



Supreme Court (SCOTUS) cases

SCOTUS cases



- Marbury v. Madison (1803)
- McCulloch v. Maryland (1819)
- Schenck v. U.S. (1919)
- Brown v. Board of Education (1954)
- Baker v. Carr (1961)
- Engel v. Vitale (1962)
- Gideon v. Wainwright (1963)

- Tinker v. Des Moines (1969)
- New York Times v. U.S. (1971)
- Wisconsin v. Yoder (1972)
- Roe v. Wade (1973)
- U.S. v. Lopez (1994)
- McDonald v. Chicago (2010)
- Citizens United v. FEC (2010)

Marbury v. Madison (1803)

Facts

- John Marshall left delivery of the DC commissions to new Secretary of State: James Madison
- Jefferson (new president) not pleased about “midnight judges” appointed right before Adams left office
- Jefferson ordered clerk to not deliver the commissions
- William Marbury went to SCOTUS and asked them to issue a writ of mandamus (per Section 13 of Judiciary Act of 1789) which would order Jefferson to deliver his commission

Constitutional Question/Clauses

- Does Marbury deserve the appointment?
- CAN the Supreme Court issue that writ?

Outcome (for MADISON)

- Yes, Marbury deserves the appointment, but...
- NO the Court cannot issue it, because it wouldn't fall under the categories of original jurisdiction given to the Court in the Constitution
- Declared Section 13 of Judiciary Act of 1789 UNCONSTITUTIONAL (gave jurisdiction to the Supreme Court that didn't exist, therefore went against the Constitution)

Significance

- Established the concept of Judicial Review, that the courts could review the constitutionality of laws passed by Congress
- ALSO reaffirmed *Supremacy Clause*...when a law goes against the Constitution, the Constitution wins.
- Remember that the concept of Judicial Review was NOT established in the Constitution!

McCulloch v. Maryland (1819)

Facts

- Congress chartered a national bank
- State of Maryland imposed tax on said bank
- McCulloch (bank worker) refused to pay tax (argued why would a federal bank pay tax to a state?)
- Maryland said Congress had no authority to establish national bank
- Congress said “See the Necessary and Proper Clause, please.”

Constitutional Question/Clauses

- Does Congress have the power to establish a national bank under the *Necessary & Proper Clause*?

Outcome (Unanimous for McCULLOCH)

- Necessary and Proper Clause allows the government to establish institutions not specifically written in the Constitution

Significance

- Broad use of Necessary & Proper
- National Supremacy confirmed (*Supremacy Clause* important here as well!)
- Shifted power toward the federal government
- Federalism case

Schenck v. U.S. (1919)

Facts

- Schenck distributed leaflets declaring that the draft (WWI) violated the 13th Amendment prohibition against involuntary servitude
- The leaflets urged the public to disobey the draft
- Schenck was charged with trying to cause insubordination in the military (via the Espionage Act)

Constitutional Question/Clauses

- Did petitioner's conviction for criticizing the draft violate his *1st Amendment right to Freedom of Speech/Expression*?

Outcome (Unanimous for UNITED STATES)

- 1st Amendment does not protect speech that approaches creating a *clear and present danger* of a significant evil
- The “significant evil” here would be getting people riled up against the war/draft

Significance

- Clear and present danger test: Freedom of Expression IS NOT LIMITLESS
- This case is most known for the idea that “you can’t yell ‘fire’ in a crowded theater”, even though the case had literally nothing to do with a fire or a theater

Brown v. Board of Education of Topeka, KS (1954)

Facts

- African American students had been denied admittance to certain public schools based on laws allowing public education to be segregated by race
- They argued that such segregation violated the Equal Protection Clause of the Fourteenth Amendment.
- Prior decisions (esp. *Plessy v. Ferguson*) held that racially segregated public facilities were legal so long as the facilities for blacks and whites were equal (separate but equal)

Constitutional Question/Clauses

- Does the segregation of public education based solely on race violate the *Equal Protection Clause of the Fourteenth Amendment*?

