

Dear neighbors and community,

In this newsletter I highlight some critical Supreme Court decisions of the 2025 session. Although a few decisions upheld justice and decency a majority veered from health, human rights and environmental protections. This pivot from, in some cases, very long standing precedent, has been a trend since 2020. Here is a little context of how we got here:

The Republican-appointed justices gained a supermajority (6–3) on the U.S. Supreme Court on October 26, 2020, when Justice Amy Coney Barrett was confirmed to the Court. Justice Ruth Bader Ginsburg, an icon of Democratic ideals, passed away on September 18, 2020. President Trump nominated Coney Barrett, a conservative judge, just days later. The Senate then confirmed her eight days before the 2020 presidential election. This despite the Republican-controlled Senate, led by Majority leader McConnell, refusing to hold hearings or a vote on the March 16th nomination of Judge Merrick Garland in 2016, arguing that the next president should choose the nominee since it was an election year. Had centuries of protocol been followed in 2016 we would have a 5-4 conservative majority rather than a 6-3 supermajority. This supermajority is the foundation for the decisions highlighted in this newsletter. I think this context is critical. It's important that we all recognize exactly how we got to this place in our history.

A bit about the structure of a Supreme Court Calendar year. The Supreme Court follows a regular annual term with a general timeline for deliberating and deciding cases. Although the timeline for specific actions varies from year to year, there is a general standard for what occurs throughout a term. The calendar year begins the first Monday in October of a given year and the active term typically ends in late June or early July (though the term officially runs until the next first Monday in October). During the period from October to April the court hears oral arguments, typically for two weeks per month, then holds private conferences to discuss the cases. Although judicial decisions are written and released throughout the term, the majority occur from January to late June, with most major or controversial decisions released in May and June, especially the final weeks of June. This is why we often see a flurry of news during the summer months covering Supreme Court decisions.

# Federal News



Here is [Democracy Forward's "People's Guide to the 2024-2025 U.S. Supreme Court Term"](#) that gives a detailed overview of the Supreme Court cases & what they mean for you.

Below is a summary of [several high-stakes Supreme Court cases](#) Listed in order of the date the decision was released.

## JUDICIAL

***[President Donald Trump v. CASA, Inc:](#) The Supreme Court decided on June 27th, to limit the scope of nationwide injunctions by lower courts on federal executive actions.***

On January 30, 2025, President Trump issued an [executive order](#) aiming to limit birthright citizenship under the 14th Amendment for children born to non-citizen or non-resident parents. Three separate district courts issued universal (nationwide) preliminary injunctions, blocking the order's enforcement for everyone nationwide, not just the specific plaintiffs for the cases brought forward in those courts. The Supreme Court consolidated all these cases to answer the question, "Do district courts have authority, under the Judiciary Act of 1789, to issue nationwide injunctions?"

In a 6-3 ruling, the court held that nationwide injunctions likely exceed the equitable powers conferred on district courts by Congress. The decision stated that courts should issue injunctions only to the actual parties and provide "complete relief" necessary for the named plaintiffs, unless broader protection was justified under doctrines like class-action. The ruling did not decide whether the executive order itself violates the 14th Amendment or the Nationality Act. It only decided the allowable remedy effectively limiting lower court action to grant relief for non-parties. The door remains open for class-action suits or challenges under the Administrative Procedure Act to obtain relief affecting broader groups. Repealing or limiting birthright citizenship could upend long-standing legal protections, potentially affecting over 4 million U.S.-born children. Whittling back nationwide injunctions could weaken checks on executive power.

## ENVIRONMENT

**[Seven County v. Eagle County](#): On May 29th, the Supreme Court unanimously ruled to narrow the scope of environmental reviews for major infrastructure projects like highways and oil and gas pipelines.**

The Court decision emphasized that Agencies are entitled to decide what environmental effects fall within the “project at hand”. The Court further narrowed the scope of NEPA by stating that it requires only that agencies inform, not dictate decisions, and that they avoid being a “substantive roadblock” to development. The Court determined that agencies do not need to analyze the environmental impacts of separate, upstream activities or downstream projects, even if those impacts are reasonably foreseeable given the proposed project and they should instead focus on the direct environmental impacts of the project. Environmental scientists and advocacy groups have criticized the decision stating that it will hinder efforts to address climate change by limiting the consideration of indirect effects like greenhouse gas emissions from oil extraction and refining as with the 88-mile train track under question in this case. This rail line was designed to connect Utah’s oil-rich Uinta Basin to the national rail network to facilitate the transportation of crude oil from Utah to refineries in states like Louisiana and Texas.

