

# **EVALUATING SUPREME COURT DECISIONS FROM THE REHNQUIST & ROBERTS COURTS**

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# HOME PAGE

## Evaluating Supreme Court Decisions

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## Evaluating Supreme Court Decisions from the Rehnquist & Roberts Courts

As the final part of the Honors Program at Wagner College, students are asked to produce and present a project that demonstrates the cumulative knowledge and skills that they have amassed during their undergraduate experience. For my project, I have decided to study 10 cases from the Rehnquist & Roberts Courts which demonstrate that the justices do not always decide along traditional "liberal" and "conservative" lines. The goal of this website is to present my research to a high school-aged audience.

- Jessica Vincello '21

# SUPREME COURT OVERVIEW



## Supreme Court Overview

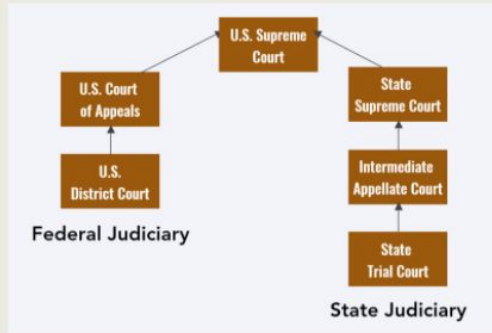
How does a case make its way to the Supreme Court docket?

How do justices get the chance to join the Supreme Court?

What does the Supreme Court do once a decision is reached?

[Read all about it here!](#)

# UNDERSTANDING THE SUPREME COURT



## How Does a Case Get to the Supreme Court?

Judicial Review + Flow Chart

### Supreme Court Dispositions <sup>TM</sup>

**Affirmed** - If a decision is affirmed, the Supreme Court maintained the same opinion as the lower court. This means that the lower court ruling has legal standing.

**Reversed, Voided, or Vacated** - If a decision is reversed, voided, or vacated, the Supreme Court disagreed with the opinion of the lower court. As a result, the decision is overturned and the Supreme Court opinion has legal standing over the lower court.

**Remanded** - If a decision is remanded, the Supreme Court has chosen to send it back to the lower court for a retrial. This is often done as part of a reversal, and when that occurs, the lower court is required to hear the case again in light of the Supreme Court's opinion.

## What Can the Supreme Court Do?

Dispositions

### Supreme Court Opinions <sup>TM</sup>

**Majority** - In a typical case, a majority opinion is one in which at least five justices agree on the constitutionality of the question at hand. If one or more judges have recused (excused) themselves from a case, the number needed for a majority decreases. Majority opinions are most important because they set the precedent, or rule, for future cases questioning the same legal premise as the one at hand.

**Plurality** - When five (or the necessary number) of justices cannot agree on an opinion, the opinion with the most justices becomes a plurality opinion. There have been a number of plurality opinions issued by the Supreme Court throughout history, and because of their vague nature, there is often debate about their impact as precedent.

**Concurrence** - If a justice agrees with the majority opinion, but would like to stress an additional, separate point of law or arrived at the majority's conclusion for different reasons altogether, they can write a concurring opinion on the case.

