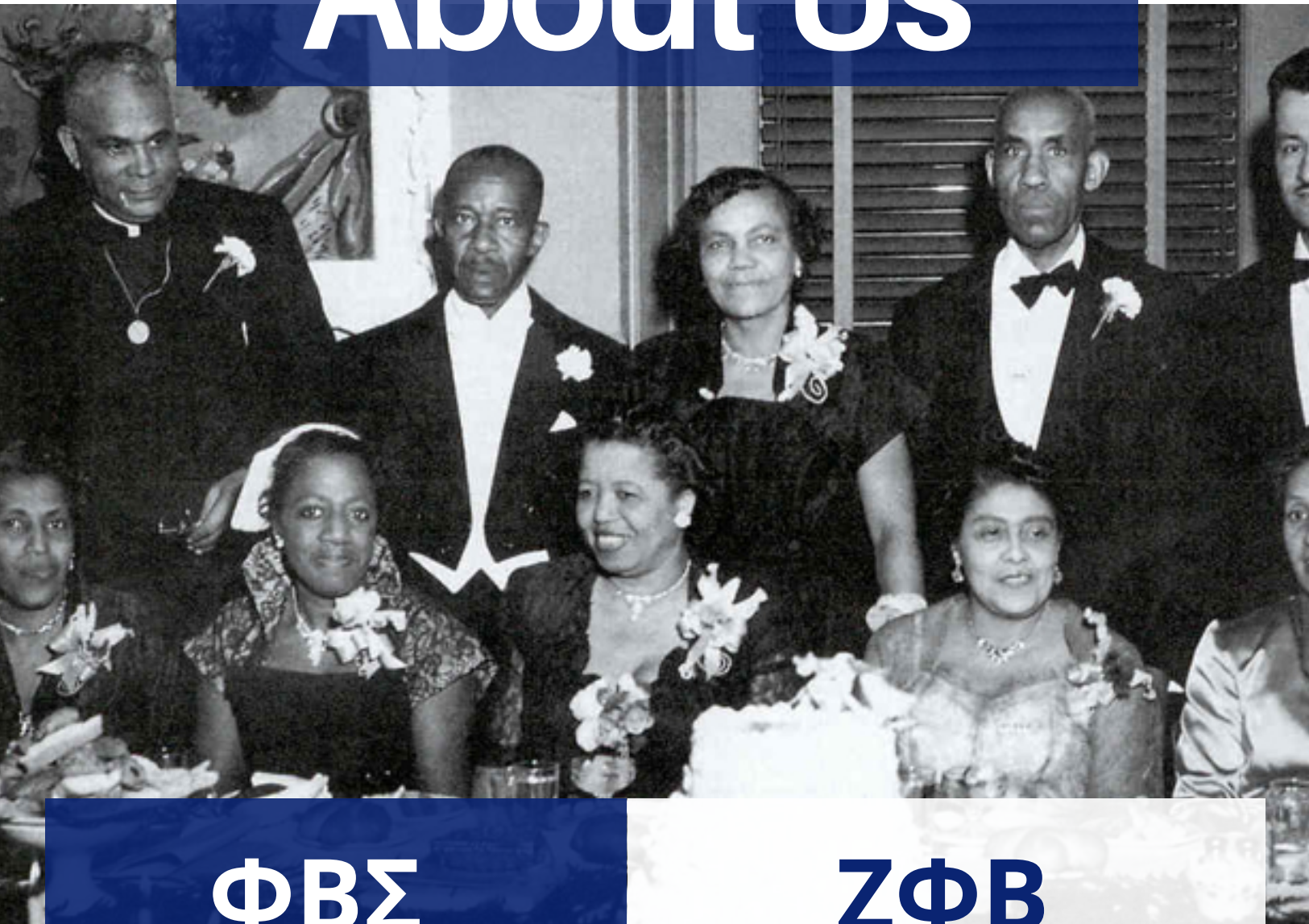


The Blue Review

— Understanding the United States Supreme Court

This handout was prepared to be used in connection with the presentation "The Blue Review: Understanding the Key Supreme Court Cases of the 2021 Term" presented by the Sigma Delta Sigma Chapter of Phi Beta Sigma Fraternity, Incorporated and the Beta Alpha Zeta Chapter of Zeta Phi Beta Sorority, Incorporated. This handout was prepared by the Get Engaged Committee of the Beta Alpha Zeta Chapter.

