

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

Chief Justice: John Marshall  
Issue: Separation of Powers

Secretary of State James Madison refused to deliver ex-president Adams' midnight appointments to the Supreme Court. Marbury asked the court to order Madison to do so (called a writ of mandamus) because the Judiciary Act of 1789 gave this power to the Supreme Court. The Supreme Court decided that the Judiciary Act of 1789 was unconstitutional. Therefore they could not issue a writ of mandamus. Marbury did not get his job. This established the policy of judicial review. The Supreme Court can determine if an act or action of the legislative or executive branches is unconstitutional. It increased the power of the judicial branch and the federal government.

## **Fletcher v. Peck (1810)**

Chief Justice: John Marshall  
Issue: contracts; Federalism (Supreme Court's right to judicial review)

The Georgia legislature was bribed and gave 35 million acres of land to a private company. The new legislature tried to cancel the contract. The private company sued. The Supreme Court decided that a contract was a contract, whether or not it was crooked. The Constitution forbids state laws "impairing" contracts. It was an early example of the court's use of judicial review. They reviewed what the new state legislature tried to do and ruled in favor of the original contract.

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

Chief Justice: John Marshall  
Issue: Federalism (states' rights versus federal government rights)

Maryland tried to tax the U.S. National Bank. McCullough, the clerk of the National Bank, did not pay the tax. Maryland sued in the Supreme Court. The Supreme Court decided that Maryland could not tax the National Bank. The supremacy clause of the Constitution said that in disputes between the federal and state governments that the federal government is supreme. The elastic clause of the Constitution gave the national/federal government the right to create a national bank, as it was "necessary and proper." This increased the powers of the federal government.

## **Worcester v. Georgia (1832)**

Issue: Sovereignty of the Indian nations

A Georgia law required all whites living in Cherokee Indian Territory to obtain a state license. Two missionaries refused and were arrested, convicted, and sentenced. They appealed, saying that Georgia could not pass laws with another nation – the Cherokee Nation. The Supreme Court agreed. President Andrew Jackson did not. He commented that the Supreme Court has made their decision. Now let them enforce it.

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

Chief Justice: Roger Taney

Issue: African-American Rights/expansion of slavery/equality

Dred Scott was taken to a free state in the north by his owner. He sued for his freedom, arguing that he was taken to a free state and was therefore free. The Supreme Court ruled that slaves are property and can be taken anywhere. Furthermore, slaves are not citizens and cannot sue in court. This allowed further expansion of slavery. It ruled the earlier compromises unconstitutional (like the Missouri Compromise, Compromise of 1850, Kansas-Nebraska Act), as states could not regulate whether or not slavery would be allowed. The Underground Railroad continued to grow.

## **Munn v. Illinois (1877)**

Issue: Interstate Commerce

Midwestern farmers felt that they were being victimized by the exorbitant freight rates they were forced to pay to the powerful railroad companies. Illinois passed a law that allowed the state to fix maximum rates that railroads and grain elevator companies could charge. The railroad companies sued. The Supreme Court ruled that the state courts could make laws that affected public interest.

## **Wabash Case (1886)**

Issue: Interstate Commerce

Railroad companies argued that Illinois had violated the Commerce Clause by placing a direct burden on interstate commerce. Under the Commerce Clause only Congress had the power to do so and states could only place indirect burdens on commerce. The case severely limited the rights of states to control interstate commerce and led to the creation of the Interstate Commerce Commission.

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

Issue: African-American rights/equality

Homer Plessy (who was 1/8 black) was not allowed to sit on the "white" section of a train. He refused to move, was ejected by force, and set to jail. Plessy argued that the Louisiana Act of 1890 which required railway companies to provide "separate but equal" accommodations for white and black races was unconstitutional. The Supreme Court held that the Louisiana Act which provided for "separate but equal" was constitutional.

## **Insular Cases (1901)**

Issue: Constitutional rights in territories

After the United State acquired Puerto Rico, Guam, and the Philippines during the Spanish-American War, the issue arose as to whether or not the U.S. Constitution followed the U.S. flag. Do the people in the newly acquired territories get the protections, rights, and responsibilities of the U.S. Constitution? The Supreme Court decided that no, they do not. Congress could determine how to manage those new territories. The people living there did not get the rights that American citizens get according to the U.S. Constitution.

