

THOMAS, J., concurring

SUPREME COURT OF THE UNITED STATES

Nos. 20–1199 and 21–707

STUDENTS FOR FAIR ADMISSIONS, INC.,
PETITIONER
20–1199
v.
PRESIDENT AND FELLOWS OF
HARVARD COLLEGE

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIRST CIRCUIT

STUDENTS FOR FAIR ADMISSIONS, INC.,
PETITIONER
21–707
v.
UNIVERSITY OF NORTH CAROLINA, ET AL.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE UNITED
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

[June 29, 2023]

JUSTICE THOMAS, concurring.

In the wake of the Civil War, the country focused its attention on restoring the Union and establishing the legal status of newly freed slaves. The Constitution was amended to abolish slavery and proclaim that all persons born in the United States are citizens, entitled to the privileges or immunities of citizenship and the equal protection of the laws. Amdts. 13, 14. Because of that second founding, “[o]ur Constitution is color-blind, and neither knows nor tolerates classes among citizens.” *Plessy v. Ferguson*, 163 U. S. 537, 559 (1896) (Harlan, J., dissenting).

This Court’s commitment to that equality principle has ebbed and flowed over time. After forsaking the principle for decades, offering a judicial *imprimatur* to segregation

Sexual Harassment Decisions Of The United States Supreme Court

**United States. Bureau of Labor
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The Oxford Guide to United States Supreme Court Decisions Kermit L. Hall, 1999 In *Democracy in America* De Tocqueville observed that there is hardly a political question in the United States which does not sooner or later turn into a judicial one Two hundred years of American history have certainly borne out the truth of this remark Whether a controversy is political economic or social whether it focuses on child labor slavery prayer in public schools war powers busing abortion business monopolies or capital punishment eventually the battle is taken to court And the ultimate venue for these vital struggles is the Supreme Court Indeed the Supreme Court is a prism through which the entire life of our nation is magnified and illuminated and through which we have defined ourselves as a people Now in *The Oxford Companion to the Supreme Court of the United States* readers have a rich source of information about one of the central institutions of American life Everything one would want to know about the Supreme Court is here in more than a thousand alphabetically arranged entries There are biographies of every justice who ever sat on the Supreme Court with pictures of each as well as entries on rejected nominees and prominent judges such as Learned Hand on presidents who had an important impact on or conflict with the Court including Thomas Jefferson Abraham Lincoln and Franklin Delano Roosevelt and on other influential figures from Alexander Hamilton to Cass Gilbert the architect of the Supreme Court Building More than four hundred entries examine every major case that the court has decided from *Marbury v Madison* which established the Court's power to declare federal laws unconstitutional and *Scott v Sandford* the Dred Scott Case to *Brown v Board of Education* and *Roe v Wade* In addition there are extended essays on the major issues that have confronted the Court from slavery to national security capital punishment to religion from affirmative action to the Vietnam War entries on judicial matters and legal terms ranging from judicial review and separation of powers to amicus brief and habeas corpus articles on all Amendments to the Constitution and an extensive four part history of the Court And as in all Oxford Companions the contributors combine scholarship with engaging insight giving us a sense of the personality and the inner workings of the Court They examine everything from the wanderings of the Supreme Court the first session was held on the second floor of the Royal Exchange Building in New York City and the Court at times has met in a Congressional committee room a tavern a rented house and finally in 1935 its own building to the Jackson Black Feud and the clouded resignation of Abe Fortas to the Supreme Court's press room and the paintings and sculptures adorning the Supreme Court building The decisions of the Supreme Court have touched and will continue to influence every corner of American society A comprehensive authoritative guide to the Supreme Court this volume is an essential reference source for everyone interested in the workings of this vital institution and in the multitude of issues it has confronted over the course of its history

Sexual Harassment Decisions of the United States Supreme Court Maureen Harrison, Steve Gilbert, 2006 **Sexual Harassment and the Law** Augustus B. Cochran, 2004 This is much more than a story of a single case It provides a panoramic overview of the role of work in women's lives a succinct

history of employment discrimination law and a penetrating analysis of the evolution of our views of sexual harassment in the workplace Karen O Connor author of *Women Politics and American Society* After Vinson nothing was the same Cochran does a masterful job of setting the case in its historical context and exploring its legal impact Judith A Baer author of *Our Lives before the Law Constructing a Feminist Jurisprudence* Cochran is an exceptional raconteur and his book is comprehensive thorough and wonderfully forward looking Nancy Levit author of *The Gender Line Men Women and the Law*

Reports of Cases Determined in the Supreme Court of the State of California California. Supreme Court, 2007

Monthly Labor Review United States. Bureau of Labor Statistics, 1997 Publishes in depth articles on labor subjects current labor statistics information about current labor contracts and book reviews

The Supreme Court Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution

Arbitrating Sexual Harassment Cases Vern E. Hauck, 1995

Employment Practices Decisions , 2006

Campus Hate Speech on Trial Timothy C. Shiell, 2009 Ban it the initial arguments for campus speech codes Wayne dick s plea the critics fight back See you in court the campus hate speech cases Hostile environment takes a front seat The attack on hostile environment And the verdict is The debate 1998 2008

