



## Lesson 131

### Decided and Undecided: the 2024 Supreme Court

- **Cases Yet to Be Decided**

- Alexander v. South Carolina State Conference of the NAACP
- FDA v. Alliance for Hippocratic Medicine
- Fischer v. United States and Trump v. United States
- Murthy v. Missouri
- Ohio v. EPA, Kinder Morgan Inc. v. EPA, American Forest & Paper Assn. v. EPA, United States Steel Corp. v. EPA
- United States v. Rahimi

- **Decided Cases**

- Donald J. Trump v. Norma Anderson
- Muldrow v. City of St. Louis
- O'Connor-Ratcliff v. Garnier and Lindke v. Freed

The Supreme Court has the power to alter events in the United States for years to come. Many of the decisions directly involve subjects we as a movement should pay attention to. In this lesson, we will look at a few of these court cases, some decided already, and some yet to be decided.

## **Cases Yet to Be Decided**

### **Alexander v. South Carolina State Conference of the NAACP**

Alexander v. South Carolina State Conference of the NAACP is a Supreme Court case that deals with gerrymandering. Gerrymandering is when a political party manipulates district lines so that when it's time to vote, the district breakdown favors their party. South Carolina's 1<sup>st</sup> congressional district was considered to be a swing district (meaning that the vote didn't traditionally lean either Republican or Democrat) until the 2020 census. Right after the census the legislature redrew the district maps and they were released in January 2022. The new map split Charleston County into two, putting Charleston and North Charleston into the heavily Democratic leaning 6<sup>th</sup> district. This then made the 1<sup>st</sup> district predominantly white, or Republican leaning, so it would no longer be a swing district when it came time to vote. The redistricting was successful because previously, if Republicans won that district, they only won by less than percentage of the vote (the same applies to Democrats). But after the redistricting the Republican candidate, in 2022, won that district by 14 percent. The South Carolina NAACP, among others, sued, stating that the redistricting was unconstitutional and violated the 14<sup>th</sup> Amendment. The United States District Court for the District of South Carolina ruled on January 6, 2023, that the 1<sup>st</sup> district redrawing was indeed racially motivated, but the 2<sup>nd</sup> and 5<sup>th</sup> district were politically motivated, so their count stays intact. The court ordered a new map to be redrawn by March 31<sup>st</sup>; this was a partial win for the NAACP. However, the case was appealed on January 27<sup>th</sup> and the United States Supreme Court agreed to hear it on May 15, 2023. Arguments started on October 11<sup>th</sup> and the case is still ongoing.

### **FDA v. Alliance for Hippocratic Medicine**

On March 26<sup>th</sup> the Supreme Court heard arguments for a very important case on women's rights. Food and Drug Administration (FDA) v. Alliance for Hippocratic Medicine is a court case around mifepristone. The Alliance for Hippocratic Medicine was formed shortly after the Dobbs v. Jackson Women's Health Clinic was decided in 2022, and in December of that year they (along with a few other groups) sued the FDA over its approval of mifepristone. Mifepristone is the first of two drugs that are used quite often in the United States for abortions (over 60% of the time). In 2000 the FDA approved mifepristone for use, but placed several restrictions on it, however, since 2016 the FDA has been loosening restrictions - including re-approving the drug in 2019 and allowing it to be mailed to patients in 2021. These improvements only made anti-abortionists more agitated and this alliance was made to hinder this. In April of 2023 a federal District court ruled against the FDA, effectively banning mifepristone across the United States. But right after that an appeal was made that reversed the District Court's ruling, but kept the old restrictions of mifepristone in place. Last September, the Supreme Court agreed to hear the case. This is a very important case because it will determine if the women who will receive more than half of the abortions in the country will even have that option. But this isn't only a case about the FDA's removal of restrictions on mifepristone since 2016, it is also about whether or

not the Alliance has the right to even challenge the FDA on this issue. We should get the decision next month (June) but, with the Supreme Court's conservative supermajority and its history on abortion rights it doesn't look good although the justices seemed to disagree with the doctors' right to sue in the first place.

