

Major Supreme Court Cases Summaries

Below are several of the major Supreme Court cases in the history of the United States. Each has the following categories:

1. Facts of the Case
 - a. A brief summary of the facts of the case before the court
2. Question to the Court
 - a. What was the Constitutional question posed to the Court?
3. Conclusion of the Court
 - a. A summary of the Court decision
4. Citation
 - a. A URL, which will take you to an outside site for additional information about the case.

This is searchable through Adobe Reader and is provided to assist you in locating information about Supreme Court cases. There are additional more in depth sites on the web page that will provide you with additional information (as well as the link within the summaries provided above).



Major Supreme Court Cases Summaries

Abington School District v. Schempp (1963)

Facts of the Case:

The Abington case concerns Bible-reading in Pennsylvania public schools. At the beginning of the school day, students who attended public schools in the state of Pennsylvania were required to read at least ten verses from the Bible. After completing these readings, school authorities required all Abington Township students to recite the Lord's Prayer. Students could be excluded from these exercises by a written note from their parents to the school. In a related case--*Murray v. Curlett*--a Baltimore statute required Bible-reading or the recitation of the Lord's Prayer at open exercises in public schools. Murray and his mother, professed atheists, challenged the prayer requirement.

Question:

Did the Pennsylvania law and Abington's policy, requiring public school students to participate in classroom religious exercises, violate the religious freedom of students as protected by the First and Fourteenth Amendments?

Conclusion:

Yes. The required activities encroached on both the free exercise clause and the establishment clause of the First Amendment since the readings and recitations were essentially religious ceremonies and were "intended by the State to be so." Furthermore, argued Justice Clark, the ability of a parent to excuse a child from these ceremonies by a written note was irrelevant since it did not prevent the school's actions from violating the Establishment Clause.

Citation

The Oyez Project, *Abington School District v. Schempp*, 374 U.S. 203 (1963) available at: (http://oyez.org/cases/1960-1969/1962/1962_142)

Abrams v. United States (1919)

Facts of the Case:

The defendants were convicted on the basis of two leaflets they printed and threw from windows of a building. One leaflet signed, "revolutionists," denounced the sending of American troops to Russia. The second leaflet, written in Yiddish, denounced the war and U.S. efforts to impede the Russian Revolution. The defendants were charged and convicted for inciting resistance to the war effort and for urging curtailment of production of essential war material. They were sentenced to 20 years in prison.

Question:

Do the amendments to the Espionage Act or the application of those amendments in this case violate the free speech clause of the First Amendment?

Conclusion:

No. No. The act's amendments are constitutional and the defendants' convictions are affirmed. In Clarke's majority opinion, the leaflets are an appeal to violent revolution, a call for a general strike, and an attempt to curtail production of munitions. The leaflets had a tendency to encourage war resistance and to curtail war production. Holmes and Brandeis dissented on narrow ground: The necessary intent had not been shown. These views were to become a classic libertarian pronouncement.

Citation

The Oyez Project, *Abrams v. United States*, 250 U.S. 616 (1919) available at: (http://oyez.org/cases/1901-1939/1919/1919_316)

Major Supreme Court Cases Summaries

Apodaca v. Oregon (1972)

Facts of the Case:

Apodaca and two other defendants were convicted of assault, burglary, and grand larceny before three separate juries, all of which returned verdicts which were less than unanimous. Two of the cases were 11-1 and the other was 10-2 in favor of conviction.

Question:

Is a defendant's right to a trial by jury in a criminal case in a state court (as protected by the Sixth and Fourteenth Amendments) violated if the accused is convicted by a less-than-unanimous jury?

Conclusion:

No. In a close decision the Court found that the accused's right to a jury trial does not require that juries return unanimous decisions in order to convict. After reviewing the history and function of juries in American society, the Court held that the most important function of the jury is to provide "commonsense judgment" in evaluating the respective arguments of accused and accuser. Requiring unanimity would not necessarily contribute to this function. A distinction was drawn, however, between capital and non-capital crimes.

Citation

Apodaca v. Oregon, 406 U.S. 404 (1972), http://www.oyez.org/cases/1970-1979/1970/1970_69_5046

Argersinger v. Hamlin (1972)

Facts of the Case:

Jon Argersinger was a homeless man charged with carrying a concealed weapon, a misdemeanor in Florida. The charge carried with it a maximum penalty of six months in jail and a \$1,000 fine. During the bench trial in which he was convicted and sentenced to serve ninety days in jail, Argersinger was not represented by an attorney.

Question:

Do the Sixth and Fourteenth Amendments guarantee a right to counsel to defendants who are accused of committing misdemeanors?

Conclusion:

Yes. In *Gideon v. Wainwright* (1963) the Court found that the Sixth and Fourteenth Amendments required states to provide an attorney to indigent defendants in cases involving serious crimes. In this case, a unanimous Court extended that right to cover defendants charged with misdemeanors who faced the possibility of a jail sentence. Justice Douglas's plurality opinion described the intricacies involved in misdemeanor charges and the danger that unrepresented defendants may fall victim to "assembly-line justice." Thus, in order to guarantee fairness in trials involving potential jail time, no matter how petty the charge, the Court found that the state was obligated to provide the accused with counsel.

Citation

The Oyez Project, Argersinger v. Hamlin, 407 U.S. 25 (1972) available at: (http://oyez.org/cases/1970-1979/1971/1971_70_5015)

Major Supreme Court Cases Summaries

Arizona v. Fulminante (1991)

Facts of the Case:

Arizona law officials suspected that Oreste Fulminante murdered his stepdaughter. He was later arrested in New York for an unrelated crime after the murder and incarcerated. While in prison he became friends with Anthony Sarivola, an inmate paid by the Federal Bureau of Investigation to collect information on other inmates while he served his term. Fulminante initially denied killing his stepdaughter to Sarivola, but admitted it when Sarivola offered him protection from other inmates in exchange for the truth. After his release, Fulminante also confessed to Sarivola's wife, Donna. Fulminante was indicted for murder in Arizona. Fulminante argued in trial court that his two confessions to the Sarivolas could not be used as evidence since the first was coerced and the second was based on the first. The court admitted his confessions as evidence, convicted him, and sentenced him to death. On appeal, the Arizona supreme court ordered Fulminante to be retried without the use of the confessions.

Question:

Did the Arizona supreme court properly apply the totality of circumstances test when considering whether a suspect's confession to murder was coerced? Did the Arizona supreme court properly apply harmless error analysis when considering whether the suspect's coerced confession influenced the outcome of the trial?

Conclusion:

Yes. Yes. Justice Byron R. White and Chief Justice William H. Rehnquist delivered parts of the opinion, both majorities by a 5-4 vote. The Court held that Fulminante was coerced to confess in violation of the Fifth and Fourteenth Amendments. The Court found that "it was fear of physical violence, absent protection from his friend Sarivola, which motivated Fulminante to confess." This motivation invalidated his confession. Since Fulminante's confession to Donna Sarivola was closely tied to his first coerced confession, the Court dismissed both. The Court also found that the confessions played a determinative role in the trial. It maintained that a "successful prosecution depended on the jury's believing the two confessions." Because the confessions were critical to the outcome of the trial, the fact that they were obtained coercively could not be dismissed as a harmless error. Four justices dissented to using harmless error analysis for coerced confessions on the ground that confessions always significantly affect a trial's outcome.

Citation

Arizona v. Fulminante, 499 U.S. 279 (1991), http://www.oyez.org/cases/1990-1999/1990/1990_89_839

Ashcroft v. American Civil Liberties Union (2002)

Facts of the Case:

Congress passed the Child Online Protection Act (COPA) to prevent minors from accessing pornography online. The American Civil Liberties Union (ACLU) and online publishers sued in federal court to prevent enforcement of the act, arguing that it violated the free speech clause of the First Amendment. The district court agreed. On appeal, a Third Circuit court of appeals panel affirmed, holding that because the act used "community standards" to decide which material was harmful to minors, it would prohibit material that was felt offensive in the most "puritanical" communities from being displayed in more "tolerant" ones. On appeal, the Supreme Court ruled that the "community standards" provision alone did not make the act unconstitutional and sent the case back to the Third Circuit for further evaluation. The Third Circuit again prohibited implementation of the act, holding that it was likely to fail the "strict scrutiny" test because it was not narrowly tailored--that is, it prevented online publishers from publishing some material that adults had a right to access--and because it did not use the least restrictive means possible to protect children (the court found that blocking software installed on home computers by parents would do as good a job without preventing free speech). For similar reasons, the panel found that the act was unconstitutionally "overbroad"--that is, it applied to too much protected material.

Question:

Is the Child Online Protection Act's requirement that online publishers prevent children from accessing "material that is harmful to minors" likely to violate the First Amendment by restricting too much protected speech and using a method that is not the least restrictive one available?

Conclusion:

Yes. In a 5-to-4 vote, with Justices Kennedy, Stevens, Souter, Thomas and Ginsburg on one side and Chief Justice Rehnquist and Justices Scalia, Breyer and O'Connor on the other, the Court found that Congress had not yet met its burden to show that the COPA requirements were more effective than other methods of preventing minors. Justice Anthony Kennedy, in the majority opinion, wrote that the district court's injunction "was not an abuse of discretion, because on this record there are a number of plausible, less restrictive alternatives to the statute." The majority also emphasized that barring the statute's enforcement during the trial would be less harmful than allowing it, because allowing it would be likely to prevent online publishers from publishing certain material.

Citation

The Oyez Project, Ashcroft v. American Civil Liberties Union, 542 U.S. 656 (2004) available at: (http://oyez.org/cases/2000-2009/2003/2003_03_218)

Major Supreme Court Cases Summaries

Ashcroft v. Free Speech Coalition (2002)

Facts of the Case:

The Child Pornography Prevention Act of 1996 (CPPA) prohibits "any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture" that "is, or appears to be, of a minor engaging in sexually explicit conduct," and any sexually explicit image that is "advertised, promoted, presented, described, or distributed in such a manner that conveys the impression" it depicts "a minor engaging in sexually explicit conduct." The Free Speech Coalition, an adult-entertainment trade association, and others filed suit, alleging that the "appears to be" and "conveys the impression" provisions are overbroad and vague and, thus, restrain works otherwise protected by the First Amendment. Reversing the district court, the court of appeals held the CPPA invalid on its face, finding it to be substantially overbroad because it bans materials that are neither obscene under *Miller v. California*, 413 U.S. 15, nor produced by the exploitation of real children as in *New York v. Ferber*, 458 U.S. 747.

Question:

Does the Child Pornography Prevention Act of 1996 abridge freedom of speech where it where it proscribes a significant universe of speech that is neither obscene under *Miller v. California* nor child pornography under *New York v. Ferber*?

Conclusion:

Yes. In a 6-3 opinion delivered by Justice Anthony M. Kennedy, the Court held that the two prohibitions described above are overbroad and unconstitutional. The Court found the CPPA to be inconsistent with *Miller* insofar as the CPPA cannot be read to prohibit obscenity, because it lacks the required link between its prohibitions and the affront to community standards prohibited by the obscenity definition. Moreover, the Court found the CPPA to have no support in *Ferber* since the CPPA prohibits speech that records no crime and creates no victims by its production. Provisions of the CPPA cover "materials beyond the categories recognized in *Ferber* and *Miller*, and the reasons the Government offers in support of limiting the freedom of speech have no justification in our precedents or in the law of the First Amendment" and abridge "the freedom to engage in a substantial amount of lawful speech," wrote Justice Kennedy.

Citation

Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002), http://www.oyez.org/cases/2000-2009/2001/2001_00_795

Baker v. Carr (1962)

Facts of the Case:

Charles W. Baker and other Tennessee citizens alleged that a 1901 law designed to apportion the seats for the state's general assembly was virtually ignored. Baker's suit detailed how Tennessee's reapportionment efforts ignored significant economic growth and population shifts within the state.

Question:

Did the Supreme Court have jurisdiction over questions of legislative apportionment?

Conclusion:

Yes. In an opinion which explored the nature of "political questions" and the appropriateness of Court action in them, the Court held that there were no such questions to be answered in this case and that legislative apportionment was a justiciable issue. In his opinion, Justice Brennan provided past examples in which the Court had intervened to correct constitutional violations in matters pertaining to state administration and the officers through whom state affairs are conducted. Brennan concluded that the Fourteenth Amendment equal protection issues which Baker and others raised in this case merited judicial evaluation.

Citation

The Oyez Project, Baker v. Carr, 369 U.S. 186 (1962) available at: (http://oyez.org/cases/1960-1969/1960/1960_6)

Major Supreme Court Cases Summaries

Barenblatt v. United States (1959)

Facts of the Case:

During hearings of the House Committee on Un-American Activities, Lloyd Barenblatt, a university professor, refused to answer questions concerning his political and religious beliefs along with his associational activities. He was found in contempt of Congress for failing to cooperate with the committee investigation.

Question:

Did the House Committee's investigation into Barenblatt's affiliations with the Communist Party transgress his First Amendment protections which limit congressional inquiries?

Conclusion:

No. The divided Court found that the Committee's actions did not violate the First Amendment and, thus, upheld Barenblatt's conviction for contempt of Congress. Justice Harlan noted that the First Amendment does not protect a witness from all lines of questioning. As long as the Congressional inquiry is pursued to "aid the legislative process" and to protect important government interests, then it is legitimate.

Citation

The Oyez Project, Barenblatt v. United States, 360 U.S. 109 (1959) available at: (http://oyez.org/cases/1950-1959/1958/1958_35) (last visited Friday, March 5, 2010).

Barron v. Baltimore (1833)

Facts of the Case:

John Barron was co-owner of a profitable wharf in the harbor of Baltimore. As the city developed and expanded, large amounts of sand accumulated in the harbor, making the water too shallow for large boats to dock at the wharf. He sued the city to recover a portion of his financial losses.

Question:

Does the Fifth Amendment deny the states as well as the national government the right to take private property for public use without justly compensating the property's owner?

Conclusion:

No. The Court announced its decision in this case without even hearing the arguments of the City of Baltimore. Writing for the unanimous Court, Chief Justice Marshall found that the limitations on government articulated in the Fifth Amendment were specifically intended to limit the powers of the national government. Citing the intent of the framers and the development of the Bill of Rights as an exclusive check on the government in Washington D.C., Marshall argued that the Supreme Court had no jurisdiction in this case since the Fifth Amendment was not applicable to the states.

Citation

The Oyez Project, Barron v. Mayor and City Council of Baltimore, 32 U.S. 243 (1833) available at: (http://oyez.org/cases/1792-1850/1833/1833_0)

Major Supreme Court Cases Summaries

Batson v. Kentucky (1986)

Facts of the Case:

Batson, a black man, was on trial charged with second-degree burglary and receipt of stolen goods. During the jury selection, the prosecutor used his peremptory challenges to throw out all four black persons in the jury pool, resulting in a jury composed of all whites. Batson was convicted on both of the charges against him.

Question:

Did the prosecutor's use of peremptory challenges to exclude the four black people from the jury violate Batson's Sixth and Fourteenth Amendment rights to a fair jury trial and his Fourteenth Amendment right to equal protection of the laws?

Conclusion:

Yes. Relying heavily on precedents set in *Strauder v. West Virginia* (1880) and *Swain v. Alabama* (1965), Justice Powell held that racial discrimination in the selection of jurors not only deprives the accused of important rights during a trial, but also is devastating to the community at large because it "undermines public confidence in the fairness of our system of justice." Without identifying a "neutral" reason why the four black people should have been excluded from the jury, the prosecutor's actions were in violation of the Constitution.

