

Wisconsin v. Yoder (1972)

S
Situation

- While the government cannot outlaw any religious beliefs, it can regulate conduct related to those beliefs.
- The Amish and Mennonite sects of Christianity view individualism, competition, and self-promotion as sinful. They believe that their small, rural communities should be self-sufficient without support from those outside the community. These beliefs led to the stoppage of formal education after the age of 14 for community children.
- Wisconsin convicted three members of the Amish and Mennonite communities for violating the state's compulsory education law that required school attendance until the age of 16.
- The parents appealed their convictions for allowing their children to become truant. The parents, led by Yoder, argued that the community provides alternative education that prepares their children for adult life and to be law abiding, self-sufficient citizens. The Wisconsin Supreme Court ruled in favor of Yoder, reversing the convictions in favor of the parents. The state of Wisconsin appealed to SCOTUS.



C
Constitutional
Question

Under what conditions does the state's interest in promoting compulsory education override parents' 1st Amendment right to free exercise of religion?

O
Opinion

The Court ruled unanimously (7-0) for Yoder. The Court held that the Free Exercise clause of the 1st Amendment prevented the state of Wisconsin from forcing the Amish and Mennonite parents to send their children to formal secondary school beyond the age of 14. An additional two years of high school (to the required age of 16) would not have provided substantial enough educational benefits that could constitute a "compelling government interest". The justices also noted that nothing in the decision of this case disallowed states from setting compulsory attendance laws for non-Amish people or reasonable standards for church-sponsored schools.

In a minor dissent, one justice pointed out that it may have been of interest to see whether or not the children wanted to attend school past the 8th grade, considering the case only ruled on the free exercise rights of their parents.

1972

T
Time
U
U.S.
Constitution

- 1st Amendment (Free Exercise Clause)
- 14th Amendment (Due Process Clause)

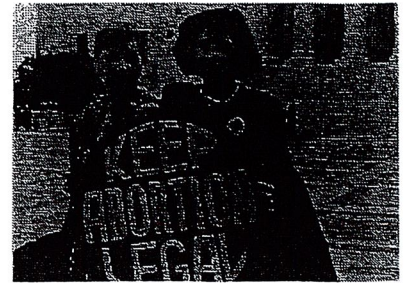
S
Significance

This case incorporated the free exercise clause to the state governments. This required state governments to provide a compelling state interest (reasonable cause) in limiting the religious practices of their citizens.

Roe v. Wade (1973)

S
Situation

- The Constitution does not explicitly guarantee a right to privacy (the word is not anywhere in the original text or amendments). During the 21st century, the Court began interpreting the Due Process clause of the 14th Amendment as providing a broad right to privacy protecting people as well as places.
- In 1969, an unmarried and pregnant resident of Texas (known by the pseudonym Jane Roe) wanted to terminate her pregnancy. Texas law made it a felony to abort a fetus unless “on medical advice for the purpose of saving the life of the mother”.
- A federal district court ruled the Texas abortion law unconstitutional under the 9th Amendment, concluding that “the fundamental right of single women and married persons to choose whether or not to have children is protected” by the unenumerated rights guaranteed by this amendment.



C
Constitutional
Question

Does the U.S. Constitution protect the right of a woman to obtain an abortion?

O
Opinion

The Court ruled in a 7-2 decision for Roe. According to the majority, the “liberty” protected by the 14th Amendment due process clause includes a fundamental right to privacy. Further, the 9th Amendment’s reservation of rights is broad enough to include abortion. The word “person” in the 14th Amendment does not include the unborn, which will set up a framework laying out constitutional state regulations on abortions. In the first trimester, abortion cannot be prohibited, as the woman’s right to privacy outweighs the state’s interest in regulating the decision. In the second and third trimesters, regulations should focus on protecting the health of the mother, although the closer to term, a state may prohibit abortions unless necessary to preserve the life and health of the mother.

In the dissents, the justices argued that “nothing in the language or history of the Constitution” declares a right to an abortion. Abortion does not fit under the purview of privacy rights established by the Court, making this decision “more of judicial legislation than...a determination of the intent of the drafters” of the 14th Amendment.

