

SUPREME COURT SUMMARY

2021-22 TERM



OKLAHOMA WINS MULTIPLE CASES ON KEY ISSUES

On June 30, 2022, the U.S. Supreme Court (SCOTUS) issued its final opinions for the 2021-22 term, a year in which the State of Oklahoma enjoyed overwhelming success protecting Oklahomans and their constitutional rights.

The U.S. Supreme Court issued 66 formal opinions this term, according to SCOTUSblog. The Oklahoma Attorney General's Office participated in 21 of these 66 cases—winning 15.

This document contains a detailed overview of Oklahoma's U.S. Supreme Court cases this past year.

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OKLAHOMA AS PARTY

3-1-1

OKLAHOMA AS PARTY

The Oklahoma Attorney General's Office prevailed in 3 of the 5 instances where it served as a party in a case heard during the 2021-22 SCOTUS term. In the fifth case, although the Court dismissed Oklahoma's multistate petition as improvidently granted, it left the door open for the state coalition's arguments to prevail in the future.

WIN: *Oklahoma v. Castro-Huerta*, No. 21-429

Outcome:

On June 29, 2022, SCOTUS held 5-4 that Oklahoma has authority to prosecute crimes committed by non-Indians against Indians in eastern Oklahoma.

Key Quotes:

- "Indian country is part of the State, not separate from the State. ...[A]s a matter of state sovereignty, a State has jurisdiction over all of its territory, including Indian country."
- "Castro-Huerta's argument would require this Court to treat Indian victims as second-class citizens. We decline to do so."

WIN: *West Virginia et al. v. EPA et al.*, No. 20-1530

Outcome:

On June 30, 2022, SCOTUS held 6-3 that the Environmental Protection Agency (EPA) did not have the authority to enact the Clean Power Plan, which had attempted to lawlessly revolutionize our country's power grids based on an obscure and never-before-used provision of the Clean Air Act.

Key Quotes:

- "EPA's own modeling concluded that the rule would entail billions of dollars in compliance costs (to be paid in the form of higher energy prices), require the retirement of dozens of coal-fired plants, and eliminate tens of thousands of jobs across various sectors."
- "Capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal to generate electricity may be a sensible 'solution to the crisis of the day.' But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme in Section 111(d). A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body."

WIN: *Ohio et al.* *v. DOL,* No. 21A247

(consolidated with *NFIB v. DOL*, No. 21A244)

Outcome:

On January 13, 2022, SCOTUS ruled in favor of Oklahoma and numerous other States and granted stays of the vaccine mandate issued by the Occupational Safety and Health Administration (OSHA) because the mandate was beyond OSHA's authority to issue. That mandate would have required vaccination of 84 million Americans.

Key Quotes:

- "The Secretary has ordered 84 million Americans to either obtain a COVID-19 vaccine or undergo weekly medical testing at their own expense. This is... a significant encroachment into the lives—and health—of a vast number of employees... The question, then, is whether the [Occupational Safety and Health] Act plainly authorizes the Secretary's mandate. It does not."
- "Permitting OSHA to regulate the hazards of daily life—simply because most Americans have jobs and face those same risks while on the clock—would significantly expand OSHA's regulatory authority without clear congressional authorization."

DISMISSED: *Arizona et al. v. San Francisco et al.*,
No. 20-1775

Outcome:

On June 15, 2022, SCOTUS dismissed as improvidently granted this challenge to the Biden Administration's abandonment of the defense of the Trump Administration's "public charge" immigration rule. A four-justice concurrence indicated that the underlying issues are alive and undecided.

LOSS: *Biden v. Missouri*,
No. 21A240

Outcome:

On January 13, 2022, SCOTUS by a 5-4 vote allowed the Secretary of Health and Human Services to require facilities that participate in Medicare and Medicaid to force their employees to be vaccinated against COVID-19.