Citation

The Oyez Project, *Batson v. Kentucky*, 476 U.S. 79 (1986) available at: (http://oyez.org/cases/1980-1989/1985/1985_84_6263)

Betts v. Brady (1942)

Facts of the Case:

Betts was indicted for robbery in Maryland. An indigent, he was unable to afford counsel and requested one be appointed for him. The judge in the case denied the request, and Betts subsequently pled not guilty while maintaining he had a right to counsel and arguing his own defense.

Question:

Does denying a request for counsel for an indigent defendant violate the due process clause of the Fourteenth Amendment which embraces the defendant's right to counsel guaranteed by the Sixth Amendment?

Conclusion:

No. The Court ruled that the previously discovered right to counsel provided by the Fourteenth Amendment does not compel states to provide counsel to any defendant. Justice Owen Roberts' opinion asserted that the right to counsel merely prevented the state from interfering in a defendant's request for representation rather than requiring a state to offer counsel. This decision was overturned in *Gideon v. Wainwright*.

Citation

Betts v. Brady, 316 U.S. 455 (1942), http://www.oyez.org/cases/1940-1949/1941/1941_837

Major Supreme Court Cases Summaries

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

Facts of the Case:

The school administration at Westside High School denied permission to a group of students to form a Christian club with the same privileges and meeting terms as other Westside after-school student clubs. In addition to citing the Establishment Clause, Westside refused the club's formation because it lacked a faculty sponsor. When the school board upheld the administration's denial, Mergens and several other students sued. The students alleged that Westside's refusal violated the Equal Access Act, which requires that schools in receipt of federal funds provide "equal access" to student groups seeking to express "religious, political, philosophical, or other content" messages. On appeal from an adverse district court ruling, the court of appeals found in favor of the students, and the Supreme Court decided to hear the case.

Question:

Was Westside's prohibition against the formation of a Christian club consistent with the Establishment Clause, thereby rendering the Equal Access Act unconstitutional?

Conclusion:

No. In distinguishing between "curriculum" and "noncurriculum student groups," the Court held that since Westside permitted other noncurricular clubs, it was prohibited under the Equal Access Act from denying equal access to any after-school club based on the content of its speech. The proposed Christian club would be a noncurriculum group since no other course required students to become its members, its subject matter would not actually be taught in classes, it did not concern the school's cumulative body of courses, and its members would not receive academic credit for their participation. The Court added that the Equal Access Act was constitutional because it served an overriding secular purpose by prohibiting discrimination on the basis of philosophical, political, or other types of speech. As such, the Act protected the Christian club's formation even if its members engaged in religious discussions.

Citation

The Oyez Project, Board of Education of Westside Community Schools v. Mergens, 496 U.S. 226 (1990) available at: (http://oyez.org/cases/1980-1989/1989/1989_88_1597)

Board of Education v. Allen (1968)

Facts of the Case:

A 1965 amendment to New York's education law required public school boards to lend textbooks to elementary and secondary school students enrolled in private and parochial schools. The board of education for New York Central School District No. 1, contending that the law violated the establishment and free exercise clauses of the First Amendment, filed suit against James Allen, Commissioner of Education, requesting a declaratory injunction to prevent enforcement of the statute. The trial court agreed with the board and found the statute unconstitutional. The appellate division reversed the ruling, finding that the boards lacked standing. On appeal, the court of appeals ruled the boards did have standing, but also found that, because the law's purpose was to benefit all students regardless of the type of school they attended, the law did not violate the First Amendment.

Question:

Do the Establishment and Free Exercise Clauses forbid New York from requiring that public school boards loan textbooks to parochial school students without cost?

Conclusion:

No. In a 6-3 opinion authored by Justice Byron R. White, the Court applied the test constructed in *Abington School District v. Schempp* and found that, because the stated legislative purpose and necessary effects of the statute did not advance any one religion or religion in general, the law did not violate the First Amendment. Because the books were given to the students, rather than the parochial schools themselves, the Court reasoned, "the financial benefit is to parents and children, not schools."

Citation

Board of Education v. Allen, 392 U.S. 236 (1968), http://www.oyez.org/cases/1960-1969/1967/1967_660

Major Supreme Court Cases Summaries

Board of Education v. Earls (2002)

Facts of the Case:

The Student Activities Drug Testing Policy adopted by the Tecumseh, Oklahoma School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. Two Tecumseh High School students and their parents brought suit, alleging that the policy violates the Fourth Amendment. The district court granted the School District summary judgment. In reversing, the court of appeals held that the policy violated the Fourth Amendment. The appellate court concluded that before imposing a suspicionless drug-testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem, which the School District had failed to demonstrate.

Question:

Is the Student Activities Drug Testing Policy, which requires all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?

Conclusion:

Yes. In a 5-4 opinion delivered by Justice Clarence Thomas, the Court held that, because the policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, it is constitutional. The Court reasoned that the Board of Education's general regulation of extracurricular activities diminished the expectation of privacy among students and that the Board's method of obtaining urine samples and maintaining test results was minimally intrusive on the students' limited privacy interest. "Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren," wrote Justice Thomas.

Citation

The Oyez Project, Board of Education v. Earls, 536 U.S. 822 (2002) available at: (http://oyez.org/cases/2000-2009/2001/2001_01_332)

Bob Jones University v. United States (1983)

Facts of the Case:

Bob Jones University was dedicated to "fundamental Christian beliefs" which included prohibitions against interracial dating and marriage. Such behavior would lead to expulsion. In 1970, the Internal Revenue Service (IRS) changed its formal policy to adopt a district court decision that prohibited the IRS from giving tax-exempt status to private schools engaging in racial discrimination. The IRS believed that the university's policies amounted to racism and revoked its tax-exempt status. The university claimed that the IRS had abridged its religious liberty. This case was decided together with *Goldsboro Christian Schools Inc. v. United States*, in which Goldsboro maintained a racially discriminatory admissions policy based upon its interpretation of the Bible, accepting, for the most part, only white students. The IRS determined that Goldsboro was not an exempt organization and hence was required to pay federal social security and unemployment taxes. After paying a portion of such taxes for certain years, Goldsboro filed a refund suit claiming that the denial of its tax-exempt status violated the U.S. Constitution.

Question:

Can the government prohibit race discrimination at the expense of the First Amendment's free exercise clause?

Conclusion:

The Court found that the IRS was correct in its decision to revoke the tax-exempt status of Bob Jones University and the Goldsboro Christian School. These institutions did not meet the requirement by providing "beneficial and stabilizing influences in community life" to be supported by taxpayers with a special tax status. The schools could not meet this requirement due to their discriminatory policies. The Court declared that racial discrimination in education violated a "fundamental national public policy." The government may justify a limitation on religious liberties by showing it is necessary to accomplish an "overriding governmental interest." Prohibiting racial discrimination was such a governmental interest. Hence, the Court found that "not all burdens on religion are unconstitutional."

Citation

Bob Jones University v. United States, 461 U.S. 574 (1983), http://www.oyez.org/cases/1980-1989/1982/1982_81_3

Major Supreme Court Cases Summaries

Boerne v. Flores (1997)

Facts of the Case:

The Archbishop of San Antonio sued local zoning authorities for violating his rights under the 1993 Religious Freedom Restoration Act (RFRA), by denying him a permit to expand his church in Boerne, Texas. Boerne's zoning authorities argued that the archbishop's church was located in a historic preservation district governed by an ordinance forbidding new construction, and that the RFRA was unconstitutional insofar as it sought to override this local preservation ordinance. On appeal from the Fifth Circuit's reversal of a district court's finding against Archbishop Flores, the Court agreed to hear Boerne's case.

Question:

Did Congress exceed its Fourteenth Amendment enforcement powers by enacting the RFRA which, in part, subjected local ordinances to federal regulation?

Conclusion:

Yes. Under the RFRA, the government is prohibited from "substantially burden[ing]" religion's free exercise unless it must do so to further a compelling government interest, and, even then, it may only impose the least restrictive burden. The Court held that while Congress may enact such legislation as the RFRA, in an attempt to prevent the abuse of religious freedoms, it may not determine the manner in which states enforce the substance of its legislative restrictions. This, the Court added, is precisely what the RFRA does by overly restricting the states' freedom to enforce its spirit in a manner which they deem most appropriate. With respect to this case, specifically, there was no evidence to suggest that Boerne's historic preservation ordinance favored one religion over another, or that it was based on animus or hostility for free religious exercise.

Citation

City of Boerne v. Flores, 521 U.S. 507 (1997), http://www.oyez.org/cases/1990-1999/1996/1996_95_2074

Boumediene v. Bush (2008)

Major Supreme Court Cases Summaries

Facts of the Case:

In 2002 Lakhdar Boumediene and five other Algerian natives were seized by Bosnian police when U.S. intelligence officers suspected their involvement in a plot to attack the U.S. embassy there. The U.S. government classified the men as enemy combatants in the War on Terror and detained them at the Guantanamo Bay Naval Base, which is located on land that the U.S. leases from Cuba. Boumediene filed a petition for a writ of habeas corpus, alleging violations of the Constitution's Due Process Clause, various statutes and treaties, the common law, and international law. The district court judge granted the government's motion to have all the claims dismissed on the ground that Boumediene, as an alien detained at an overseas military base, had no right to a habeas petition. The U.S. Court of Appeals for the D.C. Circuit affirmed the dismissal but the Supreme Court reversed in *Rasul v. Bush*, which held that the habeas statute extends to non-citizen detainees at Guantanamo. In 2006, Congress passed the Military Commissions Act of 2006 (MCA). The Act eliminates federal courts' jurisdiction to hear habeas applications from detainees who have been designated (according to procedures established in the Detainee Treatment Act of 2005) as enemy combatants. When the case was appealed to the D.C. circuit for the second time, the detainees argued that the MCA did not apply to their petitions and that, if it did, it was unconstitutional under the Suspension Clause. The Suspension Clause reads: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." The D.C. Circuit ruled in favor of the government on both points. It cited language in the MCA applying the law to "all cases, without exception" that pertain to aspects of detention. One of the purposes of the MCA, according to the circuit court, was to overrule the Supreme Court's opinion in *Hamdan v. Rumsfeld*, which had allowed petitions like Boumediene's to go forward. The D.C. circuit held that the Suspension Clause only protects the writ of habeas corpus as it existed in 1789, and that the writ would not have been understood in 1789 to apply to an overseas military base leased from a foreign government. Constitutional rights do not apply to aliens outside of the United States, the court held, and the leased military base in Cuba does not qualify as inside the geographic borders of the U.S. In a rare reversal, the Supreme Court agreed to hear the case after initially denying review three months earlier.

Question:

1. Should the Military Commissions Act of 2006 be interpreted to strip federal courts of jurisdiction over habeas petitions filed by foreign citizens detained at the U.S. Naval Base at Guantanamo Bay, Cuba? 2. If so, is the Military Commissions Act of 2006 a violation of the Constitution's Suspension Clause? 3. Are the detainees at Guantanamo Bay entitled to due process of law under the Fifth Amendment and of the Geneva Convention?

Conclusion:

A five-justice majority answered yes to each of these questions. The opinion, written by Justice Anthony Kennedy, stated that if the MCA is considered valid its legislative history requires that the detainees' cases be dismissed. However, the Court went on to state that because the procedures laid out in the Detainee Treatment Act are not adequate substitutes for the habeas writ, the MCA operates as an unconstitutional suspension of that writ. The detainees were not barred from seeking habeas or invoking the Suspension Clause merely because they had been designated as enemy combatants or held at Guantanamo Bay. The Court reversed the D.C. circuit's ruling and found in favor of the detainees. Justice David H. Souter concurred in the judgment. Chief Justice John G. Roberts and Justice Antonin Scalia filed separate dissenting opinions.

Citation

The Oyez Project, *Boumediene v. Bush*, 553 U.S. ____ (2008) available at: (http://oyez.org/cases/2000-2009/2007/2007_06_1195)

Major Supreme Court Cases Summaries

Facts of the Case:

The Boy Scouts of America revoked former Eagle Scout and assistant scoutmaster James Dale's adult membership when the organization discovered that Dale was homosexual and a gay rights activist. In 1992, Dale filed suit against the Boy Scouts, alleging that the Boy Scouts had violated the New Jersey statute prohibiting discrimination on the basis of sexual orientation in places of public accommodation. The Boy Scouts, a private, not-for-profit organization, asserted that homosexual conduct was inconsistent with the values it was attempting to instill in young people. The New Jersey Superior Court held that New Jersey's public accommodations law was inapplicable because the Boy Scouts was not a place of public accommodation. The court also concluded that the Boy Scouts' First Amendment freedom of expressive association prevented the government from forcing the Boy Scouts to accept Dale as an adult leader. The court's appellate division held that New Jersey's public accommodations law applied to the Boy Scouts because of its broad-based membership solicitation and its connections with various public entities, and that the Boy Scouts violated it by revoking Dale's membership based on his homosexuality. The court rejected the Boy Scouts' federal constitutional claims. The New Jersey Supreme Court affirmed. The court held that application of New Jersey's public accommodations law did not violate the Boy Scouts' First Amendment right of expressive association because Dale's inclusion would not significantly affect members' abilities to carry out their purpose. Furthermore, the court concluded that reinstating Dale did not compel the Boy Scouts to express any message.

Question:

Does the application of New Jersey's public accommodations law violate the Boy Scouts' First Amendment right of expressive association to bar homosexuals from serving as troop leaders?

Conclusion:

Yes. In a 5-4 opinion delivered by Chief Justice William H. Rehnquist, the Court held that "applying New Jersey's public accommodations law to require the Boy Scouts to admit Dale violates the Boy Scouts' First Amendment right of expressive association." In effect, the ruling gives the Boy Scouts of America a constitutional right to bar homosexuals from serving as troop leaders. Chief Justice Rehnquist wrote for the Court that, "[t]he Boy Scouts asserts that homosexual conduct is inconsistent with the values it seeks to instill," and that a gay troop leader's presence "would, at the very least, force the organization to send a message, both to the young members and the world, that the Boy Scouts accepts homosexual conduct as a legitimate form of behavior."

Citation

The Oyez Project, Boy Scouts of America v. Dale, 530 U.S. 640 (2000) available at: (http://oyez.org/cases/1990-1999/1999/1999_99_699)

Brandenburg v. Ohio (1969)

Facts of the Case:

Brandenburg, a leader in the Ku Klux Klan, made a speech at a Klan rally and was later convicted under an Ohio criminal syndicalism law. The law made it illegal to advocate "crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform," as well as assembling "with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism."

Question:

Did Ohio's criminal syndicalism law, prohibiting public speech that advocates various illegal activities, violate Brandenburg's right to free speech as protected by the First and Fourteenth Amendments?

Conclusion:

Yes. The Court issued a majority opinion by the Court itself (not a signed one) that held that the Ohio law violated Brandenburg's right to free speech. The Court used a two-pronged test to evaluate speech acts: Speech can be prohibited if it is (1) "directed at inciting or producing imminent lawless action" and it is (2) "likely to incite or produce such action." The criminal syndicalism act made illegal the advocacy and teaching of doctrines while ignoring whether or not that advocacy and teaching would actually incite imminent lawless action. The failure to make this distinction rendered the law overly broad and in violation of the Constitution.

Citation

The Oyez Project, Brandenburg v. Ohio, 395 U.S. 444 (1969) available at: (http://oyez.org/cases/1960-1969/1968/1968_492)

Brandenburg v. Hayes (1972)

Major Supreme Court Cases Summaries

Facts of the Case:

After observing and interviewing a number of people synthesizing and using drugs in a two-county area in Kentucky, Branzburg, a reporter, wrote a story which appeared in a Louisville newspaper. On two occasions he was called to testify before state grand juries which were investigating drug crimes. Branzburg refused to testify and potentially disclose the identities of his confidential sources. Similarly, in the companion cases of *In re Pappas* and *United States v. Caldwell*, two different reporters, each covering activity within the Black Panther organization, were called to testify before grand juries and reveal trusted information. Like Branzburg, both Pappas and Caldwell refused to appear before their respective grand juries.