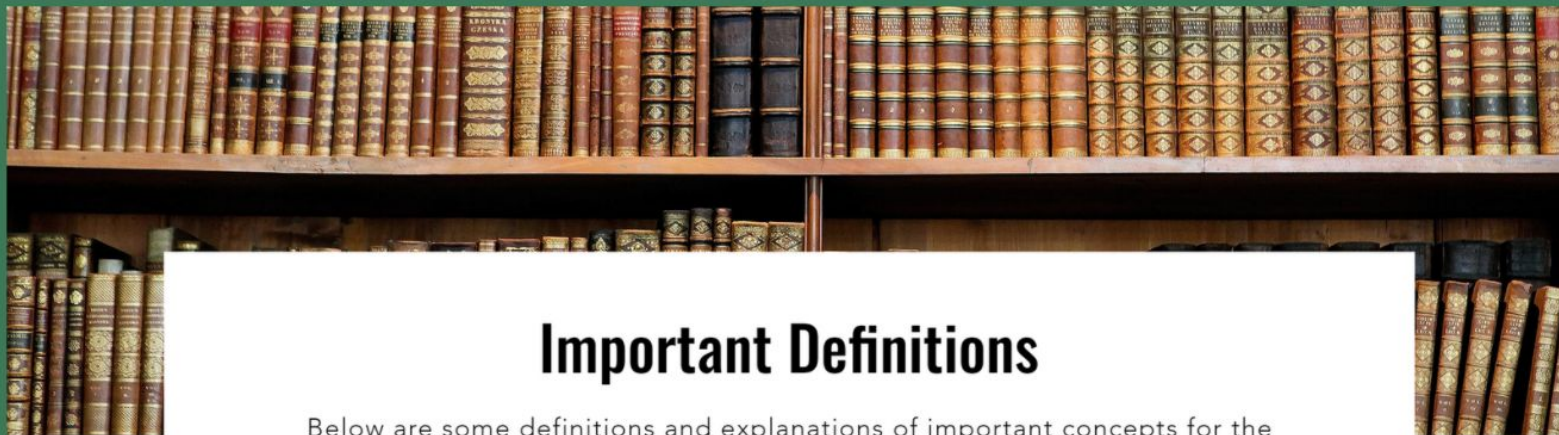
**Dissent** - Justices who disagree with the opinion of the majority can write their own dissenting opinion. These opinions have no precedent on future cases involving the legal rule at-hand, but they are often referred to by other Supreme Court justices when they pen opinions that overturn previous case law or when they are writing dissents for similar cases in the future.

## How Does the Supreme Court Decide?

Majority, Concurrence, & Dissent



# IMPORTANT DEFINITIONS



## Important Definitions

Below are some definitions and explanations of important concepts for the cases outlined on this website. If you click on a particular definition, it will take you to the case where that concept is highlighted.

Click on a word to be redirected to the case that the definition refers to.

**18 U.S.C. §2119** - "Whoever possessing a firearm as defined in §921 of this title, takes a motor vehicle that has been transported, shipped, or received in interstate or foreign commerce from the person or presence of another by force and violence or by intimidation, or attempts to do so, shall -

(1) be fined under this title or imprisoned not more than 15 years, or both,

(2) if serious bodily injury (as defined in §1365 of this title) results, be fined under this title or imprisoned not more than 25 years, or both, and,

(3) if death results, be fined under this title or in prison for any number of years up to life, or both."<sup>[1]</sup>

**Appellate Courts** - After a case is heard at a district court (*see below*) and a verdict is given, parties to the case are given the opportunity to appeal the decision. This means that they ask a higher court, also known as an appellate court, to determine if the case was arbitrated fairly. Appellate courts do not hear evidence or retry cases like district courts do. Instead, appellate courts determine if the case was tried fairly at the appellate level and/or if the law applied to the case was utilized correctly by the district court judge. In the federal judiciary, there are 12 Circuit Courts of Appeals that preside over appeals from all 50 states. In the state judiciary, there are hundreds of Intermediate Appellate Courts throughout the country.<sup>[2]</sup>

**Armed Career Criminal Act (ACCA)** - Passed in 1984, the Armed Career Criminals Act allows for sentence enhancements for felons who use firearms in their crimes if they are convicted three or more times. It defines "violent felonies" as crimes with sentences of over a year with (i) an element of threat/attempt/use of physical force and (ii) "is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another."<sup>[3]</sup>

# COURT OVERVIEW

## The Rehnquist Court

From September 1986, until September 2005, William Rehnquist, appointed to the Supreme Court by Former President Richard Nixon in 1972, served as the Chief Justice for the Court. Under his leadership, the Court made over 250 legal decisions, including several landmark cases such as *Grutter v. Bollinger* and *Lawrence v. Texas*.

