

Supreme Court Review:  
October Term 2024\*

D. Brook Bartlett Lecture  
United States District Court for the Western District of Missouri

June 27, 2025

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I. Administrative law

*Federal Communications Commission v. Consumers' Research*, No. 24-354 (argued on March 26, 2025). (1) Whether Congress violated the nondelegation doctrine by authorizing the Federal Communications Commission to determine, within the limits set forth in 47 U.S.C. § 254, the amount that providers must contribute to the Universal Service Fund; (2) whether the FCC violated the nondelegation doctrine by using the financial projections of the private company appointed as the fund's administrator in computing universal service contribution rates; (3) whether the combination of Congress's conferral of authority on the FCC and the FCC's delegation of administrative responsibilities to the administrator violates the nondelegation doctrine; and (4) whether this case is moot in light of the challengers' failure to seek preliminary relief before the 5th Circuit.

II. Equal protection

*U.S. v. Skrmetti*, 145 S.Ct. \_\_\_\_ (June 18, 2025). Tennessee's law prohibiting certain medical treatments for transgender minors is not subject to heightened scrutiny under the equal protection clause of the 14th Amendment and satisfies rational basis review.

*Louisiana v. Callais*, No. 24-109 (argued March 24, 2025). (1) Whether the majority of the three-judge district court in this case erred in finding that race predominated in the Louisiana legislature's enactment of S.B. 8; (2) whether the majority erred in finding that S.B. 8 fails strict scrutiny; (3) whether the majority erred in subjecting S.B. 8 to the preconditions specified in *Thornburg v. Gingles*; and (4) whether this action is non-justiciable.

II. First Amendment -- Speech

*Tik Tok v. Garland*, 145 S.Ct. 57 (2025). The Protecting Americans from Foreign Adversary Controlled Applications Act, as applied to petitioners, does not violate the First Amendment.

*Free Speech Coalition v. Paxton*, No. 23-1122 (argued January 15, 2025) Whether the court of appeals erred as a matter of law in applying rational-basis review, instead of strict scrutiny, to a law burdening adults' access to protected speech.

III. First Amendment -- religion

*Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission*, 145 S.Ct. \_\_\_\_ (2025). The Wisconsin Supreme Court's decision denying Catholic Charities Bureau a tax exemption available to religious entities under Wisconsin law on the grounds that they were not "operated primarily for religious

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\* This includes decisions through Friday, June 20, 2025

purposes” because they neither engaged in proselytization nor limited their charitable services to Catholics violated the First Amendment.

*Mahmoud v. Taylor*, No. 24-297 (argued April 22, 2025). Whether public schools burden parents’ religious exercise when they compel elementary school children to participate in instruction on gender and sexuality against their parents’ religious convictions and without notice or opportunity to opt out.

Oklahoma Statewide Charter School Board v. Drummond, lower court affirmed by an evenly divided court. (1) Whether the academic and pedagogical choices of a privately owned and run school constitute state action simply because it contracts with the state to offer a free educational option for interested students; and (2) whether a state violates the First Amendment's free exercise clause by excluding privately run religious schools from the state’s charter-school program solely because the schools are religious, or instead a state can justify such an exclusion by invoking anti-establishment interests that go further than the First Amendment's establishment clause requires.

## V. Trump Executive Orders (as of June 21, 2025)

### A. Birthright citizenship/nationwide injunctions

*Trump v. CASA*, 24A884 *Trump v. Washington*, 24A885; *Trump v. New Jersey*, 24A886 (to be argued May 15, 2025). Whether the Supreme Court should stay the district courts’ preliminary injunctions except as to the individual plaintiffs and identified members of the organizational plaintiffs or states.

### B. Firings

Trump v. Wilcox, 24A966 Emergency application for a stay is granted. Whether the Supreme Court should stay the district court's orders reinstating Gwynne Wilcox and Cathy Harris to the National Labor Relations Board and Merit Systems Protection Board.

### C. Cutoff of funds

Department of State v. AIDS Vaccine Advocacy Coalition, 24A831. Affirming district court’s preliminary injunction to release frozen funds for United States Agency for International Development.

Department of Education v. California, 24A910 (April 4, 2025). Reversing district court’s temporary restraining order as to the cutoff of \$65 million of Department of Education funds for teacher training.

### D. Detentions; Alien Enemy Act of 1798

Trump v. J.G.G., 24A931 (April 7, 2025). Challenges by those to be taken to El Salvador must be brought in the federal district where they are being held. They must be given notice and a hearing.

Noem v. Garcia, 24A949 (April 10, 2025). Whether the Supreme Court should vacate U.S. District Judge Paula Xinis’s order to return Kilmar Armando Abrego Garcia to the United States. The district court order to “facilitate” Abrego Garcia’s return is affirmed; the order to “effectuate” the return is sent to the lower court to clarify its order.

A.A.R.P v. Trump (April 19, 2025). Order halting taking individuals to El Salvador. (May 16, 2025). The Government is enjoined from removing the named plaintiffs or putative class members in this action under the AEA pending order by the Fifth Circuit and disposition of the petition for a writ of certiorari, if such writ is timely sought.