Question:

Is the requirement that news reporters appear and testify before state or federal grand juries an abridgement of the freedoms of speech and press as guaranteed by the First Amendment?

Conclusion:

No. The Court found that requiring reporters to disclose confidential information to grand juries served a "compelling" and "paramount" state interest and did not violate the First Amendment. Justice White argued that since the case involved no government intervention to impose prior restraint, and no command to publish sources or to disclose them indiscriminately, there was no Constitutional violation. The fact that reporters receive information from sources in confidence does not privilege them to withhold that information during a government investigation; the average citizen is often forced to disclose information received in confidence when summoned to testify in court.

Citation

The Oyez Project, *Branzburg v. Hayes*, 408 U.S. 665 (1972) available at: (http://oyez.org/cases/1970-1979/1971/1971_70_85)

Braunfeld v. Brown (1961)

Facts of the Case:

Abraham Braunfeld owned a retail clothing and home furnishing store in Philadelphia. As an Orthodox Jew, he was prohibited by his faith from working on Saturday, the sabbath. The Pennsylvania blue law only allowed certain stores to remain open for business on Sundays. Braunfeld's store was not one of those types allowed to be open. He challenged the law as a violation of the religious liberty clauses because he needed to be open six days a week for economic reasons and was prohibited from doing so by a tenet of his faith and the blue law.

Question:

Did the Pennsylvania blue law violate the First Amendment's protection of free exercise of religious beliefs?

Conclusion:

In a 6-to-3 decision, the Court held that the Pennsylvania blue law did not violate the Free Exercise Clause. The freedom to hold religious beliefs and opinions is absolute; however, the freedom to act (even in accordance with religious convictions) is not totally free from government restrictions. The Court found that the Sunday Closing Law had a secular basis and did not make any religious practices unlawful. The blue law is valid despite its indirect burden on religious observance unless the state can accomplish its secular goal of providing a uniform day of rest for all through other means. That an indirect burden, such as economic sacrifice, may be a result of the statute, does not make the blue law unconstitutional.

Citation

The Oyez Project, *Braunfeld v. Brown*, 366 U.S. 599 (1961) available at: (http://oyez.org/cases/1960-1969/1960/1960_67)

Brown v. Board of Education I (1954)

Facts of the Case:

Black children were denied admission to public schools attended by white children under laws requiring or permitting

Major Supreme Court Cases Summaries

segregation according to the races. The white and black schools approached equality in terms of buildings, curricula, qualifications, and teacher salaries. This case was decided together with *Briggs v. Elliott* and *Davis v. County School Board of Prince Edward County*.

Question:

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the Fourteenth Amendment?

Conclusion:

Yes. Despite the equalization of the schools by "objective" factors, intangible issues foster and maintain inequality. Racial segregation in public education has a detrimental effect on minority children because it is interpreted as a sign of inferiority. The long-held doctrine that separate facilities were permissible provided they were equal was rejected. Separate but equal is inherently unequal in the context of public education. The unanimous opinion sounded the death-knell for all forms of state-maintained racial separation.

Citation

Brown v. Board of Education (I), 347 U.S. 483 (1954), http://www.oyez.org/cases/1950-1959/1952/1952_1

Brown v. Board of Education II (1955)

Facts of the Case:

After its decision in Brown I which declared racial discrimination in public education unconstitutional, the Court convened to issue the directives which would help to implement its newly announced Constitutional principle. Given the embedded nature of racial discrimination in public schools and the diverse circumstances under which it had been practiced, the Court requested further argument on the issue of relief.

Question:

What means should be used to implement the principles announced in Brown I?

Conclusion:

The Court held that the problems identified in Brown I required varied local solutions. Chief Justice Warren conferred much responsibility on local school authorities and the courts which originally heard school segregation cases. They were to implement the principles which the Supreme Court embraced in its first Brown decision. Warren urged localities to act on the new principles promptly and to move toward full compliance with them "with all deliberate speed."

Citation

Brown v. Board of Education (II), 349 U.S. 294 (1955), http://www.oyez.org/cases/1950-1959/1954/1954_1

Major Supreme Court Cases Summaries

Buck v. Bell (1927)

Facts of the Case:

Carrie Buck was a feeble minded woman who was committed to a state mental institution. Her condition had been present in her family for the last three generations. A Virginia law allowed for the sexual sterilization of inmates of institutions to promote the "health of the patient and the welfare of society." Before the procedure could be performed, however, a hearing was required to determine whether or not the operation was a wise thing to do.

Question:

Did the Virginia statute which authorized sterilization deny Buck the right to due process of the law and the equal protection of the laws as protected by the Fourteenth Amendment?

Conclusion:

No. The Court found that the statute did not violate the Constitution. Justice Holmes made clear that Buck's challenge was not upon the medical procedure involved but on the process of the substantive law. Since sterilization could not occur until a proper hearing had occurred (at which the patient and a guardian could be present) and after the Circuit Court of the County and the Supreme Court of Appeals had reviewed the case, if so requested by the patient. Only after "months of observation" could the operation take place. That was enough to satisfy the Court that there was no Constitutional violation. Citing the best interests of the state, Justice Holmes affirmed the value of a law like Virginia's in order to prevent the nation from "being swamped with incompetence...Three generations of imbeciles are enough."

Citation

The Oyez Project, Buck v. Bell, 274 U.S. 200 (1927) available at: (http://oyez.org/cases/1901-1939/1926/1926_292)

Buckley v. American Constitutional Law Foundation (1999)

Facts of the Case:

Colorado practices an initiative-petition process in which citizens can make laws directly through balloting initiatives. Acting on behalf of ballot petitioners, the American Constitutional Law Foundation (Foundation) challenged the constitutionality of six limitations imposed by Colorado on the petitioning process. After mixed rulings in both trial and appellate courts, the Supreme Court agreed to review three of the six original restrictions. The first required petition circulators to be registered voters. The second required them to wear identification badges with their names, status as "volunteer" or "paid" and, if the latter, then their employer's phone number. The third required initiative proponents to report names, addresses, and registration voting counties for all paid circulators, as well as salary per petition signature, and each circulator's total salary. Proponents also had to report, on a monthly basis, all proponent names, names and addresses of circulators, circulators' monthly salary and debt totals, and the name of each proposed ballot measure.

Question:

Did the State of Colorado's imposition of name, badge, and financial disclosure requirements, on initiative-petition proponents and their circulators, violate the First Amendment's freedom of speech protections?

Conclusion:

Yes. In a 6-to-3 decision, the Court found the name, badge, and disclosure requirements to be unconstitutional. Weighing Colorado's need to protect the integrity of the initiative-petition process against the burdens that its guidelines placed on political expression, the Court found that the latter outweighed the former. Noting that the appellate court upheld a requirement that each circulator submit an affidavit setting out, among several particulars, his or her name and address, the Court explained that the vital information sought by the three additional restrictions at issue was already being secured either directly or indirectly.

Citation

The Oyez Project, Buckley v. American Constitutional Law Foundation Inc., 525 U.S. 182 (1999) available at: (http://oyez.org/cases/1990-1999/1998/1998_97_930)

Major Supreme Court Cases Summaries

Buckley v. Valeo (1976)

Facts of the Case:

In the wake of the Watergate affair, Congress attempted to ferret out corruption in political campaigns by restricting financial contributions to candidates. Among other things, the law set limits on the amount of money an individual could contribute to a single campaign and it required reporting of contributions above a certain threshold amount. The Federal Election Commission was created to enforce the statute.

Question:

Did the limits placed on electoral expenditures by the Federal Election Campaign Act of 1971, and related provisions of the Internal Revenue Code of 1954, violate the First Amendment's freedom of speech and association clauses?

Conclusion:

In this complicated case, the Court arrived at two important conclusions. First, it held that restrictions on individual contributions to political campaigns and candidates did not violate the First Amendment since the limitations of the FECA enhance the "integrity of our system of representative democracy" by guarding against unscrupulous practices. Second, the Court found that governmental restriction of independent expenditures in campaigns, the limitation on expenditures by candidates from their own personal or family resources, and the limitation on total campaign expenditures did violate the First Amendment. Since these practices do not necessarily enhance the potential for corruption that individual contributions to candidates do, the Court found that restricting them did not serve a government interest great enough to warrant a curtailment on free speech and association.

Citation

The Oyez Project, *Buckley v. Valeo*, 424 U.S. 1 (1976) available at: (http://oyez.org/cases/1970-1979/1975/1975_75_436)

Burch v. Louisiana (1979)

Facts of the Case:

Burch was found guilty of showing obscene films by a non-unanimous six-member jury. The court imposed a suspended prison sentence of two consecutive seven-month terms and fined him \$1,000.

Question:

Does a conviction by a non unanimous six-member jury in a state criminal trial for a non-petty offense violate the right to a jury trial as protected by the Sixth and Fourteenth Amendments?

Conclusion:

Yes. Tracing the development of the Court's considerations of this issue, Justice Rehnquist indicated that Burch's case sat at the "intersection of our decisions concerning jury size and unanimity." Rehnquist relied on the Court's holding in *Ballew v. Georgia* (1978) and the practices in several of the states to find against convictions by non-unanimous juries of six members. Only two of the states that used six-member juries in trials for petty offenses allowed verdicts to be less than unanimous. This "near uniform judgment of the Nation" of the inappropriateness of this jury arrangement, argued Rehnquist, provided the Court with a "useful guide" in determining constitutionally allowable jury practices.

Citation

The Oyez Project, *Burch v. Louisiana*, 441 U.S. 130 (1979) available at: (http://oyez.org/cases/1970-1979/1978/1978_78_90)

Major Supreme Court Cases Summaries

Bush v. Gore (2000)

Facts of the Case:

Following the Supreme Court's decision in *Bush v. Palm Beach County Canvassing Board*, and concurrent with Vice President Al Gore's contest of the certification of Florida presidential election results, on December 8, 2000 the Florida Supreme Court ordered that the Circuit Court in Leon County tabulate by hand 9,000 contested ballots from Miami-Dade County. It also ordered that every county in Florida must immediately begin manually recounting all "under-votes" (ballots which did not indicate a vote for president) because there were enough contested ballots to place the outcome of the election in doubt. Texas Governor George Bush and his running mate, Richard Cheney, filed a request for review in the U.S. Supreme Court and sought an emergency petition for a stay of the Florida Supreme Court's decision. The U.S. Supreme Court granted review and issued the stay on December 9. It heard oral arguments two days later.

Question:

Did the Florida Supreme Court violate Article II, Section 1, Clause 2 of the Constitution by making new election law? Do standardless manual recounts violate the Equal Protection and Due Process Clauses?

Conclusion:

Noting that the Equal Protection Clause guarantees individuals that their ballots cannot be devalued by "later arbitrary and disparate treatment," the unsigned opinion issued on behalf of the entire Court held 7-2 that the Florida Supreme Court's scheme for recounting ballots was unconstitutional. Even if the recount were fair in theory, it was unfair in practice. The record suggested that different standards were applied from ballot to ballot, precinct to precinct, and county to county. Because of those and other procedural difficulties, the court held that no constitutional recount could be fashioned in the time remaining (which was short because the Florida legislature wanted to take advantage of the "safe harbor" provided by 3 U.S.C. Sec. 5). Loath to make broad precedents, the opinion limited its holding to the present case. Rehnquist (in a concurring opinion joined by Scalia and Thomas) argued that the recount scheme was also unconstitutional because the Florida Supreme Court's decision made new election law, which only the state legislature may do. Breyer and Souter (writing separately) agreed with the Court's holding that the Florida supreme court's recount scheme violated the Equal Protection Clause, but they dissented with respect to the remedy, believing that a constitutional recount could be fashioned. Time is insubstantial when constitutional rights are at stake. Ginsburg and Stevens (writing separately) argued that for reasons of federalism, the Florida supreme court's decision ought to be respected. Moreover, the Florida decision was fundamentally right; the Constitution requires that every vote be counted.

Citation

The Oyez Project, *Bush v. Gore*, 531 U.S. 98 (2000) available at: (http://oyez.org/cases/2000-2009/2000/2000_00_949)

Bush v. Vera (1996)

Facts of the Case:

Following the 1990 census, Texas planned the creation of three additional congressional districts. Following the redistricting, registered voters challenged the plans as racial gerrymandering. A three-judge federal district court found the plans unconstitutional. The case moved to the Supreme Court on appeal.

Question:

Do the Texas redistricting plans violate the equal protection clause of the Fourteenth Amendment?

Conclusion:

Yes. In a 5-to-4 decision, the Court held that the Texas redistricting plans were unconstitutional. Supporting its "strict scrutiny" approach, the Court noted that the proposed districts were highly irregular in shape, that their computerized design was significantly more sensitive to racial data, and that they lacked any semblance to pre-existing race-neutral districts. The Court also held that the totality of the circumstances surrounding the proposed districts would deprive minority groups of equal participation in the electoral political processes. Thus, the proposed districts violated the Voting Rights Act's "results" test, prohibiting activity that "results in a denial or abridgment of the right of any citizen to vote on account of race or color." Finally, with respect to proposed District 18, the Court held that Texas deliberately designed it to hamper the local African-American minority's ability to elect representatives of their choice. This violated the Voting Rights Act's "nonretrogression" principle, prohibiting state action from obstructing a minority's ability to elect representatives of their choice.

Citation

The Oyez Project, *Bush v. Vera*, 517 U.S. 952 (1996) available at: (http://oyez.org/cases/1990-1999/1995/1995_94_805)

Major Supreme Court Cases Summaries

Calder v. Bull (1798)

Facts of the Case:

Mr. and Mrs. Caleb Bull, the stated beneficiaries of the will of Norman Morrison, were denied an inheritance by a Connecticut probate court. When the Bulls attempted to appeal the decision more than a year and a half later, they found that a state law prohibited appeals not made within 18 months of the original ruling. The Bulls persuaded the Connecticut legislature to change the restriction, which enabled them to successfully appeal the case. Calder, the initial inheritor of Morrison's estate, took the case to the Supreme Court.

Question:

Was the Connecticut legislation a violation of Article I, Section 10, of the Constitution, which prohibits ex post facto laws?

Conclusion:

No. In a unanimous decision, the Court held that the legislation was not an ex post facto law. The Court drew a distinction between criminal rights and "private rights," arguing that restrictions against ex post facto laws were not designed to protect citizens' contract rights. Justice Chase noted that while all ex post facto laws are retrospective, all retrospective laws are not necessarily ex post facto. Even "vested" property rights are subject to retroactive laws.

Citation

The Oyez Project, Calder v. Bull, 3 U.S. 386 (1798) available at: (http://oyez.org/cases/1792-1850/1798/1798_0)

California v. Acevedo (1991)

Facts of the Case:

California police officers saw Charles Acevedo enter an apartment known to contain several packages of marijuana and leave a short time later carrying a paper bag approximately the same size as one of the packages. When Acevedo put the bag in the trunk of his car and began to drive away, the officers stopped the car, searched the bag, and found marijuana. At his trial, Acevedo made a motion to suppress the marijuana as evidence, since the police had not had a search warrant. When the trial court denied his motion, Acevedo pleaded guilty and appealed the denial of the motion. The appellate court reversed the trial court, ruling that the marijuana should have been suppressed as evidence. The Supreme Court had ruled previously that officers can thoroughly search an automobile if they have probable cause to believe there is evidence somewhere in the vehicle (*U.S. v. Ross*), and also that officers need a warrant to search a closed container (*U.S. v. Chadwick*). The appellate court decided that the latter case was more relevant. Since the officers only had probable cause to believe the bag contained evidence--not the car generally--they could not open the bag without a search warrant. The California supreme court denied review, but the Supreme Court agreed to hear the State's case.

