

## Landmark Decisions of the Supreme Court

The table below lists key Supreme Court cases, issues, and decisions that have had a lasting impact on the course of the nation's history. Following the table, you will find a more detailed summary of each of these landmark Supreme Court cases.

The Case	The Issues	The Supreme Court's Decision
<i>Marbury v. Madison</i> (1803)	Judicial Review, Checks and Balances	First decision to assert judicial review: the power of the Court to interpret the constitutionality of a law
<i>McCulloch v. Maryland</i> (1819)	Federalism, States' Rights	Upheld the power of the national government and denied the right of a state to tax a federal agency.
<i>Gibbons v. Ogden</i> (1824)	Federalism, States' Rights, Interstate Commerce	Upheld broad congressional power to legislate and regulate commerce between states.
<i>Worcester v. Georgia</i> (1832)	Federalism, States' Rights; Native American Sovereignty	Ruled that Georgia had no power to pass laws affecting the Cherokees because federal jurisdiction over the Cherokees was exclusive.
<i>Dred Scott v. Sandford</i> (1857)	Slavery, 5th Amendment, Citizens' Rights	Ruled that slaves were property, not citizens and, therefore, Dred Scott was not entitled to use the courts.
<i>Munn v. Illinois</i> (1876)	5th Amendment, Public Interest; States' Rights	Upheld an Illinois law regulating railroad rates because the movement of grain was closely related to public interest.
<i>Civil Rights Cases</i> (1883)	14th Amendment Equal Protection Clause, Racial Discrimination	Stated that the 14th Amendment only applied to discriminatory action taken by states, not to discriminatory actions taken by individuals.
<i>Wabash, St. Louis &amp; Pacific R.R. v. Illinois</i> (1886)	Federalism, Interstate Commerce	Struck down an Illinois law regulating interstate railroad rates, ruling that it infringed on the federal government's exclusive control over interstate commerce.
<i>United States v. E.C. Knight Co.</i> (1895)	Sherman Antitrust Act, Federalism, States' Rights	The Sherman Antitrust Act does not apply to manufacturers located within a single state, because under the 10th Amendment, states have the right to regulate "local activities."
<i>In Re Debs</i> (1895)	Labor Strikes, Interstate Commerce	Ruled that the federal government had the authority to halt a railroad strike because it interfered with interstate commerce and delivery of the mail.
<i>Plessy v. Ferguson</i> (1896)	Segregation, 14th Amendment Equal Protection Clause	Permitted segregated public facilities, arguing that separate but equal accommodations did not violate the equal protection clause of the 14th Amendment.
<i>United States v. Wong Kim Ark</i> (1898)	Immigration, citizenship, 14th Amendment	Affirmed that under the 14th Amendment, all persons born in the United States are citizens of the United States.
<i>Northern Securities Co. v. United States</i> (1904)	Sherman Antitrust Act, Interstate Commerce	Sherman Antitrust Act could apply to any company that sought to eliminate competition in interstate commerce, including companies chartered within a single state.
<i>Lochner v. New York</i> (1905)	Labor conditions, property rights, 14th Amendment	Struck down a state law setting a 10-hour day for employees because the law interfered with an employee's right to contract with an employer and violated the protection of liberty guaranteed by the 14th Amendment.
<i>Muller v. Oregon</i> (1908)	Women's rights, Labor Conditions, 14th Amendment	In a departure from the <i>Lochner</i> case, the Court upheld a state law limiting women's work hours, viewing women as a special class needing special protections.
<i>Standard Oil of New Jersey v. United States</i> (1911)	Antitrust	Ruled that Standard Oil was an illegal monopoly and ordered that it be dissolved into smaller, competing companies.
<i>American Tobacco v. United States</i> (1911)	Antitrust	Ruled that American Tobacco was an illegal monopoly and ordered that it be dissolved into smaller, competing companies.
<i>Schenck v. United States</i> (1919)	1st Amendment freedom of speech, national security	The Court limited free speech in time of war, reasoning that freedom of speech can be limited if the words present a "clear and present danger" to the country.
<i>Abrams v. United States</i> (1919)	1st Amendment freedom of speech, national security	Upheld the convictions of persons who distributed antigovernment literature in violation of the Espionage Act. But Justices Holmes and Brandeis dissented, urging more stringent protection of the 1st Amendment.
<i>Gitlow v. New York</i> (1925)	1st Amendment freedoms of speech and press, 14th Amendment	Ruled that the freedoms of speech and press were "incorporated" and protected from impairment by the states by the due process clause of the 14th Amendment.
<i>Stromberg v. California</i> (1931)	1st Amendment freedom of speech, 14th Amendment	Overturned an anticommunist law that banned the public display of a red flag. This was the first time the Supreme Court struck down a state law under the 1st Amendment as applied to the states by the 14th Amendment.
<i>Near v. Minnesota</i> (1931)	1st Amendment freedom of speech, 14th Amendment	The Supreme Court struck down a Minnesota state law, ruling that it infringed upon freedom of the press, guaranteed by the due process clause of the 14th Amendment.



The Case	The Issues	The Supreme Court's Decision
<i>Schechter Poultry Corporation v. United States</i> (1935)	New Deal, separation of powers, interstate commerce	The Court held that Congress, not the President, has the power to regulate interstate commerce. The National Industrial Recovery Act was declared unconstitutional for exceeding the commerce power that the Constitution had given to Congress.
<i>West Coast Hotel v. Parrish</i> (1937)	Minimum wage laws, 5th Amendment	Ruled that the Constitution allowed the restriction of liberty of contract by state law where such restriction protected the community, health, safety, or vulnerable groups.
<i>West Virginia State Board of Education v. Barnette</i> (1943)	Pledge of Allegiance, 1st Amendment	The Court found that a state law requiring students to pledge allegiance to the flag violated freedom of speech and freedom of religion.
<i>Hirabayashi v. United States</i> (1943)	5th Amendment, civil liberties, national security	The Supreme Court upheld the legitimacy of travel restrictions imposed on Japanese Americans during World War II.
<i>Korematsu v. United States</i> (1944)	5th Amendment, civil liberties, national security	Ruled that the internment of Japanese Americans during World War II did not violate the Constitution.
<i>Everson v. Board of Education</i> (1947)	1st Amendment, establishment clause	The New Jersey law allowing reimbursement of money to parents whose children attended Catholic schools did not violate the 1st amendment. Some services "are separate from the religious function."
<i>Dennis v. United States</i> (1951)	1st Amendment, civil liberties, national security	The Court ruled that the Smith Act, which prohibited advocacy of the overthrow of the U.S. government by force and violence, did not violate the 1st Amendment.
<i>Brown v. Board of Education of Topeka</i> (1954)	School segregation, 14th Amendment	The Court found that segregation itself was a violation of the Equal Protection Clause, commenting that "in the field of public education the doctrine of 'separate but equal' has no place."
<i>Watkins v. United States</i> (1957)	Rights of the accused, 5th Amendment	The Bill of Rights is applicable to congressional investigations, as it is to all forms of governmental action.
<i>Yates v. United States</i> (1957)	1st Amendment freedom of speech, national security	Ruled that the Smith Act did not forbid persons from advocating forcible overthrow of the government; it only forbade actions to achieve that goal.
<i>Cooper v. Aaron</i> (1958)	School segregation, 14th Amendment	The Court ruled unanimously against the Little Rock School Board's efforts to not comply with the Brown decision.
<i>Mapp v. Ohio</i> (1961)	Search and seizure 4th and 14th amendments	Ruled that evidence obtained by searches and seizures in violation of the Constitution is inadmissible.
<i>Baker v. Carr</i> (1962)	Legislative reapportionment, 14th Amendment	Ruled that federal Courts could direct that election-district boundaries be redrawn to ensure citizens' political rights.
<i>Engel v. Vitale</i> (1962)	1st Amendment, establishment clause	Ruled that the recitation of a prayer in a public classroom was a violation of the establishment clause of the 1st Amendment.
<i>Gideon v. Wainwright</i> (1963)	Rights of the accused, 6th and 14th amendments	The Court said that all states must provide an attorney in all felony and capital cases for people who cannot afford one themselves.
<i>Reynolds v. Sims</i> (1964)	Legislative reapportionment, 14th Amendment	Extended the one-person, one-vote principle of <i>Wesberry v. Sanders</i> (1964) to states, ruling that state legislative districts should be roughly equal in population so that every voter has an equally weighted vote.
<i>Heart of Atlanta Motel v. United States</i> (1964)	Racial segregation, interstate commerce	Racial segregation of private facilities engaged in interstate commerce was found unconstitutional.
<i>Miranda v. Arizona</i> (1966)	Rights of the accused, 5th, 6th, and 14th amendments	Before questioning suspects held in custody, police must inform suspects that they have the right to remain silent, that anything they say may be used against them, and that they have the right to counsel.
<i>Swann v. Charlotte-Mecklenburg Board of Education</i> (1971)	School desegregation, busing	Ruled that busing students to various schools is an acceptable way to integrate segregated school systems. The Court said school districts had broad powers to find solutions to the problem of segregation.
<i>Tinker v. Des Moines</i> (1969)	Students' rights, 1st Amendment freedom of speech	Students in school may exercise freedom of speech as long as they do not disrupt classwork, create substantial disorder, or interfere with the rights of others.
<i>New York Times v. United States</i> (1971)	1st Amendment freedom of the press	The Court limited censorship through "prior restraint" of the press, noting that it is the obligation of the government to prove that actual harm to the nation's security would be caused by the publication.
<i>Roe v. Wade</i> (1973)	Abortion, 9th Amendment, "right to privacy"	Decided that states could regulate abortions only in certain circumstances but otherwise a woman's right to an abortion was protected by her right to privacy.
<i>United States v. Nixon</i> (1974)	Executive privilege, separation of powers	Executive privilege was subordinate to "the fundamental demands of due process of law in the fair administration of criminal justice." President Nixon had to surrender audiotapes to a special prosecutor.
<i>Regents of the University of CA v. Bakke</i> (1978)	Affirmative action, 14th Amendment	The Court held that a university could consider an applicant's race in making admissions decisions, but the use of strict racial quotas in affirmative action programs was not permissible.
<i>New Jersey v. T.L.O.</i> (1985)	Students' rights, 4th and 14th amendments	School officials, unlike the police, need only "reasonable suspicion" to search students when they believe illegal activity is occurring.
<i>Texas v. Johnson</i> (1989)	1st Amendment freedom of speech	Ruled that desecrating the flag as an act of protest is an act of expression protected by the 1st Amendment.
<i>Cruzan v. Director, Missouri Department of Health</i> (1990)	"Right to die," 9th Amendment	Individuals have the right to refuse medical treatment, but the State can preserve life unless



## Supreme Court Cases

The Case	The Issues	The Supreme Court's Decision
<i>Board of Education of Westside Community Schools v. Mergens</i> (1990)	1st Amendment, Establishment Clause	Allowing students to meet in noncurricular clubs on campus and discuss religion is constitutional because it does not amount to state sponsorship of a religion.
<i>Planned Parenthood of Southeastern Pennsylvania, et al. v. Casey</i> (1992)	Abortion, 14th Amendment, "right to privacy"	The Court upheld a woman's "liberty" to have an abortion but also allowed for restrictive state regulations as long as they did not create an "undue burden" or "substantial obstacle" for a woman.
<i>Vernonia School District v. Acton</i> (1995)	Students' rights, 4th Amendment search and seizure	The Court decided that drug testing of student athletes was constitutional; students' rights can be lessened at school if it is necessary to maintain student safety.
<i>Reno v. American Civil Liberties Union</i> (1997)	Internet, 1st Amendment, freedom of Speech	Ruled that the 1996 Federal Communications Decency Act violated the 1st Amendment's right to freedom of speech by not clearly defining which Internet materials were "indecent."
<i>Bush v. Gore</i> (2000)	Election rules, 14th Amendment	Following the controversial 2000 presidential election, the Supreme Court held that the Florida Supreme Court's plan for recounting ballots was unconstitutional.
<i>Mitchell v. Helms</i> (2000)	1st Amendment, Establishment Clause	Ruled that a federal law providing funds for educational materials to public and private schools, including Catholic parochial schools, does not violate the 1st Amendment's Establishment Clause.
<i>District of Columbia v. Heller</i> (2008)	2nd Amendment	The Court rules that a ban on handguns in the District of Columbia violated the 2nd Amendment right to bear arms.

### **Abrams v. United States (1919)**

(1st Amendment freedom of speech, national security) Jacob Abrams and others distributed leaflets attacking the U.S. decision to send troops to Russia, which was experiencing revolution and civil war. They were found guilty of violating the Espionage Act. The Supreme Court upheld the convictions citing Holmes's "clear and present danger" test. But Justices Holmes and Brandeis published a powerful dissenting opinion. Holmes argued that the "silly leaflet" of "poor and puny anonymities" posed no real danger to U.S. efforts, and thus failed to present a "clear and present danger." He urged his colleagues to enforce the 1st Amendment more stringently.

### **American Tobacco v. U.S. (1911)**

(antitrust) Federal regulators filed an antitrust suit against American Tobacco, controlled by James Buchanan "Buck" Duke. The company controlled more than 90 percent of the world tobacco market. In 1911, the Supreme Court declared the company was a monopoly in violation of the Sherman Antitrust Act and ordered it to be split into five smaller competing companies.

### **Baker v. Carr (1962)**

(legislative reapportionment, 14th Amendment) Rapid population growth had occurred in Tennessee's cities, but the rural-dominated Tennessee legislature did not redraw state legislature districts. Cities with larger populations were underrepresented, while rural communities with smaller populations held the majority of representation. Mayor Baker of Nashville asked for federal court help. The Supreme Court ruled that the apportionment of state legislative districts is within the jurisdiction of federal courts. The Court directed a trial to be held in a Tennessee federal court. The case led to the 1964 *Wesberry* decision, which affirmed yet

14th Amendment and established the principle of "one man, one vote" for the apportionment of congressional districts.

### **Board of Education of Westside Community Schools v. Mergens (1990)**

(1st Amendment, establishment clause) A request by Bridget Mergens to form a student Christian religious group at school was denied by an Omaha high school principal. Mergens took legal action, claiming that a 1984 federal law required "equal access" for student religious groups. The Court ordered the school to permit the club, stating that "a high school does not have to permit any extracurricular activities, but when it does, the school is bound by the . . . [Equal Access] Act of 1984. Allowing students to meet on campus and discuss religion is constitutional because it does not amount to 'State sponsorship of a religion.'"

### **Brown v. Board of Education of Topeka (1954)**

(school segregation, 14th Amendment) Probably no twentieth-century Supreme Court decision so deeply stirred and changed life in the United States as *Brown*. An eight-year-old girl from Topeka, Kansas, was not permitted to attend her neighborhood school because she was an African American. The Court found that segregation was a violation of the Equal Protection Clause, commenting that "in the field of public education the doctrine of 'separate but equal' has no place. . . . Segregation is a denial of the equal protection of the laws." The decision overturned *Plessy*, 1896.

### **Bush v. Gore (2000)**

(election rules, 14th Amendment) Following the controversial 2000 presidential election, the Florida Supreme Court ordered that every county in Florida



filed a request for review in the U.S. Supreme Court. The Supreme Court held that the Florida court's plan for recounting ballots was unconstitutional, noting that the Equal Protection Clause guarantees individuals that their ballots cannot be devalued by "later arbitrary and disparate treatment." The Court reasoned that there were too many procedural differences among the various counties for a fair recount to be conducted by the deadline date set by law.

### **Civil Rights Cases (1883)**

(14th Amendment Equal Protection Clause, racial discrimination) The Civil Rights Act of 1875 included punishments for businesses that practiced discrimination. The Court ruled on a number of cases involving the acts in 1883, finding that the Constitution, "while prohibiting discrimination by governments, made no provisions . . . for acts of racial discrimination by private individuals." The decision limited the impact of the Equal Protection Clause, giving tacit approval for segregation in the private sector.

### **Cooper v. Aaron (1958)**

(school segregation, 14th Amendment) President Eisenhower sent troops to Little Rock, Arkansas, to protect black students and enforce court-ordered school integration. But the local school board and state government continued to use delaying tactics. Arkansas officials even claimed that a state governor had the same power as the Supreme Court to interpret the Constitution. African American students appealed to the Supreme Court. The Court reaffirmed the *Brown* ruling that segregation was unconstitutional and boldly affirmed the Supreme Court's authority as the ultimate interpreter of the Constitution.

### **Cruzan v. Director, Missouri Department of Health (1990)**

("right to die," 9th Amendment, 14th Amendment) After Nancy Beth Cruzan was left in a "persistent vegetative state" by a car accident, Missouri officials refused to comply with her parents' request that the hospital terminate life-support. The Court upheld the State policy under which officials refused to withdraw treatment, rejecting the argument that the Due Process Clause of the 14th Amendment gave the parents the right to refuse treatment on their daughter's behalf. Although individuals have the right to refuse medical treatment, "incompetent" persons are not able to exercise this right; without "clear and convincing" evidence that Cruzan desired the withdrawal of treatment, the State could legally act to preserve her life.

### **Dennis v. United States (1951)**

(1st Amendment, civil liberties, national security) Eugene Dennis, a leader of the Communist Party in the

Act, which prohibited advocacy of the overthrow of the U.S. government by force and violence. Dennis claimed that the law violated his 1st Amendment right to free speech. Reasoning that the Communist Party is a conspiratorial organization with "evil" intent, the Supreme Court upheld the Smith Act and Dennis's conviction. The Court ruled that free speech may be limited if it presents a clear and present danger to overthrow the government of the United States by force or violence.

### **District of Columbia v. Heller (2008)**

(2nd Amendment, right to bear arms) The Supreme Court upheld a Court of Appeals decision overturning a District of Columbia law that made it illegal for private citizens to own handguns. The law also required that other firearms be kept either unassembled or with trigger locks in place, thus rendering them unusable. The Court ruled, 5-4, that this law violated a person's Second Amendment right to lawfully own a firearm. Justice Antonin Scalia stated in the Court's opinion "Few laws in the history of our Nation have come close to the severe restriction of the District's handgun ban. . . . Undoubtedly some think that the Second Amendment is outmoded in a society . . . where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of this Court to pronounce the Second Amendment extinct."

### **Dred Scott v. Sandford (1857)**

(slavery, 5th Amendment, citizens' rights) This decision upheld property rights over human rights by saying that Dred Scott, a slave, could not become a free man just because he had traveled in "free soil" states with his master. A badly divided nation was further fragmented by the decision. "Free soil" federal laws and the Missouri Compromise line of 1820 were held unconstitutional because they deprived a slave owner of the right to his "property" without just compensation. This narrow reading of the Constitution, a landmark case of the Court, was most clearly stated by Chief Justice Roger B. Taney, a states' rights advocate.

### **Engel v. Vitale (1962)**

(1st Amendment establishment clause) The State Board of Regents of New York required the recitation of a nonsectarian prayer at the beginning of each school day. A group of parents filed suit against the required prayer. The Supreme Court ruled that the recitation of a prayer in a public classroom was a violation of the establishment clause of the 1st Amendment. The Court ruled New York's action unconstitutional, observing, "There can be no doubt that . . . religious beliefs [are] embodied in the Regents' prayer."



## Supreme Court Cases

### ***Everson v. Board of Education (1947)***

**(1st Amendment, establishment clause)** New Jersey allowed for the reimbursement of transportation costs to parents whose children attended private schools, including parochial Catholic schools. Arch Everson, a taxpaying resident of Ewing Township, sued the local school district, insisting that this reimbursement violated both the New Jersey State Constitution and the First Amendment. In a 5–4 ruling, the Supreme Court upheld the law, stating that the “First Amendment has erected a wall between church and state. . . . New Jersey has not breached it here.”

### ***Gibbons v. Ogden (1824)***

**(federalism, states’ rights, interstate commerce)** Aaron Ogden’s exclusive New York ferry license gave him the right to operate steamboats to and from New York. Thomas Gibbons was operating steamboats between New York and New Jersey under a U.S. federal license. Ogden obtained an injunction from a New York court ordering Gibbons to stop operating his boats in New York waters. The Supreme Court invalidated the New York licensing regulations, holding that federal regulations should take precedence under the Constitution’s Supremacy Clause (Article VI, Section 2). The decision strengthened the power of the United States to regulate interstate business. Federal regulation of the broadcasting industry, oil pipelines, and banking are all based on *Gibbons*.

### ***Gideon v. Wainwright (1963)***

**(rights of the accused, 6th and 14th amendments)** Gideon was charged with breaking into a poolroom. He could not afford a lawyer, and Florida refused to provide counsel for trials not involving the death penalty. Gideon defended himself poorly and was sentenced to five years in prison. The Court called for a new trial, arguing that the Due Process Clause of the 14th Amendment applied to the 6th Amendment’s guarantee of counsel for all poor persons facing a felony charge. Gideon later was found not guilty with the help of a court-appointed attorney.

### ***Gitlow v. New York (1925)***

**(1st Amendment freedoms of speech and press, 14th Amendment)** Gitlow was convicted for distributing a manifesto that called for the establishment of socialism through strikes and other actions. The Supreme Court considered whether the 1st and 14th amendments had influence on state laws. According to what came to be known as the “incorporation” doctrine, the Court argued that the provisions of the 1st Amendment were “incorporated” by the 14th Amendment. The New York law was not overruled, but the decision clearly indicated that the Court could make such a ruling. Later cases extended the incorporation doctrine. Today, the Supreme Court holds that

### ***Heart of Atlanta Motel v. United States (1964)***

**(racial segregation, interstate commerce)** The Civil Rights Act of 1964 outlawed racial discrimination in “public accommodations,” including motels that refused rooms to blacks. Although local desegregation appeared to fall outside federal authority, the government argued that it was regulating interstate commerce. The Court agreed, declaring, “The power of Congress to promote interstate commerce also includes the power to regulate the local incidents thereof, including local activities . . . which have a substantial and harmful effect upon that commerce.” Racial segregation of private facilities engaged in interstate commerce was found unconstitutional.

