

Supreme Court Case: _____ Chief Justice: _____

<p>S</p> <p>Situation: What is the situation that led to the case?</p>	
<p>C</p> <p>Context: How does this reflect the court's responsiveness to its environment?</p>	
<p>O</p> <p>Opinions: What were the opinions that resulted from the Justices?</p>	<p><u>Majority/Holding Only</u></p>
<p>T</p> <p>Time: What year did the case occur?</p> <p>Terminology: Important terms related to case</p>	
<p>U</p> <p>U.S. Constitution: Which amendments or articles does this case apply to?</p>	
<p>S</p> <p>Significance: What is the significance of the court case? Can you connect it to another case?</p>	

Marbury v. Madison (1803)

S
Situation

- Congress passed the Judiciary Act of 1789, which allowed SCOTUS to issue writs of mandamus (commands by a superior court to a public official or lower court to perform a special duty).
- At the end of his presidency, Federalist John Adams appointed many last-minute judges; 17 of these judges didn't receive their commissions before Democratic-Republican Thomas Jefferson took office. Jefferson ordered his Secretary of State, James Madison, to not deliver these remaining appointments.
- William Marbury sued James Madison for not delivering his appointment, asking SCOTUS to force the delivery of his commission via a writ of mandamus.

C
Constitutional
Question

1. Does Marbury have a right to his commission, and can he sue the federal government for it?
2. Does the Supreme Court have the authority to order the delivery of the commission?

O
Opinion

The Court ruled unanimously that:

1. Yes, Marbury has the right to his commission and can sue the federal government for it...BUT...
2. No, the Supreme Court didn't have the authority to require Madison to deliver the commission via a writ of mandamus. The Judiciary Act of 1789 that gave this authority to the Supreme Court was ruled unconstitutional, since it gave the Court more power than the Constitution provided in Article III.

T
Time

1803

U

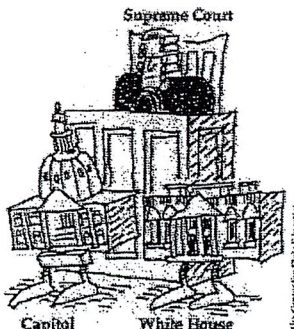
Article III of the Constitution

U.S.

Constitution

S

Significance



This case established the principle of judicial review, which is the power of the federal courts to determine the constitutionality of laws passed by the legislative and orders issued by the executive. It established the Constitution as the supreme law of the land and SCOTUS as the final authority for interpreting it.

McCulloch v. Maryland (1819)

S
Situation

- In 1791, the First Bank of the U.S. was created. In 1816, the Second Bank of the U.S. was rechartered.
- The Constitution did not expressly grant Congress the power to charter a national bank, but the power to do so was implied by the Elastic Clause. Individuals worried these implied powers would drastically diminish the power of the states.
- Maryland tried to close the Baltimore branch of the Second Bank of the U.S. by taxing it. James McCulloch, the head of the Baltimore branch, refused to pay the tax.

C
Constitutional
Question

3. Did Congress have the authority under the constitution to commission a national bank?
4. Did the state of Maryland have the power to tax the national bank operating within its borders?

O
Opinion

The Court ruled unanimously for McCulloch because

3. The Elastic Clause gives Congress the authority “to make all laws which shall be necessary and proper” and the national bank was deemed “necessary and proper”.
4. The state of Maryland could not tax the Bank of the U.S. because “the constitution and the laws made in pursuance thereof are supreme”.

T
Time

1819

U
U.S.
Constitution

- Elastic Clause (Congress can make any law that is necessary and proper; gives flexibility in lawmaking)
- Supremacy Clause (The Constitution and federal laws are superior to state constitutions and laws)
- 10th Amendment (any power not delegated to the national government by the Constitution is reserved to the states)

S
Significance

**Don't you try to tell ME
what I can and cannot do!**



This case established the power dynamic between the states and federal government in favor of the national government. Further, the case opened the door to the expansion of federal power through the implied powers of the Elastic Clause.

Schenck v. U.S. (1919)

S
Situation

- Constitutional rights, including the freedom of speech, have limits. Time of war and national security concerns permit the government to place restrictions on speech.
- During World War I, Congress passed the Espionage Act of 1917, which made it a crime to obstruct military recruitment.
- Charles Schenck, a member of the Socialist Party, was convicted of violating the Espionage Act because he printed and mailed thousands of fliers encouraging men to evade the draft.