1973

T
Time
U
U.S.
Constitution

- 4th Amendment (right to privacy)
- 9th Amendment (unenumerated rights are still protected)
- 14th Amendment (due process clause)

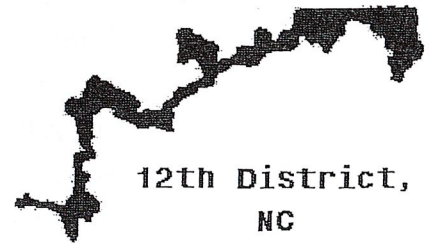
S
Significance

This case protected the right of women to secure abortion nationally up to the first trimester of pregnancy. This decision is highly contested. On one hand, it can be seen as a victory for the women’s rights movement, which fought for the reproductive rights of women, seeing them as fundamental to female empowerment and independence. On the other hand, pro-life groups see the decision as overextending the power of the courts with the result of endangering the lives of the unborn.

Shaw v. Reno (1993)

S Situation

- Institutionalized black codes and Jim Crow laws prevented African Americans from voting for many years after the Civil War (i.e.: poll taxes, literacy tests, felon disenfranchisement, etc.). The Voting Rights Act of 1965 prohibited voting rules that discriminated on the basis of race.
- In a precedent case, *Thornburg v. Gingles* (1986), the Court ruled that if a minority group is large and compact enough to make the majority in a voting district, the Voting Rights Act requires the district to be drawn as a majority-minority district so that minority voters have “the opportunity to elect their candidate of choice”.
- After the 1990 Census, North Carolina gained a seat in the House of Reps. The attorney general rejected the state’s first redistricting map on the grounds that it only produced one majority-minority (black) congressional district. The state legislature redrew the map making a second black district that was strange in shape.
- Five white voters alleged racial discrimination against the new map, arguing it was drawn for the sole purpose of electing black congressional representatives.



C Constitutional Question

Did the North Carolina residents’ claim that the 1990 redistricting plan discriminated on the basis of race raise a valid constitutional issue under the 14th Amendment Equal Protection clause?

O Opinion

The Court ruled in a 5-4 decision for Shaw (the white voters). The justices said that any classifications based on race were “undesirable to a free society”. Drawing districts to advance the perceived interests of one racial group may lead elected officials to see their obligation as representing only members of that group, rather than their full constituency. If a redistricting map cannot be rationally understood as anything other than an effort to divide voters based on their race, voters may challenge such a district under the Equal Protection Clause.

In their dissents, multiple justices argued that consideration of race in redistricting is inevitable and does not violate the Constitution unless there is clear proof that the district was drawn in a way to deprive a racial group of an equal opportunity to participate in the political process. This case did not meet that threshold.

T Time

1993

U

U.S.

Constitution

- 14th Amendment (Equal Protection clause)
- 15th Amendment (right to vote cannot be abridged due to race)

S Significance

This case extended the Equal Protection clause interpretation to cover majority groups similarly to that of groups that had been historically discriminated against in an attempt to make the Constitution “color-blind”. This approach to the 14th Amendment has also been the grounds for challenging affirmative action programs in other sectors of society (i.e.: workplace and schools).

U.S. v. Lopez (1995)

S
Situation

- The U.S. Constitution sets up a federal structure of government where the national and state governments share power. The powers of the national government are limited and described in the Constitution. According to the 10th Amendment, any power not delegated to the federal government is reserved to the states.
- In 1990, Congress passed the Gun Free School Zones Act, which prohibited people from knowingly carrying a gun in a school zone. Alfonso Lopez was convicted of possessing a gun at a Texas school in violation of this federal law.



C
Constitutional
Question
O
Opinion

Did Congress have the power to pass the Gun Free School Zones Act?

The Court ruled in favor of Lopez in a 5-4 decision. The majority argued that the Gun Free School Zones Act exceeds Congress's authority under the Commerce Clause because carrying a gun in a school zone is not an economic activity. The Constitution created a national government with only limited, delegated powers. To claim that any kind of activity is commerce means that the power of Congress would be unlimited.

In their dissent, multiple justices argued that the Commerce Clause includes the right to regulate local activity so long as the activity significantly impacts interstate commerce. The Court's role is not to determine if an activity like possession of a gun was commerce but instead if Congress had a "rational bias" for doing so. Further, one justice dissented that the national interest in safeguarding the education system would benefit the overall economy.