### ***Hirabayashi v. United States (1943)***

**(5th Amendment, civil liberties, national security)** After the Japanese attack on Pearl Harbor, President Roosevelt issued executive orders to protect the West Coast from espionage and sabotage. As a result of these orders, curfews were established, and Japanese Americans were evacuated to relocation centers. Gordon Kiyoshi Hirabayashi, a student at the University of Washington, was convicted of violating a curfew and relocation order. Did the government policies violate the 5th Amendment rights of Americans of Japanese descent? The Supreme Court upheld the curfew, but evaded ruling on the relocation. The Court considered the vulnerability of military installations on the West Coast and the “solidarity” that persons of Japanese descent felt with their motherland, and reasoned that restrictions served an important national interest. Racial discrimination was justified since “in time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry.”

### ***In Re Debs (1895)***

**(labor strikes, interstate commerce)** Eugene V. Debs, a leader of the 1894 Pullman Railroad Car workers’ strike, refused to halt the strike as ordered by a federal court. Debs appealed his “contempt of court” conviction. Citing Article I, Section 8 of the Constitution, the Supreme Court ruled that the government had a right to regulate interstate commerce and ensure the operations of the Postal Service. The federal court had a right to stop the strike because the strikers interfered with the railroad’s ability to provide interstate commerce and deliver the mail, which benefited the needs and “general welfare” of all Americans.

### ***Korematsu v. United States (1944)***

**(5th Amendment, civil liberties, national security)** After the Japanese attack on Pearl Harbor, President Roosevelt issued executive orders to protect the West Coast from



orders, more than 110,000 Japanese Americans living on the West Coast were forced to abandon their property and live in primitive camps far from the coast. Korematsu refused to report to an assembly center and was arrested. The Court rejected his appeal, noting that "pressing public necessity [World War II] may sometimes justify restrictions which curtail the civil rights of a single racial group" but added that "racial antagonism" never can justify such restrictions. The *Korematsu* decision has been widely criticized, particularly since few Americans of German or Italian descent were interned. In 1988, the U.S. government officially apologized for the internment and paid reparations to survivors.

### **Lochner v. New York (1905)**

(labor conditions, property rights, 14th Amendment) A New York law limited bakery employees' working hours to no more than 10 hours a day or 60 hours a week. *Lochner* claimed that the law infringed on his right to make employer/employee contracts and violated the Due Process Clause of the 14th Amendment. The Supreme Court struck down the New York law, arguing that states have the power to regulate health, safety, and public welfare, but that the New York law was not within the limits of these "police powers." The New York law interfered with citizens' property rights, guaranteed by the 14th Amendment.

### **Mapp v. Ohio (1961)**

(search and seizure, 4th and 14th amendments) Admitting evidence gained by illegal searches was permitted by some states before *Mapp*. Cleveland police raided Dollree Mapp's home without a warrant and found obscene materials. She appealed her conviction, saying that the 4th and 14th amendments protected her against improper police behavior. The Court agreed, extending "exclusionary rule" protections to citizens in state courts, saying that the prohibition against unreasonable searches would be "meaningless" unless evidence gained in such searches was "excluded." *Mapp* developed the concept of "incorporation" begun in *Gitlow v. New York*, 1925.

### **Marbury v. Madison (1803)**

(judicial review, checks and balances) After defeat in the 1800 election, President Adams appointed many Federalists to the federal courts, but James Madison, the new Secretary of State, refused to deliver the commissions. William Marbury, one of the appointees, asked the Supreme Court to enforce the delivery of his commission based on a provision of the Judiciary Act of 1789 that allowed the Court to hear such cases on original jurisdiction. The Court refused Marbury's request, finding that the relevant portion of the Judiciary Act was in conflict with the Constitution. This decision established the principle of judicial review, which allows the Supreme Court to declare laws and executive actions unconstitutional.

established the evaluation of federal laws' constitutionality, or "judicial review," as a power of the Supreme Court.

### **McCulloch v. Maryland (1819)**

(federalism, states' rights) This is also known as the "Bank of the United States" case. A Maryland law required federally chartered banks to use only a special paper to print paper money, which amounted to a tax. James McCulloch, the cashier of the Baltimore branch of the bank, refused to use the paper, claiming that states could not tax the federal government. The Court declared the Maryland law unconstitutional, commenting that the "power to tax implies the power to destroy."

### **Miranda v. Arizona (1966)**

(rights of the accused; 5th, 6th, and 14th amendments) Arrested for kidnapping and sexual assault, Ernesto Miranda signed a confession including a statement that he had "full knowledge of [his] legal rights." After conviction, he appealed, claiming that without counsel and without warnings, the confession was illegally gained. The Court agreed with Miranda that "he must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to . . . an attorney and that if he cannot afford an attorney one will be appointed for him." Although later modified by *Nix v. Williams*, 1984, and other cases, *Miranda* firmly upheld citizen rights to fair trials in state courts.

### **Mitchell v. Helms (2000)**

(1st Amendment Establishment Clause) Chapter 2 of the Education Consolidation and Improvement Act of 1981 provides for the allocation of funds for educational materials and equipment to public and private schools to implement "secular, neutral, and nonideological" programs. In Jefferson Parish, Louisiana, about 30 percent of Chapter 2 funds are allocated for private schools, most of which are Catholic. Mary Helms and other public school parents filed suit alleging that the policy violated the 1st Amendment's Establishment Clause. The Supreme Court disagreed, ruling that Chapter 2, as applied in Jefferson Parish, is not a law respecting an establishment of religion, noting that "the religious, irreligious, and areligious are all alike eligible for governmental aid."

