

# SCOTUS 2018

David Klein · Morgan Marietta  
Editors

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Major Decisions and Developments  
of the US Supreme Court

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*Editors*

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## Preface

Welcome to this new annual series on the major rulings of the Supreme Court.

Each year, the Supreme Court announces new rulings with deep consequences for our lives. The decisions this year will influence how we conduct elections, who are (or are not) our neighbors, how LGBT citizens and religious businesses interact, and how millions of public employees relate to their unions. The rulings change how some of us pay taxes and whether the government has access to the data in our cell phones. But the grounds for those decisions can be obscure. The Constitution can seem distant and difficult rather than clear and compelling. Depending on how we read and understand our laws, a claim to citizen rights or to government powers can be self-evident or utterly disputed; sometimes it is obvious from one perspective, but demonstrably wrong from another. When the Justices of the Supreme Court address these disputes, many Americans want a clear, immediate discussion of the rulings and their meaning, but it is often unavailable. This series attempts to provide that discussion as soon as possible after the major decisions of the year are announced.

Each year, this volume will discuss the Court's most important decisions and developments. Often, the rulings focus on citizen rights versus government powers under the Constitution, though sometimes the Court also settles competing understandings of the text of laws (statutory interpretation), which the volumes will also explain. When a Justice departs or a new Justice arrives, we will discuss the meaning of the change for the Court's future.

For major rulings of the Court, individual chapters by noted scholars will discuss:

1. *the details of the ruling*,
2. *what it means for legal debate*, including the rights the Constitution recognizes, the principles it represents, and especially the divisions over how our laws should be read and interpreted, and
3. when possible, *the implications of the ruling for public policy or partisan politics*.

Perhaps the core purpose of the Supreme Court is to identify the existence and limits of rights, those concepts asserted by the Declaration of Independence and upheld by the Constitution, which citizens and groups hold regardless of the will of the majority. The politics of rights—free speech rights, religious rights, gay rights, gun rights, corporate rights, immigrant rights, privacy rights, and many others—are at the heart of American democracy. Many assertions of rights are recognized, while some are revolutionary. One of the core dilemmas of our system of government is when individual citizens hold a right to decide things for themselves, or when the majority is empowered to make decisions for all of us. The Supreme Court is the last resort for those who believe that their rights have been violated, as well as for those who believe that claims to rights have been expanded too far at the expense of majority rule and necessary governance.

The Supreme Court and its rulings are both principled and political. The decisions are grounded in deep (and disputed) beliefs about how the Constitution should be understood, as well as competing perceptions of the realities of contemporary society. The Court's rulings have long-term ramifications for legal doctrines as well as for the daily lives

of Americans. For these reasons, the authors in this book are scholars of both the law and of American politics. They come from diverse backgrounds, with an array of academic, legal, ideological, practical, and scholarly perspectives. The rulings they explain in the following chapters speak of the long and complex history of our constitutional conflicts, but are meant to be understood and considered by ordinary citizens. In that sense, we aim to be a useful addition to the public discussion of the Constitution and the Court.

Ypsilanti, USA  
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# Contents

<b>1</b>	<b>Introduction: The 2017–2018 Term at the Supreme Court</b>	<b>1</b>
	<i>Morgan Marietta</i>	
<b>2</b>	<b><i>Carpenter v. U.S.</i> on Digital Privacy Under the Fourth Amendment</b>	<b>15</b>
	<i>David Klein</i>	
<b>3</b>	<b><i>Gill v. Whitford</i> on Partisan Gerrymandering</b>	<b>25</b>
	<i>Alex Keena, Michael Latner, Anthony J. McGann and Charles Anthony Smith</i>	
<b>4</b>	<b><i>Husted v. A. Philip Randolph Institute</i> on Voting Rights</b>	<b>39</b>
	<i>Richard Pacelle</i>	
<b>5</b>	<b><i>Janus v. AFSCME</i> on Mandatory Fees to Public Sector Unions</b>	<b>51</b>
	<i>Brett Curry</i>	

<b>6</b>	<b><i>Masterpiece Cakeshop on Gay Rights Versus Religious Liberty</i></b>	<b>61</b>
	<i>Stephen M. Engel</i>	
<b>7</b>	<b><i>Trump v. Hawaii on the Travel Ban</i></b>	<b>75</b>
	<i>Anthony A. Peacock</i>	
<b>8</b>	<b><i>Wayfair on Internet Taxation</i></b>	<b>89</b>
	<i>Morgan Marietta</i>	
<b>9</b>	<b><i>Justice Neil Gorsuch Joins the Court</i></b>	<b>99</b>
	<i>Carol Nackenoff and Gilbert Orbea</i>	
<b>10</b>	<b><i>Justice Anthony Kennedy Retires (1988–2018)</i></b>	<b>111</b>
	<i>Morgan Marietta</i>	
<b>11</b>	<b><i>The Troubled Confirmation of Justice Brett Kavanaugh</i></b>	<b>125</b>
	<i>Julie Novkov</i>	
	<b>Index</b>	<b>143</b>

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