## HEALTH AND HUMAN RIGHTS

**[Food and Drug Administration v. Wages and White Lion Investments, LLC., DBA Triton Distribution, et al.](#): On April 2nd, the Supreme Court decided unanimously that the Food and Drug Administration properly rejected applications by two companies to market candy and dessert flavored e-cigarette liquids.**

Under the Family Smoking Prevention and Tobacco Control Act, the Food and Drug Administration (FDA) has the authority to regulate tobacco products, including e-cigarettes. To market new tobacco products, manufacturers must submit a Premarket Tobacco Product Application (PMTA) and demonstrate that their product is “appropriate for the protection of the public health.” This includes showing that the product is more likely to help current tobacco users quit than to attract new users, particularly young people.

Triton Distribution applied to market their flavored e-cigarette products (like “Mother’s Milk and Cookies” and “Strawberry Astronaut”), but the FDA denied their application because the company failed to provide sufficient scientific evidence showing that the products would not attract youth more than the stated intent to help existing smokers quit. The FDA based its decision in part on concerns that flavored e-cigarettes are particularly appealing to minors, contributing to youth tobacco use and addiction. In the lawsuit Triton claimed that the FDA’s denial was arbitrary and capricious, violating the Administrative Procedure Act, because the agency allegedly changed its regulatory

standards without fair notice. The Fifth Circuit court ruled against the FDA, siding with Triton. The Supreme Court reversed this decision. However, they did remand the case back to the Fifth Circuit court to reconsider whether the FDA's failure to consider the marketing plans was harmless, as the FDA had not appealed that specific finding.

**[U.S. v. Skrametti](#): On June 18th, the Supreme Court ruled to [uphold Tennessee's ban](#) on puberty blockers and hormone therapy for transgender minors, ruling that the Equal Protection Clause does not prohibit the state's restriction.**

The lawsuit filed by the families of three transgender adolescents and a Memphis-based medical provider challenged Tennessee's law Senate Bill 1 (SB1) which prohibits doctors from prescribing pharmaceutical and surgical care for transgender minors that are looking to gender transition under the equal protection clause, citing sex discrimination. Tennessee is home to more than 3,000 transgender adolescents, and across the U.S. there are some 300,000 [transgender youth](#) aged 13 to 17. Chief Justice John Roberts wrote for the majority in the court's 6-3 decision which ruled to [uphold Tennessee's ban](#) on puberty blockers and hormone therapy for transgender minors, ruling that the Equal Protection Clause does not prohibit the state's restriction. While the ruling does not ban gender-affirming care nationwide, it permits the [25 bans](#) to date that states have passed against medical and surgical care for transgender youth. Some states, such as Florida, have similarly moved to [restrict access](#) to such care for adults. Gender-affirming care remains [legal here in New York State](#).

Restricted access means transgender minors living in a state with a ban will have to seek care in other states in order to continue receiving medication or other gender-affirming treatments. This also means parents, schools, and healthcare providers may face legal barriers in determining what's best for young people's mental and physical health. A 2022 study [published](#) in the National Library of Medicine found that gender-affirming care was associated with lower odds of depression and suicidality among transgender and nonbinary (TNB) youths.

**[Medina v Planned Parenthood](#): On June 26th the Supreme court ruled that states can exclude organizations that perform abortions, like Planned Parenthood, from their Medicaid programs without fear of being sued in federal court.**

Medicaid, created in 1965 under Title XIX of the Social Security Act, is a public health insurance program that provides free or low-cost health coverage to certain low-income individuals and families including some low-income adults, children, pregnant women, older adults, and people with disabilities. It covers a wide range of health services, including doctor visits, hospital care, long-term care, mental health services, and prescription drugs. Currently more than 80 million Americans are enrolled in Medicaid or approximately 25% of the national population. The federal government covers at least

50% of a state's Medicaid costs and can go as high as 77% in some lower-income states. Each state pays the remaining share and administers its own program under broad federal guidelines. States can customize eligibility, benefits, and delivery systems as long as they comply with federal rules, or they can apply for waivers to test new approaches. States must submit their medical assistance plan to the federal government for approval, and the federal government can withhold funds to states if they fail to comply with all federal requirements.

Up until 1976, Medicaid dollars could cover abortions services. In 1976, the Hyde Amendment was passed (named after Rep. Henry Hyde, a Republican from Illinois), three years after the Roe v. Wade decision. This federal policy prohibits the use of federal Medicaid funds for abortion except in very limited cases, specifically, to save the life of the pregnant person or if the pregnancy is the result of rape or incest. It's not a permanent law, but rather a budget provision that is attached to annual federal appropriations bills and has been included in the budget almost every year since 1976. Although this budget provision prevents the eligibility of abortion services from Medicaid eligibility it does not prevent coverage of any other healthcare services provided by centers that also provide abortion care.

