Recent U.S. Supreme Court Rulings

The Supreme Court released several significant rulings at the end of June, some of which affect state laws. Below are summaries of some of the key cases.

Whole Woman's Health v Hellerstedt

This case challenged two provisions of a Texas law that regulated abortion. In 2013, Texas required all facilities that performed abortions to meet the same standards as hospitals, and for doctors who perform abortions to have admitting privileges at a local hospital so that they are able to admit patients in case of a complication. The Fifth Circuit upheld these new requirements, but on a 5-3 decision the Supreme Court reversed and remanded that decision. Justice Stephen Breyer, wrote the majority opinion and noted that the restrictions placed on abortion clinics in Texas do not "benefit patients and are not necessary". Justices also found that by requiring doctors to have admitting privileges there was "sufficient evidence" to show this requirement would lead to half of Texas abortion clinics closing.

Since the case is now remanded back to the Fifth Circuit, it must issue a new ruling consistent with the Supreme Court decision. This is a step backward for the health of women and unborn children, as now the standards set forth in the Texas law will have to be made weaker or scrapped altogether.

Voisine v United States

In 1996, the Domestic Violence Offender Gun Ban (also called the Lautenberg Amendment), was enacted. This federal law banned persons convicted of crimes of domestic violence from having access to firearms. The case of Voisine v the Unite States came to the Supreme Court from Maine where two men convicted of misdemeanor assault charges against a

romantic partner were challenging their loss of firearms. Both men claimed their actions were reckless, but not intentional, and that federal law did not intend to cover reckless action.

In a 6-2 decision the court rejected this challenge and determined that assaulting someone recklessly or assaulting someone knowingly or intentionally is no different. Justice Elena Kagan, writing for the majority, explained; “A person who assaults another recklessly ‘use[s]’ force, no less than one who carries out that same action knowingly or intentionally.” The end result of this case is that there will be no change in the law banning domestic violence offenders from having access to firearms.

Birchfield v North Dakota

Every state has laws that prohibit a person from driving if their blood alcohol concentration (BAC) is above a certain level. All states also have implied consent laws that penalize a driver who refuses to submit to a BAC test. Depending on the state, these tests may either be a breath or blood test. In most states, a driver who refuses a BAC test will have their license suspended or revoked. North Dakota and Minnesota have gone one step further and made the refusal to be tested a criminal offense. This case challenged these laws under the Fourth Amendment’s prohibition against unreasonable searches.

The Supreme Court determined that because a breath test is less intrusive than a blood test and requires the person only to breathe into a machine, a breath test may be used as a search incident to an arrest for drunk driving. In this case, a search warrant is not required because the 4th Amendment is not violated. The end result of this case is that breath tests may continue to be administered in the case of a drunk driving arrest without a search warrant.

However, the Court also found you cannot charge a driver with a criminal offense for refusing a blood test in this situation. Because a blood test is more invasive than a breath test, the Court said that it violates the 4th Amendment’s prohibition on unreasonable searches and seizures. Law enforcement could take a blood test but would need a search warrant to do so. The end result is that laws cannot make refusing a blood test a criminal

offense and that a blood test in a normal drunk driving arrest would require a search warrant.

Fisher v University of Texas at Austin

Abigail Fisher applied to the University of Texas at Austin and was not admitted. She filed a suit that challenged the University's use of race when considering admission. Fisher, a white American, argued using race for admission purposes violated the Equal Protection Clause. This was the second time Fisher's case was before the Supreme Court.

In the latest ruling, the Court rejected Fisher's argument and affirmed and upheld the constitutionality of the university's admissions program. The Court found that a University may continue to use affirmative action in their admission practices, but the action must be narrowly tailored and courts may need to determine if using race is necessary and that there are no other realistic options for creating a diverse student body. The Court sent a warning to other universities that not all affirmative action programs will pass constitutional muster. Admissions officials may continue to consider race but only as one factor among many in ensuring a diverse student body.

United States v Texas

The Deferred Action for Parents of Americans and Lawful Permanent Residents Program (DAPA) was implemented by the Obama administration as a way of allowing millions of illegal immigrants to stay in the country. 26 states challenged the program arguing that it violated the Administrative Procedure Act and that the Department of Homeland Security did not have the authority to implement the program. The Fifth Circuit affirmed a preliminary injunction from the District Court forbidding the implementation of DAPA.

The Supreme Court agreed to determine whether the DAPA action was arbitrary and capricious and if it was subject to the Administrative Procedure Act notice and comment procedures. The Supreme Court was unable to come to a majority opinion and because of a 4-4 split the Fifth

Circuit's preliminary injunction was affirmed. The end result is that the DAPA program by the Obama administration is not to be implemented.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy