

Supreme Sequel



Bill Clark/CQ Roll Call

**Liberals are celebrating their legal victories.
But the next term looks ominous for them.**

A Chicago bar last month combined notoriously bitter Malört liqueur and salt to create a specialty cocktail called “Scalia’s Tears,” a nod to conservative Supreme Court Justice Antonin Scalia’s fiery dissent in the landmark June 26 decision legalizing same-sex marriage nationwide.

Liberals had plenty of reasons to party over the court’s decisions legalizing same-sex marriage and upholding the 2010 health care law, and conservatives had cause to drown their sorrows. But the cases on controversial issues lined up for the court’s next term, starting in October, could mean quite the hangover for the left.

The court still leans conservative, after all, and the justices

have agreed to hear major challenges to affirmative action and public sector unions. Also making their way to the court are cases on abortion and Obama’s executive actions on immigration.

The challenge to mandatory dues for public unions could deal a major setback to organized labor. The challengers in the case, *Rebecca Friedrichs v. California Teachers Association*, want the justices to overturn a 1977 Supreme Court ruling that allows unions to require dues from employees they represent. The court undermined that ruling in 2014, ruling 5-4 that home-care workers in Illinois can’t be forced to pay union dues.

The court will again weigh the University of Texas’ use of racial

preferences in undergraduate admissions decisions. It’s the second time the justices will hear the case of Abigail Fisher, a white student denied admission to the university at Austin, and the court has already expressed some sympathy toward Fisher’s arguments. In 2013, the court sent it back to the U.S. Court of Appeals for the 5th Circuit to use a different legal standard to evaluate the legality of the university’s admission practices. The circuit court again ruled in the university’s favor, setting up the case’s return to the high court.

Legal experts expect the justices to hear a case challenging strict measures in Texas’ anti-abortion law, the cost of which abortion providers say will cause

clinics to close. The justices have stopped the law from taking effect while abortion providers appeal a 5th Circuit ruling that upheld controversial parts of the statute.

The Obama administration also appears likely to take its fight to the Supreme Court over the implementation of far-reaching executive actions that would give illegal immigrants expanded deportation deferrals and work benefits. The stakes are high. “This would be a momentous separation of powers decision that tests the executive’s authority,” says Josh Blackman, a law professor at the South Texas College of Law in Houston, who filed a brief supporting the challenge to Obama.

— Todd Ruger