



Written by [David Kelly](#) on October 2, 2023

SCOTUS Begins Session With Gun-rights and Free-speech Cases

The U.S. Supreme Court (SCOTUS) began its new term on Monday with a docket of cases that include gun rights, efforts to control content on social-media platforms, and limiting the power of federal regulatory agencies.

In [United States v. Rahimi](#), the Court will decide if current [federal law](#) that prohibits the possession of firearms by persons subject to domestic-violence restraining orders violates the Second Amendment.

The Epoch Times [reported](#):

The case involves a Texas man, Zackey Rahimi, charged with illegal gun possession while subject to a domestic violence restraining order after assaulting his girlfriend. Rahimi challenged the law after being charged under it in 2021.

The New Orleans-based 5th U.S. Circuit Court of Appeals in February declared that the 1994 law was unconstitutional in a ruling that applied to Texas, Louisiana, and Mississippi. The 5th Circuit initially had upheld the law but withdrew its opinion following the Supreme Court's landmark Second Amendment ruling last year.



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Rahimi's [brief](#) filed with the Court last week argues "that all Americans have a fundamental right to keep arms in their homes for purposes of self-defense," adding that the current federal law questioned in this case "criminalizes and severely punishes constitutionally protected conduct." The court is scheduled to begin hearing arguments regarding the case on November 7.

Two cases for which SCOTUS is set to hear arguments on October 31 focus on social media and how free-speech protections apply online. The first case, [Lindke v. Freed](#), will decide "whether a public official's social media activity can constitute state action only if the official used the account to perform a governmental duty or under the authority of his or her office."

The second case, [O'Connor-Ratcliff v. Garnier](#), asks "whether a public official engages in state action



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subject to the First Amendment by blocking an individual from the official's personal social media account, when the official uses the account to feature their job and communicate about job-related matters with the public, but does not do so pursuant to any governmental authority or duty."

UPI News [added](#):

There is also the question arising from Republican-led states Texas and Florida about [alleged free speech violations](#) and censorship of conservative views on social media platforms, including Facebook and X, formerly known as Twitter.

Florida [enacted a law](#) in 2021 that applies several requirements to social media companies for alerting users if their posts are modified or removed. A coalition of internet trade associations, with members including Google and Meta, have challenged the law.

Texas codified a similar law that restricts the content moderation activities of social media companies.

The Court will hear arguments on Tuesday in [Consumer Financial Protection Bureau v. Community Financial Services Association of America](#). Justices will decide "whether the court of appeals erred in holding that the statute providing funding to the Consumer Financial Protection Bureau, [12 U.S.C. § 5497](#), violates the appropriations clause in Article I, Section 9 of the Constitution, and in vacating a regulation promulgated at a time when the Bureau was receiving such funding."

Depending on how SCOTUS decides, "some analysts," according to the [Times](#), say it "could limit the power of other independent federal agencies such as the Federal Service," adding that "the court's 6-3 conservative majority has limited the regulatory power of federal agencies in a series of rulings in recent years."

The Supreme Court didn't waste time getting to work with the start of the new session. As the [Washington Times reported](#) on Monday, the justices "will not hear a challenge brought by a long-shot Republican presidential candidate seeking to disqualify former President Donald Trump from holding office over the Jan. 6, 2021, riot at the U.S. Capitol."

The [Washington Times](#) continued:

John Castro had asked the justices to determine if he has standing to challenge another candidate's ability to run for office. The case was [Castro v. Trump](#).

Mr. Castro lost in a lower court on the standing issue in his argument that the Constitution forbids Mr. [Trump](#) to hold office following the Capitol riot. He said in his petition to the justices that his campaign would be injured if Mr. [Trump](#) remains on the ballot.

Castro's case would have focused on Section 3 of the 14th Amendment, which "essentially says anyone who leads an insurrection or rebellion against the government is disqualified from holding public office."

Rulings in the SCOTUS cases to be heard this session will be announced no later than the end of June 2024.



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