



Landmark Cases

Unit IV



Marbury v. Madison 1803

- Created the concept of “judicial review” which allows the Supreme Court to declare the actions or Acts of Congress as unconstitutional
- 9-0
- Federal separation of powers and checks established

Fletcher v. Peck 1810

- Supreme Court ruled a state law unconstitutional, the decision also helped create a growing precedent for the sanctity of legal contracts, and hinted that Native Americans did not hold title to their own lands [9-0]
- Georgia claimed possession of the Yazoo lands, a 35-million-acre region of the Indian Reserve west of its own territory. This land later became the states of Alabama and Mississippi
- Contract Clause of Constitution / Private Property

McCulloch v. Maryland

1819

- McCulloch, head of the Baltimore Branch of the Second Bank of the United States, refused to pay the tax. State of Maryland argued that "the Constitution is silent on the subject of banks." [9-0]
- Court invoked the Necessary and Proper Clause of the Constitution which allowed the Federal government to pass laws not expressly provided for in the Constitution's list of express powers provided those laws are in useful furtherance of the express powers of Congress under the Constitution.
- Federal government v. States' Rights

Johnson v. M'Intosh 1823

- U.S. Supreme Court that held that private citizens could not purchase lands from Native Americans.
- Doctrine of aboriginal title in the United States, and the related “discovery doctrine”
- Marshall traced the outlines of the the United States government inherited the British right of preemption over Indian lands. The legal result is that the only Indian conveyances of land which can create valid title are sales of land to the federal government.

Indian Removal Act of 1830

- The Removal Act paved the way for the reluctant—and often forcible—emigration of tens of thousands of American Indians to the West.
- Cherokee Nation v. Georgia (1831)
- Worcester v. Georgia (1832) – tribal sovereignty
- Jackson's response---let him enforce it

Dred Scott v. Sanford 1857

- Ruled Congress could not prohibit slavery in the United States territories and that enslaved African-Americans and their descendants were not U.S. Citizens. [7-2]
- Dred Scott traveled into a “free soil” state with his master. The issues for the Supreme Court were citizenship and property rights.
- Impact-
 - Struck down Missouri Compromise Act
 - “Free soil” unconstitutional
 - State’s Rights

Civil Rights Act of 1875

- Supreme Court strikes down as “unconstitutional”
- 14th Amendment prohibits States from equal protection
- No protection from private discrimination

Plessy v. Ferguson 1896

Established the “separate but equal” doctrine making public segregation of Blacks and Whites legal. [8-1]

- Impact-

- Legalized separation of everything
- Schools, public buildings, hotels, etc.
- Reaffirmed unconstitutional elements of Civil Rights Act of 1875 (private)

Lochner v. NY 1905

- Supreme Court case that held a "liberty of contract" was implicit in the due process clause of the 14th Am [5-4]
- NY law limited the number of hours that a baker could work each day to ten, and limited the number of hours that a baker could work each week to 60.
- Labor law attempting to regulate the terms of employment, and calling it an "unreasonable, unnecessary and arbitrary interference with the right and liberty of the individual to contract"
- Laissez-faire / Liberty of contract

Schenck v. United States

1919

- Held that free speech could be limited if there was a “clear and present danger” that illegal action might result from speech. [9-0]
- Conspiracy to violate 1917 Espionage Act by causing and attempting to cause insubordination and obstruction of recruitment and enlistment service.
- Impact-
 - Declaration of war suspends certain civil liberties

Adkins v. Childrens Hospital 1923

- Supreme Court opinion holding that federal minimum wage legislation for women was an unconstitutional infringement of liberty of contract, as protected by the due process clause of the Fifth Amendment.
- *Adkins* was overturned in *West Coast Hotel Co. v. Parrish* (1937)
- Liberty of contract / Laissez faire

New Deal Acts

- "First New Deal" (1933) and a "Second New Deal" (1934–36). Supreme Court declared some unconstitutional and others were repealed during World War II. [5-4]
- "First New Deal" (1933) dealt with groups; from banking and railroads to industry and farming
- Wagner Act to promote labor unions, the Works Progress Administration (WPA), the Social Security Act, and new programs to aid tenant farmers and migrant workers.
- Laissez faire / Liberty of contract/ Court packing

West Coast Hotel v. Parrish 1937

- Supreme Court upholds Washington minimum wage law [5-4]
- Court surrenders to New Deal
- Constitutional Revolution
- Government can regulate
- People legislate, not courts

Brown v. Board of Ed.

