

OPEN THREAD: SCOTUS DECISIONS, FRIDAY EDITION [UPDATE-1]

[NB: check the byline, thanks. /~Rayne]

We're still counting down to the Supreme Court's term ending on June 28; SCOTUS delivers a few more decisions today of the remaining 18 cases they've heard. Looks like there will be more than four issued.

Yet again we ask: will SCOTUS *finally* decide the question of presidential immunity posed in Trump v. United States? Perhaps it's not even a question of whether today or not we'll see a decision.

What's your Magic 8-Ball say: YES the court will decide this month, or NO the court's conservatives are going to drag this into the next term to give Trump an assist.

Decisions released today follow in an update at the bottom of this post.

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Time-killing observations:

Leah Litman's op-ed in the NYT which I linked yesterday must have hit a nerve. There are more op-eds about the challenges the Roberts' Supreme Court poses, undermining its legitimacy through acceptance of corrupt behavior and the appearance of partisanship.

This one from The Daily Beast neatly encapsulates the problems: Supreme Court Sends Out an Ominous Sign

And this one in the Los Angeles Times suggests conservatives are worried about the public's perception, so worried they need to assure us things aren't as bad as they appear: Column: The Supreme Court's role in our partisan polarization has been greatly exaggerated

As we should give the columnist, Jonah fucking Goldberg, the time of day. Contrast and compare his Wikipedia and Sourcewatch entries if you're not familiar with his work.

I'd rather take the word of a conservative former Supreme Court clerk about this problematic Supreme Court.

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UPDATE-1 – Today's decisions:

First decision: Texas v. New Mexico and Colorado

Justice Jackson wrote the 5-4 decision; Justice Gorsuch dissented. In this case regarding a dispute over water rights to the Rio Grande and Elephant Butte between states Colorado, Texas, and New Mexico, Roberts and Kavanaugh sided with Jackson, Sotomayor, and Kagan.

Second decision: Department of State v. Muñoz

Justice Barrett wrote the 6-3 decision with a concurrence by Gorsuch. Justice Sotomayor wrote the dissent. In question was denial of a visa to the non-citizen spouse of a U.S. citizen.

Third decision: Erlinger v. United States

Justice Gorsuch wrote the 6-3 decision, with Roberts and Thomas offering concurring opinions. Kavanaugh wrote a dissent joined by Alito; Jackson also joined excepting Part III. Jackson filed a dissenting opinion.

This case was about the Armed Career Criminal Act and how a court determines the mandatory sentencing to be applied. It's worth reading Jackson's dissent given her background as the only SCOTUS jurist who served as a public defender.

Fourth decision: Smith v. Arizona

Justice Kagan wrote the court's opinion. There were no dissents, but:

KAGAN, J., delivered the opinion of the Court, in which SOTOMAYOR, KAVANAUGH, BARRETT, and JACKSON, JJ., joined, and in which THOMAS and GORSUCH, JJ., joined as to Parts I, II, and IV. THOMAS, J., and GORSUCH, J., filed opinions concurring in part. ALITO, J., filed an opinion concurring in the judgment, in which ROBERTS, C. J., joined.

Okay, then.

This was about a drugs and paraphernalia possession case and the Sixth Amendment's Confrontation Clause. IIRC it's also the third case in the last two days in which expert(s) testimony was key; this issue might be worth watching more closely as it may be an evolving topic.

Fifth decision: United States v. Rahimi

Chief Justice Roberts offered the 8-1 decision; there were multiple concurrences. Thomas wrote the dissent.

Of course Thomas did.

This was a Second Amendment case regarding a federal law prohibiting possession of firearms by those under domestic-violence restraining orders. Thomas apparently believes an abuser's right to bear arms is more important than a domestic partner's right to life.

Sure would like to know if there are any financial links between the gun lobby and Thomas considering his consistency on guns.

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A big gun rights case but still no presidential immunity decision. Will SCOTUS dump all the biggest cases at once in order to dampen the effect of each individual case, including *Trump v. United States*?

The next batch of SCOTUS decisions will be handed down next Wednesday, June 26.

Updates regarding today's decisions and other SCOTUS-related news will follow at the bottom of this post. This is an open thread.