



A CIVICS IN
REAL LIFE SERIES
THE DOCKET

Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

2021-2022

**U.S. Supreme Court Case
UPDATES**

In the closing days of the 2021 Supreme Court term, the justices delivered their rulings in three key cases from our **CRL: The Docket series**. Below is a matrix highlighting their opinions on the constitutional questions asked in these cases and resources to explore the impact these decisions may have on society.

Case & Constitutional Question	Ruling & Impact
<p>In Kennedy v. Bremerton School District, the Court was asked to address two questions. 1. Is a public-school employee who says a brief, quiet prayer by himself while at school and visible to students engaged in government speech that lacks any First Amendment protection? 2. Assuming that such religious expression is private and protected by the Free Speech and Free Exercise Clauses, does the Establishment Clause nevertheless compel public schools to prohibit it?</p>	<p>On June 22, 2022, in a 6-3 decision, the Court ruled in favor of Kennedy in that the Free Exercise and Free Speech Clauses of the First Amendment protect an individual engaging in a personal religious observance from government reprisal and the Constitution neither mandates nor permits the government to suppress such religious expression. This case also resulted in the replacement of the previously used Lemon and endorsement tests with a consideration of "historical practices and understandings." Justice Neil Gorsuch authored the majority opinion of the Court. Justices Thomas and Alito filed concurring opinions. (<i>Adapted from Oyez.</i>) View the SCOTUSblog post on the ruling and potential impact on future cases.</p>
<p>In Brown v. Davenport, the question that Warden Brown asked the justices to answer was "may a federal habeas court grant relief based solely on its conclusion that the <i>Brecht</i> test is satisfied...or must the court also find that the state court's Chapman application was unreasonable?"</p>	<p>On April 21, 2022, in a 6-3 decision, the Court ruled in favor of Brown that the Sixth Circuit erred in granting relief based solely on its application of the <i>Brecht</i> standard. A federal court deciding whether to grant habeas relief must apply <u>both</u> the test the Supreme Court outlined in <i>Brecht v. Abrahamson</i>, 507 U.S. 619, and the one Congress prescribed in the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). Justice Neil Gorsuch authored the majority opinion of the Court. (<i>Adapted from Oyez.</i>) View the SCOTUSblog post on the ruling and potential impact on future cases.</p>
<p>In United States v. Tsarnaev, the Court was asked to consider two questions. 1. Did the court of appeals err in concluding that respondent's capital sentences must be vacated on the ground that the district court, during its 21-day voir dire, did not ask each prospective juror for a specific accounting of the pretrial media coverage that he or she had read, heard, or seen about respondent's case? 2. Whether the district court committed reversible error at the penalty phase of respondent's trial by excluding evidence that respondent's older brother was allegedly involved in different crimes two years before the offenses for which respondent was convicted.</p>	<p>On March 4, 2022, in a 6-3 decision, the Court ruled in favor of the United States that the Fifth Circuit improperly vacated Tsarnaev's capital sentences. The district court did not abuse its discretion during jury selection. Additionally, the district court did not abuse its discretion when it excluded from certain evidence from sentencing. Justice Clarence Thomas authored the majority opinion of the Court. Justice Amy Coney Barrett authored a concurring opinion, in which Justice Neil Gorsuch joined, noting concerns about the "supervisory authority" of federal courts of appeals. (<i>Adapted from Oyez.</i>) View the SCOTUSblog post on the ruling and potential impact on future cases.</p>

Historical Cases: While not newly decided cases, the 2021 Supreme Court term saw two historical cases come back into current event discussions. You can review those through our **CRL: The Docket Series**

[Korematsu v. United States](#)
[Plessy v. Ferguson](#)



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