Question:

Under the Fourth Amendment, may police conduct a warrantless search of a container within an automobile if they have probable cause to believe that the container holds evidence?

Conclusion:

Yes. In a 6-3 decision authored by Justice Harry Blackmun, the Court reversed the court of appeals and ruled that the "automobile exception" to the Fourth Amendment's general search-warrant requirement is broad enough to cover a situation where the police only have probable cause to believe there is evidence in a specific movable container within the car. The Court noted that the warrant requirement previously had depended on a "curious line between the search of an automobile that coincidentally turns up a container and the search of a container that coincidentally turns up in an automobile." In place of that uncertain distinction, the Court adopted a single rule: "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." Justices White, Stevens, and Marshall dissented.

Citation

The Oyez Project, California v. Acevedo, 500 U.S. 565 (1991) available at: (http://oyez.org/cases/1990-1999/1990/1990_89_1690)

Major Supreme Court Cases Summaries

Cantwell v. Connecticut (1940)

Facts of the Case:

Jesse Cantwell and his son were Jehovah's Witnesses proselytizing in a predominantly Catholic neighborhood in Connecticut. The Cantwells distributed religious materials by traveling door-to-door and by approaching people on the street. After voluntarily hearing an anti-Roman Catholic message on the Cantwells' portable phonograph, two pedestrians reacted angrily. The Cantwells were subsequently arrested for violating a local ordinance requiring a permit for solicitation and for inciting a breach of the peace.

Question:

Did the solicitation statute or the "breach of the peace" ordinance violate the Cantwells' First Amendment free speech or free exercise rights?

Conclusion:

Yes. In a unanimous decision, the Court held that while general regulations on solicitation were legitimate, restrictions based on religious grounds were not. Because the statute allowed local officials to determine which causes were religious and which ones were not, it violated the First and Fourteenth Amendments. The Court also held that while the maintenance of public order was a valid state interest, it could not be used to justify the suppression of "free communication of views." The Cantwells' message, while offensive to many, did not entail any threat of "bodily harm" and was protected religious speech.

Citation

Cantwell v. State of Connecticut, 310 U.S. 296 (1940), http://www.oyez.org/cases/1901-1939/1939/1939_632

Chaplinsky v. New Hampshire (1942)

Facts of the Case:

Chaplinsky, a Jehovah's Witness, called a city marshal a "God-damned racketeer" and "a damned fascist" in a public place. He was arrested and convicted under a state law for violating a breach of the peace.

Question:

Does the application of the statute violate Chaplinsky's freedom of speech protected by the First Amendment?

Conclusion:

No. Some forms of expression--among them obscenity and fighting words--do not convey ideas and thus are not subject to First Amendment protection. In this case, Chaplinsky uttered fighting words, i.e., words that "inflict injury or tend to incite an immediate breach of the peace."

Citation

The Oyez Project, Chaplinsky v. State of New Hampshire, 315 U.S. 568 (1942) available at: (http://oyez.org/cases/1940-1949/1941/1941_255)

Major Supreme Court Cases Summaries

Charles River Bridge v. Warren Bridge (1837)

Facts of the Case:

In 1785, the Massachusetts legislature incorporated the Charles River Bridge Company to construct a bridge and collect tolls. In 1828, the legislature established the Warren Bridge Company to build a toll-free bridge nearby. Unsurprisingly, the new bridge deprived the old one of traffic and tolls. The Charles River Bridge Company filed suit, claiming the legislature had defaulted on its initial contract.

Question:

Did the legislature enter into an economic contract with the Charles River Bridge Company that was impaired by the second charter in violation of Article I, Section 10 of the Constitution?

Conclusion:

No. In a 6-to-2 decision, the Court held that the state had not entered a contract that prohibited the construction of another bridge on the river at a later date. The Court held that the legislature neither gave exclusive control over the waters of the river nor invaded corporate privilege by interfering with the company's profit-making ability. In balancing the rights of private property against the need for economic development, the Court found that the community interest in creating new channels of travel and trade had priority.

Citation

Charles River Bridge v. Warren Bridge, 36 U.S. 420 (1837), http://www.oyez.org/cases/1792-1850/1836/1836_0

Chimel v. California (1969)

Facts of the Case:

Local police officers went to Chimel's home with a warrant authorizing his arrest for burglary. Upon serving him with the arrest warrant, the officers conducted a comprehensive search of Chimel's residence. The search uncovered a number of items that were later used to convict Chimel. State courts upheld the conviction.

Question:

Was the warrantless search of Chimel's home constitutionally justified under the Fourth Amendment as "incident to that arrest?"

Conclusion:

In a 7-to-2 decision, the Court held that the search of Chimel's house was unreasonable under the Fourth and Fourteenth Amendments. The Court reasoned that searches "incident to arrest" are limited to the area within the immediate control of the suspect. While police could reasonably search and seize evidence on or around the arrestee's person, they were prohibited from rummaging through the entire house without a search warrant. The Court emphasized the importance of warrants and probable cause as necessary bulwarks against government abuse.

Citation

The Oyez Project, Chimel v. California, 395 U.S. 752 (1969) available at: (http://oyez.org/cases/1960-1969/1968/1968_770)

Major Supreme Court Cases Summaries

Chisholm v. Georgia (1793)

Facts of the Case:

In 1777, the Executive Council of Georgia authorized the purchase of supplies from South Carolina businessman Robert Farquhar. After receiving the supplies, Georgia did not deliver payments as promised. After the Farquhar's death, the executor of his estate, Alexander Chisholm, took the case to federal court in an attempt to collect from the state. Georgia maintained that it was a sovereign state not subject to the authority of the federal courts.

Question:

Was the state of Georgia subject to the jurisdiction of the Supreme Court and the federal government?

Conclusion:

Yes. In a 4-to-1 decision, the justices held that "the people of the United States" intended to bind the states by the legislative, executive, and judicial powers of the national government. The Court held that supreme or sovereign power was retained by citizens themselves, not by the "artificial person" of the State of Georgia. The Constitution made clear that controversies between individual states and citizens of other states were under the jurisdiction of federal courts. State conduct was subject to judicial review.

Citation

The Oyez Project, Chisholm v. Georgia, 2 U.S. 419 (1793) available at: (http://oyez.org/cases/1792-1850/1793/1793_0)

Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah (1993)

Facts of the Case:

The Church of Lukumi Babalu Aye practiced the Afro-Caribbean-based religion of Santeria. Santeria used animal sacrifice as a form of worship in which an animal's carotid arteries would be cut and, except during healing and death rites, the animal would be eaten. Shortly after the announcement of the establishment of a Santeria church in Hialeah, Florida, the city council adopted several ordinances addressing religious sacrifice. The ordinances prohibited possession of animals for sacrifice or slaughter, with specific exemptions for state-licensed activities.

Question:

Did the city of Hialeah's ordinance, prohibiting ritual animal sacrifices, violate the First Amendment's free exercise clause?

Conclusion:

Yes. The Court held that the ordinances were neither neutral nor generally applicable. The ordinances had to be justified by a compelling governmental interest and they had to be narrowly tailored to that interest. The core failure of the ordinances were that they applied exclusively to the church. The ordinances singled out the activities of the Santeria faith and suppressed more religious conduct than was necessary to achieve their stated ends. Only conduct tied to religious belief was burdened. The ordinances targeted religious behavior, therefore they failed to survive the rigors of strict scrutiny.

Citation

The Oyez Project, Church of the Lukumi Babalu Aye v. Hialeah, 508 U.S. 520 (1993) available at: (http://oyez.org/cases/1990-1999/1992/1992_91_948)

Major Supreme Court Cases Summaries

Clark v. Community for Creative Nonviolence (1984)

Facts of the Case:

In 1982, the National Park Service issued a renewable permit to the Community for Creative Non-Violence to conduct a demonstration in Lafayette Park and the Mall in Washington, D.C. The CCNV demonstration was intended to represent the plight of the homeless by erecting a tent city in the park. However, the demonstrators also wished to sleep in the tents. Citing anti-camping regulations, the Park Service denied that request.

Question:

Did the National Park Service regulations violate the First Amendment by curtailing symbolic speech?

Conclusion:

In a 7-to-2 decision, the Court held that the regulations did not violate the First Amendment. The Court noted that expression is subject to reasonable time, place, and manner restrictions, and that the manner of the protest was at odds with the government's interest in maintaining the condition of the parks. The Court argued that the Park Service did not attempt to ban all sleeping in public parks (only in certain areas), and that the protesters had alternative means of communicating their message.

Citation

The Oyez Project, Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984) available at: (http://oyez.org/cases/1980-1989/1983/1983_82_1998)

Clinton v. City of New York (1997)

Facts of the Case:

This case consolidates two separate challenges to the constitutionality of two cancellations, made by President William J. Clinton, under the Line Item Veto Act ("Act"). In the first, the City of New York, two hospital associations, a hospital, and two health care unions, challenged the president's cancellation of a provision in the Balanced Budget Act of 1997 which relinquished the federal government's ability to recoup nearly \$2.6 billion in taxes levied against Medicaid providers by the State of New York. In the second, the Snake River farmers' cooperative and one of its individual members challenged the president's cancellation of a provision of the Taxpayer Relief Act of 1997. The provision permitted some food refiners and processors to defer recognition of their capital gains in exchange for selling their stock to eligible farmers' cooperatives. After a district court held the Act unconstitutional, the Supreme Court heard the case on expedited appeal.

Question:

Did the president's ability to selectively cancel individual portions of bills, under the Line Item Veto Act, violate the presentment clause of Article I?

Conclusion:

Yes. In a 6-to-3 decision the Court first established that both the City of New York and its affiliates, and the farmers' cooperative suffered sufficiently immediate and concrete injuries to sustain their standing to challenge the president's actions. The Court then explained that under the presentment clause, legislation that passes both houses of Congress must either be entirely approved (i.e. signed) or rejected (i.e. vetoed) by the president. The Court held that by canceling only selected portions of the bills at issue, under authority granted him by the Act, the President in effect "amended" the laws before him. Such discretion, the Court concluded, violated the "finely wrought" legislative procedures of Article I as envisioned by the Framers.

Citation

The Oyez Project, Clinton v. City of New York, 524 U.S. 417 (1998) available at: (http://oyez.org/cases/1990-1999/1997/1997_97_1374)

Major Supreme Court Cases Summaries

Clinton v. Jones (1997)

Facts of the Case:

Paula Corbin Jones sued President Bill Clinton. She alleged that while she was an Arkansas state employee, she suffered several "abhorrent" sexual advances from then Arkansas Governor Clinton. Jones claimed that her continued rejection of Clinton's advances ultimately resulted in punishment by her state supervisors. Following a district court's grant of Clinton's request that all matters relating to the suit be suspended, pending a ruling on his prior request to have the suit dismissed on grounds of presidential immunity, Clinton sought to invoke his immunity to completely dismiss the Jones suit against him. While the district judge denied Clinton's immunity request, the judge ordered the stay of any trial in the matter until after Clinton's presidency. On appeal, the Eighth Circuit affirmed the dismissal denial but reversed the trial deferment ruling since it would be a "functional equivalent" to an unlawful grant of temporary presidential immunity.

Question:

Is a serving president, for separation of powers reasons, entitled to absolute immunity from civil litigation arising out of events which transpired prior to his taking office?

Conclusion:

No. In a unanimous opinion, the Court held that the Constitution does not grant a sitting president immunity from civil litigation except under highly unusual circumstances. After noting the great respect and dignity owed to the executive office, the Court held that neither separation of powers nor the need for confidentiality of high-level information can justify an unqualified presidential immunity from judicial process. While the independence of our government's branches must be protected under the doctrine of separation of powers, the Constitution does not prohibit these branches from exercising any control over one another. This, the Court added, is true despite the procedural burdens which Article III jurisdiction may impose on the time, attention, and resources of the chief executive.

Citation

The Oyez Project, Clinton v. Jones, 520 U.S. 681 (1997) available at: (http://oyez.org/cases/1990-1999/1996/1996_95_1853)

Cohen v. California (1971)

Facts of the Case:

A 19-year-old department store worker expressed his opposition to the Vietnam War by wearing a jacket emblazoned with "F*** THE DRAFT. STOP THE WAR" The young man, Paul Cohen, was charged under a California statute that prohibits "maliciously and willfully disturb[ing] the peace and quiet of any neighborhood or person [by] offensive conduct." Cohen was found guilty and sentenced to 30 days in jail.

Question:

Did California's statute, prohibiting the display of offensive messages such as "F*** the Draft," violate freedom of expression as protected by the First Amendment?

Conclusion:

Yes. In an opinion by Justice John Marshall Harlan, the Court reasoned that the expletive, while provocative, was not directed toward anyone; besides, there was no evidence that people in substantial numbers would be provoked into some kind of physical action by the words on his jacket. Harlan recognized that "one man's vulgarity is another's lyric." In doing so, the Court protected two elements of speech: the emotive (the expression of emotion) and the cognitive (the expression of ideas).

Citation

The Oyez Project, Cohen v. California, 403 U.S. 15 (1971) available at: (http://oyez.org/cases/1970-1979/1970/1970_299)

Coker v. Georgia (1977)

Major Supreme Court Cases Summaries

Facts of the Case:

In 1974, Erlich Anthony Coker, serving a number of sentences for murder, rape, kidnapping, and assault, escaped from prison. He broke into a Georgia couple's home, raped the wife, and kidnapped her, stealing the family's car. She was released shortly thereafter without further injuries. The Georgia courts sentenced Coker to death on the rape charge.

Question:

Was the imposition of the death penalty for the crime of rape a form of cruel and unusual punishment forbidden by the Eighth Amendment?

Conclusion:

In a 7-to-2 decision, the Court held that the death penalty was a "grossly disproportionate" punishment for the crime of rape. The Court noted that nearly all states at that time declined to impose such a harsh penalty, with Georgia being the only state that authorized death for the rape of an adult woman. Because rape did not involve the taking of another human life, the Court found the death penalty excessive "in its severity and revocability."

Citation

The Oyez Project, Coker v. Georgia, 433 U.S. 584 (1977) available at: (http://oyez.org/cases/1970-1979/1976/1976_75_5444)

Coleman v. Miller (1939)

Facts of the Case:

In June 1924, the Child Labor Amendment passed both houses of Congress. Under Article V of the Constitution, three-fourths of state legislatures must ratify an amendment passed by Congress before it becomes part of the Constitution. Initially, the Kansas state legislature rejected the amendment but, in January 1937, it was reintroduced before the state senate. Of forty state senators, twenty voted for the amendment and twenty against it. Under Kansas law this left the deciding vote to the lieutenant governor in his capacity as presiding officer of the senate, who voted in favor of passage. After subsequent passage by the Kansas state house, Rolla W. Coleman, a state senator and twenty-three other members of the Kansas legislature filed suit against Clarence W. Miller, the secretary of the state senate, challenging the constitutionality of Kansas's ratification process. Further, they claimed that by 1937, thirteen years after Congress initially proposed it, the amendment had "lost vitality" and could no longer be considered.

Question:

Did the participation of the lieutenant governor, the prior rejection by the Kansas state legislature, or the length of time between the proposal and ratification of the Child Labor Amendment conflict with the ratification process laid out by Article V of the U.S. Constitution?

Conclusion:

The Court's 7-2 decision addressed primarily the prior rejection and the length of time between proposal and ratification, and found this question nonjusticiable, meaning it was not the function of the Court to decide the matter. The majority opinion, authored by Chief Justice Charles Evans Hughes, described the question as inherently political, analogous to its 1849 decision in *Luther v. Borden*, and noted that no legal criteria exists for its determination. Thus, the Court reasoned, Congress alone has authority to decide. The Court also chose not to address the participation of the lieutenant governor, describing itself as "equally divided" on the matter.