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OKLAHOMA AS AMICUS

12-3-1

OKLAHOMA AS AMICUS



The Oklahoma Attorney General's Office joined approximately 16 multistate amicus briefs in the 2021-2022 SCOTUS term, with 15 of those filed in support of a particular party. The party that Oklahoma supported prevailed in 12 of those 15 cases. In the one case where the Attorney General submitted a brief in support of neither party, the Court did not discuss or rule on the issue on which the multistate brief focused.

WIN: *Dobbs v. Jackson Women's Health Organization*, No. 19-1392

Outcome:

On June 24, 2022, SCOTUS overturned *Roe v. Wade* and *Planned Parenthood v. Casey*, holding that there is no right to abortion in the Constitution.

Note: Justice Alito's majority opinion referenced Oklahoma's multistate amicus effort three separate times.

Key Quotes:

- "We hold that *Roe* and *Casey* must be overruled. The Constitution makes no reference to abortion, and no such right is implicitly protected by any constitutional provision..."
- "The inescapable conclusion is that a right to abortion is not deeply rooted in the Nation's history and traditions. On the contrary, an unbroken tradition of prohibiting abortion on pain of criminal punishment persisted from the earliest days of the common law until 1973."
- "The Constitution does not prohibit the citizens of each State from regulating or prohibiting abortion. *Roe* and *Casey* arrogated that authority. We now overrule those decisions and return that authority to the people and their elected representatives."

WIN: *Kennedy v. Bremerton School District*, No. 21-418

Outcome:

On June 27, 2022, SCOTUS held 6-3 that a public high school in Washington State violated its head football coach's First Amendment rights to free exercise of religion and free speech by firing him for praying after a game.

Key Quotes:

- "Both the Free Exercise and Free Speech Clauses of the First Amendment protect expressions like Mr. Kennedy's... The Constitution and the best of our traditions counsel mutual respect and tolerance, not censorship and suppression, for religious and nonreligious views alike."
- "[I]n no world may a government entity's concerns about phantom constitutional violations justify actual violations of an individual's First Amendment rights."

WIN: *New York State Rifle & Pistol Association Inc. v. Bruen*, No. 20-843

Outcome:

On June 23, 2022, SCOTUS held 6-3 that the Second Amendment protects a person's right to carry a handgun for self-defense outside the home. New York's requirement to prove some "special need" for a concealed carry license was deemed unconstitutional.

Note: Both Justice Alito and Justice Kavanaugh cited Oklahoma's multistate amicus brief in their respective concurrences.

WIN: *Vega v. Tekoh*, No. 21-499

Outcome:

On June 23, 2022, SCOTUS held 6-3 that a plaintiff cannot bring a 42 U.S.C. § 1983 civil action against a police officer on the basis that the officer did not read the warnings required by *Miranda v. Arizona*, 384 U.S. 436 (1966).

WIN: *Carson v. Makin*,
No. 20-1088

Outcome:

On June 21, 2022, SCOTUS held 6-3 that Maine discriminated against private religious schools in violation of the First Amendment's free exercise of religion clause by barring them from an otherwise open school-choice program.

WIN: *Shoop v. Twyford*,
No. 21-511

Outcome:

On June 21, 2022, SCOTUS held 5-4 that federal law (AEDPA) does not allow federal courts to order transportation of a state prisoner to search for new evidence unless the prisoner has shown the evidence would be admissible.

Note: Chief Justice Roberts cited Oklahoma's multistate amicus brief in his majority opinion.

WIN: *Gallardo v. Marstiller*,
No. 20-1263

Outcome:

On June 6, 2022, SCOTUS held 7-2 that the Medicaid Act permits a state to seek reimbursement for past medical expenses from settlement payments allocated for future medical care.

WIN: *Cummings v. Premier Rehab Keller*,
No. 20-219

Outcome:

On April 28, 2022, SCOTUS held 6-3 that emotional distress damages are not recoverable in a private action to enforce either the Rehabilitation Act or the Affordable Care Act.

WIN: *Brown v. Davenport*,
No. 20-826

Outcome:

On April 21, 2022, SCOTUS held 6-3 that a federal court cannot grant habeas relief to a state prisoner when a state court has ruled on the merits of the prisoner's claim unless the federal court applies the test that Congress set forth in AEDPA and the test outlined in *Brecht v. Abrahamson*, 507 U.S. 619 (1993).