In South Carolina, Planned Parenthood South Atlantic operates two health centers that, like most planned Parenthood centers, provides many basic primary health services. Their services also include contraception and abortions. In July 2018, South Carolina's Governor issued an executive order directing the Department of Health and Human Services to terminate abortion clinics entirely from the Medicaid program. As a result, DHHS informed Planned Parenthood that it was no longer qualified to provide any services to Medicaid beneficiaries and terminated its enrolled agreements immediately. Planned Parenthood sued the Director of DHHS in federal court, trying to block the executive order.

The Supreme Court upheld the decision to allow states to exclude clinics that provide abortion care from serving Medicaid patients [regardless of the healthcare services sought](#). Note, since this decision the recently signed federal BBB budget bill mimics this policy for every state in the country. Planned Parenthood filed a lawsuit challenging the new law and a federal judge in Boston granted a temporary restraining order, blocking the Trump administration from enforcing the provision for two weeks. The lawsuit argues that the law unfairly targets Planned Parenthood for political reasons and violates the organization's First Amendment right to free speech.

## **CRIMINAL JUSTICE AND SAFETY**

[Garland v. VanDerStok](#): *On March 26, the Supreme Court ruled that untraceable*

***weapons known as “ghost guns” may be regulated as “firearms” under the Gun Control Act.***

The Bureau of Alcohol, Tobacco, and Firearms (ATF) made a rule to regulate “ghost guns,” which are guns without serial numbers that people can easily build from parts, often sold as kits. A District Court of Texas stopped this rule from being enforced, and the Fifth Circuit Court agreed with this ruling. In August of 2023, the Supreme Court stepped in and allowed the rule to be enforced temporarily. Later, the Fifth Circuit Court again ruled in favor of blocking the rule, which would enable people to easily buy kits online and build functional guns in minutes without needing a background check, serial number, or any records. The decision preserves federal regulation over “ghost guns,” requiring background checks, serial numbers, and manufacturing licenses.

***Trump v. United States: On July 1st, 2024, the Supreme Court, in a 6-3 decision held that a former president is entitled to absolute immunity from criminal prosecution for official acts taken while in office.***

The Court affirmed that former presidents have absolute immunity from prosecution for “core official acts,” though there is no immunity for unofficial acts, e.g. actions taken in a personal or private capacity. The decision further states that determining whether an act is “official” depends on its nature, not its motive or consequences and that courts cannot probe a president’s motives when deciding whether an action was official. The ruling did not dismiss the charges against Trump outright (related to efforts to overturn the 2020 election), but it sent the case back to the lower court to determine which of Trump’s actions were “official” and therefore protected and which were “private” and potentially prosecutable. This decision delays or potentially limits the ability to prosecute Trump before the 2024 election. In her dissenting statement Justice Sonia Sotomayor wrote that the ruling “makes a mockery of the principle that no one is above the law” and could encourage future abuse of presidential power.

## **EDUCATION**

***Oklahoma Statewide Charter School Board v. Drummond: On May 22nd, the Supreme Court narrowly blocked the creation of the first religious public charter school, ruling that it would violate the separation of church and state.***

This case centered on whether a religious charter school could receive public funding under Oklahoma law. More specifically, the Oklahoma Attorney General Gentner Drummond argued that charter schools are public institutions and that allowing a religious entity to operate one violates the constitutional separation of church and state. He contended that public funds should not support religious education. The school argued that denying its application to operate as a publicly funded religious charter school violated its First Amendment rights to free exercise of religion and equal protection under the law. The Oklahoma Supreme Court found that the charter violated

the Establishment Clause of the First Amendment, which prohibits the government from establishing or endorsing a religion. The court also rejected the argument that denying the charter violated the Free Exercise Clause, which protects the right to practice religion. The Supreme Court ultimately deadlocked with a 4-4 split vote ([Justice Amy Coney Barrett had to recuse herself](#)), thus upholding the Oklahoma Supreme Court's decision. This decision effectively prevented the establishment of the first religious public charter school in Oklahoma. However, the 4-4 split means there is no nationwide precedent set by this decision leaving it to individual states to determine whether to allow or prohibit religious public charter schools.

## LABOR

**[E.M.D. Sales v. Carrera](#): On May 30th, 2024, the Supreme Court upheld that employers must prove an employee's exemption from the Fair Labor Standards Act using the default civil standard (preponderance of the evidence).**

Three current and former employees at a grocery distributor filed a complaint claiming their employer withheld overtime pay, violating the Fair Labor Standards Act (FLSA). The company argued that these employees were “outside salesmen,” meaning they shouldn’t be entitled to overtime pay. Both the district court and the U.S. Court of Appeals for the Fourth Circuit found the company liable for the overtime pay. The company, however, disagreed with the court’s decision to use a stricter “clear and convincing evidence” standard to prove the employees were outside salesmen. The company asked for the case to be elevated to the Supreme Court, arguing that the Fourth Circuit’s “unreasoned and inconsistent” decision to apply the higher standard of proof should be overturned. The Supreme Court agreed with the previous two court decisions to hold the employer liable for the overtime pay.

**[Stanley v. City of Sanford, Florida](#): On June 20th, the Supreme Court held that the Americans with Disabilities Act does not protect former employees who neither hold or desire a job at the time of workplace discrimination.**

This is about the Americans with Disabilities Act. It is a case about a retired firefighter in Florida who developed Parkinson’s disease. The firefighter retired shortly after her diagnosis and was later informed that she would only receive health insurance up to 24 months after her retirement rather than until she was 65, as a former city policy guaranteed. The city only cut off the benefits for the disabled firefighter, retaining the full benefits for non-disabled (or what the policy referred to as “normal”) retirees. The firefighter sued, saying that revoking the health insurance plan violated the Americans with Disabilities Act (ADA) and the 14th Amendment’s Equal Protection Clause. However, the Court of Appeals concluded that the ADA does not protect any former employees from discrimination in how an employer provides post-employment benefits, meaning that as soon as an employee clocks out on their last day, their employer can

legally slash their benefits based on their disability. On June 20, [the Supreme Court upheld the lower courts decision.](#)

This will allow blatant discrimination against people with disabilities. This decision is expected to have a negative economic impact especially on small businesses. Specifically, it allows employers to reduce or eliminate promised retiree health benefits without violating the ADA. This creates uncertainty for workers, undermines employee trust, and may discourage long-term career investment, especially among older or disabled employees. Small businesses could face higher turnover and struggle to compete for talent if benefits seem unreliable. Prior to the passage of the BBB these changes would have shifted healthcare costs to public programs like Medicare and Medicaid. Now it will simply leave a disproportionate number of retired people with disabilities without any healthcare insurance.

## 1st AMENDMENT RIGHTS

***[Free Speech Coalition v. Paxton](#): The Supreme Court upheld that states may require age verification for online content without violating the First Amendment, so long as the law is narrowly tailored to protect minors and does not unduly burden adult access to lawful content.***

In 2023, Texas passed House Bill 1181, which requires that websites with one-third or more of the content being “harmful to minors” verify the age of all users.

The law defines “harmful to minors” as sexual content that an average person would find obscene when considering its impact on minors. It also mandates that these websites prominently display government-written warnings about the harms of pornography, including claims that it can be addictive, damage brain development, and weaken brain function. According to the ACLU, the age verification rule restricts adult access by forcing them to identify themselves, removing their anonymity. It may also prevent people without government ID or those misidentified by the system from accessing certain websites. Plaintiffs, including the Free Speech Coalition and adult content creators, filed a lawsuit seeking a temporary block of the law. They argued that the age-verification rule violates the 1st amendment by placing too much burden on users and that forcing websites to display health warnings is a form of compelled speech. The district court granted the request to stop the law’s enforcement, but the Fifth Circuit disagreed on the age-verification portion.

In a 6-3 decision, the Court ruled that the law was a reasonable and constitutional method to safeguard children online, even if it incidentally burdens adults. The dissent, led by Justice Kagan, warned the ruling undermines core free speech protections and sets a dangerous precedent for government overreach and privacy intrusion. This decision paves the way for similar age-verification mandates across the country and

signals a broader rebalancing of digital rights, where protecting minors online may increasingly take precedence over unfettered adult access and anonymity.

To keep tabs year over year on SCOTUS deliberations and decisions, I highly recommend subscribing to e-mail lists or newsletters that track Supreme Court cases. The following are some well regarded resources to choose from:

- **[The SCOTUSblog Newsletter](#)** - nonpartisan SCOTUS reporting of real-time decision alerts, case previews, expert commentary, and oral argument summaries
- **[Ballotpedia's Federal Courts Newsletter](#)** - Covers SCOTUS decisions in plain English, judicial appointments, and trends across federal courts. It's weekly, concise and, accessible. This [link](#) has a list of all their topic specific newsletters.
- **[The National Constitution Center's "Constitution Daily"](#)** - Tracks court decisions with a constitutional lens and is well suited for educators, advocates, and curious citizens
- **[How Appealing by Howard Bashman](#)** - One of the oldest daily legal blogs tracking appellate and Supreme Court developments. It's not a listserv but gives a very accessible daily summary of news updates
- **[ACS \(American Constitution Society\) Newsletter](#)** - provides a progressive lens on SCOTUS cases, constitutional law, and federal courts geared towards academics and advocacy groups

Finally here is the [The National Constitution Center's WE THE PEOPLE - Supreme Court Term Roundup](#) and the [2025 Supreme Court Review: Key Rulings, Public Perceptions, and Constitutional Debates](#).

In good health,



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