

OPEN THREAD: SCOTUS DECISIONS, FINAL DAY* OF TERM EDITION

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

It's the last day* Supreme Court's term, and the last batch of decisions will drop shortly

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

*—No, it's not the final day after all, but this post was written as a pre-scheduled draft back on June 25 and my psychic powers predicting how many cases would drop on which dates was at an ebb.

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Time-killing observations:

One of the great tragedies of the red states' push to ban abortion as reproductive care has been the threats to and loss of doctors and other health care workers who provide reproductive health services. If health care professionals are at risk of prosecution in red states for providing what may be essential lifesaving care, they are often electing to leave and practice elsewhere. With the loss of health care professionals due to the COVID pandemic, they won't have difficulty finding a new place to practice even if it may not feel like the home they leave behind.

Health care professional Rory Cole wrote an op-ed about Idaho which was affected by SCOTUS's handling of the *Moyle v. Idaho* case. Worth a read because her opinion is surely shared by other health care professionals in states like Texas and Florida.

I'm staying in Idaho to practice medicine after the U.S. Supreme Court's EMTALA decision

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Today's decisions –

First decision: City of Grants Pass v. Johnson

Justice Gorsuch wrote the 6-3 decision; Justice Sotomayor wrote the dissent which she opened by noting, "Sleep is a biological necessity, not a crime."

Grants Pass banned public camping – which really banned homeless persons from sleeping in public. What a piece of shit decision relying on the Eighth Amendment to punish the homeless.

As noted all too often about the so-called conservatives: the cruelty is the point.

Second decision: Loper Bright Enterprises v. Raimondo

Justice Roberts wrote the 6-3 decision; Justice Kagan wrote the dissent. The court split along ideological lines as expected.

This case essentially undermines the unanimous Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc. (1984) decision upon which federal agencies have relied for decades.

This is yet another swipe at the administrative state by the Roberts court and yet more evidence each of the recent GOP-appointed justices lied during their nomination hearings if they affirmed stare decisis. They are writing law from the bench.

Third decision: Fischer v. United States

Justice Roberts wrote the 6-3 decision; oddly, Justice Brown Jackson concurred. Justice Coney Barrett wrote the dissent joined by justices Sotomayor and Kagan.

This is the January 6 case in which accused insurrectionists were charged with 18 USC 1512(c); the majority narrowed the scope of the charge to impairment of record, document, or other objects in official

proceedings. Aggravatingly, this appears to place focus on 18 USC 1512(c)(1) and not 18 USC 1512(c)(2) as you can see from the code itself:

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

IANAL but this makes no sense to me because the entire point of the attack on the capitol was to obstruct the counting of votes and alter the outcome of the election's certification.

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This is an open thread. Any further updates related to these cases will appear at the bottom of this post.