## **Northern Securities Co. v. U.S. (1904)**

Issue: Restraints of trade; Federal anti-trust legislation; commerce clause of the Constitution

The major stockholders of two competing railroad companies set up a holding company to buy the controlling interest of the two railroads. The Sherman Anti-trust Act of 1890 forbade unreasonable restraints on trade. The constitutionality of the holding company was brought into question by the U.S. government and Teddy Roosevelt's trustbusting campaign. Did Congress have the authority under the commerce clause of the U.S. Constitution to regulate the holding company's effort to eliminate competition? The Supreme Court said that it did.

## **U.S. v. Standard Oil (1911)**

Issue: Restraints of trade

Standard Oil allegedly used its size and clout to undercut competitors in a number of ways that were considered "anti-competitive," including under pricing and threats to suppliers and distributors who did business with Standard's competitors. The government sought to prosecute Standard Oil under the [Sherman Antitrust Act](#). The Court concluded that it was within the power of the court to stop anything in "restraint of trade." Standard Oil was forced to break into smaller pieces. This case used the government's power to increase competition by breaking up JD Rockefeller's monopoly.

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

Issue: Civil Liberties/Freedom of Speech

Schenck distributed anti-war (World War I) and anti-government pamphlets to members of the U.S. military during World War I. They were convicted of violating the Espionage Act of 1917 which made it a crime to "willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military,....or to willfully obstruct the recruiting service of the United States." Schenck appealed saying that his actions were protected by the First Amendment. The Court upheld his conviction saying that Schenk's freedom of speech was not protected because it posed a "clear and present danger" to the United States. Freedoms can be restricted in wartime.

## **Schechter Poultry Co. v. U.S. (1935)**

Issue: Separation of Powers

Schechter was indicted for disobeying the "live poultry code," one of the codes of fair competition (that had to be approved by the President) in Franklin Roosevelt's New Deal National Industrial Recovery Act (NIRA). The Supreme Court found that the NIRA was unconstitutional as Congress, not the President, has the right to regulate interstate commerce. This weakened the New Deal and decreased the power of the federal government, as well as the power of the president.

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

Issue: Presidential Power/Civil Rights

Fred Korematsu was put in an internment camp soon after the United States entered World War II. Executive Order #9066 by Franklin Roosevelt forcibly relocated Japanese Americans to internment camps during World War II since they were considered a threat to public security. He sued. The Supreme Court agreed that it was constitutional since rights can be restricted in wartime. In 1988, \$20,000 was given to survivors and the federal government "apologized."

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

Issue: African American Rights/equality/civil rights

Linda Brown wanted to go to an all white school that was closer to her home in Topeka, Kansas but was not allowed to do so. Her family sued. The Supreme Court overturned Plessy v. Ferguson (1896) that allowed "separate but equal" educational facilities arguing that separate was not in fact equal. Schools would need to be desegregated. This forced major cultural and social change in the United States and sparked the civil rights movement.

# Mapp v. Ohio (1957)

Issue: search & seizure; right to privacy

After receiving information that an individual wanted in connection with a recent bombing was hiding in Mapp's house, the Cleveland police knocked on her door and demanded entrance. Mapp called her attorney and subsequently refused to let the police in when they failed to produce a search warrant. The police forcibly opened at least one door. An officer handcuffed Mapp "because she had been belligerent". Dragging Mapp upstairs, officers proceeded to search not only her room, but also her daughter's bedroom, the kitchen, dinette, living room, and basement.

In the course of the basement search, police found a trunk containing "lewd and lascivious" books, pictures, and photographs. As a result, Mapp was arrested and found guilty of violating Ohio's criminal law prohibiting the possession of obscene materials.

The Supreme Court of the United States ruled that Mapp's 4<sup>th</sup> Amendment right to be secure from search and seizure was violated. The Court upheld that both the 4<sup>th</sup> and 14<sup>th</sup> Amendments protected persons from unwarranted federal and state intrusion of their private property.

This case established that illegally used evidence cannot be used against a person.

# Engel v. Vitale (1962)

Issue: Prayer in Public Schools

Parents of a number of students in the New Hyde Park School District (New York) challenged a school rule that had a NYS Regents composed prayer recited on announcements at the beginning of the school day. The parents argued that a governmental agency (schools) did not have the right to impose a religion on them. The state argued that it was a nondenominational (no specific religion) prayer and the schools did not force any student to recite it. The Supreme Court decided that the school did violate the students' first amendment right to not have religion forced on them.