Citation

Coleman v. Miller, 307 U.S. 433 (1939), http://www.oyez.org/cases/1901-1939/1938/1938_7

Cooley v. Board of Wardens (1852)

Facts of the Case:

A Pennsylvania law required that all ships entering or leaving the port of Philadelphia hire local pilots. Ships that failed to do

Major Supreme Court Cases Summaries

so would be subject to a fine, which would go to a fund for retired pilots and their dependents. This fund was administered by the Board of Wardens of the Port of Philadelphia. Cooley was a ship owner. He refused to hire a local pilot and he also refused to pay the fine.

Question:

Does the law violate the Commerce Clause of the Constitution?

Conclusion:

No. According to Justice Curtis, who wrote the majority opinion, the pilotage law did not violate the Constitution. Congress had provided in 1789 that state pilotage laws should govern. Navigation was commerce and piloting was navigation. Though the subject to be regulated was commerce, the interesting twist here was whether the commerce power was exclusive. Some subjects demand a single uniform rule for the whole nation, while others, like pilotage, demand diverse local rules to cope with varying local conditions. The power of Congress was therefore selectively exclusive.

Citation

The Oyez Project, *Cooley v. Board of Wardens*, 53 U.S. 299 (1852) available at: (http://oyez.org/cases/1851-1900/1851/1851_0)

Cooper Industries v. Leatherman Tool Group, Inc. (2001)

Facts of the Case:

Leatherman Tool Group, Inc., manufactures a multifunction pocket tool, the Pocket Survival Tool (PST). In 1996, Cooper Industries, Inc. used photographs of a modified PST to introduce a competing tool, the ToolZall. The photographs were used in posters, packaging, and advertising materials. Subsequently, Leatherman filed an action asserting claims of trade-dress infringement, unfair competition, and false advertising under the Trademark Act of 1946 (Lanham Act). Ultimately, a trial jury awarded Leatherman \$50,000 in compensatory damages and \$4.5 million in punitive damages. The district court then entered judgment, rejecting Cooper's argument that the punitive damages were grossly excessive. In affirming, the court of appeals, using an "abuse of discretion" standard, concluded that the district court did not abuse its discretion in declining to reduce the award.

Question:

Did the court of appeals review the constitutionality of the punitive damages award against Cooper Industries, Inc. under the correct standard?

Conclusion:

No. In an 8-1 opinion delivered by Justice John Paul Stevens, the Court held that the courts of appeals should apply a stricter "de novo" standard when reviewing the way which the district court determined the constitutionality of the punitive damages award. This means the appellate court should examine the legal question as if it were being heard for the first time in order to determine whether the district court correctly applied the law. Because the court of appeals applied an "abuse of discretion" standard, which is less demanding, the Court voided the judgment and sent the case back for a determination on whether the award was grossly excessive under the correct standard.

Citation

The Oyez Project, *Cooper Industries v. Leatherman Tool Grp.*, 532 U.S. 424 (2001) available at: (http://oyez.org/cases/2000-2009/2000/2000_99_2035)

Major Supreme Court Cases Summaries

Cooper v. Aaron (1958)

Facts of the Case:

The governor and the legislature of Arkansas openly resisted the Supreme Court's decision in *Brown v. Board of Education*. They refused to obey court orders designed to implement school desegregation. Local officials delayed plans to do away with segregated public facilities.

Question:

Were Arkansas officials bound by federal court orders mandating desegregation?

Conclusion:

In a signed, unanimous per curiam opinion, the Court held that the Arkansas officials were bound by federal court orders that rested on the Supreme Court's decision in *Brown v. Board of Education*. The Court noted that its interpretation of the Fourteenth Amendment in *Brown* was the supreme law of the land and that it had a "binding effect" on the states. The Court reaffirmed its commitment to desegregation and reiterated that legislatures are not at liberty to annul judgments of the Court.

Citation

The Oyez Project, Cooper v. Aaron, 358 U.S. 1 (1958) available at: (http://oyez.org/cases/1950-1959/1958/1958_1)

Cox v. Louisiana (1965)

Facts of the Case:

On the morning of December 15, 1961, Elton Cox led 2,000 students on an anti-discrimination march that ended in a large assembly before the courthouse in Baton Rouge, Louisiana. Following police instructions, the demonstrators confined themselves to the west side of the street so as not to interfere with traffic. As the lunch hour neared, Cox encouraged the demonstrators to seek service at any one of several near-by segregated lunch counters. Upon hearing this, the police urged the crowd to disband and began pushing them away from the courthouse. When the demonstrators resisted, police showered them with tear gas and chased them away. The following day, Louisiana police arrested and charged Cox with "disturbing the peace." On appeal from the Louisiana supreme court's decision which upheld the conviction issued by the district court, the Supreme Court agreed to hear the case.

Question:

Does a statutory "disturbance of the peace" conviction, for a peaceable demonstration that contains speech that may potentially incite violence, infringe on a demonstrator's First Amendment rights to freedom of speech and assembly?

Conclusion:

Yes. In a 7-to-2 decision, the Court began by noting that none of the demonstrators' activities exceeded those that would be expected at any peaceable assembly. Cheering, clapping, and singing do not in themselves constitute a breach of the peace. With respect to Cox's urging the demonstrators to engage in activities which could potentially result in violence, such as demanding service at segregated lunch counters, the Court held that these could not sustain a breach of the peace conviction either. The constitutional rights of freedom of speech and assembly could not be denied because of hostility to their assertion or exercise. The Court noted that free speech protections serve perhaps their best purpose when they invite dispute, induce conditions of unrest, and even stir people to anger over prejudicial preconceptions. Any statute that is so broadly written as to stifle these freedoms shall be struck down as repugnant to the Constitution.

Citation

The Oyez Project, Cox v. Louisiana, 379 U.S. 536 (1965) available at: (http://oyez.org/cases/1960-1969/1964/1964_24)

Major Supreme Court Cases Summaries

Crawford v. Marion County Election Board (2008)

Facts of the Case:

In 2005, the Indiana legislature passed a law requiring all voters who cast a ballot in person to present a photo I.D. issued by the United States or the state of Indiana. Plaintiffs including the local Democratic Party and interest groups representing minority and elderly citizens argued that the law constituted an undue burden on the right to vote. At trial, the plaintiffs did not produce any witnesses who claimed they would be unable to meet the law's requirements. The district court and the court of appeals both upheld the law. However, the three-judge appellate panel was deeply divided. Dissenting judge Terrence Evans claimed that the law was a thinly-veiled attempt to dampen turnout by those likely to vote for Democratic candidates.

Question:

Does a law that requires voters to present either a state or federal photo identification unduly burden citizens' right to vote?

Conclusion:

No. By 6-3 vote, the Court upheld the law, concluding that the photo I.D. requirement was closely related to Indiana's legitimate state interests in preventing voter fraud. The slight burden the law imposed on voters' rights did not outweigh these interests, which the Court characterized as "neutral and nondiscriminatory." Although there was no majority opinion, the Court's decision included concurring opinions written by Justices John Paul Stevens and Antonin Scalia. Justices David Souter and Stephen Breyer each wrote dissenting opinions. Justice Ruth Bader Ginsburg joined Justice Souter's dissent.

Citation

The Oyez Project, Crawford v. Marion County Election Board, 553 U.S. ____ (2008) available at: (http://oyez.org/cases/2000-2009/2007/2007_07_21)

Crosby v. National Foreign Trade Council (2000)

Facts of the Case:

In 1996, the Massachusetts Burma Law, which restricted state entities from buying goods or services from companies doing business with Burma, was passed. Afterwards, Congress also imposed mandatory and conditional sanctions on Burma. Businesses with ties to Burma landed on Massachusetts' "restricted trade" list. The list came to include 34 members of the National Foreign Trade Council (Council), a non-profit advocate for American companies that do business abroad. The Council filed suit against Stephen Crosby, the Massachusetts Secretary of Administration and Finance, and other state officials in federal court, claiming that the state act unconstitutionally infringes on the federal foreign affairs power, violates the Foreign Commerce Clause, and is preempted by the Federal Burma Law. The district court permanently barred enforcement of the state act, and the appellate court affirmed. The court also found that the Massachusetts Burma Law violated the Supremacy Clause because the state was acting in an area of unique federal concern, foreign policy, through a balanced, tailored approach.

Question:

Is the Massachusetts Burma Law, which restricts the authority of its agencies to purchase goods or services from companies doing business with Burma, unconstitutional under the Supremacy Clause?

Conclusion:

Yes. In an opinion delivered by Justice David H. Souter, the Court held that "the state Act is preempted, and its application unconstitutional, under the Supremacy Clause." Justice Souter wrote for the Court that Massachusetts's law created an obstacle to the President's discretion to control economic sanctions against Burma, interfered with Congress's intention to limit economic pressure against the Burmese Government, and was at odds with the President's authority to speak for the United States among the world's nations to develop a comprehensive, multilateral Burma strategy. Therefore, the Massachusetts Burma Law "is invalid under the Supremacy Clause...owing to its threat of frustrating federal statutory objectives."

Citation

The Oyez Project, Crosby v. National Foreign Trade Council, 530 U.S. 363 (2000) available at: (http://oyez.org/cases/1990-1999/1999/1999_99_474)

Major Supreme Court Cases Summaries

Cruzan v. Missouri Department of Health (1990)

Facts of the Case:

In 1983, Nancy Beth Cruzan was involved in an automobile accident which left her in a "persistent vegetative state." She was sustained for several weeks by artificial feedings through an implanted gastronomy tube. When Cruzan's parents attempted to terminate the life-support system, state hospital officials refused to do so without court approval. The Missouri supreme court ruled in favor of the state's policy over Cruzan's right to refuse treatment.

Question:

Did the due process clause of the Fourteenth Amendment permit Cruzan's parents to refuse life-sustaining treatment on their vegetated daughter's behalf?

Conclusion:

No. In a 5-to-4 decision, the Court held that while individuals enjoyed the right to refuse medical treatment under the Due Process Clause, incompetent persons were not able to exercise such rights. Absent "clear and convincing" evidence that Cruzan desired treatment to be withdrawn, the Court found the State of Missouri's actions designed to preserve human life to be constitutional. Because there was no guarantee family members would always act in the best interests of incompetent patients, and because erroneous decisions to withdraw treatment were irreversible, the Court upheld the state's heightened evidentiary requirements.

Citation

The Oyez Project, Cruzan v. Director, Missouri Dept. of Health, 497 U.S. 261 (1990) available at: (http://oyez.org/cases/1980-1989/1989/1989_88_1503)

Cutter v. Wilkinson (2005)

Facts of the Case:

The Religious Land Use and Institutionalized Persons Act (2000, RLUIPA) prohibited government from imposing a substantial burden on prisoners' religious exercise, unless the burden furthered a "compelling government interest." Prisoners in Ohio alleged in federal district court that prison officials violated RLUIPA by failing to accommodate the inmates' exercise of their "nonmainstream" religions. The prison officials argued that the act improperly advanced religion and thus violated the First Amendment's establishment clause (which prohibited government from making laws "respecting an establishment of religion"). The district court rejected that argument and ruled for the inmates. The Sixth Circuit Court of Appeals reversed.

Question:

Did a federal law prohibiting government from burdening prisoners' religious exercise violate the First Amendment's establishment clause?

Conclusion:

No. In a unanimous opinion delivered by Justice Ruth Bader Ginsburg, the Court held that, on its face, RLUIPA made an accommodation allowed by the First Amendment. The Court reasoned that the law was an effort to alleviate the "government-created burden" on religious exercise that prisoners faced. Nor did section three discriminate between mainstream and non-mainstream religions. The Court did point out that constitutional problems could arise if RLUIPA were enforced improperly and religious prisoners received favored treatment, or if religious exercise and security concerns were not properly balanced.

Citation

The Oyez Project, Cutter v. Wilkinson, 544 U.S. 709 (2005) available at: (http://oyez.org/cases/2000-2009/2004/2004_03_9877)

Major Supreme Court Cases Summaries

Debs v. United States (1919)

Facts of the Case:

The Espionage Act of 1917 made it a crime to "convey information with intent to interfere with the operation or success of the armed forces of the United States or to promote the success of its enemies." This had the effect of constraining seditious and political speech. On June 16, 1918, Eugene V. Debs, a leader of the Socialist Party of America, gave a speech in Canton, Ohio, protesting involvement in World War I. During the speech, he discussed the rise of socialism and specifically praised individuals who had refused to serve in the military and obstructed military recruiting. For his speech, Debs was arrested and charged with violating the Espionage Act. At trial, Debs argued the Espionage Act violated his right to free speech under the First Amendment. A federal district court rejected his claim and sentenced Debs to ten years in prison.

Question:

Did Debs's conviction under the Espionage Act of 1917 violate his First Amendment rights to freedom of speech?

Conclusion:

No. In a unanimous opinion authored by Justice Oliver Wendell Holmes, the Court found that Debs's case was clearly similar to *Schenck v. United States* (1919). In *Schenck*, the Court had concluded that the arrest of an individual for distributing leaflets encouraging readers to oppose the draft was constitutional. The Court found Debs' sympathy for individuals convicted of opposing the draft and obstructing recruitment analogous to the situation in *Schenck*. Thus, Debs's conviction was upheld.

Citation

The Oyez Project, *Debs v. United States*, 249 U.S. 211 (1919) available at: (http://oyez.org/cases/1901-1939/1918/1918_714)

Dennis v. United States (1951)

Facts of the Case:

In 1948, the leaders of the Communist Party of America were arrested and charged with violating provisions of the Smith Act. The Act made it unlawful to knowingly conspire to teach and advocate the overthrow or destruction of the United States government. Party leaders were found guilty and lower courts upheld the conviction.

Question:

Did the Smith Act's restrictions on speech violate the First Amendment?

Conclusion:

In a 6-to-2 decision, the Court upheld the convictions of the Communist Party leaders and found that the Smith Act did not "inherently" violate the First Amendment. In the plurality opinion, the Court held that there was a distinction between the mere teaching of communist philosophies and active advocacy of those ideas. Such advocacy created a "clear and present danger" that threatened the government. Given the gravity of the consequences of an attempt to overthrow the government, the Court held that success or probability of success was not necessary to justify restrictions on the freedom of speech.

Citation

The Oyez Project, *Dennis v. United States*, 341 U.S. 494 (1951) available at: (http://oyez.org/cases/1950-1959/1950/1950_336)

Major Supreme Court Cases Summaries

Dickerson v. United States (2000)

Facts of the Case:

During questioning about a robbery he was connected to, Charles Dickerson made statements to authorities admitting that he was the getaway driver in a series of bank robberies. Dickerson was then placed under arrest. The timing of his statement is disputed. The FBI and local detectives testified that Dickerson was advised of his Miranda rights and waived them before he made his statement. Dickerson said he was not read his Miranda warnings until after he gave his statement. After his indictment for bank robbery, Dickerson filed a motion to suppress the statement that he made on the ground that he had not received Miranda warnings before being interrogated. The government argued that even if the Miranda warnings were not read, the statement was voluntary and therefore admissible under 18 USC Section 3501, which provides that "a confession shall be admissible in evidence if it is voluntarily given." The district court granted Dickerson's motion, finding that he had not been read his Miranda rights or signed a waiver until after he made his statement, but the court did not address section 3501. In reversing, the court of appeals acknowledged that Dickerson had not received Miranda warnings, but held that section 3501 was satisfied because his statement was voluntary. The court held that "Congress enacted section 3501 with the express purpose of legislatively overruling Miranda and restoring voluntariness as the test for admitting confessions in federal court."

Question:

May Congress legislatively overrule *Miranda v. Arizona* and its warnings that govern the admissibility of statements made during an involuntary interrogation?