C
Constitutional
Question

Did Schenck's conviction under the Espionage Act for criticizing the draft violate his 1st Amendment free speech rights?

O
Opinion

The Court ruled unanimously for U.S. that, no, Schenck's free speech rights were not violated. In the context of World War I, the Espionage Act's criminalization of speech dangerous to the operation of the military was not a violation of the 1st Amendment.

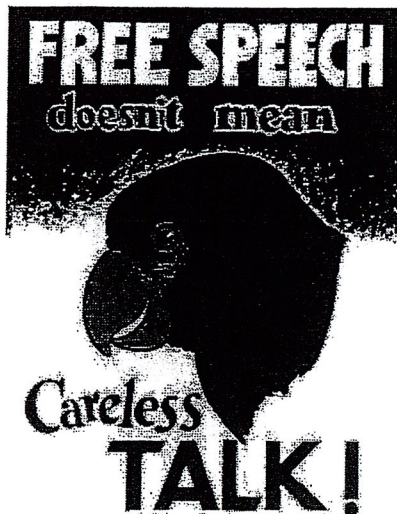
T
Time

1919

U
U.S.
Constitution

1st Amendment (Free Speech)

S
Significance



This case established the "clear and present danger" test, which states that the Constitution does not protect speech that incites violence or chaos (ex: yelling fire in a crowded movie theatre). Under this test, the government typically won, and speakers usually lost until the Court abandoned this test in favor of rulings more protective of free speech rights.

Brown v. Board of Education (1954)

S
Situation

- 14th Amendment adopted post-Civil war requiring states to give people equal protection in front of the law.
- Plessy v. Ferguson (1896) ruled that segregation of the races was constitutional so long as the accommodations were “separate but equal”.
- Linda Brown, a black student, was denied admission to a neighborhood school because it was designated for white children only.



C
Constitutional
Question

Does segregation of public schools by race violate the Equal Protection clause of the 14th Amendment?

O
Opinion

The Court ruled unanimously for Brown that, yes, segregation in public schools violated the Equal Protection clause by setting up the social stigmatization of black children as inferior to white children (it did not matter to the Court that the buildings, curriculum, and teacher pay—the tangible factors—were “equal”). The Court ruled that “separate educational facilities are inherently unequal”.

T
Time

1954

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U.S.
Constitution

14th Amendment (Equal Protection clause)

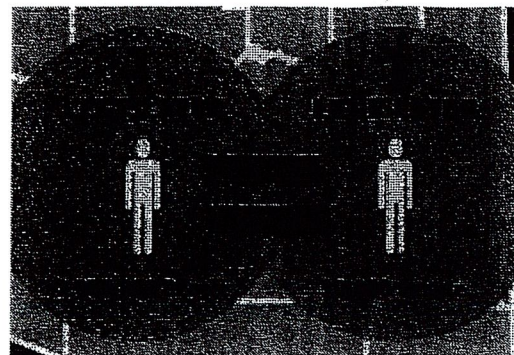
S
Significance

This decision overturned the Plessy “separate but equal” doctrine and began the process of dismantling segregation in the U.S. In Brown v. Board of Education II (1955), the Court charged local school authorities with the responsibility to desegregate schools “with all deliberate speed”. While Brown was critical in beginning the process to end segregation, it was just the first step to a longer process carried throughout the 1960s and 1970s with the Civil Rights Movement.

Baker v. Carr (1962)

S
Situation

- Each state is responsible for determining its legislative districts. By the 1950s and 1960s questions arose about whether the states' division of voting districts was fair.
- Political questions are matters avoided by the courts and left to the executive and legislative branches to decide. Legislative districting fell under this concept.
- In the late 1950s, Tennessee had been using the same electoral districts since 1900, even though population had increased and shifted geographically from the rural to urban areas.
- Charles Baker, an urban citizen, sued on the grounds he was denied equal protection under the out of date electoral map.



C
Constitutional
Question

Do federal courts have the power to decide cases about the apportionment of population into state legislative districts?

O
Opinion

In a 6-2 decision for Baker, the Court ruled that federal courts have the authority to enforce the equal protection requirement against states if the legislative districts the state creates are so disproportionately weighted to deny residents equal treatment dependent on where they live.

Dissenting justices argued that the Constitution did not require states to draw districts in a particular manner, so there was no basis for the federal courts to intervene or rule on the issue.

T
Time

1962

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U.S.
Constitution

- Article III of the Constitution
- 14th Amendment (Equal Protection clause)

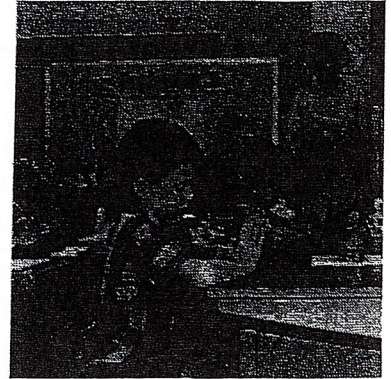
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Significance

This case established the precedent that would allow federal courts to rule on the constitutionality of legislative redistricting. It set up the idea of "one man, one vote"; no singular vote should be weighted heavier than another in a democracy. This was a change from the Court's deference to the states on the issue in the past.

Engel v. Vitale (1962)

S
Situation

- The U.S. has a long history of infusing religion into political practices (ex: opening Congress and SCOTUS with a prayer, religious invocation).
- In New York, everyday students and teachers voluntarily recited a school-provided prayer drafted by the state education agency, the New York Regents.
- A group of parents and community members sued the school board for requiring time in the school day to recite the prayer.



C
Constitutional
Question

Does the recitation of a prayer in public schools violate the Establishment Clause of the 1st Amendment?

O
Opinion

In a 6-1 decision in favor of Engel (the parents), the Court ruled on the grounds that the school-sponsored prayer was an unconstitutional violation of the Establishment Clause since it was a religious activity composed by government officials and used as part of a government program to advance religious beliefs. The majority argued that preventing government from sponsoring prayer does not indicate hostility toward religion.

Dissenting, one justice emphasized that the prayer was voluntary and that students were free to choose not to say it. He argued the Establishment Clause meant to keep the government from forming a state-sponsored church, not prohibit types of government involvement with religion.

1962

1st Amendment (Establishment Clause)

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Time
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Significance



This case was significant in further defining the legal limits to government involvement with religion by setting up a precedent that the Establishment Clause referred to broad government activity regarding religion not just official establishment of a state-sponsored church.

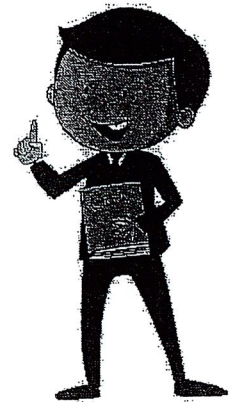
Gideon v. Wainwright (1963)

S
Situation

- In 1938, SCOTUS ruled that the government must pay for a lawyer for defendants who cannot afford one themselves in federal criminal courts.
- This case challenged whether or not that right must also be extended to defendants charged with crimes in state courts.
- In 1961, Clarence Earl Gideon is arrested for burglary of a local pool hall. Since he could not afford an attorney, he requested one arguing that the 6th Amendment entitles everyone to a lawyer. The judge denied his request, as Florida state law only required the government to provide lawyers in death penalty cases.

C
Constitutional
Question

Does the 6th Amendment's right to counsel in criminal cases extend to defendants in state courts, even in cases in which the death penalty is not at issue?



O
Opinion

In a unanimous decision for Gideon, the Court determined that the 6th Amendment's right to counsel in felony criminal cases is a fundamental right essential to a fair trial. They also agreed that the protection was so important that it would apply to state courts as well as federal courts.

1963

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Significance

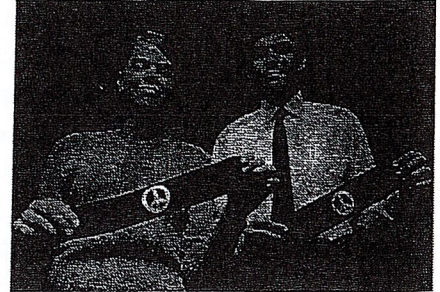
- 6th Amendment (Right to Counsel)
- 14th Amendment (Due Process Clause)

This case overturned the precedent set by *Betts v. Brady* (1942), which ruled that the 14th Amendment did not require states to provide counsel to the poor in non-death penalty cases. The opinion of this case expanded the right to an attorney for the poor beyond capital cases. A later case, *Argersinger v. Hamlin* (1972) will further extend the right to an attorney to misdemeanor cases that involve imprisonment.