During Chief Justice William Rehnquist's tenure on the Supreme Court, he served alongside 13 other justices. Below are biographies for the Chief Justice and his peers. Each justice is labeled as "liberal," "conservative," or "moderate" based on popular perception of their beliefs. If you need a refresher on a justice's ideological leanings when reading a case, click on their name to return to their biography here.

## The Roberts Court

Since September 2005, John Roberts, appointed to the Supreme Court by Former President George W. Bush in the same year, has served as the Chief Justice for the Court. Under his leadership, the Court has made hundreds of legal decisions, including landmark cases such as *Obergefell v. Hodges* and *Whole Women's Health v. Hellerstedt*.

During Chief Justice John Robert's tenure on the Supreme Court, he has served alongside 15 other justices. Below are biographies for the Chief Justice and his peers. Each justice is labeled as "liberal," "conservative," or "moderate" based on popular perception of their beliefs. If you need a refresher on a justice's ideological leanings when reading a case, click on their name to return to their biography here.



# JUSTICE BIOS

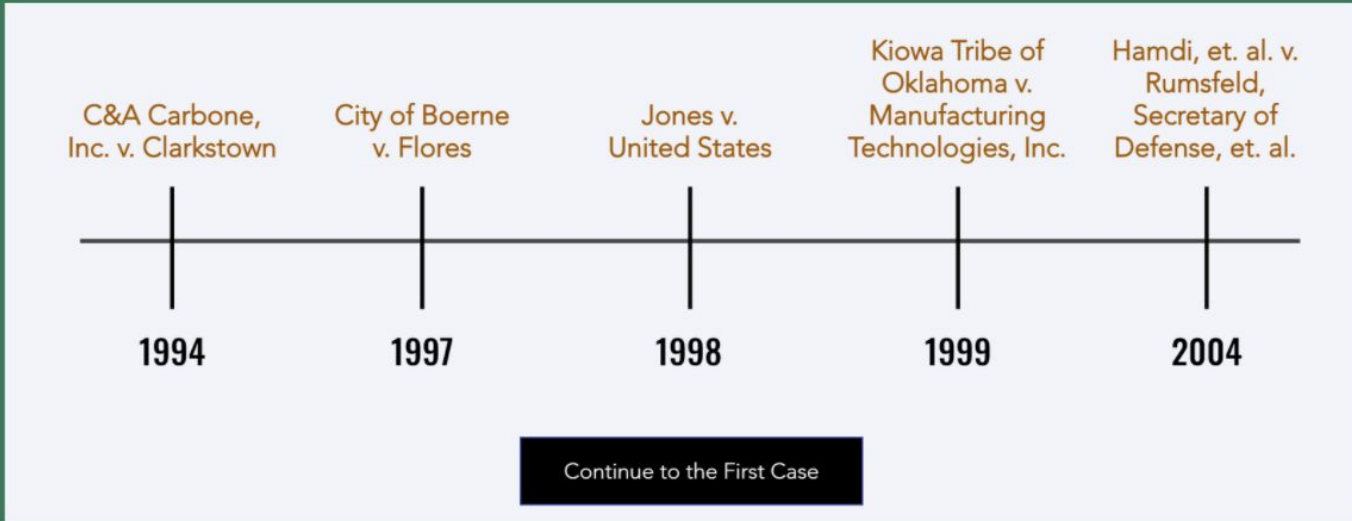
## Rehnquist Court

- Chief Justice Rehnquist
- Justice Blackmun
- Justice Brennan
- Justice Breyer
- Justice Ginsburg
- Justice Kennedy
- Justice Marshall
- Justice O'Connor
- Justice Powell
- Justice Scalia
- Justice Souter
- Justice Stevens
- Justice Thomas
- Justice White

