



MAKING WAVES FOR DEMOCRACY

SCOTUS

➤ **MWD COG**

No Supreme Court term in recent memory has featured so many cases with the potential to transform American society. - NYT

OVERVIEW

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...AND MORE!

AGENCY FUNDING

Consumer Financial Protection Bureau v. Community Financial Services Association of America

RULING

7-2

The Supreme Court addressed the constitutionality of the CFPB's funding mechanism, which relies on transfers from the Federal Reserve rather than annual Congressional appropriations. The Court ruled in a 7-2 decision that this funding structure is constitutional under the Appropriations Clause, affirming the CFPB's ability to operate without annual appropriations from Congress.

Protecting President Obama's signature Wall Street Reform -- the most influential consumer protection agency in the Country.

BALLOT ELIGIBILITY

TRUMP v ANDERSON

RULING

9-0

In Trump v. Anderson, the U.S. Supreme Court ruled that states do not have the authority to enforce Section 3 of the Fourteenth Amendment to disqualify federal officeholders or candidates, determining that only Congress has the power to enforce such disqualifications. The practical impact of this ruling is that individual states cannot independently bar candidates from federal office under Section 3; instead, it is **solely within the jurisdiction of Congress to determine and enforce such disqualifications.**

PRESIDENTIAL IMMUNITY

TRUMP v UNITED STATES

RULING

TBD

The Supreme Court is examining whether former President Donald Trump can claim presidential immunity to avoid prosecution for actions taken to overturn the 2020 election results, including inciting the January 6th Capitol attack.

The question before the court is whether a former president has immunity from criminal charges for actions alleged to be part of their official duties. The real-world impact of the Court's decision could either limit or affirm the accountability of a president for criminal actions taken while in office, potentially affecting future interpretations of presidential immunity and the balance of executive power.

JAN 6 OBSTRUCTION CHARGES

FISCHER V UNITED STATES

RULING

TBD

In *Fischer v. United States*, the Supreme Court is determining whether 18 U.S.C. § 1512(c)(2), a statute originally designed to address evidence tampering under the Sarbanes-Oxley Act, can be applied broadly to prosecute individuals for obstructing an official proceeding without direct evidence tampering, particularly in the context of the January 6 Capitol attack. The question before the Court is whether the statute's language encompasses actions that interfere with official proceedings unrelated to document manipulation.

The real-world impact of the Court's decision could significantly influence the prosecution of not only January 6 defendants but also future cases involving obstruction of justice. **A broad interpretation could provide prosecutors with a powerful tool to address a wide range of obstructive behaviors, while a narrow interpretation might limit its application to more specific scenarios, potentially affecting ongoing and future prosecutions related to the Capitol insurrection.**

ABORTION MEDICATION

FOOD AND DRUG ADMINISTRATION V ALLIANCE FOR HIPPOCRATIC MEDICINE

RULING

TBD

The Supreme Court is evaluating whether the FDA's approval and subsequent loosening of restrictions on the abortion drug mifepristone were lawful. The key question is whether the FDA adhered to proper procedures and sufficiently considered patient safety when it approved and later modified the guidelines for mifepristone's use.

The real-world impact of the Court's decision could either uphold or restrict access to mifepristone, affecting millions of women who rely on this medication for abortions and miscarriage management. **A ruling against the FDA could lead to stricter regulations or a suspension of the drug, significantly impacting reproductive healthcare access in the U.S.**

EMERGENCY ABORTION CARE

MOYLE V UNITED STATES

RULING

TBD

The Supreme Court is considering whether the federal Emergency Medical Treatment and Labor Act (EMTALA), which mandates that hospitals provide necessary stabilizing treatment in emergencies, including abortions, preempts Idaho's Defense of Life Act, which bans most abortions. The key question is whether federal law requiring emergency abortions overrides state laws prohibiting them.

The real-world impact of the Court's decision could either **reinforce the federal mandate for emergency abortion care nationwide** or **allow states to impose stricter abortion bans**, potentially limiting emergency medical care for pregnant women and increasing legal risks for healthcare providers.