# Gideon v. Wainwright (1963)

Chief Justice: Earl Warren

Issue: Rights of the Accused

Clarence Gideon was arrested and charged with breaking and entering. He could not afford a lawyer and asked the state of Florida to appoint one for him. The judge denied the offense and Gideon got five years in prison after being found guilty. Gideon appealed. The Supreme Court ruled that all defendants in serious criminal cases were entitled to legal counsel, even if they were too poor to afford it.

## **Escobedo v. Illinois (1964)**

Chief Justice: Earl Warren

Issue: Rights of the Accused

Escobedo was arrested in 1960 in connection with the murder of his brother in law. He requested to see his lawyer, but he was not allowed to do so. After questioning by the police Escobedo made a statement which was used against him at the trial and he was convicted of murder. He appealed and it went to the Supreme Court. The Supreme Court ruled that accused individuals had to be given access to an attorney while being questioned. Furthermore, accused individuals needed to be informed of their right to remain silent.

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

Chief Justice: Earl Warren

Issue: Rights of the Accused

Ernesto Miranda was convicted of rape and kidnapping. His conviction was based partly on incriminating statements that he made when the police questioned him. He was never told that he had the right to an attorney present or the right to remain silent. He was convicted and appealed the ruling. The Supreme Court agreed and said that police must inform suspects of their rights: that they have the right to remain silent, anything that they do say can be used against them and that they have the right to an attorney present.

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

Chief Justice: Warren Burger

Issue: First Amendment protections

In December of 1965 Marybeth and John Tinker wore black armbands to school to protest the Vietnam War. They were suspended and told not to return with the armbands. The Tinkers argued that they had the first amendment right to free speech. Wearing the black armbands was "saying something." The Supreme Court ruled that they could wear the armbands. The Supreme Court said that they are entitled to free expression of their views as long as there is no "substantial or material interference in the educational process."

## **New York Times v. U.S. (1971)**

Issue: Freedom of the Press

The U.S. President Richard Nixon had claimed executive authority to force the *Times* to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press under the First Amendment was subordinate to a claimed Executive need to maintain the secrecy of information. The Supreme Court ruled that First Amendment did protect the *New York Times'* right to print said materials. This case used the freedom of the press amendment and established that newspapers can print negative comments about the government.

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

Issue: Abortion/Rights to privacy

Ms. Roe (a Texan woman) wanted to have an abortion, but it was illegal in Texas. She challenged that law on the grounds that her right of personal liberty and right to privacy to do what she wanted to do with her body were being violated. The Supreme Court agreed and legalized abortions. They said that the states could not regulate abortions in the first trimester (first three months). They could regulate abortions in the second trimester (next three months) if it was reasonably related to the woman's health. States could ban abortions in the third trimester.

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

Issue: President Powers/Executive Privilege

President Nixon did not want to turn over his personal audiotapes after the Watergate scandal. The tapes were subpoenaed (ordered to court) but he refused. The Supreme Court said that he had to hand over the tapes. He was not protected by "Executive Privilege."

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

Issue: Affirmative Action

California: Davis Medical school rejected Allan Bakke but admitted minority students that had lower test scores. 16% of the class was reserved for minorities. There was no majority opinion but the Supreme Court ordered Bakke to be accepted. Technically, quotas are unconstitutional but race can be considered. The case, while seemingly a success for people claiming "reverse discrimination" actually did the opposite because it allowed college and universities to take race into account. For example, if all the criteria were identical but there was both a black and a white student, the school could choose the black student because of race in an effort to advance minorities in areas where they'd been historically underrepresented.

## **New Jersey v. TLO (1985)**

Issue: rights of students

[Piscataway Township High School freshmen](#) were caught smoking [cigarettes](#) in the [bathroom](#). When questioned by the Choplick, the assistant principal, one girl denied smoking in the bathroom and stated she had never smoked in her life. The AP demanded she hand over her purse in his office. Upon opening the purse he observed a pack of cigarettes; while removing the cigarettes he noticed a package of [rolling papers](#). Choplick then began a more thorough search for the evidence of drugs. His search revealed a small amount of marijuana, a [pipe](#), empty plastic bags, a large quantity of money in [\\$1 bills](#), an index card that appeared to list students who owed her money, and two letters that implicated her in dealing marijuana. The principal then called the police and the girl's mother, who voluntarily drove her to the police station.