Outcome (Unanimous for BROWN)

- Separate but equal educational facilities for racial minorities is inherently unequal, violating the Equal Protection Clause of the Fourteenth Amendment
- Ordered schools de-segregated with “all deliberate speed”

Significance

- Overturned the concept of Separate but Equal established in *Plessy v. Ferguson*
- First significant WIN for Civil Rights

Baker v. Carr (1961)

Facts

- Baker alleged that a 1901 law designed to apportion the seats for Tennessee's General Assembly was virtually ignored
- The suit detailed how Tennessee's reapportionment efforts ignored significant economic growth and population shifts within the state
- Believed their vote was diluted by not taking population into account

Constitutional Question/Clauses

- Does the Supreme Court have jurisdiction over questions of legislative apportionment?
- Also, can apportionment violate the *Equal Protection Clause of the 14th Amendment*?

Outcome (6-2 for BAKER)

- Legislative apportionment was a justiciable issue
- Gerrymandering violates equal protection clause

Significance

- "One person, one vote" (according to the College Board)
- SCOTUS can rule on legislative apportionment
- Opened the door for other rulings on apportionment/gerrymandering

Engel v. Vitale (1962)

Facts

- Board of Regents of New York authorized a voluntary and non-denominational prayer to be led by a school official each day
- Engel sued, stating that school was violating the Establishment Clause of the 1st Amendment
- Argued that the fact that it was LED by school officials is what created the issue

Constitutional Question/Clauses

- Does non-compulsory prayer in school led by a school official violate the *Establishment Clause of the 1st Amendment*?

Outcome (6-1 for ENGEL)

- By providing prayer, New York was authorizing religion
- YES it's a violation of Establishment Clause

Significance

- First case to start outlawing religious activities in public ceremonies
- Prayer itself is allowed in school, school-official-led prayer is NOT allowed

Gideon v. Wainwright (1963)

Facts

- Gideon was charged with felony breaking and entering in Florida
- He asked for attorney
- His request was denied because Florida law only gave attorney in capital cases (cases in which person could be put to death)
- Gideon represented himself at trial and lost, appealed because he believed he had a right to an attorney according to the 6th Amendment

Constitutional Question/Clauses

- Does the *6th amendment* right to counsel extend to cases of STATE law?

Outcome (Unanimous for GIDEON)

- 6th Amendment guarantee of a right to attorney applies to criminal defendants in state court through the Equal Protection Clause of the 14th Amendment
- “No STATE shall ... deny to any person within its jurisdiction equal protection of the laws”

Significance

- Incorporated the 6th Amendment to the states
- *Selective Incorporation*: Extending the liberties guaranteed in the Bill of Rights to apply to state law as well
- Prior to incorporation (began in *Gitlow v. New York*), the liberties in the Bill of Rights were thought to only apply to the federal government/federal law

Tinker v. Des Moines (1969)

Facts

- Tinker (brother/sister and a friend) decided to protest the Vietnam War by wearing black armbands at school
- School officials made a policy that stated that any student wearing an armband would be asked to remove it, with refusal to do so resulting in suspension.
- Students wore their armbands to school anyway and were sent home
- Students sued the school district for violating their First Amendment right to Freedom of Expression

Constitutional Question/Clauses

- Does a prohibition against symbolic protest violate the students' *First Amendment* guarantee of *Freedom of Expression*?

Outcome (7-2 for TINKER)

- In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would "materially and substantially interfere" with the operation of the school.

Significance

- Established symbolic speech as form of protected speech. Students don't lose all free speech rights at school.

N.Y. Times v. U.S. (1971)

Facts

- President Nixon tried to stop the two national newspapers (New York Times and Washington Post) from publishing materials belonging to a classified DOD study regarding the history of US activities in Vietnam
- The President argued that prior restraint was necessary to protect national security
- Prior restraint: essentially censorship. Not allowing something to go to press.

Constitutional Question/Clauses

- Did the efforts to stop "classified information" from being published violate the *First Amendment* right to *Free Press* and *Freedom of Expression*?

Outcome (Per curiam for the NEW YORK TIMES)

- Per curiam: issued in the name of the court (rather than specific justices)
- Since publication would not cause an inevitable, direct, and immediate event imperiling the safety of American forces, prior restraint was unjustified.

