

2014

# A Practical Companion to the Constitution: The Cumulative Supplement 2nd Series 2008-2014

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*A*  
PRACTICAL  
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to the  
*Constitution*

by *Jethro K. Lieberman*



The  
*Cumulative  
Supplement*  
*second series*

2008–2014

KF  
4548  
L54  
1999  
C.4

THE CUMULATIVE SUPPLEMENT

2nd series / 2008 – 2014

*The*  
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*to*

A PRACTICAL COMPANION  
TO THE CONSTITUTION

HOW THE SUPREME COURT  
HAS RULED ON ISSUES FROM  
ABORTION TO ZONING

*Jethro K. Lieberman*

NEW YORK

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# Contents

About this Book	vii
Additions to the Main Volume	i
Topics, 2008–2014	3
Table of Cases, 2008–2014	157
Index of Names and Topics	169
Index of Previous Cases	177

## About this Book

First published in 1992, *The Evolving Constitution* (Random House), the predecessor volume to *A Practical Companion to the Constitution*, covered the constitutional cases in the United States Supreme Court through the 1991–1992 term. The original hardcover edition was supplemented in three volumes through the 1995–1996 term.

Cases from the three supplements and the Court's later terms were incorporated in *A Practical Companion to the Constitution: How the Supreme Court Has Ruled on Issues from Abortion to Zoning* (University of California Press, 1999), which is current through the 1997–1998 term.

Ten non-cumulative annual supplements, beginning with the Fall 1998 term, through June 2008, were published by Dialogue Press, and these were accumulated, rearranged, and edited for continuity (with minor errors corrected) in a single volume, *The Decennial Supplement*, in January, 2009. *The Decennial Supplement* covers in more than 200 topical essays the 390 constitutional cases decided by the Supreme Court after the publication of the revised main volume, from October 1998 through June 2008.

This is the sixth supplement of the second series, covering the 212 constitutional and quasi-constitutional cases of the Court's 2008–2009, 2009–2010, 2010–2011, 2011–2012, 2012–2013, and 2013–2014 terms, and noting the retirement of Associate Justices David H. Souter and John Paul Stevens and the appointments of Associate Justices Sonia Sotomayor and Elena Kagan.

Thanks to Kathi Georges for help with design and production and to Jo Shifrin for material assistance on the Table of Cases and Index.

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Jethro K. Lieberman  
September 1, 2014

THE CUMULATIVE SUPPLEMENT

2nd series / 2008 – 2014

*Jethro K. Lieberman*



## Additions to the Main Volume

Justice Sandra Day O'Connor's announced retirement on July 1, 2005, ended the most stable period of membership on the Court since the years 1811–1823. Two months later, on September 3, 2005, Chief Justice William H. Rehnquist died. On June 29, 2009, Justice David H. Souter retired. Exactly one year later, Justice John Paul Stevens, the third-longest serving justice, retired. Change the following entries to reflect their departures and replacements.

### **Time Chart of Justices of the Supreme Court** *p. 616 in the main volume*

Change the date line above the last entry to read as follows: 1994–2005

*Add the following tables of Justices of the Supreme Court after the last entry:*  
2005–06

#### **John G. Roberts Jr.**

John Paul Stevens  
Sandra Day O'Connor  
Antonin Scalia  
Anthony M. Kennedy  
David H. Souter  
Clarence Thomas  
Ruth Bader Ginsburg  
Stephen G. Breyer

2006–09

#### **John G. Roberts Jr.**

John Paul Stevens  
Antonin Scalia  
Anthony M. Kennedy  
David H. Souter  
Clarence Thomas  
Ruth Bader Ginsburg

Stephen G. Breyer  
*Samuel A. Alito Jr.*

2009–10

#### **John G. Roberts Jr.**

John Paul Stevens  
Antonin Scalia  
Anthony M. Kennedy  
Clarence Thomas  
Ruth Bader Ginsburg  
Stephen G. Breyer  
Samuel A. Alito Jr.  
*Sonia Sotomayor*

2010–

#### **John G. Roberts Jr.**

Antonin Scalia  
Anthony M. Kennedy  
Clarence Thomas  
Ruth Bader Ginsburg  
Stephen G. Breyer  
Samuel A. Alito Jr.  
Sonia Sotomayor  
*Elena Kagan*

### **Biographical Notes on the Justices**

*p. 617 in the main volume*

On October 31, 2005, President Bush nominated Samuel A. Alito Jr., a judge on the U.S. Court of Appeals for the Third Circuit, to replace retiring Justice Sandra Day O'Connor. The following biographical information should be inserted as the first entry in the alphabetical listing of justices.