## **Fischer v. United States and Trump v. United States**

This year (2024) the Supreme Court will be hearing cases that will directly affect Trump and his criminal status. The first case is called Fischer v. United States. On January 6, 2021, when the United States capitol riots were taking place, Joseph W. Fischer was one of the people who breached and entered the capitol. He was prosecuted for several crimes, but one in particular: obstructing a congressional proceeding, has profound consequences, as we will see later. In March of 2022, a District Court judge dismissed the obstruction charges against Fischer, but this decision was appealed to a Circuit Court by the opposing side. In April of 2023, a Circuit Court reversed the District Court's decision, ruling that Fischer was indeed guilty of obstruction. But then Fischer appealed this decision to the Supreme Court, and it is currently hearing his case. This court case is important, because one of the charges brought against Trump after January 6 was also obstruction of an official proceeding. This means that if the Supreme Court sides with the District Court, finding Fischer innocent, Trump could use the ruling as a way to drop his obstruction charge, and potentially all of the charges against him. The second Supreme Court Case doesn't affect Trump through association- Trump himself is on trial. Trump v. United States is an ongoing Supreme Court case focused on presidential immunity. Back in 2022, the United States Department of Justice was investigating Trump for his actions surrounding the 2020 elections and for January 6. Trump was indicted on four different charges in a District Court a year later in 2023. According to his lawyers, the charges against Trump should be dropped since he was president at the time, giving him presidential immunity. Presidential immunity is the policy that presidents aren't criminally liable and can't be sued. While presidents enjoy this freedom, it isn't explicitly guaranteed in the Constitution. So, Trump's request for immunity was rejected in the District Court, and later appealed directly to the Supreme Court. However, the Supreme Court rejected the case, so it went back to a Circuit Court, who ruled against Trump's immunity request. Trump appealed to the Supreme Court again and this time they agreed to hear the case. If the court sides with Trump in giving him presidential immunity, then he won't be held responsible for January 6 or for spreading disinformation about the 2020 elections.

## **Murthy v. Missouri**

Murthy v. Missouri is a Supreme Court case dealing with free speech, social media, and the government. In 2022, after Elon Musk bought Twitter (now X), he hired independent journalists whose job was to basically prove that the United States government had been working with Twitter before he purchased it to suppress free speech regarding the 2020 elections and pandemic. While it is true that Twitter took measures to limit the misinformation about those issues, it wasn't to the degree or purpose that Musk claimed. But many Republicans didn't care; they believed that their views on the pandemic and 2020 elections were being censored unjustly and violating their right to free speech. In March 2023, the United States House of Representatives began looking into it. Hearings began in May of the same year and in July it was ruled that tech companies and the government had used their power to remove certain narratives. It wasn't until October 2023 that the case finally made it to the Supreme Court after being appealed and it is currently ongoing.

## **Ohio v. EPA, Kinder Morgan Inc. v. EPA, American Forest & Paper Assn. v. EPA, United States Steel Corp. v. EPA**

Ohio v. EPA is actually a combination of four cases all centered around a new rule that was made by the Environmental Protection Agency (EPA). In February of 2020 the EPA introduced the Good Neighbor Provision. This is part of the Clean Air Act (originally passed in 1963) and aimed at making sure the United States met the Ozone National Ambient Air Quality Standards (NAAQS) that they set in 2015, and reviewed in 2020. This provision puts more emphasis on “upwind” states, saying that they need to be mindful of the emissions that they are sending to “downwind” states. They were required to submit a plan on what they would do to reduce emissions - or the EPA would make a plan for them. There are 26 of these states total, but in February of 2023 two states hadn’t submitted a plan and 21 had submitted plans that wouldn’t make a difference. So, the EPA made a plan for those 23 states in June (however 12 states are still fighting for their plans). In response several states and corporations have sued the EPA. They say they don’t want federal intervention and they also complain that the EPA’s plan is not good. The Appeals Court sided with the EPA and the cases were appealed to the Supreme Court last year. Oral arguments were heard on February 21<sup>st</sup>. With a conservative supermajority this case might not turn out the right way for the environment, and this wouldn’t be the first time the Supreme Court has undermined the EPA. This case will determine whether states have to take more action in fighting climate change, not just for themselves, but for neighboring states, and also whether the EPA’s plan for all of them will be implemented.