### **Muller v. Oregon (1908)**

(women's rights, labor conditions, 14th Amendment) In 1903, Oregon enacted a law prohibiting women from working in factories or laundries more than 10 hours in any day. After a conviction, Curt Muller claimed that the law violated his freedom of contract, protected by the 14th Amendment. The Court upheld the law, stating that the state has a legitimate interest in protecting the health and safety of women workers.



## Supreme Court Cases

protections. The Court noted that a "woman's physical structure and the functions she performs . . . justify special legislation restricting the conditions under which she should be permitted to toil."

### **Munn v. Illinois (1876)**

**(5th Amendment, public interest, states' rights)** Responding to farmers' complaints about the exorbitant rates they were paying, Illinois passed laws that set maximum rates that railroads and grain storage companies could charge. Munn, a partner in a Chicago warehouse firm, appealed his conviction, contending that the Illinois regulation constituted a taking of property without due process of law. The Supreme Court upheld the Illinois laws, arguing that states may regulate the use of private property "when such regulation becomes necessary for the public good." The case established as constitutional the principle of public regulation of private businesses involved in serving the public interest.

### **Near v. Minnesota (1931)**

**(1st Amendment freedom of speech, 14th Amendment)** Jay Near published a Minneapolis newspaper whose articles charged that local government and police officials were implicated with gangsters. A local official filed a complaint against Near under a Minnesota law that provided permanent injunctions against those who created a "public nuisance," by publishing, selling, or distributing a "malicious, scandalous and defamatory newspaper." The Supreme Court held that the Minnesota law was an infringement of freedom of the press guaranteed by the Due Process Clause of the 14th Amendment.

### **New Jersey v. T.L.O. (1985)**

**(students' rights, 4th and 14th amendments)** After T.L.O., a New Jersey high school student, denied an accusation that she had been smoking in the school lavatory, a vice principal searched her purse and found cigarettes, marijuana, and evidence that T.L.O. had been involved in marijuana dealing at the school. T.L.O. was then sentenced to probation by a juvenile court but appealed on the grounds that the evidence against her had been obtained by an "unreasonable" search. The Court rejected T.L.O.'s arguments, stating that the school had a "legitimate need to maintain an environment in which learning can take place," and that to do this "requires some easing of the restrictions to which searches by public authorities are ordinarily subject." The Court thus created a "reasonable suspicion" rule for school searches, a change from the "probable cause" requirement in the wider society.

### **New York Times v. United States (1971)**

**(1st Amendment, freedom of the press)** In 1971, *The New York Times* obtained copies of classified Defense

Papers," which revealed instances in which the Johnson administration had deceived Congress and the American people regarding U.S. policies during the Vietnam War. A U.S. district court issued an injunction against the publication of the documents, claiming that it might endanger national security. On appeal, the Supreme Court cited the 1st Amendment guarantee of a free press and refused to uphold the injunction against publication. The Court noted that it is the obligation of the government to prove that actual harm to the nation's security would be caused by the publication. The decision limited "prior restraint" of the press.

### **Northern Securities Co. v. United States (1904)**

**(Sherman Antitrust Act, interstate commerce)** In 1901, financiers formed the Northern Securities Company as a holding company that controlled the stock of the Great Northern Railway, Northern Pacific Railway, the Chicago, Burlington & Quincy Railroad, and other railroads. Fearing a monopoly, President Theodore Roosevelt's trust-busting government applied the Sherman Antitrust Act. In response to the question of whether the Sherman Act applied to a company chartered by one of the states, the Supreme Court ruled "It cannot be said that any state may give a corporation, created under its laws, authority to restrain interstate or international commerce. . . . Every corporation created by a state is necessarily subject to the supreme law of the land."

### **Planned Parenthood of Southeastern Pennsylvania, et al. v. Casey (1992)**

**(abortion, 14th Amendment, "right to privacy")** The Pennsylvania legislature enacted new regulations limiting abortion. Physicians had to provide patients with antiabortion information and wait at least 24 hours before performing an abortion. In most cases, minors needed the consent of a parent, and married women had to notify their husbands of their intention to abort the fetus. The Supreme Court reaffirmed a woman's "liberty" to have an abortion as it had in the *Roe* decision. However, it upheld most of Pennsylvania's provisions, reasoning that they did not create an "undue burden" or "substantial obstacle" for women seeking an abortion. Under this new "undue burden" test, the only provision to fail was the husband notification requirement.

### **Plessy v. Ferguson (1896)**

**(segregation, 14th Amendment equal protection)** A Louisiana law required separate seating for white and African American citizens on public railroads, a form of segregation. Herman Plessy argued that his right to "equal protection of the laws" was violated. The Court held that segregation was permitted if facilities were equal. The Court interpreted the 14th Amendment as "not intended to create a new racial equality but only



political and civil equality. . . .” The Louisiana law was seen as a “reasonable exercise of (state) police power. . . .” Segregated public facilities were permitted until *Plessy* was overturned by the *Brown v. Board of Education* case of 1954.

### **Regents of the University of California v. Bakke (1978)**

(affirmative action, 14th Amendment) Under an affirmative action program, the medical school of the University of California at Davis reserved 16 of 100 slots in each class for “disadvantaged citizens.” When Bakke, a white applicant, was not accepted by the school, he claimed racial discrimination in violation of the 14th Amendment. The Court ruled narrowly, requiring Bakke’s admission but not overturning affirmative action, preferring to review such questions on a case-by-case basis.

