

CHANTILLY MODEL UNITED NATIONS PRESENTS

SCOTUS

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Committee Mechanics:

The SCOTUS committee at CHMUN XXI offers a unique and novel experience for Model UN delegates, blending elements of traditional specialized agencies as well as non-traditional components. Delegates in this committee will be representing either sitting SCOTUS justices or well-known appellate attorneys. In the interest of fair competition, all SCOTUS justices will have equal authority (in other words, the role of chief justice will not be utilized in committee). Moderated caucuses in this committee will largely follow conventional structure. Unmoderated caucuses and resolution papers, however, will differ from standard procedure. Justices and lawyers will not be allowed to work together in blocs, and a maximum of two blocs will be permitted amongst justices and lawyers respectively. This is meant to reflect petitioner/respondent “sides” for each case, as well as to allow for majority/dissenting opinion among the justices. As opposed to traditional resolution papers, delegates representing lawyers will develop mock merit briefs for the side they are representing, while justices will create and deliver opinions in response to the arguments presented by the lawyers. Furthermore, only justices will vote on the outcome of the case being argued. Lastly, though both cases on the docket have been heard and decided upon in reality, for the purposes of this committee, delegates will act as though they are responsible for the outcomes of the cases.

Committee Background:

The Supreme Court of the United States is the highest judicial authority within the American legal system and serves as the final interpreter of the United States Constitution. Established under Article III of the Constitution, the Court consists of nine Justices, including one Chief Justice and eight Associate Justices. The Court’s primary responsibility is to ensure uniform interpretation and application of federal law, resolve disputes between states, and determine the constitutionality of legislative and executive actions.

Unlike lower federal courts, the Supreme Court largely exercises appellate jurisdiction, meaning it reviews decisions from lower courts rather than conducting original trials. The Court



selects most of its cases through the writ of certiorari, allowing it to control its docket and focus on disputes of significant constitutional or national importance.

The Supreme Court plays a crucial role in shaping American democracy, civil liberties, and public policy. Through judicial review, established in *Marbury v. Madison* (1803), the Court has the authority to strike down laws that violate the Constitution. Its decisions not only resolve individual disputes but also establish binding precedent under the doctrine of *stare decisis*, meaning that lower courts must follow the legal principles set forth by the Court.

Throughout its history, the Supreme Court has ruled on some of the most consequential issues in American society, including freedom of speech, racial segregation, reproductive rights, religious liberty, and executive power. The two cases before the Court in this committee—*Tinker v. Des Moines Independent Community School District* and *FDA v. Alliance for Hippocratic Medicine*—present profound constitutional questions involving freedom of speech, judicial authority, federal regulatory power, reproductive health, and the limits of standing. Delegates must weigh civil liberties against institutional authority while remaining faithful to constitutional structure and precedent.

Case 1: *Tinker v. Des Moines Independent Community School District* (1969)

Tinker v. Des Moines presents a fundamental constitutional conflict between student free speech rights and the authority of public schools to regulate conduct. The case tests the extent to which political expression is protected in public educational institutions.

In Des Moines, Iowa, a group of adults and students affiliated with local peace organizations organized a symbolic protest to coincide with the December 1965 holiday season. The demonstration was specifically designed as a silent protest calling for a truce and peaceful resolution to the conflict in Vietnam. Several students, including Mary Beth Tinker (age 13), John Tinker (age 15), and Christopher Eckhardt (age 16), agreed to participate by wearing black armbands to school as a sign of mourning for the dead and as an expression of opposition to the war.



Prior to the planned protest, school administrators became aware of the students' intentions through community discussion and local rumor. In response, the principals of the Des Moines public schools convened and adopted a formal policy prohibiting the wearing of armbands specifically. The policy stated that any student who wore an armband would be asked to remove it; refusal would result in suspension until the student returned without the armband. Importantly, the schools did not issue a general ban on political symbols or messages—only on the armbands connected to the planned Vietnam protest.

On December 16, 1965, the students wore their black armbands to school as planned. They did not engage in chanting, disruption, or verbal protest. Nevertheless, consistent with the pre-established policy, school officials suspended the students for refusing to remove the armbands. The suspensions lasted several days and ended only after the students returned to school without the armbands following the holiday break.

The students, through their parents, filed a lawsuit in the U.S. District Court, alleging that the school district's actions violated their First and Fourteenth Amendment rights. They argued that the armbands constituted pure symbolic speech and that the school had acted not to prevent disruption, but to suppress an unpopular viewpoint. The school district defended its position by asserting that the political climate surrounding the Vietnam War was highly emotional and that allowing armbands posed a reasonable threat of disruption, particularly given reports of hostility and tension among students.

The district court ruled in favor of the school district, finding that the administrators had acted within their authority to prevent potential disturbances. The students appealed to the Eighth Circuit Court of Appeals, which resulted in a split decision that effectively upheld the lower court ruling without a clear majority rationale. Following this procedural deadlock, the students petitioned for review by the Supreme Court of the United States.

The Supreme Court granted certiorari, recognizing that the case presented a fundamental constitutional question regarding the scope of student speech rights in public schools—a matter that remained unresolved at the national level. The case now comes before the Court amid heightened



national debate over youth activism, civil liberties, and the proper role of public education in a democratic society.