Tinker v. Des Moines Independent School District (1969)

S
Situation

- In 1966, a handful of students in Des Moines, Iowa decided to show opposition to the Vietnam War by wearing black armbands as a form of symbolic speech.
- The school district announced a policy that banned the wearing of black armbands, setting up a punishment of suspension for students that wore them and refused to take them off.
- Mary Beth Tinker, her brother John Tinker, and another friend Christopher Eckardt wore the black armbands to school and were suspended. Their parents sued the school district on the grounds that their children's 1st Amendment speech rights were violated.



C
Constitutional
Question

Does a prohibition against the wearing of armbands in public school, as a form of symbolic speech, violate the students' freedom of speech protections guaranteed by the 1st Amendment?

O
Opinion

In a 7-2 decision for Tinker, the Court ruled that the prohibition of wearing the arm bands violated the students' free speech rights. The majority argued that students retain their constitutional right to freedom of speech while in public schools, that "it can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate". The Court further reasoned that while students do have free speech at school, it is not absolute. The school may limit student speech that would cause a "material and substantial disruption" to the disciplinary and educational function of a school. In this particular case, wearing a black armband would not substantially disrupt these functions of the school.

Dissenting, two justices argued that the 1st Amendment does not give people the right to express any opinion at any time. The armbands did cause a disturbance by distracting students from their classwork and diverting their attentions to the "highly emotional subject of the Vietnam War".

1969

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Time

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U.S.

Constitution

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Significance

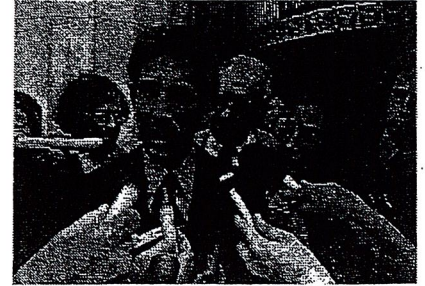
- 1st Amendment (Free Speech)

This case was important in extending free speech rights to students in public schools, with the primary limitation being that said speech could not impede the learning environment.

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

S
Situation

- The Espionage Act of 1917 made it a crime for anyone to obtain information relating to America's national defense with the intent to use it to the injury of the U.S. or the advantage of a foreign nation.
- Daniel Ellsberg, a former military analyst, illegally copied over 7,000 pages of classified reports, which eventually became known as the Pentagon Papers. These documents were then leaked to the New York Times and Washington Post, which printed them.
- President Nixon directed the attorney general to order the newspapers to stop further publication of the Pentagon Papers (prior restraint), claiming the publication would cause "irreparable injury to the defense interests of the United States."
- When the newspapers continued printing the Papers, the government sued. Trial courts ruled for the newspapers; the federal appeals courts were divided.



C
Constitutional
Question

Did the government's efforts to prevent two newspapers from publishing classified information given to them by a government leaker violate the 1st Amendment protection of freedom of the press?

O
Opinion

In a 6-3 decision for the New York Times, the Court ruled via a per curiam opinion that "any system of prior restraint comes to this Court bearing a heavy presumption against its constitutional validity" with the government required to "show justification for such restraint", which "the Government had not met".

In multiple concurring opinions, justices reasoned that a court can never allow the prior restraint of the press, since the freedom of the press is absolute. One justice argued that "the press was to serve the governed, not the governors" and that the government cannot evade this absolute command by invoking national security concerns. Another justice recognized that there is only a "single, extremely narrow" exception to the freedom of the press in an imminent threat situation, which did not apply in this case. Lastly, the justices noted that government could punish leakers, but could not prevent publication by the press of the information.

In the dissents, the justices complained that the Court had rushed its decision in this case without hearing out the full story and that the freedom of the press was not absolute. They also pointed out that the judicial branch did not have the right to second-guess the executive branch on matters of national security due to the separation of powers laid out in the Constitution.

1971

T
Time

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U.S.
Constitution

- 1st Amendment (Freedom of the Press)
- Article II of the Constitution (Executive Branch)

S
Significance

This case further extended the freedom of the press by limiting the ability of the executive branch to claim national security as cause to hide information from the public.