

Reason.com

Warrantless GPS Tracking, Union Dues, and Fleeting Expletives: The Supreme Court Suits Up for Another Term

Damon W. Root | October 3, 2011

The Supreme Court kicks off what promises to be a very interesting new term today. The biggest story at 1 First Street is of course [last week's petition](#) by the Department of Justice asking the Court to overturn the 11th Circuit's ruling against ObamaCare's individual mandate. But that's not the only case worth watching in the coming months. Here's a quick look at some of the most significant cases on the Court's docket:

- *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*. Does the “ministerial exception” to federal anti-discrimination law shield a parochial school from a workplace disability lawsuit filed by a discharged teacher?
- *Federal Communications Commission v. Fox*. Is the FCC's policy against “[fleeting expletives](#)”—such as Bono's unscripted use of the word *fucking* during a live awards show speech—so vague as to create a chilling effect on free speech?
- *Knox v. Service Employees International Union, Local 1000*. Do non-unionized state workers have a First Amendment right to decline to pay union dues or agency fees that will fund political or ideological activities by the union?
- *United States v. Jones*. The police installed a GPS tracking device on a suspect's car without a warrant. Does this violate the Fourth Amendment?
- *Sackett v. Environmental Protection Agency*. The EPA [told](#) Mike and Chantell Sackett to stop construction on their property or face over \$30,000 in fines per day under the Clean Water Act. Do the Sacketts have a Due Process right to challenge this EPA finding in federal court or must they instead wait for the EPA to first seek judicial enforcement before they can make their case?
- *Mayo Collaborative Services v. Prometheus Laboratories, Inc.* Can you patent the process of observing the correlations between blood tests and patient health? ([Go here](#) to read the friend of the court brief submitted in this case by Reason Foundation, the Cato Institute, and the Competitive Enterprise Institute.)
- *Perry v. New Hampshire*. Does the 14th Amendment's Due Process Clause require the courts to reject all [eyewitness testimony](#) made under suggestive or

otherwise problematic circumstances, or must the courts only reject eyewitness testimony where the police were the cause of the problematic circumstances?

And just in case that isn't enough for you, keep an eye out as the legal battles over both [gay marriage](#) and Arizona's notorious [anti-immigration law](#) work their way towards the Court.