The Supreme Court's winners and losers: Opinion
By Star-Ledger Guest Columnist

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By Frank Askin

It’s time to add up the score for this year’s Supreme Court term:
Winners: Corporations, fat cats, employers, the 1 percent, religious fanatics and free riders.

Losers: Women, racial minorities, employees, the 99 percent, atheists and humanists and unions.

Depending on whose side you are on, you can put yourself in the winner or loser column.
There can be little doubt that this was a very good year for big business and the wealthy.

Corporations were found to have religious rights; employers were able to further undermine the already anemic trade union movement; and fat cats and the 1 percent were given free rein to rule the electoral landscape. Religionists were able to further erode the historic wall between church and state at the expense of separationists.

Meanwhile, racial minority groups were again reminded that the civil rights movement is a thing of the past, and women employees were told that their health care had to be subsumed to their employers’ claim of a right to deny them contraceptive insurance if it offended the employer’s belief system.

The losers are free to argue among themselves who took the worst beating from the court’s five-member Republican majority. I think it’s a close call.

Women were punished not only by the health care decision (Hobby Lobby), but also by the abortion clinic ruling based in Massachusetts. While the latter was allegedly unanimous in the holding that the 35-foot buffer for protesters outside the clinic was too large, it was clear that there was a bitter divide between the five-man conservative side and the liberal bloc, which included the three female justices, as to how much protection would ultimately be allowed for clinic visitors.

There was no hint of unanimity in the Hobby Lobby ruling. In that case, the dissenters were obviously outraged by the five guys’ disinterest of the rights of women to proper health care.

The fat cats and the 1 percent again got what they wanted in the McCutcheon case, striking down the already liberal limits on aggregate financial limits in election campaigns, again by a 5-4 decision. Under the new rules, individuals and corporations can spend up to $3 million a year to influence federal elections, so long as they don’t overtly coordinate their expenditures with political candidates or parties.

For the 99 percent who have probably never in their lives given more than $100 to a political candidate, this ruling was just one more nail in the coffin of campaign regulation.
Racial minorities had their rights further curtailed in two decisions. The Shelby County case struck down Section 5 of the historic Voting Rights Act, which had allowed nonwhites to enter the voting mainstream in the South for the past half-century. That ruling was quickly followed by a rash of new voting restrictions by state legislatures all across the South. And in the Michigan affirmative-action case, the conservative majority said the University of Michigan was allowed to give preference in admissions to anyone it desired (athletes, children of alumni and donors) except racial minorities.

Trade unions took their lumps in a case that all but overruled a 30-year-old decision that said a state could allow unions to collect a percentage of dues from nonmembers who benefited from the collective bargaining (not political) activities of the union. This ruling gave new life to freeloaders who took advantage of the union’s work, but declined to help pay for it.

Unions also suffered a setback in a case that voided President Obama’s authority to make three recess appointments to the National Labor Relations Board during brief congressional adjournments. This was another allegedly unanimous decision that concealed a sharp divide over the extent of the ruling.

Religionists won a second major victory (after Hobby Lobby) in a case out of Greece, N.Y. In another split decision, the conservative majority allowed a sectarian prayer before town hall meetings. In dissent, Justice Elena Kagan wrote: “When citizens of this country approach their government, they do so only as Americans, not as members of one faith or another.”

On the bright side, the court unanimously upheld the right of privacy in a case disallowing police to search the contents of a smart phone seized from an arrestee without warrant. I guess even conservative Republican justices carry cell phones.

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