DOMESTIC ABUSER GUN RIGHTS

UNITED STATES V RAHIMI

RULING

The Supreme Court is reviewing whether 18 U.S.C. § 922(g)(8), which prohibits individuals subject to domestic violence restraining orders from possessing firearms, violates the Second Amendment. The central question is whether this federal law aligns with historical traditions of firearm regulation, as interpreted under the 2022 Bruen decision.

TBD

The real-world impact of the Court's decision could be significant: **upholding the law would maintain current protections for domestic violence victims, potentially saving lives, while striking it down could increase access to firearms for individuals under restraining orders, potentially heightening the risk of gun violence in domestic settings**

HOMELESS RESTRICTIONS

CITY OF GRANTS PASS V JOHNSON

RULING

TBD

The Supreme Court is reviewing whether ordinances that penalize homeless individuals for sleeping in public spaces violate the Eighth Amendment's prohibition on cruel and unusual punishment. The key question is whether such penalties can be enforced in a city where there are not enough shelter beds to accommodate the entire homeless population.

The real-world impact of the Court's decision could be profound: **upholding the ordinances may allow cities to continue penalizing homeless individuals, potentially exacerbating their hardship, while striking down the ordinances could force municipalities to find more humane solutions to homelessness and ensure adequate shelter availability before enforcing such penalties.**

RIGHTS OF SOCIAL MEDIA PLATFORMS

MOODY V NET CHOICE; NET CHOICE V PAXTON

RULING

TBD

The Supreme Court is considering whether Florida's law restricting social media platforms from moderating content violates the First Amendment. The key questions are whether states can require platforms to host third-party communications and provide explanations for content moderation decisions.

The real-world impact of the Court's decision could be significant: **upholding the law may limit platforms' ability to manage harmful content, potentially increasing the spread of misinformation and hate speech, while striking it down would reinforce the platforms' rights to exercise editorial control over their content.**

DISINFORMATION ON SOCIAL MEDIA

MURTHY V MISSOURI

RULING

TBD

The Supreme Court is considering whether federal officials' communications with social media companies about moderating content related to COVID-19 and the 2020 election violated the First Amendment by effectively coercing or significantly encouraging the platforms to censor speech. The key questions are whether the government transformed private content moderation decisions into state action and whether such conduct violates free speech rights.

The real-world impact of the Court's decision could be substantial: **upholding the government's actions might allow continued collaboration between federal agencies and social media platforms to manage misinformation, while a ruling against the government could limit such interactions**, potentially affecting how misinformation is handled on these platforms in the future.

NRA FIRST AMENDMENT RIGHTS

NATIONAL RIFLE ASSOCIATION OF AMERICA V VULLO

RULING

TBD

The Supreme Court is evaluating whether a New York state regulator's actions to pressure financial institutions into severing ties with the NRA, due to its controversial stance on gun rights, violated the First Amendment. The key question is whether the regulator's conduct amounted to unconstitutional coercion that infringed on the NRA's right to free speech and association.

The real-world impact of the Court's decision could be significant: **a ruling in favor of the NRA could limit the ability of government officials to influence private sector decisions based on political or advocacy group affiliations, thereby reinforcing protections for free speech. Conversely, a ruling in favor of Vullo could uphold the actions of government officials in using their regulatory power to encourage or discourage business relationships based on public policy goals.**

ODIOD SETTLEMENTS

HARRINGTON V PURDUE PHARMA

RULING

TBD

The Supreme Court is determining whether the Bankruptcy Code allows a court to approve a reorganization plan that includes releases protecting non-debtor third parties, such as the Sackler family, from claims without the claimants' consent. The central question is whether such broad releases, which protect non-bankrupt parties from liability, are permissible under the Bankruptcy Code.

The real-world impact of the Court's decision could be significant: **approving the plan might set a precedent allowing wealthy individuals and entities to use bankruptcy protections to shield themselves from lawsuits without declaring bankruptcy themselves, potentially limiting victims' ability to seek redress. Conversely, rejecting the plan could reinforce claimants' rights to pursue litigation against responsible parties, even if they are not direct debtors in the bankruptcy case.**

RACIAL GERRYMANDERING

ALEXANDER V SOUTH CAROLINA STATE CONFERENCE OF THE N.A.A.C.P.