## **United States v. Rahimi**

The debate over whether domestic abusers should be allowed to possess a gun will soon be decided in the Supreme Court case United States v. Rahimi. Back in 2019 (in Texas), a bystander witnessed Rahimi assault his girlfriend when they got into an argument. When Rahimi noticed he was seen, he got his gun and shot at the bystander. The next year (February 2020), Rahimi received a restraining order, which among other things, prevented him from owning a gun. But this order didn’t stop Rahimi from committing five shootings in the span of two years afterwards. The first shooting happened when he tried to sell drugs, but the customer was rude to him, and Rahimi ended up shooting at their house. Next, Rahimi got into a car accident, shot at the other driver, and ran. But he wasn’t done yet as he came back, shot at the driver again, and proceeded to run again. The third shooting was when Rahimi fired a gun into the air by some children, and the fourth shooting was similar to the second, involving cars and road rage. Lastly, the fifth shooting took place when Rahimi fired into the roof of a restaurant when his friend’s credit card was declined. All these shootings led to Rahimi’s arrest and conviction of unlawful firearm possession. However, Rahimi appealed this conviction, saying that the 2<sup>nd</sup> Amendment gave him the right to own a gun, even despite his restraining order. The District Court that he appealed to reject the appeal, so Rahimi appealed to a Circuit Court. By now it was 2022, and just as the Circuit Court rejected his appeal, the Supreme Court decided a separate case called New York State Rifle & Pistol Association, Inc. v. Bruen. This case required new gun laws to agree with historic ones. Hearing this decision, the Circuit Court (which was composed of two Trump appointees and one Reagan appointee) changed their decision and sided with Rahimi, saying the law he was charged of breaking was unconstitutional. Just over two weeks after this decision, on March 17, 2023, the United States Justice Department asked the Supreme Court to overturn the Circuit Court's decision. The Supreme Court agreed to hear the case in June of 2023, and each side’s arguments are currently being heard. If the Supreme Court sides with the Circuit Court,

then in certain states, people who are violent enough for a restraining order to be placed on them will be able to legally own and use a gun. As a result, many people's lives will be put in danger.

## Decided Cases

### Donald J. Trump v. Norma Anderson

Trump v. Anderson is a Supreme Court case about whether or not states can decide who can run for a federal position. The issue began back in December 2020 when Trump told his supporters to protest in Washington DC. This led to a riot and storming of the capitol the following year: January 6. Years went by and Trump began to run for president again, despite losing the last election and being in a lot of legal trouble. In August 2023, two legal scholars, William Baude and Michael Paulson (who are both, mind you, conservative), published an article in the University of Pennsylvania Law Review that Trump shouldn't be able to run for president based on the fact that the 14<sup>th</sup> Amendment says no one can hold office who previously took an oath to uphold the Constitution and then engaged in insurrection or rebellion (January 6). This would then give states the legal right to remove Trump from their ballots. On September 6, 2023, a lawsuit was filed in Colorado stating that Trump should not be on the ballot. One of the six people who filed the lawsuit was the former state Senate Majority leader for the Republican party: Norma Anderson. The trial began on October 30<sup>th</sup> and on November 17<sup>th</sup> the judge ruled that Trump had to remain on the ballot but stated that he had engaged in insurrection. The case was appealed on November 20<sup>th</sup> and the Colorado Supreme Court took the case the next day. On December 19<sup>th</sup> the court ruled 4-3 that Trump was disqualified to run for office stating that Trump not only incited insurrection but participated in it. The Colorado Republican Party appealed to the Supreme Court on December 27<sup>th</sup> and Trump appealed the case on January 3<sup>rd</sup>. The Supreme Court began to hear arguments on January 8<sup>th</sup>. On March 4, 2024, the court stated that only Congress could enforce section 3 of the 14<sup>th</sup> Amendment, therefore the lower courts could not decide whether a candidate was eligible or not.

### Muldrow v. City of St. Louis

Sergeant Muldrow worked in the police force in St. Louis, Missouri from 2008 to 2017. She had a high status in the Intelligence Division and even worked with the FBI until she was transferred in June of that year. This transfer took away a lot of her privileges and put her in an entirely different role. Right after, she filed a discrimination charge against the city and the new captain that had moved her, saying that this only happened because she was a woman. At this time she also requested to be transferred to other positions but was denied. Although she got her original position back in February of 2018 she continued to fight. She sued the city saying that they violated Title VII of the Civil Rights Act of 1964 by discriminating against her and then retaliating against her efforts to challenge them. Title VII prohibits discrimination in employment based on characteristics like race, sex, and religion. Both the federal District and the Appeals Courts ruled against her. In June of last year the Supreme Court agreed to hear her case and on April 17, 2024 it was decided. In an unanimous decision the Supreme Court sided with Muldrow; Justice Elena Kagan wrote the majority opinion. They said that an employer could violate Title VII by transferring someone even if their new position is at the same level as their old one. Previously, courts would dismiss cases like this where the people couldn't prove "significant" disadvantage because of their new position. But that is no longer the case, an employee can claim

discrimination if they are disadvantaged by a job transfer and it can be connected to a factor that is protected under Title VII.