Conclusion:

No. In a 7-2 opinion delivered by Chief Justice William H. Rehnquist, the Court held that Miranda governs the admissibility of statements made during custodial interrogation in both state and federal courts. "Miranda has become embedded in routine police practice to the point where the warnings have become part of our national culture," wrote Rehnquist. "Miranda announced a constitutional rule that Congress may not supersede legislatively. We decline to overrule Miranda ourselves," concluded the Chief Justice. Dissenting, Justice Antonin Scalia, joined by Justice Clarence Thomas, blasted the Court's ruling, writing that the majority opinion gave needless protection to "foolish (but not compelled) confessions."

Citation

The Oyez Project, Dickerson v. United States, 530 U.S. 428 (2000) available at: (http://oyez.org/cases/1990-1999/1999/1999_99_5525)

Major Supreme Court Cases Summaries

District of Columbia v. Heller (2008)

Facts of the Case:

For the first time in seventy years, the Court heard a case regarding the central meaning of the Second Amendment and its relation to gun control laws. After the District of Columbia passed legislation barring the registration of handguns, requiring licenses for all pistols, and mandating that all legal firearms must be kept unloaded and disassembled or trigger locked, a group of private gun-owners brought suit claiming the laws violated their Second Amendment right to bear arms. The federal trial court in Washington D.C. refused to grant the plaintiffs relief, holding that the Second Amendment applies only to militias, such as the National Guard, and not to private gun ownership. The U.S. Court of Appeals for the District of Columbia Circuit disagreed, voting two-to-one that the Second Amendment does in fact protect private gun owners such as the plaintiffs. Petitioners agreed with the trial court's decision that the Second Amendment applies only to militias, and further argued that (a) the Second Amendment should not apply to D.C. because it is a federal enclave rather than a state, and (b) that the D.C. legislation merely regulates, rather than prohibits, gun ownership. Respondents, although disagreeing on the merits, also urged the Court to review the case in order to clearly define the relationship between federal gun control laws and the Second Amendment.

Question:

Whether provisions of the D.C. code generally barring the registration of handguns, prohibiting carrying a pistol without a license, and requiring all lawful firearms to be kept unloaded and either disassembled or trigger locked violate the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes?

Conclusion:

Yes. In a 5-4 decision, the Court held that the Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home. The Court based its holding on the text of the Second Amendment, as well as applicable language in state constitutions adopted soon after the Second Amendment. Justice Antonin Scalia delivered the opinion of the Court. Justices John Paul Stevens and Stephen Breyer filed dissenting opinions, each joined by the other as well as Justices David Souter and Ruth Bader Ginsburg. Justice Stevens argued that the Second Amendment only protects the rights of individuals to bear arms as part of a well-regulated state militia, not for other purposes even if they are lawful. Justice Breyer agreed with Stevens' argument but also stated that even if possession were to be allowed for other reasons, any law regulating the use of firearms would have to be "unreasonable or inappropriate" to violate the Second Amendment. In Breyer's view, the D.C. laws at issue in this case were both reasonable and appropriate.

Citation

The Oyez Project, District of Columbia v. Heller, 554 U.S. ____ (2008) available at: (http://oyez.org/cases/2000-2009/2007/2007_07_290)

Dred Scott v. Sandford (1856)

Facts of the Case:

Dred Scott was a slave in Missouri. From 1833 to 1843, he resided in Illinois (a free state) and in an area of the Louisiana Territory, where slavery was forbidden by the Missouri Compromise of 1820. After returning to Missouri, Scott sued unsuccessfully in the Missouri courts for his freedom, claiming that his residence in free territory made him a free man. Scott then brought a new suit in federal court. Scott's master maintained that no pure-blooded Negro of African descent and the descendant of slaves could be a citizen in the sense of Article III of the Constitution.

Question:

Was Dred Scott free or slave?

Conclusion:

Dred Scott was a slave. Chief Justice Taney argued that, under Articles III and IV, no one but a citizen of the United States could be a citizen of a state, and that only Congress could confer national citizenship. Taney reached the conclusion that no person descended from an American slave had ever been a citizen for Article III purposes. The Court then held the Missouri Compromise unconstitutional, hoping to end the slavery question once and for all.

Citation

The Oyez Project, Dred Scott v. Sandford, 60 U.S. 393 (1857) available at: (http://oyez.org/cases/1851-1900/1856/1856_0)

Major Supreme Court Cases Summaries

Duncan v. Louisiana (1968)

Facts of the Case:

Gary Duncan, a black teenager in Louisiana, was found guilty of assaulting a white youth by allegedly slapping him on the elbow. Duncan was sentenced to 60 days in prison and fined \$150. Duncan's request for a jury trial was denied.

Question:

Was the State of Louisiana obligated to provide a trial by jury in criminal cases such as Duncan's?

Conclusion:

Yes. In a 7-to-2 decision, the Court held that the Sixth Amendment guarantee of trial by jury in criminal cases was "fundamental to the American scheme of justice," and that the states were obligated under the Fourteenth Amendment to provide such trials. Petty crimes, defined as those punishable by no more than six months in prison and a \$500 fine, were not subject to the jury trial provision.

Citation

Duncan v. Louisiana, 391 U.S. 145 (1968), http://www.oyez.org/cases/1960-1969/1967/1967_410

Dunn v. Blumstein (1972)

Facts of the Case:

A Tennessee law required a one-year residence in the state and a three-month residence in the county as a precondition for voting. James Blumstein, a university professor who had recently moved to Tennessee, challenged the law by filing suit against Governor Winfield Dunn and other local officials in federal district court.

Question:

Did Tennessee's durational residency requirements violate the equal protection clause of the Fourteenth Amendment?

Conclusion:

Yes. In a 6-to-1 decision, the Court held that the law was an unconstitutional infringement upon the right to vote and the right to travel. Applying a strict equal protection test, the Court found that the law did not necessarily promote a compelling state interest. Justice Marshall argued in the majority opinion that the durational residency requirements were neither the least restrictive means available to prevent electoral fraud nor an appropriate method of guaranteeing the existence of "knowledgeable voters" within the state.

Citation

The Oyez Project, Dunn v. Blumstein, 405 U.S. 330 (1972) available at: (http://oyez.org/cases/1970-1979/1971/1971_70_13)

Edwards v. South Carolina (1963)

Facts of the Case:

The 187 petitioners in this case, all of whom were black, organized a march to the South Carolina State House grounds in which small groups of fifteen would walk in an open public area protesting the policies of segregation in their state. The march was peaceful, did not block pedestrian or vehicular traffic, and was conducted in an orderly fashion on public property. A group of approximately thirty police officers confronted the group and ordered its members to disperse or to submit to arrest. The marchers did not disperse, and instead began singing religious and patriotic songs like "The Star Spangled Banner." They were arrested and later convicted on a charge of breach of the peace.

Question:

Did the arrests and convictions of the marchers violate their freedom of speech, assembly, and petition for redress of their grievances as protected by the First and Fourteenth Amendments?

Conclusion:

Yes. The Court held that the arrests and convictions violated the rights of the marchers. They were convicted of an offense which the South Carolina Supreme Court, in upholding the convictions, described as "not susceptible of exact definition." The evidence used to prosecute the marchers did not even remotely prove that their actions were violent. Hence, Justice Stewart found clear constitutional violations in this case. Stewart called the marchers' actions an exercise of First Amendment rights "in their most pristine and classic form" and emphasized that a state cannot "make criminal the peaceful expression of unpopular views" as South Carolina attempted to do here.

Citation

The Oyez Project, Edwards v. South Carolina, 372 U.S. 229 (1963) available at: (http://oyez.org/cases/1960-1969/1962/1962_86)

Major Supreme Court Cases Summaries

Engel v. Vitale (1962)

Facts of the Case:

The Board of Regents for the State of New York authorized a short, voluntary prayer for recitation at the start of each school day. This was an attempt to defuse the politically potent issue by taking it out of the hands of local communities. The blandest of invocations read as follows: "Almighty God, we acknowledge our dependence upon Thee, and beg Thy blessings upon us, our teachers, and our country."

Question:

Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?

Conclusion:

Yes. Neither the prayer's nondenominational character nor its voluntary character saves it from unconstitutionality. By providing the prayer, New York officially approved religion. This was the first in a series of cases in which the Court used the establishment clause to eliminate religious activities of all sorts, which had traditionally been a part of public ceremonies.

Citation

The Oyez Project, Engel v. Vitale, 370 U.S. 421 (1962) available at: (http://oyez.org/cases/1960-1969/1961/1961_468)

Escobedo v. Illinois (1964)

Facts of the Case:

Danny Escobedo was arrested and taken to a police station for questioning. Over several hours, the police refused his repeated requests to see his lawyer. Escobedo's lawyer sought unsuccessfully to consult with his client. Escobedo subsequently confessed to murder.

Question:

Was Escobedo denied the right to counsel as guaranteed by the Sixth Amendment?

Conclusion:

Yes. Justice Goldberg, in his majority opinion, spoke for the first time of "an absolute right to remain silent." Escobedo had not been adequately informed of his constitutional right to remain silent rather than to be forced to incriminate himself. The case has lost authority as precedent, as the arguments in police interrogation and confession cases have shifted from the Sixth Amendment to the Fifth Amendment, emphasizing whether the appropriate warnings have been given and given correctly, and whether the right to remain silent has been waived.

Citation

The Oyez Project, Escobedo v. Illinois, 378 U.S. 478 (1964) available at: (http://oyez.org/cases/1960-1969/1963/1963_615)

Major Supreme Court Cases Summaries

Estate of Thornton v. Caldor (1985)

Facts of the Case:

Donald E. Thornton worked as a supervisor in the Caldor department store chain. A devout Presbyterian, Thornton asked to be excused from working Sundays at the company's store in Torrington, Connecticut. The store required its managers to work one of every four Sundays, although rank-and-file employees were exempt under their union contract from Sunday work. In 1979, the company refused to allow Thornton to take off Sundays but offered him a transfer to another store, an hour away in Massachusetts, that was closed on Sundays. When he turned that down, the company said it would demote him from his manager's job and cut his hourly pay from \$6.46 to \$3.50. Thornton had worked Sundays for nearly eight months before he became aware the store was violating Connecticut law giving employees an absolute right not to work on their chosen sabbath. He filed a grievance against Caldor with the state board of mediation. The board ruled in his favor. The state supreme court reversed. Thornton died in 1982 and the Supreme Court agreed to hear the case brought on behalf of his estate.

Question:

Does the Connecticut statute violate the establishment clause of the First Amendment?

Conclusion:

Yes. In an opinion authored by Chief Justice Warren E. Burger, the Court held 8-to-1 that the Connecticut sabbath observance statute was void, saying its "unyielding weighing in favor of Sabbath observers over all other interests" results in an unconstitutional mingling of church and state. In his opinion, Burger wrote that the Connecticut law "provides Sabbath observers with an absolute and unqualified right not to work on their Sabbath." Burger said the state law "thus commands that Sabbath religious concerns automatically control over all secular interests at the workplace; the statute takes no account of the convenience or interests of the employer or those of other employees who do not observe a Sabbath."

Citation

Estate of Thornton v. Caldor, 472 U.S. 703 (1985), http://www.oyez.org/cases/1980-1989/1984/1984_83_1158

Everson v. Board of Education (1947)

Facts of the Case:

A New Jersey law allowed reimbursements of money to parents who sent their children to school on buses operated by the public transportation system. Children who attended Catholic schools also qualified for this transportation subsidy.

Question:

Did the New Jersey statute violate the establishment clause of the First Amendment as made applicable to the states through the Fourteenth Amendment?

Conclusion:

No. A divided Court held that the law did not violate the Constitution. After detailing the history and importance of the Establishment Clause, Justice Black argued that services like bussing and police and fire protection for parochial schools are "separate and so indisputably marked off from the religious function" that for the state to provide them would not violate the First Amendment. The law did not pay money to parochial schools, nor did it support them directly in any way. It was simply a law enacted as a "general program" to assist parents of all religions with getting their children to school.

Citation

The Oyez Project, Everson v. Board of Education 330 U.S. 1 (1947) available at: (http://oyez.org/cases/1940-1949/1946/1946_52)

Major Supreme Court Cases Summaries

Ex Parte Milligan (1866)

Facts of the Case:

Lambden P. Milligan was sentenced to death by a military commission in Indiana during the Civil War; he had engaged in acts of disloyalty. Milligan sought release through habeas corpus from a federal court.

Question:

Does a civil court have jurisdiction over a military tribunal?

Conclusion:

Yes. Davis, speaking for the Court, held that trials of civilians by presidentially created military commissions are unconstitutional. Martial law cannot exist where the civil courts are operating.

Citation

The Oyez Project, Ex parte Milligan, 71 U.S. 2 (1866) available at: (http://oyez.org/cases/1851-1900/1865/1865_0)

Ex Parte Quirin (1942)

Facts of the Case:

These cases concern Operation Pastorius, a failed attempt in June 1942 by Nazi agents to sabotage various U.S. targets. Following the declaration of war between the United States and Germany, eight German residents, Richard Quirin, Ernst Burger, George Dasch, Herbert Haupt, Heinrich Heinck, Edward Keiling, Herman Neubauer, and Werener Thiel, received training on sabotage at a school near Berlin. The men traveled to the United States via submarine. On the night of June 13, 1942, Burger, Heinrich, Quirin, and Dasch landed near Long Island, New York wearing German uniforms and carrying explosives. On the night of June 17, 1942, the remaining four came ashore in similar fashion at Ponte Vedra Beach, Florida. Shortly after the landings, Burger and Dasch backed out of the mission. Dasch turned himself in to the Federal Bureau of Investigation. All eight conspirators were subsequently arrested and, on the orders of President Franklin Roosevelt, tried by military commission. The commission found all eight men guilty and sentenced them to death. Because of their confessions and cooperation, President Roosevelt later commuted Burger and Dasch's sentences to life in prison. Arguing that the President exceeded his power in ordering the commission and that the Fifth and Sixth Amendments to the Constitution protect their rights to a regular trial, seven of the eight conspirators, not including Dasch, filed petitions for a writ of habeas corpus in federal district court. Their claims were denied, and they appealed to the U.S. Court of Appeals for the District of Columbia. Before the court ruled, however, they filed for hearing before the Supreme Court and, separately, filed petitions for habeas corpus directly with the Court. The Court, sitting in a special term, agreed to hear the cases.

Question:

Did the President exceed his authority in ordering a trial by military commission for the German saboteurs, thereby violating their rights under the Fifth and Sixth Amendments?

Conclusion:

No. In a unanimous opinion authored by Chief Justice Harlan Fisk Stone, the Court concluded that the conspirators, as spies without uniform whose purpose was sabotage, violated the law of war and were therefore unlawful enemy combatants. Noting that Congress had, under the Articles of War, authorized trial by military commission for unlawful enemy combatants, the Court therefore determined that the President had not exceeded his power. Furthermore, the Court asserted that the Fifth and Sixth Amendments "did not enlarge the right to jury trial" beyond those cases where it was understood by the framers to have been appropriate. Therefore, because the amendments cannot be read "as either abolishing all trials by military tribunals, save those of the personnel of our own armed forces, or, what in effect comes to the same thing, as imposing on all such tribunals the necessity of proceeding against unlawful enemy belligerents only on presentment and trial by jury," the rights of the conspirators were not violated.

Citation

The Oyez Project, Ex parte Quirin, 317 U.S. 1 (1942) available at: (http://oyez.org/cases/1940-1949/1941/1941_1_ORIG)

Major Supreme Court Cases Summaries

Feiner v. New York (1951)

Facts of the Case:

On March 8, 1949, Irving Feiner, a white student at Syracuse University, made an inflammatory speech on a street corner in Syracuse, New York. During the speech, which was intended to encourage listeners to attend a leftist rally, Feiner made several disparaging remarks about local politicians, organizations, and President Truman. A crowd gathered, and several listeners began "muttering" and "shoving." One listener threatened Feiner. Two officers on the scene, fearing violence, asked Feiner twice to end his speech. After he refused, the officers arrested Feiner for inciting a breach of the peace. A trial court found Feiner guilty and sentenced him to thirty days in prison. On appeal, Feiner argued his arrest violated his right to free speech under the First Amendment. The Onondaga County Court and the New York Court of Appeals each denied his claim.