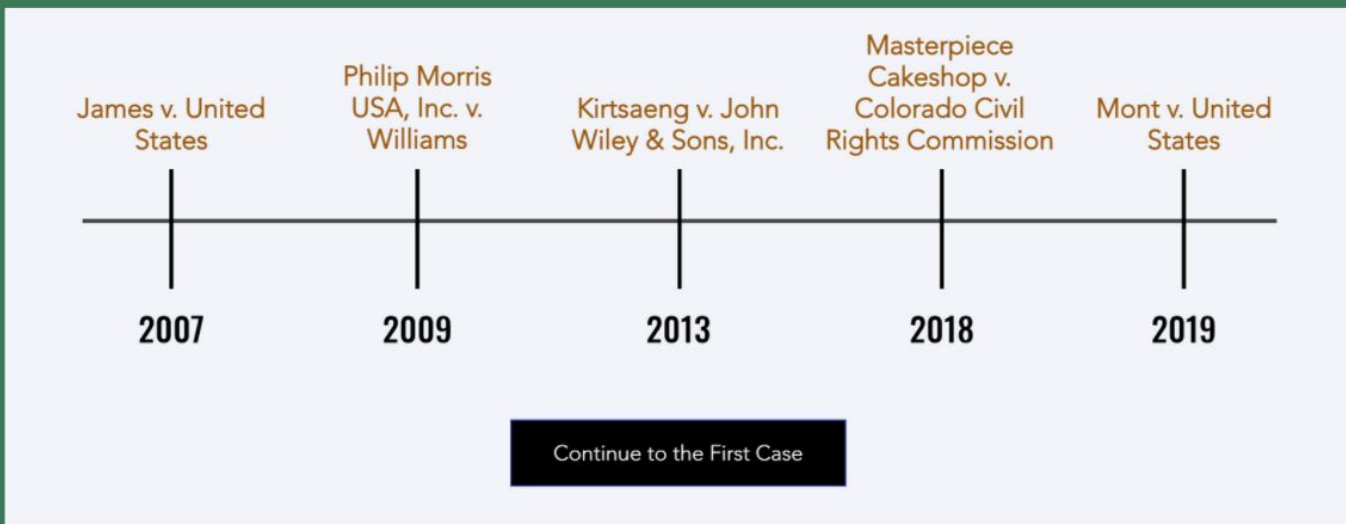
## Roberts Court

- Chief Justice Roberts
- Justice Alito
- Justice Barrett
- Justice Blackmun
- Justice Breyer
- Justice Ginsburg
- Justice Gorsuch
- Justice Kagan
- Justice Kavanaugh
- Justice Kennedy
- Justice O'Connor
- Justice Scalia
- Justice Sotomayor
- Justice Souter
- Justice Stevens
- Justice Thomas

# FEATURED COURT CASES: REHNQUIST COURT



# FEATURED COURT CASES: ROBERTS COURT



# SAMPLE COURT CASE: MASTERPIECE CAKESHOP V. COLORADO CIVIL RIGHTS COMMISSION

## Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, 584 U.S. \_\_\_ (2018)<sup>[1]</sup>

Argued: December 5, 2017

Decided: June 4, 2018

Issue: Does the application of Colorado's public accommodations law to compel a cake maker to design and make a cake that violates his sincerely held religious beliefs about same-sex marriage violate the Free Speech or [Free Exercise Clauses of the First Amendment](#)?<sup>[2]</sup>

Verdict & Disposition: No; [reversed](#).<sup>[3]</sup>

Facts of the Case: In 2012, Jack Phillips, the owner of Masterpiece Cakeshop, refused to create a wedding cake for a same-sex couple who came into his shop because of his Christian beliefs in opposition of gay marriage. He said that he would sell the couple, who could not legally marry under Colorado law at the time, other baked goods, such as birthday cakes, but that making a wedding cake for them would require him to violate his religious beliefs. The couple filed a discrimination charge under the Colorado Anti-Discrimination Act (CADA) with the Colorado Civil Rights Commission. Phillips argued that enforcement of the law in this case would violate his right to free speech and free exercise of religion, as Colorado would be compelling him to utilize his baking skills in opposition to his religious beliefs.

# SAMPLE COURT CASE: MASTERPIECE CAKESHOP V. COLORADO CIVIL RIGHTS COMMISSION

## Procedural History:

1. The Colorado Civil Rights Commission brought the case to an Administrative Law Judge (ALJ) for a formal hearing. The ALJ ruled in the couple's favor, rejecting the First Amendment claims of Jack Phillips.
2. The Colorado Court of Appeals confirmed the ALJ ruling.