### **Reno v. American Civil Liberties Union (1997)**

(Internet 1st Amendment, freedom of speech) Seeking to protect minors, the 1996 Federal Communications Decency Act made it a crime to transmit obscene or indecent messages over the Internet. The Supreme Court ruled that the “indecent transmission” provision and the “patently offensive display” provision of the Communications Decency Act violated the 1st Amendment’s freedom of speech. The Court reasoned the act did not clearly define “indecent.” The Internet does not have the special features (such as historical governmental oversight, limited frequencies, and “invasiveness”) that have justified allowing greater regulation of content in radio and television.

### **Reynolds v. Sims (1964)**

(legislative reapportionment, 14th Amendment) Voters of Jefferson County, Alabama, filed a suit challenging the apportionment of the Alabama legislature, which was still based on the 1900 federal census. The Supreme Court extended the “one person, one vote” principle that emerged from *Baker v. Carr* (1962) and *Wesberry v. Sanders* (1964) and applied it to this case, calling for reapportionment based on current census data. Applying the Equal Protection Clause of the 14th Amendment, the Court ruled that state legislative districts should be roughly equal in population so that every voter has an equally weighted vote.

### **Roe v. Wade (1973)**

(abortion, 9th Amendment, “right to privacy”) A Texas woman challenged a state law forbidding the artificial termination of a pregnancy, saying that she “had a fundamental right to privacy.” The Court upheld a woman’s right to choose in this case, noting that the state’s “important and legitimate interest in protecting the potentiality of human life” became “compelling” only at the point of fetal viability. Before that point, the

“ . . . the attending physician, in consultation with his patient, is free to determine, without regulation by the state, that . . . the patient’s pregnancy should be terminated.” The decision struck down the state regulation of abortion in the first three months of pregnancy and was modified by *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 1992.

### **Schechter Poultry Corporation v. United States (1935)**

(New Deal, separation of powers, interstate commerce) As part of the New Deal, the National Industrial Recovery Act (NIRA) gave the President authority to regulate aspects of interstate commerce. The government convicted Schechter for not observing minimum wage and hour provisions, selling uninspected chickens, and other violations. The Supreme Court ruled that Congress, not the President, has the power to regulate interstate commerce, and that Congress cannot delegate that power to the President. The Court reversed the conviction of Schechter because his business, which operated almost exclusively in New York State, only indirectly affected interstate commerce. The Court also declared the NIRA to be unconstitutional because it exceeded the commerce power that the Constitution had given to Congress.

### **Schenck v. United States (1919)**

(1st Amendment freedom of speech, national security) Schenck, a member of an antiwar group, urged men drafted into military service in World War I to resist and to avoid induction. He was charged with violating the Espionage Act of 1917, which outlawed active opposition to the war. The Court limited free speech in time of war, stating that Schenck’s words presented a “clear and present danger. . . .” Although later decisions modified this one, the *Schenck* case created a precedent that 1st Amendment rights are not absolute.

### **Standard Oil of New Jersey v. United States (1911)**

(antitrust) The Standard Oil Company of New Jersey, controlled by John D. Rockefeller, owned virtually all the oil-refining companies in the United States and was extending its stranglehold over oil exploration and retail distribution of refined products. The government therefore prosecuted Standard Oil under the Sherman Antitrust Act. The Supreme Court found Standard Oil to be an illegal monopoly that restrained free competition. It fined Rockefeller and others, and ordered that the company be dissolved into smaller, competing companies.

### **Stromberg v. California (1931)**

(1st Amendment freedom of speech, 14th Amendment) A California state law, enacted in 1919, prohibited the public display of a red flag. Yette Stromberg, a



## Supreme Court Cases

member of the Young Communist League and a counselor at a camp for working-class children, was arrested for violating the law. Stromberg had led the youth in raising and pledging allegiance to "the workers' red flag." The Court struck down the law, concluding that a law that permitted the punishment of peaceful opposition exercised in accordance with legal means and constitutional limitations was "repugnant to the guarantee of liberty contained in the 14th Amendment."

### **Swann v. Charlotte-Mecklenburg Board of Education (1971)**

(school desegregation, busing) After the *Brown* decision, school desegregation advanced very slowly. The NAACP took the *Swann* case to the Supreme Court on behalf of six-year-old James Swann and other students in the Charlotte-Mecklenburg, North Carolina, school system where the vast majority of black students attended all-black schools. The Court held that all schools in a district need not reflect the district's racial composition, but that the existence of all-white or all-black schools must be shown not to result from segregation policies. It stated that busing students to various schools is an acceptable way to integrate segregated school systems. The Court said school districts had broad powers to find solutions to the problem of segregation.

### **Texas v. Johnson (1989)**

(1st Amendment freedom of speech) To protest national policies, Johnson doused a U.S. flag with kerosene and burned it outside the 1984 Republican National Convention in Dallas. He was arrested and convicted under a Texas law prohibiting the desecration of the Texas and U.S. flags. The Court ruled that the Texas law placed an unconstitutional limit on "freedom of expression," noting that "... nothing in our precedents suggests that a state may foster its own view of the flag by prohibiting expressive conduct relating to it."

### **Tinker v. Des Moines (1969)**

(students' rights, 1st Amendment freedom of speech) Marybeth and John Tinker violated a school rule and wore black armbands to school in protest against the Vietnam War. They were suspended. The Tinkers claimed that their freedom of speech had been violated. The Supreme Court agreed, saying that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Students may express personal opinions as long as they do not disrupt classwork, create substantial disorder, or interfere with the rights of others. Since the wearing of black armbands was a "silent, passive expression of opinion" without these side effects, the Tinkers' action was protected by the 1st Amendment.