Significance

- The press has wide range when publishing information and is necessary to a free society
- Prior restraint is only to be permitted in cases of direct national security concerns

Wisconsin v. Yoder

(1972)

Facts

- Wisconsin state law required all children to attend public schools until age 16
- A member of the Old Order Amish religion (Yoder) refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs

Constitutional Question/Clauses

- Does the compulsory school attendance law violate the *Free Exercise clause of the 1st Amendment*?

Outcome (Unanimous for YODER)

- An individual's interests in the free exercise of religion under the 1st Amendment outweighed the state's interests in compelling school attendance beyond the eighth grade
- Decisions like these must be based on sincerely held religious beliefs

Significance

- Significantly broadened the implications of the Free Exercise Clause
- MANY arguments have been made and won in court since this time using “sincerely held religious beliefs”
- NOT ALL arguments win (in some cases, you can't justify otherwise illegal activity with “freedom of religion”)
- Key is whose “interests” outweigh the other...the individual or the government

Roe v. Wade (1973)

Facts

- Roe sought to terminate her pregnancy by abortion.
- Texas law prohibited abortions except to save the pregnant woman's life
- Fought the case on the right to privacy (established in Griswold v. Connecticut)
- “Privacy” isn’t a right guaranteed in itself, but argued that a “penumbra” of privacy existed when grouping together the 1st, 3rd, 4th, 5th, 9th, and 14th amendments together

Constitutional Question/Clauses

- Does the “*penumbras of privacy*” in the Constitution grant a woman's right to terminate her pregnancy by abortion?

Outcome (7-2 for ROE)

- Abortion, in general, is legal
- Ruling defined different levels of state interest for the second and third trimesters
- State laws can narrow the law as long as they don’t cause “undue burden” for mother.

Significance

- Reaffirmed the right to privacy
- ONE OF THE MOST CONTROVERSIAL RULINGS EVER
- One of the most politicized rulings ever

Shaw v. Reno (1993)

Facts

- Atty General Janet Reno rejected a North Carolina congressional reapportionment plan because the plan created only one black-majority district
- A second plan creating two black-majority districts was submitted. One of these districts was, in parts, no wider than the interstate road along which it stretched.
- NC residents (Shaw and others) challenged the constitutionality of the district, alleging that its only purpose was to secure the election of additional black representatives

Constitutional Question/Clauses

- Did the residents' claim, that the State created a racially gerrymandered district, raise a valid constitutional issue under *the Fourteenth Amendment's Equal Protection Clause*?
- Did the way the district was drawn violate the residents' right to equal protection?

Outcome (5-4 for SHAW)

- The Court agreed that the reapportionment plan was racially neutral on its face,
- However, the resulting district shape was bizarre enough to suggest that it constituted an effort to separate voters into different districts based on race.

Significance

- Creating majority-minority districts is okay, racial gerrymandering (even to create majority-minority district) is not.

U.S. v. Lopez (1995)

Facts

- Lopez brought a concealed weapon (handgun) to school
- He was charged with firearm possession by state
- U.S. took case over and charged respondent with violation of Gun Free School Zone Act (GFSZA)
- Respondent argued that GFSZA was an overreach of the Commerce Clause

Constitutional Question/Clauses

- Did Congress have the right to enact the Gun Free School Zone Act under the parameters of regulating interstate commerce?
- Did Congress overreach the *Commerce Clause* by passing this law?

Outcome (5-4 for LOPEZ)

- Yes, the GFSZA is a violation of the Commerce Clause
- The law in question does not have “economic activity” enough to justify use of the Commerce Clause.

Significance

- Federalism case.
- Shifted power away from the federal government

McDonald v. Chicago (2010)

Facts

- Case brought on behalf of several petitioners (named only for McDonald) who challenged gun bans in Chicago & Oak Park, Illinois
- McDonald stated that the local/state gun laws violated their 2nd amendment right to bear arms

Constitutional Question/Clauses

- Does the *Second Amendment* apply to the states because it is incorporated by the *Fourteenth Amendment's Privileges and Immunities or Due Process clauses* and thereby made applicable to the states?

Outcome (5-4 for McDONALD)

- Fundamental constitutional right to bear arms shouldn't just apply to federal government
- Ruling along ideological lines

Significance

- Incorporated the 2nd Amendment to the states
- No state can make/enforce a law that would infringe on right to bear arms