1995

T
Time
U
U.S.
Constitution

- Article I, Section 8 (Commerce Clause)
- Article I, Section 8 (Elastic Clause)
- 10th Amendment (reserved powers)

S
Significance

This case dramatically decreased the power of Congress to regulate state behaviors through the Commerce Clause. Up to this case, the federal government relied on the broad interpretation of interstate commerce activity to mandate state compliance with national regulations, such as civil rights legislation. This case was a win for states rights' advocates.

Citizens United v. FEC (2010)

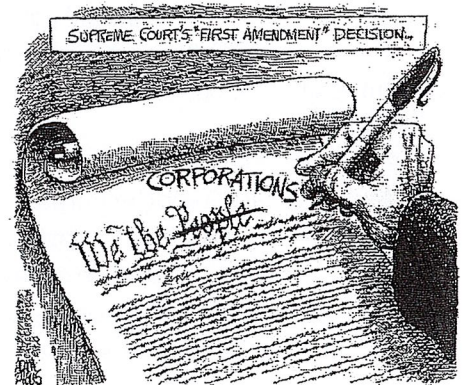
S
Situation

- Americans disagree about spending on election campaigns. Some feel like regulations are needed to prevent politicians from “owing” big donors that help get them elected. Others argue that money in elections is critical to spread information and is a protected form of free speech
- The Supreme Court has decided that donating and spending money on elections in a form of free speech. Laws that restrict how much individuals and groups can donate directly to candidates are allowed, because that spending is slightly removed from core political speech.
- The Bipartisan Campaign Reform Act (BCRA), a.k.a. McCain-Feingold Act, of 2002 prohibited corporations and unions from directly paying for ads that supported or denounced a specific candidate within 30 days of a primary election and 60 days of a general election. Citizens United, a non-profit organization funded in part by corporations, produced *Hillary: The Movie* in 2008 to persuade voters to not vote for Hillary Clinton in the Democratic primaries. The Federal Election Commission (FEC) argued that the movie was meant to influence voters, and, therefore, the BCRA ban applied.

C
Constitutional
Question
O
Opinion

Does a law that limits the ability of corporations and labor unions to spend their own money to advocate the election or defeat of a candidate violate the First Amendment’s guarantee of free speech?

The Court ruled in favor of Citizens United in a 5-4 decision, arguing that the 1st Amendment prohibits limits on corporate funding of independent broadcasts in candidate elections. The government’s rationale for the limits of corporate spending—to prevent corruption—was not persuasive enough to restrict political speech. Corporations have free speech rights and their political speech cannot be restricted any more than that of individuals. The Court did not, however, strike down parts of the BCRA that require disclosures about who is responsible for the ad and whether it was authorized by a candidate.



In dissent, the justices argued that the 1st Amendment was meant to protect people, not corporations. Without limits on electioneering, corporations’ wealth could give them an unfair influence in the electoral process that individual citizens could not rival.

2010

T
Time
U
U.S.
Constitution
S
Significance

- 1st Amendment (Free Speech)

This case was instrumental in the growth of independent expenditures in elections. As long as ads are unaffiliated directly with a campaign, independent groups can funnel unlimited amounts of money into influencing voters. This has led to elections, even at the local and state levels, becoming more and more expensive.

McDonald v. Chicago (2010)

S
Situation

- The 2nd Amendment protects “the right of the people to keep and bear Arms”, but there has been an ongoing national debate about what exactly that phrase means.
- In 2008, the Court struck down a handgun ban in the District of Columbia in the case *District of Columbia v. Heller*. Since the case was based out of D.C. (which is under the jurisdiction of the federal government), the *Heller* decision left open the question whether the 2nd Amendment applies to the state and local governments.
- In 1982, Chicago, Illinois adopted a handgun ban to combat crime and minimize handgun related deaths and injuries. In practice, the law essentially banned most Chicago residents from possessing handguns. Otis McDonald and other Chicagoans sued the city for violating the Constitution, arguing that the handgun ban violated their 2nd Amendment rights, which should apply to state and local governments via the 14th Amendment.



C
Constitutional
Question

Does the 2nd Amendment right to keep and bear arms apply to state and local governments through the 14th Amendment and thus limit Chicago’s ability to regulate guns?