About Us



ΦΒΣ

Phi Beta Sigma Fraternity, Incorporated was founded at Howard University on January 9, 1914 by A. Langston Taylor, Leonard F. Morse, and Charles I. Brown. The fraternity strives to exemplify the ideals of Brotherhood, Scholarship, and Service.

- National website: phibetasigma1914.org
- Local website: sds1914.com

ZΦΒ

Zeta Phi Beta Sorority, Incorporated was founded at Howard University on January 16, 1920 by Arizona Cleaver Stemons, Pearl Anna Neal, Mrytle Tyler Faithful, Viola Tyler Goings, and Fannie Pettie Watts. The sorority strives to exemplify the ideals of Scholarship, Service, Sisterhood, and Finer Womanhood.

- National website: zphib1920.org
- Local website: zetaphibetajax.org

The only constitutionally bound fraternity and sorority.

Overview

What is the Supreme Court and why do we place so much emphasis on its decisions?

The Supreme Court of the United States, sometimes called SCOTUS, gets its power from Article III of the United States Constitution.

Article III lays out the powers and jurisdiction of the Supreme Court.

Article III, Section 1 of the Constitution:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

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The function of today's Supreme Court can be attributable to Judicial Acts passed by Congress. Two Acts that stand out are:

1. The Evarts Act of 1891 established the Circuit Courts of Appeal, thereby alleviating the Supreme Court's caseload.
2. The Judicial Act of 1925 further limited the Supreme Court's caseload by only allowing a few well-defined exceptions to be directly appealed from district (trial) courts. Otherwise, the Court has the discretion to accept petitions of *certiorari* from suits heard in the circuit courts of appeal, or, in some instances, from state supreme courts.

The bottom line: The Supreme Court evolved from originally hearing cases on the basis of their merits to the mainly reviewing broad legal questions. Now, the Court operates in an almost exclusively discretionary review capacity.

Overview

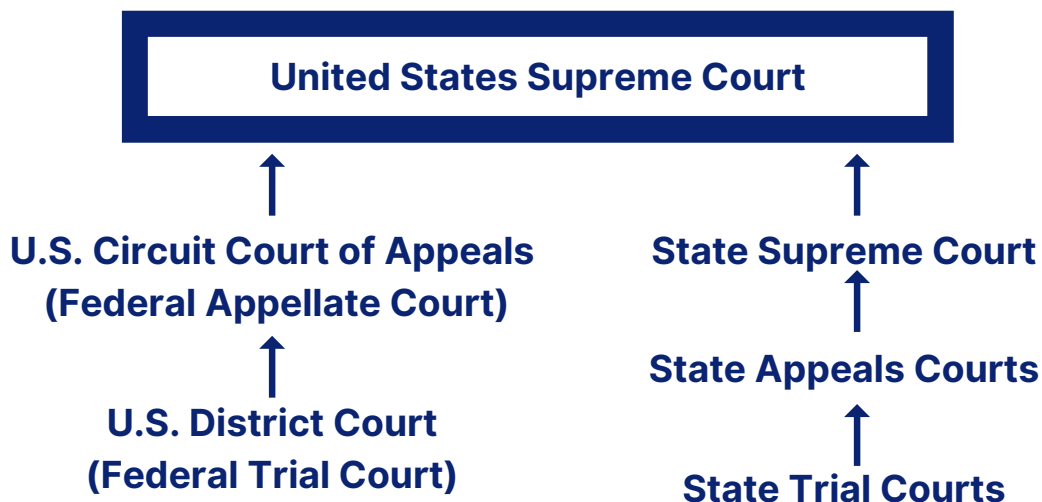
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The progression of a federal case:

1. A case is filed in a **trial** court called a district court.
2. The trial court issues a final order.
3. The losing party appeals the final order to the **circuit court** of appeals.
4. The circuit court of appeals decides whether an error occurred in the trial court. The circuit court of appeals will generally review an appeal under three categories: 1) denominated questions of law, 2) questions of fact, or 3) matters of judicial discretion (did the trial court judge abuse their discretion?).
5. The party that loses in the circuit court of appeals may appeal to **SCOTUS**.
6. SCOTUS can choose whether it wants to review the circuit court of appeals. If it wants to review the federal appellate court, then SCOTUS will "grant *certiorari*" or grant the appeal.

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What is the Supreme Court and why do we place so much emphasis on its decisions?



Statistically, the majority of cases that the Supreme Court grants *certiorari* for comes from the federal appellate courts. There are three other paths a case can follow to make it to the Supreme Court, but these two paths are the most common.

