

THE WALL STREET JOURNAL.

Critical
Thinking
Resource

Political Science

About The Wall Street Journal's Critical Thinking Resource

We developed this guide to help you maximize The Wall Street Journal as a resource for your classes. You'll be able to energize discussions and engage students with tangible examples of course concepts that your students can apply in the real world. In addition, with the help of faculty partners, we've curated a special collection of our most popular and thought-provoking articles about political science. For each of these readings, we provide a summary, correlation to course topics, classroom applications and questions suitable for launching discussions and conducting assessments.

Here are some of the many ways to incorporate WSJ into your courses:

- **COURSE READINGS:** Assign articles as required reading alongside your textbook sections. For best results, include assessment questions on quizzes and exams.
- **DISCUSSION LAUNCHERS:** Use articles to spur classroom and threaded discussions in online and hybrid courses on core concepts and current events.
- **EXTRA CREDIT:** Allow students to read optional articles and answer assessment questions for extra credit.
- **GROUP PROJECTS:** WSJ is a rich source of real-world topics for group research and presentation projects.
- **RESEARCH PAPERS AND CASE STUDIES:** WSJ features provide timely citations for research projects.

Subtopic: Supreme Court Decisions

TABLE OF CONTENTS

1. Biden Administration Urges Supreme Court to Deny Challenge to Harvard's Admission Policies
2. Supreme Court Hears Arguments on State Funds for Religious Schools
3. Judges Weigh More Biden Vaccine-Mandate Cases After Supreme Court Rulings

Biden Administration Urges Supreme Court to Deny Challenge to Harvard's Admission Policies

REPORTERS: Brent Kendall and Melissa Korn

REVIEWED BY: Ed Miller, University of Wisconsin-Stevens Point

DATE: December 8, 2021

TOPICS: Harvard, affirmative action, minority, diversity, Supreme Court, Biden, Trump, admission, college

LINK TO ARTICLE: [CLICK HERE](#)

SUMMARY:

In a reversal of the Trump administration's Supreme Court filing, the Biden administration's Solicitor General filed a legal brief with the Supreme Court siding with Harvard University in support of their affirmative action admission policy. Students for Fair Admissions, a conservative group, sued Harvard, beginning in 2014, claiming that the university violated federal civil rights law by establishing a quota system in its admission process that disadvantaged Asian-American undergraduate applicants. Harvard countered arguing that there was no discrimination against Asian-Americans and that race was among many factors used in its admission decisions. For education benefits, Harvard said that it is important to maintain a diverse student body. Both the U.S. District Court and the First U.S. Circuit Court of Appeals found Harvard's practice constitutional. The Supreme Court, which requested the Biden administration's position, is expected to rule early next year whether the court will accept the case. The conservative group's challenge is aimed at reversing earlier decisions accepting affirmative action in college admission decisions. A case out of North Carolina is aimed at the same goal.

CLASSROOM APPLICATION:

Brent Kendall and Melissa Korn's report on the Biden administration's reversal of the Trump administration's position in the challenge to Harvard University's use of a diversity criterion in its undergraduate admission's decisions can be the basis for reviewing precedent and for a discussion on affirmative action in college admission decisions and other venues. The root case is *University of California v. Bakke (1978)*, where the Supreme Court reviewed University of California-Davis's medical school admission policy wherein they reserved spaces for disadvantaged applicants. Allan Bakke, who is white and claimed discrimination in not being admitted, sued. The Supreme Court's majority ruled that the University of

California-Davis's medical school admission process was unconstitutional because by reserving places for the disadvantaged it essentially established a quota. However, a different array of justices ruled that affirmative action in admission decisions is constitutional. This issue was prominent in the University of Michigan cases, one dealing with undergraduate admission and the other law school admissions. In the undergraduate case (*Gratz v. Bollinger*, 2003), the court declared the admission process of adding points for being a minority unconstitutional, essentially emulating a quota system like in *Bakke*. In contrast, the court allowed the law school process, which considered race among the factors in their admission decisions, a process called holistic review. Another case (*Fisher v. Texas*, 2016), which went through several rounds, upheld affirmative action admissions, citing the importance of a diverse student body to education.