1954

- Established precedent that “separate but equal” doctrine of Plessy v. Ferguson (1896) was not equal. [9-0]
- NAACP case in Topeka, Kansas
- Impact-
 - Desegregation of all public schools and later public spaces
 - Civil Rights Movement
 - Bussing and Affirmative Action

Griffin v. Prince Edward County 1964

- Supreme Court ruled that the County School Board of Prince Edward County's decision to close all local, public schools and provide vouchers to attend private schools were declared constitutionally impermissible and violations under the Equal Protection Clause of the 14th Amendment. [9-0]
- Federal government to protect individuals from ANY government action

Baker v. Carr

1962

- Deciding that reapportionment issues present justiciable questions, thus enabling federal courts to intervene in and to decide reapportionment cases. The defendants unsuccessfully argued that reapportionment of legislative districts is a "political question", and hence not a question that may be resolved by federal courts. [6-2]
- Resident v. Carr (Secretary of State) Tennessee
- Impact
 - One person, one vote
 - Shaw v. Reno (1993)

Engel v. Vitale

1962

- Determined that it is unconstitutional for state officials to compose an official school prayer and require its recitation in public schools. [6-1]
- Opening the school day with such a prayer violates the Establishment Clause of the First Amendment to the United States Constitution (as applied to the states through the Fourteenth)
- "Congress shall make no law respecting an establishment of religion." The governments of twenty-two states signed on to an *amicus curiae* (friend of the court) brief.
- Wallace v. Jaffre (1985)

Gideon v. Wainwright

1963

- Declared that a person accused of a crime regardless of the offense had right to legal counsel during a trial. The Supreme Court previously in *Betts v. Brady* (1942) ruled that counsel only was for federal courts and capital punishment. [9-0]
- Clarence Gideon broke into a pool hall and stole some food and coins. Gideon was sent to prison.

Gideon (continued)

- Impact-
 - Sixth Amendment reaffirmed
 - Everyone is entitled to legal defense
 - Economic discrimination?
 - Escobedo v. Illinois (1964) would make it possible for legal defense from the questioning phase.
Discretionary...
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Miranda v. Arizona 1966

- Ruled that police must inform you of your Constitutional Rights at the time of arrest. [5-4]
- Impact-
 - “Miranda Law” --You have the
 - Supreme Court recently revised but very few police departments have changed their processing for fear of losing a conviction

Tinker v. Des Moines 1969

- Ruled three public school students were able to wear armbands to protest the Vietnam War as long as the protest did not “materially and substantially interfere with appropriate discipline and operation of school.”
[7-2]
- Impact-
 - Student speech (Public schools)
 - Dress codes

Swann v. Charlotte-Mecklenburgh 1970

- Reinforced the Brown v. Board decision to integrate students of color into neighboring schools. Public schools can and must according to Swann make strides to achieve racial balance of a school's population. [9-0]
- Impact-
 - Bussing of students
 - Integration of students (urban to suburban)
 - Northwest Suburban Integration

NY Times v. United States 1971

- Held that prior restraint or censorship was unconstitutional unless the government could prove serious and immediate harm to nation. [6-3]
- The Pentagon Papers
- The Government wanted to stop the Washington Post and NY Times from publishing contents of a classified study on Vietnam
- Impact-
 - First Amendment
 - Immediate harm to nation