RULING

TBD

The Supreme Court is evaluating whether South Carolina's congressional redistricting plan constitutes an unconstitutional racial gerrymander, violating the Fourteenth and Fifteenth Amendments. The key question is whether the redistricting intentionally diluted the voting power of African-American voters by redrawing district lines based on racial considerations.

The real-world impact of the Court's decision could significantly influence future redistricting efforts: **a ruling against South Carolina may enforce stricter scrutiny on racial gerrymandering claims, ensuring fairer representation for minority voters. Conversely, a decision favoring the state could potentially allow more leeway for states to use race in redistricting, possibly undermining protections against racial discrimination in voting.**

ADMINISTRATIVE COURTS

SECURITIES AND EXCHANGE COMMISSION V. JARKESY

RULING

TBD

The Supreme Court is reviewing the constitutionality of the Securities and Exchange Commission's (SEC) practice of using its own administrative law judges (ALJs) to adjudicate enforcement actions, which critics argue violates the Seventh Amendment's right to a jury trial and the nondelegation doctrine by granting the SEC excessive discretion without clear guiding principles. The key questions before the Court are whether defendants in SEC administrative proceedings have the right to a jury trial for monetary penalties and whether Congress provided an "intelligible principle" for the SEC's broad discretion in choosing between administrative and district court adjudications.

The real-world impact of the Court's decision could be significant: **a ruling against the SEC might restrict the agency's ability to use its in-house adjudication process, forcing more cases into federal courts and potentially slowing down enforcement actions.** Conversely, upholding the current practice would maintain the SEC's streamlined process for handling securities law violations, but could continue to face criticisms regarding fairness and due process in administrative proceedings

POWER OF FEDERAL AGENCIES

LOPER BRIGHT ENTERPRISES V. RAIMONDO; RELENTLESS V. DEPARTMENT OF COMMERCE

RULING

TBD

The Supreme Court is examining whether the Chevron deference, which allows courts to defer to a federal agency's interpretation of ambiguous statutes, should be overruled or clarified. The case involves the National Marine Fisheries Service (NMFS) requiring commercial fishermen to fund at-sea monitoring programs, which Loper Bright Enterprises argues is not explicitly authorized by the Magnuson-Stevens Act.

The real-world impact of this decision could be substantial: **if the Court decides to limit or overturn Chevron deference, it could significantly reduce the power of federal agencies to interpret and enforce ambiguous statutory provisions, potentially leading to greater judicial scrutiny of agency actions. Conversely, upholding Chevron would maintain the status quo, allowing agencies to continue their current regulatory practices with a degree of judicial deference to their expertise.**

INTERSTATE AIR POLLUTION

OHIO V. ENVIRONMENTAL PROTECTION AGENCY

RULING

TBD

The Supreme Court is considering whether to stay the EPA's Good Neighbor Plan, which aims to reduce air pollution from industrial sources in 23 states, while litigation proceeds. The key questions are whether the emissions reductions mandated by the plan are reasonable and whether the plan should be put on hold during the ongoing legal challenges.

The real-world impact of the Court's decision could be significant: **if the Court stays the Good Neighbor Plan, it could delay efforts to reduce pollution that affects downwind states, potentially worsening air quality and public health. Conversely, upholding the plan would allow the EPA to continue implementing stricter emissions controls, which could lead to cleaner air but impose substantial compliance costs on industries in the affected states**

BUMP STOCKS FOR GUNS

GARLAND V. CARGILL

RULING

TBD

The Supreme Court is deciding whether bump stocks, devices that enable semi-automatic rifles to fire continuously with a single trigger pull, qualify as "machineguns" under the National Firearms Act. The key question is whether the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) exceeded its authority by classifying bump stocks as machineguns, thus banning them.

The real-world impact of this decision could be significant: **if the Court upholds the ATF's classification, the ban on bump stocks will remain, reinforcing regulatory control over firearm modifications. Conversely, if the Court rules against the ATF, it could limit the agency's regulatory power and potentially lead to increased availability of bump stocks, affecting gun control measures and public safety.**



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THANK YOU

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The stakes couldn't be higher to hold the Senate this November.