Supreme Court Review

Berkeley Alumni Program

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1. Administrative law

Federal Communications Commission v. Consumers Research, 145 S.Ct. \_\_ (2025). The universal-service contribution scheme does not violate the Constitution’s nondelegation doctrine; Congress sufficiently guided and constrained the discretion that it lodged with the Federal Communications Commission to implement that scheme, and the FCC has retained all decision-making authority within that sphere, relying on the Universal Service Administrative Company only for non-binding advice.

1. Equal protection

United States v. Skrmetti, 145 S.Ct. 1816 (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.

1. Federal judicial power

Trump v. CASA, 145 S.Ct. \_\_\_ (2025). Because universal injunctions likely exceed the equitable authority that Congress has granted to federal courts, the court grants the government’s applications for a partial stay of the injunctions entered below regarding the implementation and enforcement of the Trump administration’s Jan. 20 executive order ending birthright citizenship, but only to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue.

IV. First Amendment: religion

Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission, 145 S.Ct. 1583 (2025). The Wisconsin Supreme Court’s decision denying Catholic Charities Bureau a tax emption available to religious entities under Wisconsin law on the grounds that they were not “operated primarily for religious purposes” because they neither engaged in proselytization nor limited their charitable services to Catholics violated the First Amendment.

Mahmoud v. Taylor, 145 S.Ct. \_\_\_ (2025). Parents challenging the Montgomery County Board of Education’s introduction of certain “LGBTQ+-inclusive” storybooks, along with the board’s decision to withhold parental opt outs from that instruction, are entitled to a preliminary injunction.

[Oklahoma Statewide Charter School Board v. Drummond](https://www.scotusblog.com/case-files/cases/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. First Amendment: speech

Tik Tok v. Garland, 145 S.Ct. 57 (2025). The [Protecting Americans from Foreign Adversary Controlled Applications Act](https://www.congress.gov/118/plaws/publ50/PLAW-118publ50.pdf), as applied to petitioners, does not violate the First Amendment.

Free Speech Coalition v. Paxton, 145 S.Ct. \_\_\_ (2025). A Texas law requiring certain commercial websites publishing sexually explicit content that is obscene to minors to verify that visitors are 18 or older only incidentally burdens the protected speech of adults and survives intermediate scrutiny under the First Amendment’s Free Speech Clause.

1. Presidential actions – emergency docket
2. Firings

Trump v. Wilcox, 24A966 The Supreme Court stayed the district court's orders reinstating Gwynne Wilcox and Cathy Harris to the National Labor Relations Board and Merit Systems Protection Board.

Trump v. American Federation of Government Employees, No. 24A1174 (July 8, 2025). The Supreme Court stayed the district court’s order preventing President Trump from firing employees at federal agencies as part of a reduction in force.

1. Cutoff of funds

Department of State v. AIDS Vaccine Advocacy Coalition, 24A831 (March 5, 2025). 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.

1. 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.

Department of Homeland Security v. D.V.D. (June 23, 2024). Reversing lower court preliminary injunction against sending individuals to South Sudan.