



Wednesday round-up

By Amy Howe

March 26th, 2014

As might be expected, yesterday's oral arguments in *Sebelius v. Hobby Lobby Stores* and *Conestoga Wood Specialties v. Sebelius*, the challenge to the Affordable Care Act's contraception mandate, garnered extensive coverage. Lyle Denniston reported on the oral arguments for this blog, while I did the same in Plain English and Kali Borkoski compiled post-argument reactions and commentary outside the Court. Other coverage comes from Nina Totenberg of NPR, Richard Wolf of USA Today, and Jess Bravin of The Wall Street Journal. Writing for Talking Points Memo, Sahil Kapur has three posts on the oral argument: the first focuses on the role of the female Justices; the second looks at the conservative Justices' apparent willingness to strike down the mandate; and the third examines the extent to which Justice Elena Kagan "cleverly echoed Justice Antonin Scalia's past warning that religious-based exceptions to neutral laws could lead to 'anarchy.'" Ruthann Robson focuses on the questions and comments by Justice Anthony Kennedy in a post at Constitutional Law Prof Blog, while Noah Feldman previewed the case and the issues before the Justices for Bloomberg View.

The oral argument also prompted commentary supporting both sides of the cases. At the Pacific Legal Foundation's Liberty Blog, Anastasia Boden weighs in in support of the challengers to the mandate, as do Roger Pilon and Ilya Shapiro at Cato at Liberty. At his eponymous blog, Ed Mannino finds "much to recommend in the approach suggested by Chief Justice Roberts," contending that "[l]imiting any decision to the rights of closely-held corporations would avoid the parade of horrors raised by several of the justices." Commentary on the other side comes from Alex Luchenitser at ACSblog.

In light of the long lines outside the Court and the high interest in the proceedings, attention returns once again to the issue of cameras in the courtroom. Richard Wolf of USA Today summarizes the state of play, noting that, "[w]ithin the three branches of the federal government, nowhere is the discussion as scintillating as at Supreme Court arguments," while at The Economist's Democracy in America blog Steven Mazie criticizes the absence of cameras, arguing that "the American justices' desire to keep a lid on things seems anachronistic."

Briefly:

- With this month marking the fiftieth anniversary of the Court's decision in the seminal First Amendment case *New York Times v. Sullivan*, Cass Sunstein urges readers to "pay close attention to the dark side" of the case.
- At the Ogletree Deakins blog, Hera Arsen covers yesterday's opinion in *United States v. Quality Stores*, in which the Court held that severance payments to workers who are laid off are subject to taxes under the Federal Insurance Contributions Act.
- The Yale Law Journal recently hosted a symposium to mark Justice Sonia Sotomayor's first five years on the Court. A transcript of the Justice's interview with Linda Greenhouse and a series of essays on her jurisprudence are available on the journal's website.