Question Before the Court:

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the students' freedom of speech protections guaranteed by the First Amendment?

Questions to Consider:

1. Does the First Amendment protect students to the same extent as adults?
2. Must school officials prove actual disruption, or is a reasonable forecast of disruption sufficient?
3. How should courts balance a school's educational mission against political expression?

Relevant Constitutional Provisions:

1. First Amendment:

“Congress shall make no law... abridging the freedom of speech...”

Although originally applicable only to Congress, this protection has been incorporated to apply to the states through the Fourteenth Amendment.

2. Fourteenth Amendment – Due Process Clause:

“No state shall... deprive any person of life, liberty, or property, without due process of law...”

Because public school districts are state actors, their policies must comply with constitutional requirements.

Precedent Cases:

1. West Virginia State Board of Education v. Barnette (1943): Established that students cannot be compelled to engage in patriotic speech.
2. Pierce v. Society of Sisters (1925): Recognized constitutional protections within educational settings.
3. Prince v. Massachusetts (1944): Acknowledged limits on children's rights when balanced against state interests.



Case 2: FDA v. Alliance for Hippocratic Medicine (2024)

FDA v. Alliance for Hippocratic Medicine emerges from the intersection of federal administrative authority, reproductive healthcare, and post-Dobbs abortion regulation. The case centers on the drug mifepristone, which is used in combination with misoprostol to terminate early pregnancies through medication abortion—a method that has become increasingly common in the United States over the past two decades.

In 2000, after a multi-year review process involving clinical trials and scientific evaluation, the Food and Drug Administration (FDA) approved mifepristone for use in pregnancies up to seven weeks. The approval was granted under the FDA's statutory authority to regulate pharmaceuticals based on safety and efficacy. Over time, as additional medical data became available, the FDA adjusted its regulatory framework governing distribution, including expanding the gestational limit, reducing in-person visit requirements, and allowing certified healthcare providers to prescribe the drug through telemedicine.

By the late 2010s and early 2020s, medication abortions accounted for a majority of abortion procedures in the United States. The legal and regulatory environment surrounding abortion changed dramatically following the Supreme Court's decision in 2022 to overturn *Roe v. Wade*, returning primary regulatory authority over abortion to the states. In response, numerous states enacted restrictive abortion laws, while access to medication abortion gained heightened political and legal significance.

In this new legal climate, the Alliance for Hippocratic Medicine, a coalition of medical professionals and organizations that oppose abortion on ethical and religious grounds, filed suit in federal district court in 2022. The plaintiffs argued that the FDA's original approval of mifepristone and its subsequent regulatory expansions violated federal administrative law, exceeded statutory authority, and endangered patient safety. They further claimed that the expanded availability of the drug increased the likelihood that their member physicians would be required to treat emergency complications arising from medication abortions, thereby imposing professional, emotional, and moral burdens upon them.



The plaintiffs sought a nationwide injunction suspending the FDA's approval of mifepristone. The federal district court granted preliminary relief, effectively halting approval of the drug across the country. This decision marked one of the most significant judicial interventions into federal drug regulation in modern American history and immediately generated nationwide legal uncertainty regarding the availability of medication abortion.

The FDA and the federal government appealed the ruling, arguing that: the plaintiffs lacked legal standing to sue, the challenge was untimely given that the original approval occurred over two decades earlier, and the court had improperly substituted judicial judgment for agency scientific expertise.

A complicated procedural battle ensued in the federal appellate courts, with conflicting orders regarding whether the drug could remain available during litigation. Some rulings upheld portions of the FDA's regulatory scheme, while others imposed restrictions. The resulting regulatory confusion affected pharmacies, hospitals, physicians, and patients nationwide.

Given the profound national consequences, the Supreme Court granted expedited review. The case now stands before the Court as a pivotal test of the constitutional limits of judicial standing, the scope of federal agency authority, and the judiciary's role in resolving disputes with vast medical, political, and economic ramifications.

Importantly, although the case involves abortion-related medication, its central constitutional questions extend far beyond reproductive rights and into the very structure of federal governance, administrative law, and separation of powers.

Question Before the Court:

Do the plaintiffs have legal standing to challenge the FDA's approval and regulation of mifepristone, and if so, did the FDA exceed its statutory authority in regulating the drug?

Questions to Consider:

1. What qualifies as sufficient injury for standing in federal court?
2. How far may courts go in reviewing scientific and technical determinations of federal agencies?



3. Would permitting this lawsuit invite widespread ideological challenges to regulatory agencies?
4. How does the Court maintain judicial neutrality in a deeply politicized policy area?

Relevant Constitutional Provisions:

1. Article III, Section 2: Limits the judicial power of the federal courts to actual “cases” and “controversies,” forming the foundation of the standing doctrine.

Precedent Cases:

Lujan v. Defenders of Wildlife (1992): Established the modern standing test.

Clapper v. Amnesty International (2013): Held that speculative future harm is insufficient for standing.

Chevron U.S.A., Inc. v. NRDC (1984): Created the framework for judicial deference to federal agencies.

Dobbs v. Jackson Women’s Health Organization (2022): Altered the constitutional landscape of abortion regulation.



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