News



Sunlight illuminates the U.S. Supreme Court in Washington July 1, 2024. Cases the court is scheduled to consider this term, which began Oct. 7, include school policies regarding students who identify as transgender, the regulation of so-called "ghost guns" and the death penalty. (OSV News/Kevin Mohatt, Reuters)

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The Supreme Court Oct. 7 began its new term, which is scheduled to include cases involving school policies regarding students who identify as transgender, the regulation of so-called "ghost guns," the death penalty and whether adults can be required to provide their IDs as age verification to access pornographic websites.

The justices returned to the bench after high-profile rulings issued earlier this year on topics including presidential immunity, a pill commonly used for abortion and gun policy. The new term opens amid an ongoing decrease in public confidence in the court and calls for term limits supported by President Joe Biden and Vice President Kamala Harris, the Democratic presidential nominee.

As of the start of its term, the court's docket includes fewer high-profile cases than its 2023 term, but that could change if it must add election-related cases before Nov. 5 or afterward.

'Ghost guns'

In one of its first cases of the new term, the high court Oct. 8 heard oral arguments in Garland v. VanDerStok and appeared skeptical of a challenge to the Biden administration's efforts to regulate so-called "ghost guns," or unserialized, untraceable firearms that can be assembled in as little as 30 minutes from kits purchased online. A group of firearms owners, gun rights groups and manufacturers sued in an attempt to invalidate a 2022 regulation by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or ATF, to crack down on such sales by seeking to make such kits subject to similar regulations as commercially made firearms.

But the court appeared skeptical that the Biden administration overstepped in issuing the regulation, with Chief Justice John Roberts remarking at one point of the kits that his "understanding is that it’s not terribly difficult for someone to do this.”

In written comments about the case, Robert Leider, an associate professor of law at Antonin Scalia Law School at George Mason University, said the court "seems likely to uphold ATF’s 'ghost gun rule.'”

But Leider added that regardless of how the Supreme Court ultimately rules in the case, its decision "will not fully end the 'ghost gun' controversy."

"With the rise of 3D printing and other new manufacturing technologies, manufacturing is becoming cheaper and more accessible to those without specialized skills," he said. "We will likely see more devices within the reach of ordinary consumers that are capable of turning raw materials into finished firearms. Even if the government wins, these raw materials and manufacturing devices will likely remain beyond the scope of the Gun Control Act, unless Congress amends the law. We may also see, as we have already, actions by state legislatures to address privately manufactured firearms."

The U.S. bishops have called on congressional lawmakers to pass new legislation to curb gun violence, stating their support for a 1994 federal assault weapons ban similar to one Congress allowed to expire in 2004. They have also supported limitations on civilian access to high-capacity ammunition magazines. Other gun regulation measures the bishops support include universal background checks for all gun purchases.

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Death Penalty

On Oct. 9, the Supreme Court was scheduled to consider a bipartisan appeal to reverse the death penalty conviction of Richard Glossip, a case in which Oklahoma's Republican attorney general and Republican lawmakers have also intervened.

The U.S. Supreme Court May 5 temporarily blocked Oklahoma from executing the death-row inmate after Oklahoma Attorney General Gentner Drummond said Glossip did not receive a fair trial and should be granted a new one.

Glossip, a former motel manager, has been on death row for more than 25 years, following his conviction for a murder-for-hire plot of his boss, Barry Alan Van Treese,

at the Best Budget Inn in Oklahoma City in 1997.

But Glossip's lawyers have argued that his conviction should be thrown out based on issues associated with key testimony in the case by Justin Sneed, who carried out the murder. Sneed testified that Glossip had hired him to kill Van Treese, but subsequent investigations have raised concerns that prosecutors had withheld information about Sneed and that he may have given false testimony at the trial.

When the high court put the execution on hold in May so it could consider whether to take up the case, Justice Neil Gorsuch recused himself. While no official reason was given by the court, Gorsuch previously dealt with the case when he was an appeals court judge.

Transgender student policies

In the upcoming United States v. Skrmetti, the court will consider a challenge to a Tennessee state law banning certain types of medical or surgical gender reassignment procedures for minors who identify as transgender. The case marks the high court’s first major step toward weighing in on the controversial issue.

The case involves the Biden administration’s challenge to a law in Tennessee restricting gender transition treatments including puberty blockers for minors. Previously, a federal appeals court in Cincinnati allowed such laws in both Tennessee and Kentucky to take effect after they had been blocked by lower courts, but the Supreme Court did not take up a separate appeal concerning Kentucky’s law.

In guidance on health care policy and practices released in March 2023, the U.S. Conference of Catholic Bishops’ Committee on Doctrine opposed interventions that “involve the use of surgical or chemical techniques that aim to exchange the sex characteristics of a patient’s body for those of the opposite sex or for simulations thereof.”

“Any technological intervention that does not accord with the fundamental order of the human person as a unity of body and soul, including the sexual difference inscribed in the body, ultimately does not help but, rather, harms the human person,” the document states.

Age verification law

Fifteen states have enacted age verification requirements — and four more states will in 2025 — for websites with sexually explicit material in an effort to prevent minors from accessing such content, according to data from the Free Speech Coalition, which opposes such laws. The court will consider a challenge to a Texas law requiring adults to submit personal information, including an uploaded copy of their ID, in order to obtain access.

Critics of such laws argue that the age verification requirement presents free speech and privacy concerns, while supporters say they protect children from pornographic content.