American Reference Books Annual Bohdan S. Wynar, 2007 1970 issued in 2 vols v 1 General reference social sciences history economics business v 2 Fine arts humanities science and engineering

Current Law Index , 2005

The Struggle for Student Rights John W. Johnson, 1997 Benjamin F Shambaugh Award Honorable Mention The tension between free speech and social stability has been a central concern throughout American history In the 1960s that concern reached a fever pitch with the anti Vietnam War movement When anti war sentiment invaded American schools official resolve to retain order in the classroom vied with the rights of students to speak freely A key event in that face off was the Supreme Court decision in *Tinker v Des Moines* In 1965 five public school students in Des Moines including John Tinker a Methodist minister s son protested the Vietnam War by wearing black armbands in defiance of school policy Suspended on disciplinary grounds that were upheld in federal court the students took their case to the Supreme Court arguing that they had been denied their right of freedom of expression under the First Amendment Ruling in their favor the Court determined that armbands did not constitute a sufficient reason to abridge free speech a decision which helped provide a legal foundation for subsequent anti war protests John Johnson now offers a detailed account of *Tinker* that captures the personal struggle of the litigants and places this seminal constitutional controversy in the legal and historical context of the 1960s In this highly readable book he shows that the case is important for its divergent perspectives on the limits of free speech and explains how the majority and dissenting Court opinions mirrored contemporary attitudes toward the permissible limits of public protest As the most important student rights case ever to reach the Supreme Court *Tinker* raises important issues

regarding First Amendment freedoms and is a strong precedent for both the rights of public school students and legitimate civil disobedience The Struggle for Student Rights contains previously unpublished information and insights on this well known case and provides a fascinating legal window on a turbulent era With federal and state courts now considering the limits of speech and symbolic expressions in our schools it makes a significant contribution to understanding the principles that are at stake **The Times Index** ,1993 Indexes the Times Sunday times and magazine Times literary supplement Times educational supplement Times educational supplement Scotland and the Times higher education supplement

Individual Employment Rights Cases ,2008 **The Journal of Criminal Law & Criminology** ,1977 *Employment Practices Update* ,1996 *Chambers v. Tretco, Inc.*, 463 MICH 297 (2000) ,2000 114085 **The Presidency and the Law** David Gray Adler,Michael A. Genovese,2002 Political scandals have always demonstrated the capacity of our executive officials for self inflicted injuries and the Clinton administration was no exception Unilateral warmaking claims of executive privilege and immunity and last minute pardons all tested the limits of presidential power while the excesses of the Special Prosecutor cast doubts on available remedies For eight years Republicans and Democrats engaged in guerrilla warfare aimed at destroying the careers and lives of their adversaries while tests of presidential power were resolved by the courts resulting in a reshaping of the scope and power of the presidency itself This book examines the many controversial and important battles that led to the shrinking of the presidency under the law during the Clinton administration Located at the intersection of law and politics it helps readers understand the dramatic changes that took place in the relationship of presidential power to the law during the Clinton years and shows how one president s actions and congressional and legal reactions to them have altered presidential prerogatives in ways that his successors cannot ignore The Presidency and the Law offers an assessment of changes in constitutional and legal understanding of the American presidency exploring such topics as war power executive privilege pardon power impeachment executive immunity independent counsel and campaign finance In examining these collisions between president and the law its distinguished contributors bring the lessons of Watergate and Iran Contra into the Clinton era and contribute to a Madisonian view that presidents should not operate outside statutory and constitutional constraints While the essays offer several criticisms of that administration s exercise of power and its interpretation of constitutional provisions and law many of the authors have been supportive of Clinton and his policy pursuits and all seek to examine the potential impact of the Clinton administration without being predictive or legalistic They offer instead commentary analysis and criticism that examine the legality and constitutionality of President Clinton s actions within a broader political and historical context The presidency is constitutionally weaker and politically more vulnerable than the office Bill Clinton assumed in 1993 and it remains to be seen what impact these changes will have on the presidency in the 21st century This book points the way to assessing that impact and is essential reading for anyone concerned with the future of our democracy **The College Administrator and the Courts** ,1996 *Combating Sexual Harassment at Work*

International Labour Office, 1992 Sexual harassment is overwhelmingly a problem of women workers. It has nothing to do with normal interaction between the sexes; it denotes scorn of another person and is used to establish or prove power over others. Sexual harassment produces feelings of revulsion, violation, disgust, anger, and powerlessness. Good managers know that it is in the long term interest of the enterprise to ensure that their employees are treated with respect. While effective legal remedies are necessary, it is also important to ensure that the problem ceases or better still never starts. Thus preventive measures are especially important. This issue of the Conditions of Work Digest is essential reading for employers, personnel managers, trade unionists, and all those in governmental and non-governmental circles who are committed to justice and dignity at work.

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