

While you're reading the fall issue, I'm actually writing this editorial in June, and it's been H-O-T here in Nashville, elsewhere throughout the country, and the world. According to the National Oceanic and Atmospheric Administration, the average global land and ocean surface temperature from January to May was 1.53 degrees F (0.85 of a degree C) above the twentieth century average of 55.5 degrees F (13.1 degrees C), ranking as the sixth-warmest January–May period in the global climate record.<sup>1</sup> Stay hydrated, folks!

Much has happened since the last publication: More innocent lives have been lost to gun violence in places like Buffalo, New York, Uvalde, Texas, and Highland Park, Illinois, just to name a mere few; the Supreme Court of the United States struck down a concealed-carry law in New York; and in a historic decision, overturned *Roe v. Wade* (1973) and a subsequent verdict, *Planned Parenthood of Southern Pa. v. Casey* (1992), which found the Constitution protected the right to seek previability abortion, effectively ending 50 years of federal abortion rights.<sup>2</sup>

While I believe this was a bad decision and fear for the women who will suffer or die without access to necessary medical care, there is precedence for the Supreme Court to overturn controversial laws. At the time of this writing, the Library of Congress has estimated 232 instances since 1810 where the court overruled its own precedents, so let's look at few of them.<sup>3</sup>

1. *West Coast Hotel Company v. Parrish* (1937). In a 5-4 decision, the Hughes court invalidated *Adkins v. Children's Hosp. of D.C.* from the preceding year, stating the establishment of minimum wages for women was constitutional.<sup>4</sup>
2. *Brown v. Board of Education of Topeka* (1954). The Warren Court unanimously decided a "separate but equal" policy of educational facilities for people of color, consistent with *Plessy v. Ferguson* (1896), violated the 14th Amendment's Equal Protection Clause.<sup>4</sup>
3. *Mapp v. Ohio* (1961) overruled *Wolf v. Colorado* (1949). The Warren court said in a 6-3 decision that evidence gathered by law enforcement through searches and seizures, which violated the Fourth Amendment, could not be presented in a state court.<sup>5</sup>
4. *Miranda v. Arizona* (1966). In a 5-4 opinion, the Warren court determined police violated Ernesto Miranda's rights by not informing him he could remain silent and request for an attorney during questionings. The ruling nullifies two 1958 rulings: *Crooker v. California* and *Cicenia v. Lagay*.<sup>6</sup>

5. *Atkins v. Virginia* (2002). The Rehnquist Court held that executions of intellectually challenged criminals were "cruel and unusual punishments" barred by the Eighth Amendment. The decision overturned *Penry v. Lynaugh* (1989).<sup>7</sup>
6. *Lawrence v. Texas* (2003). In a 6-3 opinion, the Roberts Court cited the Due Process Clause and canceled a Texas law making it a crime for two persons of the same sex to engage in sexual contact. The decision overturns *Bowers v. Hardwick* (1986).<sup>8</sup>
7. *Obergefell v. Hodges* (2015). The Roberts Court, in a 5-4 ruling, determined the 14th Amendment's Due Process Clause guaranteed the right to marry as a fundamental liberty that applied to couples regardless of their sex. The decision countermanded *Baker v. Nelson* (1972).<sup>9</sup>

As worrisome as the recent rulings on concealed weapons and abortion are for many people, the Supreme Court has a clear history of revisiting decisions and overturning them when a stronger case is presented. The seven cases listed above have become key rulings in US legal history, shaping the law across the country. Bear in mind that the same could very well happen with gun laws, abortion and other controversial issues facing our society today.

**Jennifer Castle** (jcastle@tnstate.edu), Reference and Government Documents Librarian, Tennessee State University

## Notes

1. National Centers of Environmental Information, "Accessing the Global Climate in May 2022," NOAA.gov, June 14, <https://www.ncei.noaa.gov/news/global-climate-202205>.
2. *New York State Rifle & Pistol Association, Inc., et al. v. Bruen, Superintendent of New York State Police, et al.*, 597 U.S. (2022) (Supreme Court of the United States, 2022), [https://www.supremecourt.gov/opinions/21pdf/20-843\\_7j80.pdf](https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf); *Dobbs, State Health Officer of the Mississippi Department of Health, et al. v. Jackson Women's Health Organization et al.*, 597 U. S. (2022) (Supreme Court of the United States, 2022), [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf).

3. Constitution of the United States of America: Analysis and Interpretation, "Table of Supreme Court Decisions Overruled by Subsequent Decisions," Constitution.congress.gov, 2022, <https://constitution.congress.gov/resources/decisions-overruled/>.
4. *West Coast Hotel Company v. Parrish*, 300 U.S. 379. (Supreme Court of the United States, 1937), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep300/usrep300379/usrep300379.pdf>; *Adkins v. Children's Hospital*, 261 U.S. 525 (Supreme Court of the United States, 1923), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep261/usrep261525/usrep261525.pdf>.
5. *Mapp v. Ohio*, 367 U.S. 643 (Supreme Court of the United States, 1961), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep367/usrep367643/usrep367643.pdf>; *Wolf v. Colorado*, 338 U.S. 25 (Supreme Court of the United States, 1949), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep338/usrep338025/usrep338025.pdf>.
6. *Miranda v. Arizona*, 384 U.S. 436 (Supreme Court of the United States, 1966), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep384/usrep384436/usrep384436.pdf>; *1958 Crooker v. California*, 357 U.S. 433 (Supreme Court of the United States, 1958), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep357/usrep357433/usrep357433.pdf>; *Cicenia v. LaGay*, 357 U.S. 504 (Supreme Court of the United States, 1958), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep357/usrep357504/usrep357504.pdf>.
7. *Atkins v. Virginia*, 536 U.S. 304 (Supreme Court of the United States, 2002), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep536/usrep536304/usrep536304.pdf>; *Penry v. Lynaugh*, 492 U.S. 302 (Supreme Court of the United States, 1988), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep492/usrep492302/usrep492302.pdf>.
8. *Lawrence v. Texas*, 539 U.S. 558 (Supreme Court of the United States, 2003), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep539/usrep539558/usrep539558.pdf>; *Bowers v. Hardwick*, 478 U.S. 186 (Supreme Court of the United States, 1986), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep478/usrep478186/usrep478186.pdf>.
9. *Obergefell v. Hodges*, 576 U.S. 644 (Supreme Court of the United States, 2015), [https://www.supremecourt.gov/opinions/14pdf/14-556\\_3204.pdf](https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf); *Baker v. Nelson*, 409 U.S. 810 (Supreme Court of the United States, 1972), [https://cite.case.law/pdf/6183010/Baker%20v.%20Nelson,%20409%20U.S.%20810%20\(1972\).pdf](https://cite.case.law/pdf/6183010/Baker%20v.%20Nelson,%20409%20U.S.%20810%20(1972).pdf).