## Majority Opinion - Justice *Kennedy*; joined by Chief Justice *Roberts* and Justices *Breyer*, *Alito*, *Kagan*, & *Gorsuch*

Justice Kennedy authored the majority opinion for this decision, which upheld Jack Phillips' right to deny a cake to the Colorado couple. Although the majority contends that gay persons and gay couples must be protected against attacks on their civil rights, any laws hoping to do this must also exhibit a neutrality toward religion. Although discrimination could not occur in retail environments where buying a product or service should be the same for all individuals, the Commission's argument in this case would require Phillips' to make a statement in favor of gay marriage, denying him his right to free speech and free exercise. Because the Commission vehemently denounced Phillips' religious beliefs in their briefs, the majority ruled that there was a lack of "fairness and impartiality" in the adjudication of Phillips' defense, which represented hostility toward a particular religious viewpoint, and is thus unconstitutional.

## Concurring Opinion - Justice *Thomas*; joined by Justice *Gorsuch*

In his concurrence, Justice Thomas agrees with the majority judgement, but writes to further discuss the free speech violation claims that were not dealt with so closely by the majority. Although the majority questions whether Phillips would have refused to sell a premade wedding cake to the couple, or merely refused to create a custom one, Justice Thomas points out that in the Court of Appeals it was determined that Phillips merely refused to create a custom cake for the wedding. Despite this, the Commission seemed to include custom cakes in its provision that required Phillips to sell "any product [he] would sell to heterosexual couples," which includes custom cakes. As a result, the Court of Appeals decided that creating a custom cake was, in fact, not compelled speech, a conclusion that Justice Thomas vehemently opposes in his concurrence. He supported his oppositional stance by contending that wedding cakes are, in fact, communicating a message, and as a result, represent expressive conduct.



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## Concurring Opinion - Justice [Gorsuch](#); joined by Justice [Alito](#)

Justice Gorsuch, who also joined Justice Thomas in his opinion, writes his own concurring opinion here to argue that the application of CADA by the Colorado Civil Rights Commission was not neutral, and therefore unconstitutionally impeded upon Phillips' right to free exercise. Because, prior to Phillips' case, the Commission had not accepted a case from William Jack, who had gone to three bakers in pursuit of a cake decorated with messages disapproving of gay marriage and been denied all three times. Their refusal to investigate this case, Justice Gorsuch contends, was the Commission's way of supporting the moral convictions of the bakers. As a result, the CADA was applied in a non-neutral manner, and is thus discriminated against Phillips' religious beliefs.

## Dissenting Opinion - Justice [Ginsburg](#); joined by Justice [Sotomayor](#)

In Justice Ginsburg's dissenting opinion, she directly counters the concurrence written by Justice Gorsuch. When William Jack went to three bakeries asking them to create cakes in opposition to gay marriage, the bakers all agreed to make the cake, but not include the messages they disagreed with. Justice Ginsburg points out that this is different from the actions of Phillips because he would not create a wedding cake for a gay couple at all, despite being the same kind of cake that a heterosexual couple would have requested for their wedding. This directly aligns with the Commission's Act, which states that retailers have an obligation to provide people with the same exact products and services regardless of their sexual orientation.

Reasoning: Justices in this decision clearly do not align based on their liberal and conservative ties. Instead, the question at hand is whether or not free exercise is precluded by the civil rights of gay couples. Regardless of their conservative or liberal status, the justices in the majority rule this way because they believe in the importance of religious freedom as a fundamental right and because they believe that this right was violated in this case. It can be observed that, while the justices understand the imperative of both sides of the case understand the imperative of both sides of the case, they have to consider whether there is a narrower way to protect both interests while not violating religious freedom, which is a fundamental right offered to American citizens by the first amendment.

Next Case

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- [7] "Federal Court Concepts: About the Supreme Court," Southeast ADA Center, accessed

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