### **United States v. E. C. Knight Co. (1895)**

(Sherman Antitrust Act, federalism, states' rights) After gaining control of the E. C. Knight Company, the American Sugar Refining Company controlled more than 90 percent of the American sugar-refining industry. The federal government sued the Knight Company under the provisions of the Sherman Antitrust Act. The Court ruled that the Sherman Antitrust Act does not apply to manufacturers located within a single state, because under the 10th Amendment, states have the right to regulate "local activities," such as manufacturing. In later cases, the Court modified its position and permitted Congress greater power to limit monopolies.

### **United States v. Nixon (1974)**

(executive privilege, separation of powers) During the investigation of the Watergate scandal, journalists discovered that President Nixon had recorded all of his conversations in the White House, including some with administration officials accused of illegal activities. A special prosecutor subpoenaed the tapes. Nixon refused to release them, citing separation of powers, his need for confidentiality, and executive privilege to immunity from court demands for information. The Supreme Court rejected his arguments and ordered him to surrender the tapes. Executive privilege was subordinate to "the fundamental demands of due process of law in the fair administration of criminal justice."

### **United States v. Wong Kim Ark (1898)**

(immigration, citizenship, 14th Amendment) The Chinese Exclusion Act of 1882 denied citizenship to Chinese immigrants. Wong Kim Ark was born in 1873 in California to Chinese parents who were resident aliens. In 1894, Ark visited China. When he returned to the United States, he was denied entrance on grounds that he was not a U.S. citizen. The Supreme Court ruled in favor of Ark. Under the 14th Amendment, all persons born in the United States are citizens of the United States. Since he was born in the United States, Ark was a citizen. The Chinese Exclusion Act could not apply to him because he was a citizen by birth.

### **Vernonia School District v. Acton (1995)**

(students' rights, 4th Amendment, search and seizure) The Vernonia school district of Oregon established a student-athlete drug policy that authorized urinalysis drug testing of student athletes. James Acton refused the urinalysis test and was therefore not allowed to participate in the school's junior high football program. Did the school policy violate the 4th Amendment protection against unreasonable search and seizure? The Supreme Court ruled that the school policy was constitutional. The reasonableness of a search is judged by "balancing the intrusion on the



individual's 4th Amendment interests against the promotion of legitimate governmental interests." The school's concern over the safety of students under their supervision overrides the minimal intrusion in student-athletes' privacy.

**Wabash, St. Louis & Pacific R.R. v. Illinois (1886)**

(federalism, interstate commerce) An Illinois law regulated railroad rates on the intrastate (within one state) portion of an interstate (two or more states) journey. The Supreme Court declared the state law to be invalid, ruling that continuous transportation across the country is essential and that states should not impose restraints on the freedom of commerce. The Court stated that the regulation of interstate railroad rates is a federal power and that states cannot enact statutes interfering or seriously affecting interstate commerce. Soon afterward, Congress created the Interstate Commerce Commission (ICC).

**Watkins v. United States (1957)**

(rights of the accused, 5th Amendment) In 1954, John Watkins testified in hearings conducted by the House Committee on Un-American Activities. Watkins answered questions about himself but refused to give information on individuals who had left the Communist Party, arguing that such questions were beyond the authority of the committee. After being convicted for refusing to answer the committee's questions, Watkins appealed, arguing that his conviction was a violation of the Due Process Clause of the 5th Amendment. The Supreme Court overturned Watkins's conviction. The Court said that congressional committees had to clearly define the specific purposes of their investigations. Congressional committees must abide by the Bill of Rights. No witness can be made to testify on matters outside the defined scope of a committee's investigation.

**West Coast Hotel v. Parrish (1937)**

(minimum wage laws, 5th Amendment) The case involved Elsie Parrish, an employee of the West Coast Hotel Company, who received wages below the minimum wage fixed by Washington State law. The issue was whether minimum wage laws violated the liberty of contract as construed under the 5th Amendment and applied by the 14th Amendment. The Supreme Court upheld the constitutionality of the minimum wage legislation, ruling that the Constitution allowed the restriction of liberty of contract by state law where such restriction protected the community, health, safety, or vulnerable groups, as in the case of *Muller v. Oregon*, 1908.

**West Virginia State Board of Education v. Barnette (1943)**

("Pledge of Allegiance," 1st Amendment) The West Virginia Board of Education required that all teachers and pupils salute the flag. Some children did not comply, saying the requirement went against their religious beliefs. The Court held that compelling public schoolchildren to salute the flag was unconstitutional. "Compulsory unification of opinion," the Court held, was antithetical to 1st Amendment values. The decision noted that Americans could not be forced to demonstrate their allegiance to "what shall be orthodox in politics, nationalism, religion, or other matters of opinion."

**Worcester v. Georgia (1832)**

(federalism, states' rights, Native American sovereignty) Two missionaries were convicted for violating a Georgia law requiring all whites living in Cherokee Indian Territory to obtain a state license. The Supreme Court overturned their convictions, ruling that the state had no power to pass laws affecting the Cherokees because federal jurisdiction over the Cherokees was exclusive. Chief Justice John Marshall argued, "The Cherokee nation, then, is a distinct community occupying its own territory in which the laws of Georgia can have no force. The whole intercourse between the United States and this nation, is, by our constitution and laws, vested in the government of the United States."

**Yates v. United States (1957)**

(1st Amendment, freedom of speech, national security) In 1951, fourteen members of the Communist Party in California were convicted of violating the Smith Act, which said it was illegal to advocate or organize the forceful overthrow or destruction of the U.S. government. Yates claimed that the law violated his 1st Amendment right to freedom of speech. The Supreme Court reversed the convictions, saying that to violate the Smith Act, a person must urge others to do something, not just believe in something. The Court distinguished between speech promoting an idea and speech advocating direct action.