

tract's total acreage violates the Fifth Amendment's Takings Clause by completely abrogating rights of intestacy and devise.

Hodel v. Irving, 481 U.S. 704 (1987).

Justices concurring: O'Connor, Brennan, Marshall, Blackmun, Powell, Scalia, Rehnquist, C.J.

Justices concurring specially: Stevens, White

135. Act of April 20, 1983, 97 Stat. 69 (Pub. L. No. 98–21 § 101(b)(1) (amending 26 U.S.C. § 3121(b)(5))

The 1983 extension of the Social Security tax to then-sitting judges violates the Compensation Clause of Article III, § 1. The Clause “does not prevent Congress from imposing a non-discriminatory tax laid generally upon judges and other citizens . . . , but it does prohibit taxation that singles out judges for specially unfavorable treatment.” The 1983 Social Security law gave 96% of federal employees “total freedom” of choice about whether to participate in the system, and structured the system in such a way that “virtually all” of the remaining 4% of employees—except the judges—could opt to retain existing coverage. By requiring then-sitting judges to join the Social Security System and pay Social Security taxes, the 1983 law discriminated against judges in violation of the Compensation Clause.

United States v. Hatter, 532 U.S. 557 (2001).

Justices concurring: Breyer, Kennedy, Souter, Ginsburg, Scalia, Thomas, Rehnquist, C.J.

136. Act of July 10, 1984 (Pub. L. 98–353, Title I, § 104(a), 98 Stat. 340; 28 U.S.C. § 157(b)(2)(C)

Because bankruptcy courts are Article I entities, Congress established a division between “core proceedings,” which could be heard and determined by bankruptcy courts, subject to lenient review, and other proceedings, which, though initially heard and decided by bankruptcy courts, could be reviewed *de novo* in the district court at the behest of any party, unless the parties had consented to bankruptcy-court jurisdiction in the same manner as core proceedings. Among these “core proceedings” were counterclaims by the estate against persons filing claims against the estate. The Court held that a counterclaim of tortious interference with a gift, although made during a bankruptcy proceeding, was a state common law claim that did not fall under any of the public rights exceptions allowing for exercise of Article III jurisdiction.

Stern v. Marshall, 564 U.S. ___, No. 10–179, slip op. (2011).

Justices concurring: Roberts, C. J., Scalia, Kennedy, Thomas, Alito

Justices dissenting: Breyer, Ginsburg, Sotomayor, Kagan