The bottom line: In 2010, 2.8% of petitions for *certiorari* were granted by the Supreme Court. By design, the Supreme Court aims to settle disputed interpretations of the federal constitution and federal law.

How to understand SCOTUS Opinions

START

Before jumping into SCOTUS opinions, the best place to start is to read and understand the Constitution.

- [Read the Constitution](#)
- [Constitution 101 Course](#)

SCOTUS RESOURCES

Some websites help break down issues before SCOTUS. Here are a few written resources:

- [SCOTUS Blog](#)
- [Oyez](#)

PODCASTS

Some podcasts help break down SCOTUS opinions and other cases in federal courts:

- [Strict Scrutiny](#)
- [Short Circuit](#)



The 2021 SCOTUS Term



■ Unanimity

Over the past decade, the court, on average, issued unanimous decisions 43% of the time. In this term, only 29% of the Court's decisions were unanimous. "For the first time in recent memory," instead of 9-0 being the most common vote alignment, 6-3 was the most common alignment. 30% of this term's cases were decided on a 6-3 vote.

■ Case Load

This term, SCOTUS disposed of 66 cases, issuing 58 signed opinions of the court. Of those cases, some statistical highlights are:

- 28 cases handled constitutional law questions;
- 13 cases handled procedure and jurisdiction;
- 9 cases were criminal appeals;
- 7 cases were administrative law questions; and
- 6 cases handled health care questions

Sources:

<https://www.scotusblog.com/2022/07/as-unanimity-declines-conservative-majoritys-power-runs-deeper-than-the-blockbuster-cases/>

<https://www.scotusblog.com/wp-content/uploads/2022/07/SCOTUSblog-Final-STAT-PACK-OT2021.pdf>

Biden v. Texas

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: Immigration

Question on Appeal: Whether President Biden violated federal law by ending the Trump-era law requiring certain non-Mexican nationals arriving by land to the United States from Mexico to remain in Mexico while immigration courts in the United States reviewed their asylum petitions?

Result: President Biden's administration was allowed to end the Trump-era program.

Dobbs v. Jackson Women's Health Organization

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: Abortion

Question on Appeal: Whether there is a constitutional right to abortion?

Result: "The Constitution does not confer a right to abortion;" [Roe v. Wade](#) and [Planned Parenthood of Southeastern Pa. v. Casey](#) are overruled; "and the authority to regulate abortion is returned to the people and their elected representatives."

Kennedy v. Bremerton School District

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: First Amendment; School Prayer

Questions on Appeal: Whether a public school employee's prayer during school-sponsored football games is protected speech, and whether a school's prohibition on the employee's prayer violates the First Amendment?

Result: The school coach was allowed to continue praying at the 50-yard line after school-sponsored football games and encouraging his students athletes to join the coach in prayer.

Oklahoma v. Castro-Huerta

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: Indigenous Peoples Jurisprudence

Questions on Appeal: Whether state authorities may prosecute non-Indigenous individuals who commit crimes against Indigenous people on reservations?

Result: "The Federal Government and State have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country."

New York State Rifle & Pistol Association v. Bruen

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: Second Amendment

Question on Appeal: Whether a New York state law requiring applicants who wanted to carry guns outside their homes to show a "special need for self-protection distinguishable from that of the general community" violated the Second Amendment?

Result: The constitutionality of gun laws will be determined by asking whether the conduct regulated by the law is protected by the plain language of the Second Amendment.

Trump v. Thompson

- [Supreme Court Opinion](#)

Case Topic: Executive Privilege

Question on Appeal: Whether the House Select Committee to Investigate the January 6th Attack on the United States Capitol can require former President Trump to produce records in connection with the Committee's investigation?

Result: The Court denied the former president's application to stay a lower court's order requiring the release of White House records from the former president's term to the Committee.

West Virginia v. Environmental Protection Agency

- [Supreme Court Opinion](#)
- [Oyez](#)

Case Topic: Environmental Law

Question on Appeal: Whether the Environmental Protection Agency (EPA) has the authority to regulate greenhouse gases emissions under specific constraints?

Result: The EPA's ability to regulate the energy sector has been limited to specific regulatory measures like emission controls at specific, individual power plants.

Wisconsin Legislature v. Wisconsin Elections Commission

- [Supreme Court Opinion](#)

Case Topic: Voting Laws (Election Maps)

Questions on Appeal: Whether the Wisconsin Supreme Court erred in approving a map that created an additional majority-Black election district in Wisconsin?

Result: SCOTUS determined the Wisconsin Supreme Court was in error for using race as a factor to approve an election map.