QUESTIONS:

1. Why did Harvard University say that affirmative action is important in admission decisions?
2. How did the Biden and Trump administrations differ in their position in the Harvard admissions decisions case?
3. What specific discrimination did the Students for Fair Admissions argue?
4. What were the conclusions of the lower federal courts on Harvard's affirmative action admission decisions? Given these decisions, do you believe the Supreme Court will accept the case for hearing?
5. What did challengers in the North Carolina admission decision case want to do with their case in light of the filing of a writ of certiorari in the Harvard case?
6. Did Harvard say that race used in the admission decision was a key factor or just one of several? Does this make a difference in the case?
7. What has the Supreme Court said in prior cases dealing with affirmative action college admission decisions?
8. Why is diversity considered important to a college education?

RELATED ARTICLES:

[University of North Carolina at Chapel Hill Wins in Admissions-Discrimination Suit](#)

Melissa Korn

Oct. 18, 2021

Supreme Court Hears Arguments on State Funds for Religious Schools

REPORTER: Jess Bravin

REVIEWED BY: Ed Miller, University of Wisconsin-Stevens Point

DATE: December 18, 2021

TOPICS: Supreme Court, schools, religion, First Amendment, Constitution, Maine

LINK TO ARTICLE: [CLICK HERE](#)

SUMMARY:

In a First Amendment case involving the establishment of religion clause, the U.S. Supreme Court is being asked to rule on whether Maine's law providing funds only to nonsectarian schools in rural areas, not having a public school, is constitutional. Lawyers representing the parents challenging this law argued that it discriminates against religion, noting that Maine allowed parental vouchers in their school choice program to be used at schools that teach subjects from a religious perspective. The attorney for Maine, however, cited the difference between the programs, one allowing parents to choose a religious based school while the other funding a sectarian school as the only one available in a rural area. In recent years, Supreme Court decisions have been more favorable about public support of religious based schools, allowing them to be included in choice programs and requiring them to receive funds for resurfacing playgrounds that were given to non-religious private schools. The Court did uphold Washington State's scholarship program that excluded post-secondary seminaries.

CLASSROOM APPLICATION:

Jess Bravin reports on a case out of Maine, argued before the U.S. Supreme Court, which challenged Maine's law excluding religious based schools from their program providing funding to private schools in rural communities that lack public schools. The class can examine this case and other school funding cases through the lens of the First Amendment's religion clause, which prohibits the government from establishing a religion or interfering with the free exercise of religion. It can be first noted that the amendment is directed at Congress, not the states. The applicability to states through the process known as "selective incorporation" can be discussed. Although most of the Bill of Rights now apply to the states, not all have been. Students can trace the Supreme Court's decisions on religion and schools, including prohibiting the reading of the bible in public schools and allowing students whose

religion prohibits saluting the flag and saying the Pledge of Allegiance to leave the room while this ritual is being done. In recent years, the Supreme Court has allowed religious schools to participate in publicly funded parental choice programs, which they do in Maine, and receive funding for non-religious expenditures such as the purchase of secular textbooks and resurfacing of playgrounds. Lastly, the class can discuss the constitutional issue of saying a pledge to the flag that since the 1950s has included “under God.” The Supreme Court avoided ruling on this subject by finding that the parent who brought the case did not have custodial rights for his daughter and thus lacked “standing” to bring the suit.

QUESTIONS:

1. Why do some argue that Maine’s program to exclude religious schools from their program supporting private schools in rural areas without public schools discriminates against religious schools? What First Amendment provision can they cite?
2. What argument did the attorney for Maine make before the Supreme Court justifying including religious schools in their public choice program but not in their rural school subsidization program?
3. Explain why Justice Alito asked a question about “critical race theory” in a case involving religious schools.
4. What has the Supreme Court ruled in cases allowing public funds to be used by parents for tuition for religious schools as part of a school voucher program?
5. What did the Supreme Court say about a state excluding post-secondary ministerial and devotional schools from their scholarship program? Based on the Constitution, could you argue that the reverse should have been the decision? Why?
6. Did the conservative justices on the Supreme Court appear to support Maine’s policy of excluding religious schools from their program providing support for private schools in rural areas without public schools? Why do you believe they seem to be taking this position?
7. Why did Maine decide to exclude religious schools in 1980 from their program to support private schools in rural areas without public schools while previously they had included sectarian schools?