Question:

Did Feiner's arrest for inciting a breach of the peace violate his right to free speech under the First Amendment?

Conclusion:

No. In a 6-3 opinion authored by Chief Justice Fred Vinson, the Court applied the "clear and present danger" principle it originally articulated in *Schenck v. United States* (1919). According to the Court, Feiner's arrest was a valid exercise of "the interest of the community in maintaining peace and order on its streets." Chief Justice Vinson dismissed the notion that the arrest amounted to the suppression of free communication. "It is one thing to say that the police cannot be used as an instrument for the suppression of unpopular views, and another to say that, when as here the speaker passes the bounds of argument or persuasion and undertakes incitement to riot, they are powerless to prevent a breach of the peace."

Citation

The Oyez Project, *Feiner v. New York*, 340 U.S. 315 (1951) available at: (http://oyez.org/cases/1950-1959/1950/1950_93)

Frisby v. Schultz (1988)

Facts of the Case:

Sandra Schultz and Robert Braun both strongly opposed abortion and gathered like-minded citizens together to picket in front of the home of a local doctor who performed abortions. In response, the city of Brookfield, Wisconsin passed a law against all picketing in front of residential homes except for labor disputes. Following the advice of the town attorney, the city amended the law to ban labor picketing as well. The stated purpose of the law was "the protection and preservation of the home." When enacted, Schultz and Braun stopped picketing and filed suit in federal district court, claiming that the law violated the First Amendment. The court declared it would issue a permanent injunction against the law unless it was narrowed in scope. The seventh circuit court of appeals affirmed that the law violated the First Amendment.

Question:

Does a city ordinance prohibiting picketing in front of residential homes violate the First Amendment?

Conclusion:

No. Justice Sandra Day O'Connor delivered the opinion for a 6-3 court. The Court held that since the street constituted a traditional public forum, the ban must satisfy strict standards in order to remain. Since the ban is "content neutral," "leaves open ample alternative channels of communication," and serves a "significant government interest," the Court ruled that it passed the strict standards and could remain. The city government had a legitimate purpose in protecting the homes of its residents, and did so without favoring one idea over another or eliminating the ability to communicate an idea.

Citation

The Oyez Project, *Frisby v. Schultz*, 487 U.S. 474 (1988) available at: (http://oyez.org/cases/1980-1989/1987/1987_87_168)

Major Supreme Court Cases Summaries

Furman v. Georgia (1972)

Facts of the Case:

Furman was burglarizing a private home when a family member discovered him. He attempted to flee, and in doing so tripped and fell. The gun that he was carrying went off and killed a resident of the home. He was convicted of murder and sentenced to death (Two other death penalty cases were decided along with Furman: *Jackson v. Georgia* and *Branch v. Texas*. These cases concern the constitutionality of the death sentence for rape and murder convictions, respectively).

Question:

Does the imposition and carrying out of the death penalty in these cases constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?

Conclusion:

Yes. The Court's majority opinion, issued by the court (instead of a single justice), held that the imposition of the death penalty in these cases constituted unconstitutional cruel and unusual punishment. In over two hundred pages of concurrence and dissents, the justices articulated their views on this controversial subject. Only Justices Brennan and Marshall believed the death penalty to be unconstitutional in all instances. Other concurrences focused on the arbitrary nature with which death sentences have been imposed, often indicating a racial bias against black defendants. The Court's decision forced states and the national legislature to rethink their statutes for capital offenses to assure that the death penalty would not be administered in a capricious or discriminatory manner.

Citation

The Oyez Project, *Furman v. Georgia*, 408 U.S. 238 (1972) available at: (http://oyez.org/cases/1970-1979/1971/1971_69_5003)

Garcia v. San Antonio Metropolitan Transit Authority (1985)

Facts of the Case:

The San Antonio Metropolitan Transit Authority (SAMTA), the main provider of transportation in the San Antonio metropolitan area, claimed it was exempt from the minimum-wage and overtime requirements of the Fair Labor Standards Act. SAMTA argued that it was providing a "traditional" governmental function, which exempted it from federal controls according to the doctrine of federalism established in *National League of Cities v. Usery* (1976). Joe G. Garcia, an employee of SAMTA, brought suit for overtime pay under Fair Labor Standards Act.

Question:

Did principles of federalism make the San Antonio Metropolitan Transit Authority immune from the Fair Labor Standards Act?

Conclusion:

In a 5-to-4 decision, the Court held that the guiding principles of federalism established in *National League of Cities v. Usery* were unworkable and that SAMTA was subject to congressional legislation under the Commerce Clause. The Court found that rules based on the subjective determination of "integral" or "traditional" governmental functions provided little or no guidance in determining the boundaries of federal and state power. The Court argued that the structure of the federal system itself, rather than any "discrete limitations" on federal authority, protected state sovereignty.

Citation

The Oyez Project, *Garcia v. San Antonio Metro. Transit Authority*, 469 U.S. 528 (1985) available at: (http://oyez.org/cases/1980-1989/1983/1983_82_1913)

Major Supreme Court Cases Summaries

Gibbons v. Ogden (1824)

Facts of the Case:

A New York state law gave two individuals the exclusive right to operate steamboats on waters within state jurisdiction. Laws like this one were duplicated elsewhere which led to friction as some states would require foreign (out-of-state) boats to pay substantial fees for navigation privileges. In this case a steamboat owner who did business between New York and New Jersey challenged the monopoly that New York had granted, which forced him to obtain a special operating permit from the state to navigate on its waters.

Question:

Did the State of New York exercise authority in a realm reserved exclusively to Congress, namely, the regulation of interstate commerce?

Conclusion:

Yes. The Court found that New York's licensing requirement for out-of-state operators was inconsistent with a congressional act regulating the coasting trade. The New York law was invalid by virtue of the Supremacy Clause. In his opinion, Chief Justice Marshall developed a clear definition of the word commerce, which included navigation on interstate waterways. He also gave meaning to the phrase "among the several states" in the Commerce Clause. Marshall's was one of the earliest and most influential opinions concerning this important clause. He concluded that regulation of navigation by steamboat operators and others for purposes of conducting interstate commerce was a power reserved to and exercised by Congress.

Citation

The Oyez Project, *Gibbons v. Ogden*, 22 U.S. 1 (1824) available at: (http://oyez.org/cases/1792-1850/1824/1824_0)

Gideon v. Wainwright (1963)

Facts of the Case:

Gideon was charged in a Florida state court with a felony for breaking and entering. He lacked funds and was unable to hire a lawyer to prepare his defense. When he requested the court to appoint an attorney for him, the court refused, stating that it was only obligated to appoint counsel to indigent defendants in capital cases. Gideon defended himself in the trial; he was convicted by a jury and the court sentenced him to five years in a state prison.

Question:

Did the state court's failure to appoint counsel for Gideon violate his right to a fair trial and due process of law as protected by the Sixth and Fourteenth Amendments?

Conclusion:

Yes. In a unanimous opinion, the Court held that Gideon had a right to be represented by a court-appointed attorney and, in doing so, overruled its 1942 decision of *Betts v. Brady*. In this case the Court found that the Sixth Amendment's guarantee of counsel was a fundamental right, essential to a fair trial, which should be made applicable to the states through the due process clause of the Fourteenth Amendment. Justice Black called it an "obvious truth" that a fair trial for a poor defendant could not be guaranteed without the assistance of counsel. Those familiar with the American system of justice, commented Black, recognized that "lawyers in criminal courts are necessities, not luxuries."

Citation

The Oyez Project, *Gideon v. Wainwright*, 72 U.S. 335 (1963) available at: (http://oyez.org/cases/1960-1969/1962/1962_155)

Major Supreme Court Cases Summaries

Gitlow v. New York (1925)

Facts of the Case:

Gitlow, a socialist, was arrested for distributing copies of a "left-wing manifesto" that called for the establishment of socialism through strikes and class action of any form. Gitlow was convicted under a state criminal anarchy law, which punished advocating the overthrow of the government by force. At his trial, Gitlow argued that since there was no resulting action flowing from the manifesto's publication, the statute penalized utterances without propensity to incitement of concrete action. The New York courts had decided that anyone who advocated the doctrine of violent revolution violated the law.

Question:

Does the New York law punishing the advocacy of overthrowing the government an unconstitutional violation of the free speech clause of the First Amendment?

Conclusion:

Threshold issue: Does the First Amendment apply to the states? Yes, by virtue of the liberty protected by due process that no state shall deny under the Fourteenth Amendment. A state may forbid both speech and publication if they have a tendency to result in action dangerous to public security, even though such utterances create no clear and present danger. The rationale of the majority has sometimes been called the "dangerous tendency" test. The legislature may decide that an entire class of speech is so dangerous that it should be prohibited. Those legislative decisions will be upheld if not unreasonable, and the defendant will be punished even if his or her speech created no danger at all.

Citation

The Oyez Project, *Gitlow v. New York*, 268 U.S. 652 (1925) available at: (http://oyez.org/cases/1901-1939/1922/1922_19)

Goldman v. Weinberger (1986)

Facts of the Case:

Goldman was a commissioned officer in the United States Air Force, an Orthodox Jew, and an ordained rabbi. He was not allowed to wear his yarmulke while on duty and in Air Force uniform. An Air Force regulation mandated that indoors, headgear could not be worn "except by armed security police in the performance of their duties."

Question:

Did the Air Force Regulation violate the free exercise clause of the First Amendment?

Conclusion:

The Court held that the Air Force regulation did not violate the Constitution. Justice Rehnquist argued that, generally, First Amendment challenges to military regulations are examined with less scrutiny than similar challenges from civilian society, given the need for the military to "foster instinctive obedience, unity, commitment, and esprit de corps." Since allowing overt religious apparel "would detract from the uniformity sought by dress regulations," the Air Force regulation was necessary and legitimate. In 1987, Congress passed legislation which reversed this decision and allowed members of the armed forces to wear religious apparel in a "neat and conservative" manner.

Citation

Goldman v. Weinberger, 475 U.S. 503 (1986), http://www.oyez.org/cases/1980-1989/1985/1985_84_1097

Major Supreme Court Cases Summaries

Goldwater v. Carter (1979)

Facts of the Case:

President Jimmy Carter acted without congressional approval in ending a defense treaty with Taiwan.

Question:

Did Congress have a constitutional role to play in the termination of the treaty?

Conclusion:

Undecided. Without oral argument, the divided justices found that they could not act upon the case. Rehnquist led a group of four others who believed that the issue involved a political question, namely, how the President and Congress would conduct the nation's foreign affairs. Justice Powell did not find the case eligible for judicial review. He reasoned that since Congress had not formally challenged Carter's authority, technically there was no conflict for the Court to resolve. The dissenters were prepared to hear the case.

Citation

The Oyez Project, *Goldwater v. Carter*, 444 U.S. 996 (1979) available at: (http://oyez.org/cases/1970-1979/1979/1979_79_856)

Gomillion v. Lightfoot (1960)

Facts of the Case:

An act of the Alabama legislature re-drew the electoral district boundaries of Tuskegee, replacing what had been a region with a square shape with a twenty-eight sided figure. The effect of the new district was to exclude essentially all blacks from the city limits of Tuskegee and place them in a district where no whites lived.

Question:

Did the redrawing of Tuskegee's electoral district boundaries violate the Fifteenth Amendment of the Constitution, which prevents the United States or any individual state from denying a citizen the right to vote on account of race, color, or previous condition of servitude?

Conclusion:

Yes. The unanimous Court held that Act 140 of the Alabama legislature violated the Fifteenth Amendment. Justice Frankfurter admitted that states are insulated from judicial review when they exercise power "wholly within the domain of state interest." However, in this case, Alabama's representatives were unable to identify "any countervailing municipal function" which the act was designed to serve. It was clear to the Court that the irregularly shaped district was drawn with only one purpose in mind, namely, to deprive blacks of political power.

Citation

The Oyez Project, *Gomillion v. Lightfoot*, 364 U.S. 339 (1960) available at: (http://oyez.org/cases/1960-1969/1960/1960_32)

Gonzales v. Oregon (2006)

Facts of the Case:

In 1994 Oregon enacted the Death with Dignity Act, the first state law authorizing physicians to prescribe lethal doses of controlled substances to terminally ill patients. Attorney General John Ashcroft declared in 2001 that physician-assisted suicide violated the Controlled Substances Act of 1970 (CSA). Ashcroft threatened to revoke the medical licenses of physicians who took part in the practice. Oregon sued Ashcroft in federal district court. That court and, later the Ninth Circuit, held Ashcroft's directive illegal. The courts held that the CSA did not authorize the attorney general to regulate physician-assisted suicide, which was the sort of medical matter historically entrusted to the states.

Question:

Did the Controlled Substances Act authorize the attorney general to ban the use of controlled substances for physician-assisted suicide in Oregon?

Conclusion:

No. In a 6-3 opinion delivered by Justice Anthony Kennedy, the Court held that Congress intended the CSA to prevent doctors only from engaging in illicit drug dealing, not to define general standards of state medical practice. Moreover, the CSA did not authorize Attorney General John Ashcroft to declare a medical practice authorized under state law to be illegitimate.

Citation

Gonzales v. Oregon, 546 U.S. ____ (2006), http://www.oyez.org/cases/2000-2009/2005/2005_04_623

Major Supreme Court Cases Summaries

Gonzales v. Raich (2005)

Facts of the Case:

In 1996 California voters passed the Compassionate Use Act, legalizing marijuana for medical use. California's law conflicted with the federal Controlled Substances Act (CSA), which banned possession of marijuana. After the Drug Enforcement Administration (DEA) seized doctor-prescribed marijuana from a patient's home, a group of medical marijuana users sued the DEA and U.S. Attorney General John Ashcroft in federal district court. The medical marijuana users argued the Controlled Substances Act--which Congress passed using its constitutional power to regulate interstate commerce--exceeded Congress's Commerce Clause power. The district court ruled against the group. The Ninth Circuit Court of Appeals reversed and ruled the CSA unconstitutional as it applied to intrastate (within a state) medical marijuana use. Relying on two U.S. Supreme Court decisions that narrowed Congress's Commerce Clause power--*U.S. v. Lopez* (1995) and *U.S. v. Morrison* (2000)--the Ninth Circuit ruled using medical marijuana did not "substantially affect" interstate commerce and therefore could not be regulated by Congress.

Question:

Does the Controlled Substances Act (21 U.S.C. 801) exceed Congress's power under the Commerce Clause as applied to the intrastate cultivation and possession of marijuana for medical use?

Conclusion:

No. In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that the Commerce Clause gave Congress authority to prohibit the local cultivation and use of marijuana, despite state law to the contrary. Stevens argued that the Court's precedent "firmly established" Congress' Commerce Clause power to regulate purely local activities that are part of a "class of activities" with a substantial effect on interstate commerce. The majority argued that Congress could ban local marijuana use because it was part of such a "class of activities": the national marijuana market. Local use affected supply and demand in the national marijuana market, making the regulation of intrastate use "essential" to regulating the drug's national market. The majority distinguished the case from *Lopez* and *Morrison*. In those cases, statutes regulated non-economic activity and fell entirely outside Congress' commerce power; in this case, the Court was asked to strike down a particular application of a valid statutory scheme.