Furman v. Georgia 1972

- Death penalty was found to be applied in a discriminatory manner against ethnic minorities and indigents and Court barred states from carrying out any further executions. [5-4]
- See Gregg v. Georgia 1976
- Impact-
 - Limitation of 8th Amendment

Roe v. Wade 1972

- Legalized the right of women to an abortion under certain circumstances. States were allowed to regulate in later trimesters. “Viability” is the determining factor. [5-4]
- Impact-
 - Pro-Life
 - Pro-Choice
 - Mother’s rights v. Child/Fetus’ rights
 - Planned Parenthood v. Casey (1992)

U.S. v. Richard M. Nixon

1974

- Established that the President's claim of Executive Privilege in cases of military or national security issues is acceptable but it cannot be used to conceal a crime. [8-0]
- The Watergate Tapes
- Impact-
 - Resignation of Nixon
 - Executive Immunity checked
 - Pardon by Ford
 - Abuse of Power defined...

Gregg v. Georgia 1976

- Court ruled that rewritten capital punishment were constitutional if and only if A) Juries/ Judges allowed to consider character and circumstances of crime and B) Death penalty cannot be made mandatory. [7-2]
- Impact-
 - States would reform their death penalty statutes and capital punishment returns to States

Wallace v. Jaffree 1985

- Court ruled that moments of silence in public schools are in and of themselves constitutional but may not be a “favored practice.” Courts must look at legislative/ district intent. [6-3]
- Impact-
 - Helped to define public and private speech
 - Court cases are currently in the courts

Thompson v. Oklahoma

1988

- Court ruled that applying the death penalty to a 15-year old was prohibited under the 8th Amendment. [5-3]
- William Thompson murdered his brother-in-law who had been abused his sister.
- Impact-
 - Juveniles under 16 would not be given capital punishment
 - Courts applied later to mental deficiency but age-based punishments are being tested

Texas v. Johnson 1989

- Texas law made desecration of U.S. or Texas flags crimes. Supreme Court ruled that this mode of “self-expressionism” was protected under the 1st Amendment. State cannot “force” patriotism. [5-4]
- Thompson burned the Flag in protest of Ronald Reagan’s policies at the RNC
- Impact-
 - Flag desecration amendment bills in State legislatures and Congress

Planned Parenthood v. Casey 1992

- Pennsylvania state regulations regarding abortion were challenged. Upheld the constitutional right to have an abortion but lowered the standard for analyzing restrictions [5-4]
- Informed Consent, Parental Notification, 24-hour wait, not Husband Notification
- Impact
 - Roe was affirmed but with conditions
 - Undo Burden
 - Due Process

Reno v. Shaw

1993

- Redistricting and racial gerrymandering. The court ruled that redistricting based on race must be held to a standard of strict scrutiny under the equal protection clause. [5-4]
- Legislatures must be conscious of race to the extent that they must ensure compliance with the Voting Rights Act.
- Impact
 - Courts and Judges typically decide redistricting

Bush v. Gore 2000

- Supreme Court of Florida ordered the Circuit Court of Leon County to tabulate by hand 9,000 votes. It also ordered the inclusion of 215 and 168 votes in nearby counties. Issue is the recount in select areas and equal treatment. Ruled to reverse and remand [5-4]
- Punch cards, hanging chads, etc.
- Impact-
 - Florida recount stopped
 - George W. Bush becomes 43rd president
 - Election reform?
 - 14th Amendment

Citizens United v. FEC 2010

- Overruling two previous cases
- First Amendment rights of corporations
- Government may not ban political spending by corporations in candidate elections [5-4]
- Impact-
 - Basic free speech
 - Donations are equal to speech
 - Hard money...

Salazar v. Buono 2010

- Former National Park Ranger (Frank Buono) thought 1934 cross erected for WWI Vets on Mojave National Park was a violation of First Amendment
- Kenneth Salazar, Dept of Interior
- Doesn't violate separation of church and state [5-4]
- Impact
 - Public support for religious symbols?



Landmark Cases

Unit IV