O
Opinion

The Court ruled 5-4 in favor of McDonald, arguing that the 2nd Amendment right to keep and bear arms for the purpose of self-defense is fully applicable to the states under the 14th Amendment. Four of the five majority judges attempted to apply the 2nd Amendment against state and local governments in a way that “does not imperil every law regulating firearms”. Since not all five majority justices signed off on this portion of the opinion (Clarence Thomas dissented), however, it does not become part of active case law.

In their dissents, multiple justices argued that the 2nd Amendment was adopted to protect the states from federal encroachment and that, therefore, it made no sense to apply that provision against state and local governments. One justice asserted that nothing in the 2nd Amendment’s text, history, or underlying rationale made it “fundamental” and protective of the keeping and bearing of arms for private self-defense.

2010

T
Time
U
U.S.
Constitution

- 2nd Amendment (right to bear arms)
- 14th Amendment (due process clause)

S
Significance

This case incorporated the 2nd Amendment right to bear arms to the states. This means that state governments cannot severely limit or infringe on private citizens’ right to own firearms through local and state legislation. This case opens the door to more cases dismantling gun control legislation across the nation.

Case	Landmark Case video from CSPAN
Marbury v. Madison (1803)	https://www.c-span.org/video/?327710-1/supreme-court-landmark-cases
McCulloch v. Maryland (1819)	https://www.c-span.org/video/?439847-1/supreme-court-landmark-case-mcculloch-v-maryland
Schenck v. United States (1919)	https://www.c-span.org/video/?327714-1/supreme-court-landmark-case-schenck-v-united-states
Brown v. Board of Education (1954)	https://www.c-span.org/video/?327717-1/supreme-court-landmark-case-brown-v-board-education
Baker v. Carr (1961)	https://www.c-span.org/video/?327719-1/supreme-court-landmark-case-baker-v-carr
Engel v. Vitale (1962)	
Gideon v. Wainwright (1963)	https://www.c-span.org/video/?440870-1/supreme-court-landmark-case-gideon-v-wainwright
Tinker v. Des Moines Independent Community School District (1969)	
New York Times Co. v. United States (1971)	https://www.c-span.org/video/?440875-1/supreme-court-landmark-case-tinker-v-des-moines
Wisconsin v. Yoder (1972)	https://www.c-span.org/video/?440876-1/supreme-court-landmark-case-new-york-times-v-united-states
Roe v. Wade (1973)	https://www.c-span.org/video/?327721-1/supreme-court-landmark-case-roe-v-wade
Shaw v. Reno (1993)	https://www.c-span.org/video/?60092-1/understanding-shaw-v-reno
United States v. Lopez (1995)	
Citizens United v. Federal Election Commission (2010)	
McDonald v. Chicago (2010)	

**AP GOPO
Required SCOTUS Cases**

To know the major details of each case, the holding in the majority opinion, the constitutional principle used by the justices to support their finding, and the overview of the argument(s) by dissenting justices (if applicable)

1. *Marbury v. Madison* (1803)
<https://www.oyez.org/cases/1789-1850/5us137>
2. *McCulloch v. Maryland* (1819)
<https://www.oyez.org/cases/1789-1850/17us316>
3. *Schenck v. United States* (1919)
<https://www.oyez.org/cases/1900-1940/249us47>
4. *Brown v. Board of Education* (1954)
<https://www.oyez.org/cases/1940-1955/347us483>
5. *Baker v. Carr* (1961)
<https://www.oyez.org/cases/1960/6>
6. *Engle v. Vitale* (1962)
<https://www.oyez.org/cases/1961/468>
7. *Gideon v. Wainwright* (1963)
<https://www.oyez.org/cases/1962/155>
8. *Tinker v. Des Moines Independent Community School District* (1969)
<https://www.oyez.org/cases/1968/21>
9. *New York Times Co. v. United States* (1971)
<https://www.oyez.org/cases/1970/1873>
10. *Wisconsin v. Yoder* (1972)
<https://www.oyez.org/cases/1971/70-110>
11. *Roe v. Wade* (1973)
<https://www.oyez.org/cases/1971/70-18>
12. *Shaw v. Reno* (1993)
<https://www.oyez.org/cases/1992/92-357>
13. *United States v. Lopez* (1995)
<https://www.oyez.org/cases/1994/93-1260>
14. *McDonald v. Chicago* (2010)
<https://www.oyez.org/cases/2009/08-1521>
15. *Citizens United v. Federal Election Commission* (2010)
<https://www.oyez.org/cases/2008/08-205>