## **O'Connor-Ratcliff v. Garnier and Lindke v. Freed**

Recently, the Supreme Court decided two cases that focused on the First Amendment. One of those cases was O'Connor-Ratcliff v. Garnier. In 2014 Michelle O'Connor-Ratcliff and T.J. Zane had become board members for a school district in California. They had created social media accounts for their campaigns and continued to use them to post updates about the board. But two people, in particular, Christopher and Kimberly Garnier, were long time critics of the board. Since none of their concerns were being taken seriously, they started spamming O'Connor-Ratcliff and Zane's social media comments with their complaints. For example, they left over 200 of the same comments to each of the tweets O'Connor-Ratcliff ever posted. Because of this, O'Connor-Ratcliff and Zane blocked the Garniers from their social media pages - effectively silencing them (at least on social media). The Garniers sued, stating that their 1<sup>st</sup> Amendment rights had been violated. A district court actually ruled in their favor, and when the decision was appealed, a Circuit Court also ruled in their favor. So, the case was appealed to the Supreme Court. Meanwhile back in 2014, another similar situation was unfolding. James Freed had created a FaceBook page for himself, and when he became city manager (of Port Huron, Michigan), he made sure to put that position on his page. A citizen in the city, Kevin Lindke, disapproved of how Freed handled the Covid-19 pandemic, so he began commenting on Freed's FaceBook page, criticizing Freed's actions. Unlike the Garniers, he didn't post a ridiculous amount of comments, in fact, he only posted two that criticized Freed, but that was enough for Freed to block him. Lindke sued Freed, saying his 1<sup>st</sup> Amendment rights were violated. Eventually this case also was heard by the Supreme Court. On March 15, 2024, the Supreme Court decided Lindke v. Freed, although it was effectively deciding O'Connor-Ratcliff v. Garnier at the same time. In a unanimous decision, it was ruled that "A public official who prevents someone from commenting on the official's social-media page engages in state action under §1983 only if the official both (1) possessed actual authority to speak on the State's behalf on a particular matter, and (2) purported to exercise that authority when speaking in the relevant social-media posts." Basically, a leader can be in legal trouble if they have real government authority, and make it seem as if they are representing the government when they block someone on social media. With regards to the two cases specifically, the Supreme Court left it to the lower courts to re-think their judgments based on this new ruling.

## In Summary:

### Cases Yet to Be Decided

Alexander v. South Carolina State Conference of the NAACP:

South Carolina's districts were redrawn in 2020 to favor Republicans. The NAACP sued for violating the 14<sup>th</sup> amendment and the Supreme Court has to decide the case.

Food and Drug Administration (FDA) v. Alliance for Hippocratic Medicine:

Food and Drug Administration (FDA) was sued for loosening restrictions around mifepristone. The Supreme Court has to decide the case.

Fischer v. United States and Trump v. United States:

Fischer appealed to the Supreme Court to overturn his obstruction charge, which if granted could be used to overcome Trump's charges. The Supreme Court has to also decide if Trump has immunity for charges against him.

Murthy v. Missouri:

Since Twitter tried to limit misinformation during the pandemic, Republicans claimed it violated their right to free speech. The Supreme Court has to decide the case.

(Ohio, Kinder Morgan Inc, American Forest & Paper Assn, United States Steel Corp) v. EPA:

The EPA passed the Good Neighbor Provision which requires states to make plans to lower emissions. Some states don't want the government intervention. The Supreme Court has to decide the case.

United States v. Rahimi

Rahimi was criminally charged for conducting 5 shootings while under a restraining order preventing him from having a gun. He claims his 2<sup>nd</sup> Amendment rights were violated. The Supreme Court has to decide the case.

## Decided Cases

Donald J. Trump v. Norma Anderson

Norma Anderson filed a lawsuit to remove Trump from the Colorado election ballot, claiming he violated the 14<sup>th</sup> amendment on January 6, 2021. The Supreme Court decided that only congress can enforce this, not courts.

Muldrow v. City of St. Louis

Sergeant Muldrow sued her city for discrimination when she was transferred to a different position in her job that removed several of her privileges. The Supreme Court sided with her, saying that an employee can claim discrimination if they are disadvantaged by a job transfer.

O'Connor-Ratcliff v. Garnier and Lindke v. Freed

In both cases, local government leaders blocked people who criticized them on social media. Those critics claimed their 1<sup>st</sup> Amendment right was violated. The Supreme Court set rules on whether officials can block people, and let lower court re-hear the critic's cases.

Official Youth Prophecy Group website:

[youthprophecygroup.org](https://youthprophecygroup.org)

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Link to YPG Zoom meetings which are at 10:00am Pacific Time on the 1<sup>st</sup> Sunday of the month:

<https://us02web.zoom.us/j/87170293849>