RELATED ARTICLES:

[Supreme Court Strikes Down Montana Ban on State Aid to Church Schools](#)

Jess Bravin

June 20, 2020

[Supreme Court Says State Playground-Grant Program Can’t Exclude Religious Schools](#)

Jess Bravin

June 26, 2020

Judges Weigh More Biden Vaccine-Mandate Cases After Supreme Court Rulings

REPORTER: Jacob Gershman

REVIEWED BY: Ed Miller, University of Wisconsin-Stevens Point

DATE: February 6, 2022

TOPICS: Supreme Court, courts, vaccine, mandate, Covid, Covid-19, OSHA, CMS, Medicare, Medicaid, states

LINK TO ARTICLE: [CLICK HERE](#)

LINK TO VIDEO: [CLICK HERE](#)

SUMMARY:

Vaccine mandates, attempting to control the spread of Covid-19, are very controversial, raising questions of the government's power. In two conflicting rulings, the Supreme Court's majority declared that the Department of Health and Human Services does have the authority to require that all healthcare workers be vaccinated. In contrast, the same court denied the Occupational and Health Administration (OSHA) power to compel their higher-level employees to require that all their staff be vaccinated. The high court has yet to rule on other vaccine mandates, and lower courts remain divided over the federal government's power to require all federal government workers, all employees of firms with government contracts, Head Start teachers, and members of the National Guard to be vaccinated. Sean Marrott, an attorney with the Hogan, Lowell law firm, believes that the courts will ultimately allow federal vaccination mandates for entities tied to the federal regulatory system and reject the more general mandates aimed at getting the largest number of people vaccinated. Courts have more consistently approved of vaccine mandates by state and local governments.

CLASSROOM APPLICATION:

Jacob Gershman details the split court decisions over the federal Covid-19 vaccine mandates. The class can debate the legal rationale for the different decisions and whether they believe the differences are valid. For healthcare workers, for example, the basis for allowing the mandate is that the federal government has the power to regulate health facilities that accept Medicare and Medicaid funding. Given this, does the federal government also have the power to regulate qualifications of health providers, currently determined by states? For example, the scope of practice of nurse practitioners (NP) differs among the states. Similarly, the number of years

of training after medical school for doctors to be licensed also differs among the states. The Occupational Safety and Health Administration (OSHA) establishes workplaces standards to keep workers safe and minimize workplace accidents. Would you say that OSHA's power should extend to protecting workers from contracting and/or getting very sick from a virus that has affected millions in the U.S., especially in certain industries such as meat packing firms? Or is the argument that workers have the choice to protect themselves by being vaccinated? Looking at states and local governments, students can discuss their right to require vaccinations under the "police power" of the state to protect public health, a right traced to the Supreme Court decision in 1905 (*Jacobson v. Massachusetts*) that involved the smallpox vaccination. Lastly, the class can debate whether Covid vaccination should be added to vaccinations required to attend public school.

QUESTIONS:

1. Contrast the decisions of the Supreme Court in the vaccine cases involving healthcare workers and private employers.
2. How many states have enacted vaccine requirements for private employers in their state? How many have prohibited private employers from requiring vaccination of their employees?
3. A Massachusetts's judge temporarily suspended the enforcement of a vaccine mandate by Boston of its city employees. What was at issue in the judge's temporary ban?
4. Why did the Supreme Court majority rule against the Occupational Safety and Health Administration (OSHA) mandating that private employers require vaccination of their workers? What does OSHA do?
5. What Supreme Court ruling does the Biden administration cite in its effort to win court approval of his vaccine mandate on federal contractors? Do you see similarities between the two groups being required to be vaccinated? Why?
6. How have several cities attempted to expand the percent of people in their cities that have been vaccinated?

RELATED ARTICLES:

[Supreme Court Blocks Biden Vaccine Rules for Large Employers](#)

Brent Kendall and Jess Bravin

Jan. 14, 2022