WIN: *Houston Community College Sys. v. Wilson*,
No. 20-804

Outcome:

On March 24, 2022, SCOTUS held 9-0 that an official government censure of an individual board member's statements did not violate the First Amendment.

WIN: *Cameron v. EMW Women's Surgical Center,*
No. 20-601

Outcome:

On March 3, 2022, SCOTUS held 8-1 that the Kentucky Attorney General should have been allowed to intervene to defend a Kentucky abortion law that the Kentucky Governor had refused to defend further.

WIN/DISMISSED:
United States v. Texas,
No. 21-588

Outcome:

On December 10, 2021, SCOTUS by an 8-1 vote dismissed as improvidently granted the U.S. Department of Justice's petition arguing that it should have been allowed to bring a suit in federal court to obtain injunctive relief against a State and its officials in an abortion case.

NEUTRAL: *American Hospital Association v. Becerra*,
No. 20-1114

Outcome:

On June 15, 2022, SCOTUS's decision did not mention *Chevron*.

Background: Along with 7 States, Oklahoma argued for a narrow interpretation of *Chevron* deference in this dispute, without supporting either party.

LOSS: *Biden v. Texas*,
No. 21-954

Outcome:

On June 30, 2022, SCOTUS held 5-4 that the Biden Administration's rescission of the Trump Administration's "Remain in Mexico" policy did not violate Section 1225 of the Immigration and Nationality Act.

LOSS: *Torres v. Texas
Dep't of Pub. Safety,*
No. 20-603

Outcome:

On June 29, 2022, SCOTUS held 5-4 that Congress may authorize private damages suits against non-consenting states in certain instances pursuant to its enumerated power to raise and support the Armed Forces.

LOSS: *Nance v. Ward,*
No. 21-439

Outcome:

On June 23, 2022, SCOTUS held 5-4 that death row inmates may bring method-of-execution challenges under 42 U.S.C. § 1983 even when their proposed alternative method would require a change of state law.

SCOTUS SUMMARY 2021-22



**OKLAHOMA ON
THE EMERGENCY
DOCKET**

OKLAHOMA ON THE EMERGENCY DOCKET

The Oklahoma Attorney General's Office participated in several cases on the U.S. Supreme Court's emergency docket this past year, obtaining multiple victories. A couple of those cases have already been listed above, because they included oral argument and an opinion: *Ohio et al. v. DOL*, for example. The following list is not exhaustive of the remaining emergency docket cases wherein Oklahoma participated, but rather contains other prominent examples of Oklahoma's victories as a party and as an amicus.

Crow v. Jones,
No. 21A116

Outcome:

On October 28, 2021, at the urging of the Oklahoma Attorney General's Office, SCOTUS vacated the stays of execution for several Oklahoma death row inmates entered by the Tenth Circuit the previous day. This allowed executions in Oklahoma to proceed for the first time since 2015, and it allowed families of victims to see justice achieved after waiting decades.

Merrill v. Milligan,
No. 21A375,
and *Merrill v. Caster,*
No. 21A376

Outcome:

On February 7, 2022, SCOTUS stayed a federal district court's order that Alabama's federal congressional districts be "completely redrawn" in a matter of weeks, with a primary election pending. Oklahoma joined an amicus brief in support of Alabama's application for the stay.

Ardoin v. Robinson,
No. 21A814

Outcome:

On June 28, 2022, SCOTUS stayed a federal district court's order that Louisiana's federal congressional districts be redrawn just prior to an election. Oklahoma joined an amicus brief in support of Louisiana's stay application.

SCOTUS SUMMARY 2021-22

**MUCH OF THE STATISTICAL INFORMATION
IN THIS REPORT CAME FROM SCOTUSBLOG.**

**TO REVIEW THE SCOTUSBLOG STATISTICAL
REVIEW OF THE U.S. SUPREME COURT'S
OCTOBER 2021 TERM, VISIT
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