**Alito, Samuel A. Jr.**      2006–  
Born April 1, 1950, Trenton, NJ

Princeton University; Yale Law School; Married, two children.

Lawyer. Republican. U.S. Attorney. Judge, U.S. Court of Appeals for the Third Circuit.

Nominated by President George W. Bush; confirmed 58–42, January 31, 2006.

*p. 624 in the main volume*

On May 10, 2010, President Obama nominated Elena Kagan to replace retiring Justice John Paul Stevens. The following biographical information should be inserted alphabetically, immediately before the listing for Justice Kennedy.

**Kagan, Elena**                      **2010–**

Born April 26, 1960, New York, NY

Princeton University; Oxford University; Harvard Law School. Unmarried.

Lawyer. Democrat. Professor, Dean, Harvard Law School. U.S. Solicitor General.

Nominated by President Obama; confirmed, 63–37, August 5, 2010.

*p. 627 in the main volume*

Sandra Day O'Connor's biographical listing should be changed to reflect her dates of service 1981–2006. At the end of the last line of her entry, delete the last period and add a semicolon followed by: "retired on January 31, 2006; replaced by Samuel A. Alito Jr."

*p. 628 in the main volume*

On September 3, 2005, Chief Justice William H. Rehnquist died after serving nearly 34 years. His listing should be changed to reflect his dates of service: 1971–2005. At the end of the first line after his name, delete the last period and add a semicolon followed by: "died September 3, 2005." At the end of the last line on his entry, delete the last period and add a semicolon followed by: "replaced by John G. Roberts Jr."

*p. 628 in the main volume*

President George W. Bush nominated Judge John G. Roberts Jr. to replace retiring Justice Sandra Day O'Connor. Two days after the death of Chief Justice Rehnquist, President Bush nominated Judge Roberts to be Chief Justice. The following biographical information should be in-

serted alphabetically, immediately following the listing for Chief Justice Rehnquist.

**Roberts, John G. Jr.**                      **2005–**      **CJ**

Born: January 27, 1955, Buffalo, NY

Harvard College; Harvard Law School. Married, two children.

Lawyer. Republican. Judge, U.S. Court of Appeals for the District of Columbia Circuit.

Nominated by President George W. Bush; confirmed, 78–22, September 29, 2005.

*p. 629 in the main volume*

Add the following biographical information for Justice David H. Souter, unaccountably omitted from the main volume.

**Souter, David H.**                      **1990–2009**

Born: September 17, 1939, Melrose, MA

Harvard College; Harvard Law School. Unmarried.

Lawyer. Republican. Associate Justice, New Hampshire Supreme Court.

Nominated by President George H. W. Bush; confirmed, 90–9, October 2, 1990; retired, June 29, 2009; replaced by Sonia Sotomayor.

*p. 629 in the main volume*

On May 26, 2009, President Obama nominated Judge Sonia Sotomayor to replace retiring Justice David H. Souter. The following biographical information should be inserted immediately before the place where Justice Souter's biographical information should be (see above).

**Sotomayor, Sonia**                      **2009–**

Born June 25, 1954, Bronx, NY

Princeton University; Yale Law School. Divorced, no children.

Lawyer. Democrat. Judge, U.S. Court of Appeals for the Second Circuit.

Nominated by President Obama; confirmed 68–31, August 6, 2009.

*p. 629 in the main volume*

At the end of the last line of the entry for Justice John Paul Stevens, delete the last period and add a semicolon followed by: "retired on June 29, 2010; replaced by Elena Kagan."