

Congressional Court Watcher: Recent Appellate Decisions of Interest to Lawmakers (Mar. 21–Mar. 27, 2022), Part 1

March 29, 2022

The federal courts issue hundreds of decisions every week in cases involving diverse legal disputes. This Sidebar series selects decisions from the past week that may be of particular interest to federal lawmakers, focusing on orders and decisions of the [Supreme Court](#) and precedential decisions of the courts of appeals for the [thirteen federal circuits](#). Selected cases typically involve the interpretation or validity of federal statutes and regulations, or constitutional issues relevant to Congress’s lawmaking and oversight functions.

Some of the cases identified in this Sidebar, or the legal questions they address, are examined in other CRS general distribution products. Members of Congress and congressional staff may [click here](#) to subscribe to the *CRS Legal Update* and receive regular notifications of new products and upcoming seminars by CRS attorneys.

(This week’s *Congressional Court Watcher* is divided into two parts because of the number of notable decisions issued over the past week. This Sidebar [Part 1] discusses Supreme Court activity during the week of March 21 to 27, 2022, while a companion Sidebar, Part 2, addresses decisions of the U.S. courts of appeals from that period.)

Decisions of the Supreme Court

Last week, the Supreme Court issued decisions on the merits in three cases for which it heard oral arguments:

- **Election Law:** The Supreme Court held that in selecting a re-drawn voting map creating seven majority-black districts, the Wisconsin Supreme Court committed legal error regarding the relationship between the constitutional guarantee of equal protection and the Voting Rights Act (VRA) and thus reversed and remanded. Among other criticisms, the Court found insufficient the Wisconsin Supreme Court’s finding of necessity under the VRA and its undertaking of a full strict-scrutiny analysis ([Wisconsin Legislature v. Wisconsin Elections Commission](#)).

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- **Religion:** The Supreme Court ruled 8-1 that a Texas death row inmate was likely to prevail on his argument that the denial of his request to have his pastor audibly pray with him and lay hands on him during his execution would violate the Religious Land Use and Institutionalized Persons Act. The Court remanded to the district court with instructions to enter appropriate preliminary relief if Texas attempted to proceed without granting the inmate's request (*Ramirez v. Collier*).
- **Speech:** The Court unanimously ruled that a public community college board of trustees member, who had publicly criticized other board members and filed several lawsuits against board actions, did not have an actionable First Amendment retaliation claim arising from his purely verbal censure by the board (*Houston Community College System v. Wilson*).

The Court also took action on an emergency application:

- **Religion:** Over the opposition of three Justices, the Court granted the government's request for a partial stay pending appeal of a district court's preliminary injunction blocking the U.S. Navy from enforcing Coronavirus Disease 2019 (COVID-19) vaccination requirements against several special warfare personnel. The Navy denied the plaintiffs' requests for religious-based exemptions from these requirements, and plaintiffs alleged the Navy's COVID-19 vaccine policy on its face, and as applied specifically to the plaintiffs, violated the First Amendment's Free Exercise Clause and the Religious Freedom and Restoration Act. The Court's stay remains in effect pending disposition of the Fifth Circuit's review of the district court injunction and disposition of a subsequent, timely petition for a writ of certiorari. The lower court proceedings are discussed in a [prior edition](#) of the *Congressional Court Watcher* (*Austin v. U.S. Navy SEALS 1-26*).

Finally, the Court granted preliminary relief in a pending case over which it exercises [original jurisdiction](#):

- **Interstate Compacts:** The Court enjoined New Jersey from terminating the Waterfront Commission of New York Harbor or unilaterally withdrawing from the interstate compact with New York that created the Commission, pending further proceedings (*New York v. New Jersey*).

Author Information

Michael John Garcia
Deputy Assistant Director/ALD

Sanchitha Jayaram
Assistant Director/ALD

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