Citation

The Oyez Project, *Gonzales v. Raich*, 545 U.S. 1 (2005) available at: (http://oyez.org/cases/2000-2009/2004/2004_03_1454)

Good News Club v. Milford Central School (2001)

Facts of the Case:

Under New York law, Milford Central School policy authorizes district residents to use its building after school for certain activities. Stephen and Darleen Fournier were district residents eligible to use the school's facilities. They sought approval of their proposed use and sponsorship of the Good News Club, a private Christian organization for children. The Fourniers submitted a request to hold the club's weekly after-school meetings at the school. Milford denied the request reasoning that the proposed use, including singing songs, hearing Bible lessons, memorizing scripture, and praying, was the equivalent of religious worship prohibited by the community use policy. The club filed suit alleging that the denial violated its free speech rights under the First and Fourteenth Amendments. Ultimately, the district court granted Milford summary judgment. In affirming, the court of appeals held that because the club's subject matter was "quintessentially religious", and the activities "fall outside the bounds of pure 'moral and character development,'" Milford's policy of excluding the club's meetings comprised subject discrimination, which is protected, not viewpoint discrimination, which is not.

Question:

Did Milford Central School violate the First Amendment free speech rights of the Good News Club when it excluded the club from meeting after hours at the school? If a violation occurred, was it justified by Milford's concern that permitting the club's activities would violate the Establishment Clause?

Conclusion:

Yes. No. In a 6-3 opinion delivered by Justice Clarence Thomas, the Court held that "Milford's restriction violates the Club's free speech rights and that no Establishment Clause concern justifies that violation." "When Milford denied the Good News Club access to the school's limited public forum on the ground that the Club was religious in nature, it discriminated against the Club because of its religious viewpoint in violation of the Free Speech Clause of the First Amendment," wrote Justice Thomas.

Citation

The Oyez Project, *Good News Club v. Milford Central School*, 533 U.S. 98 (2001) available at: (http://oyez.org/cases/2000-2009/2000/2000_99_2036)

Major Supreme Court Cases Summaries

Goss v. Lopez (1975)

Facts of the Case:

Nine students at two high schools and one junior high school in Columbus, Ohio, were given 10-day suspensions from school. The school principals did not hold hearings for the affected students before ordering the suspensions, and Ohio law did not require them to do so. The principals' actions were challenged, and a federal court found that the students' rights had been violated. The case was then appealed to the Supreme Court.

Question:

Did the imposition of the suspensions without preliminary hearings violate the students' Due Process rights guaranteed by the Fourteenth Amendment?

Conclusion:

Yes. In a 5-to-4 decision, the Court held that because Ohio had chosen to extend the right to an education to its citizens, it could not withdraw that right "on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct ha[d] occurred." The Court held that Ohio was constrained to recognize students' entitlements to education as property interests protected by the Due Process Clause that could not be taken away without minimum procedures required by the Clause. The Court found that students facing suspension should at a minimum be given notice and afforded some kind of hearing.

Citation

Goss v. Lopez, 419 U.S. 565 (1975), http://www.oyez.org/cases/1970-1979/1974/1974_73_898

Gratz v. Bollinger (2003)

Facts of the Case:

In 1995, Jennifer Gratz applied to the University of Michigan's College of Literature, Science and the Arts with an adjusted GPA of 3.8 and ACT score of 25. In 1997, Patrick Hamacher applied to the University with an adjusted GPA of 3.0, and an ACT score of 28. Both were denied admission and attended other schools. The University admits that it uses race as a factor in making admissions decisions because it serves a "compelling interest in achieving diversity among its student body." In addition, the University has a policy to admit virtually all qualified applicants who are members of one of three select racial minority groups--African Americans, Hispanics, and Native Americans--that are considered to be "underrepresented" on the campus. Concluding that diversity was a compelling interest, the district court held that the admissions policies for years 1995-1998 were not narrowly tailored, but that the policies in effect in 1999 and 2000 were narrowly tailored. After the decision in Grutter, Gratz and Hamacher petitioned the U.S. Supreme Court.

Question:

Does the University of Michigan's use of racial preferences in undergraduate admissions violate the equal protection clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964?

Conclusion:

Yes. In a 6-3 opinion delivered by Chief Justice William H. Rehnquist, the Court held that the University of Michigan's use of racial preferences in undergraduate admissions violates both the Equal Protection Clause and Title VI. While rejecting the argument that diversity cannot constitute a compelling state interest, the Court reasoned that the automatic distribution of 20 points, or one-fifth of the points needed to guarantee admission, to every single "underrepresented minority" applicant solely because of race was not narrowly tailored and did not provide the individualized consideration Justice Powell contemplated in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978). Chief Justice Rehnquist wrote, "because the University's use of race in its current freshman admissions policy is not narrowly tailored to achieve respondents' asserted compelling interest in diversity, the admissions policy violates the Equal Protection Clause."

Citation

The Oyez Project, Gratz v. Bollinger, 539 U.S. 244 (2003) available at: (http://oyez.org/cases/2000-2009/2002/2002_02_516)

Major Supreme Court Cases Summaries

Gregg v. Georgia (1976)

Facts of the Case:

A jury found Gregg guilty of armed robbery and murder and sentenced him to death. On appeal, the Georgia Supreme Court affirmed the death sentence except as to its imposition for the robbery conviction. Gregg challenged his remaining death sentence for murder, claiming that his capital sentence was a "cruel and unusual" punishment that violated the Eighth and Fourteenth Amendments. This case is one of the five "Death Penalty Cases" along with *Jurek v. Texas*, *Roberts v. Louisiana*, *Proffitt v. Florida*, and *Woodson v. North Carolina*.

Question:

Is the imposition of the death sentence prohibited under the Eighth and Fourteenth Amendments as "cruel and unusual" punishment?

Conclusion:

No. In a 7-to-2 decision, the Court held that a punishment of death did not violate the Eighth and Fourteenth Amendments under all circumstances. In extreme criminal cases, such as when a defendant has been convicted of deliberately killing another, the careful and judicious use of the death penalty may be appropriate if carefully employed. Georgia's death penalty statute assures the judicious and careful use of the death penalty by requiring a bifurcated proceeding where the trial and sentencing are conducted separately, specific jury findings as to the severity of the crime and the nature of the defendant, and a comparison of each capital sentence's circumstances with other similar cases. Moreover, the Court was not prepared to overrule the Georgia legislature's finding that capital punishment serves as a useful deterrent to future capital crimes and an appropriate means of social retribution against its most serious offenders.

Citation

The Oyez Project, *Gregg v. Georgia*, 428 U.S. 153 (1976) available at: (http://oyez.org/cases/1970-1979/1975/1975_74_6257)

Griswold v. Connecticut (1965)

Facts of the Case:

Griswold was the executive director of the Planned Parenthood League of Connecticut. Both she and the medical director for the League gave information, instruction, and other medical advice to married couples concerning birth control. Griswold and her colleague were convicted under a Connecticut law which criminalized the provision of counseling, and other medical treatment, to married persons for purposes of preventing conception.

Question:

Does the Constitution protect the right of marital privacy against state restrictions on a couple's ability to be counseled in the use of contraceptives?

Conclusion:

Yes. Though the Constitution does not explicitly protect a general right to privacy, the various guarantees within the Bill of Rights create penumbras, or zones, that establish a right to privacy. Together, the First, Third, Fourth, and Ninth Amendments, create a new constitutional right, the right to privacy in marital relations. The Connecticut statute conflicts with the exercise of this right and is therefore null and void.

Citation

The Oyez Project, *Griswold v. Connecticut*, 381 U.S. 479 (1965) available at: (http://oyez.org/cases/1960-1969/1964/1964_496)

Major Supreme Court Cases Summaries

Grutter v. Bollinger (2003)

Facts of the Case:

In 1997, Barbara Grutter, a white resident of Michigan, applied for admission to the University of Michigan Law School. Grutter applied with a 3.8 undergraduate GPA and an LSAT score of 161. She was denied admission. The law school admits that it uses race as a factor in making admissions decisions because it serves a "compelling interest in achieving diversity among its student body." The district court concluded that the law school's stated interest in achieving diversity in the student body was not a compelling one and enjoined its use of race in the admissions process. In reversing, the court of appeals held that Justice Powell's opinion in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978), constituted a binding precedent establishing diversity as a compelling governmental interest sufficient under strict scrutiny review to justify the use of racial preferences in admissions. The appellate court also rejected the district court's finding that the Law School's "critical mass" was the functional equivalent of a quota.

Question:

Does the University of Michigan Law School's use of racial preferences in student admissions violate the equal protection clause of the Fourteenth Amendment or Title VI of the Civil Rights Act of 1964?

Conclusion:

No. In a 5-4 opinion delivered by Justice Sandra Day O'Connor, the Court held that the Equal Protection Clause does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body. The Court reasoned that, because the law school conducts highly individualized review of each applicant, no acceptance or rejection is based automatically on a variable such as race and that this process ensures that all factors that may contribute to diversity are meaningfully considered alongside race. Justice O'Connor wrote, "in the context of its individualized inquiry into the possible diversity contributions of all applicants, the Law School's race-conscious admissions program does not unduly harm nonminority applicants."

Citation

The Oyez Project, *Gratz v. Bollinger*, 539 U.S. 244 (2003) available at: (http://oyez.org/cases/2000-2009/2002/2002_02_516)

Guinn v. United States (1915)

Facts of the Case:

The Oklahoma Constitution, while appearing to treat all voters equally, allowed an exemption to the literacy requirement for those voters whose grandfathers had either been eligible to vote prior to January 1, 1866 or were then a resident of "some foreign nation," or were soldiers. It was an exemption that favored white voters while it disfranchised black voters, most of whose grandfathers had been slaves and therefore unable to vote before 1866.

Question:

Are these kinds of exemptions to the literacy requirements a violation of the Fifteenth Amendment?

Conclusion:

Yes. Justice Edward White went on to strike down the grandfather clause. He saw the Oklahoma law for what it was--a bald-faced attempt to disenfranchise blacks. Justice White wrote that the act "inherently brings" discrimination based on race "into existence since it is based purely on a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage."

Citation

238 U.S. 347 (1915)

Major Supreme Court Cases Summaries

Hague v. Congress of Industrial Organization (1939)

Facts of the Case:

On November 29, 1937, several individuals gathered at the headquarters of the Committee for Industrial Organization (CIO) in Jersey City, New Jersey to initiate a recruitment drive and discuss the National Labor Relations Act. Acting on the orders of Mayor Frank Hague, police seized the group's recruitment materials and refused to allow the meeting to take place. Hague argued that he was enforcing a 1930 city ordinance that forbade gatherings of groups that advocated obstruction of the government by unlawful means. Hague referred to CIO members as "communists." Arguing that the ordinance violated the First Amendment protection of freedom of assembly, the group filed suit against several city officials, including Hague. A district court and the United States Court of Appeals for the Third Circuit agreed and invalidated the ordinance.

Question:

Did enforcement of the 1930 Jersey City ordinance violate the CIO's right to assembly under the First Amendment?

Conclusion:

Yes. In a plurality opinion authored by Justice Owen J. Roberts, the Court concluded that the actions taken by police clearly violated the First Amendment, as applied to the states by the Fourteenth Amendment. "Citizenship of the United States would be little better than a name if it did not carry with it the right to discuss national legislation and the benefits, advantages, and opportunities to accrue to citizens therefrom." Relying on the Court's previous ruling in the Slaughter House Cases, Justice Roberts wrote that freedom of assembly is "a privilege inherent in citizenship of the United States" and that no "contrary view has ever been voiced" by the Court.

Citation

The Oyez Project, Hague v. Committee for Industrial Organization, 307 U.S. 496 (1939) available at: (http://oyez.org/cases/1901-1939/1938/1938_651)

Hamdan v. Rumsfeld (2006)

Facts of the Case:

Salim Ahmed Hamdan, Osama bin Laden's former chauffeur, was captured by Afghani forces and imprisoned by the U.S. military in Guantanamo Bay. He filed a petition for a writ of habeas corpus in federal district court to challenge his detention. Before the district court ruled on the petition, he received a hearing from a military tribunal, which designated him an enemy combatant. A few months later, the district court granted Hamdan's habeas petition, ruling that he must first be given a hearing to determine whether he was a prisoner of war under the Geneva Convention before he could be tried by a military commission. The Circuit Court of Appeals for the District of Columbia reversed the decision, however, finding that the Geneva Convention could not be enforced in federal court and that the establishment of military tribunals had been authorized by Congress and was therefore not unconstitutional.

Question:

May the rights protected by the Geneva Convention be enforced in federal court through habeas corpus petitions? Was the military commission established to try Hamdan and others for alleged war crimes in the War on Terror authorized by the Congress or the inherent powers of the president?

Conclusion:

Yes. No. The Supreme Court, in a 5-to-3 decision authored by Justice John Paul Stevens, held that neither an act of Congress nor the inherent powers of the executive laid out in the Constitution expressly authorized the sort of military commission at issue in this case. Absent that express authorization, the commission had to comply with the ordinary laws of the United States and the laws of war. The Geneva Convention, as a part of the ordinary laws of war, could therefore be enforced by the Supreme Court, along with the statutory Uniform Code of Military Justice. Hamdan's exclusion from certain parts of his trial deemed classified by the military commission violated both of these, and the trial was therefore illegal. Justices Scalia, Thomas, and Alito dissented. Chief Justice John Roberts, who participated in the case while serving on the DC Circuit Court of Appeals, did not take part in the decision.

Citation

The Oyez Project, Hamdan v. Rumsfeld, 548 U.S. ____ (2006) available at: (http://oyez.org/cases/2000-2009/2005/2005_05_184)

Major Supreme Court Cases Summaries

Hamdi v. Rumsfeld (2004)

Facts of the Case:

In the fall of 2001, Yaser Hamdi, an American citizen, was arrested by the United States military in Afghanistan. He was accused of fighting for the Taliban against the U.S., declared an "enemy combatant," and transferred to a military prison in Virginia. Frank Dunham, Jr., a defense attorney in Virginia, filed a petition to have Hamdi's case heard in federal district court there, first on his own and then for Hamdi's father, in an attempt to have Hamdi's detention declared unconstitutional. He argued that the government had violated Hamdi's Fifth Amendment right to due process by holding him indefinitely and not giving him access to an attorney or a trial. The government countered that the executive branch had the right, during wartime, to declare people who fight against the United States "enemy combatants" and thus restrict their access to the court system. The district court ruled for Hamdi, telling the government to release him. On appeal, a Fourth Circuit Court of Appeals panel reversed, finding that the separation of powers required federal courts to practice restraint during wartime because "the executive and legislative branches are organized to supervise the conduct of overseas conflict in a way that the judiciary simply is not." The panel therefore found that it should defer to the Executive Branch's "enemy combatant" determination.

Question:

Did the government violate Hamdi's Fifth Amendment right to due process by holding him indefinitely, without access to an attorney, based solely on an executive branch declaration that he was an "enemy combatant" who fought against the United States? Does the separation of powers doctrine require federal courts to defer to executive branch determinations that an American citizen is an "enemy combatant?"

Conclusion:

Yes and no. In an opinion backed by a four-justice plurality and partly joined by two additional justices, Justice Sandra Day O'Connor wrote that although Congress authorized Hamdi's detention, Fifth Amendment due process guarantees a citizen held in the United States as an enemy combatant the right to contest that detention before a neutral decisionmaker. The plurality rejected the government's argument that the separation-of-powers prevents the judiciary from hearing Hamdi's challenge. Justice David Souter, joined by Justice Ruth Bader Ginsburg, concurred with the plurality that Hamdi had the right to challenge in court his status as an enemy combatant. Souter and Ginsburg, however, disagreed with the plurality's view that Congress authorized Hamdi's detention. Justice Antonin Scalia issued a dissent joined by Justice John Paul Stevens. Justice Clarence Thomas dissented separately.

Citation

The Oyez Project, Hamdi v. Rumsfeld, 542 U.S. 507 (2004) available at: (http://oyez.org/cases/2000-2009/2003/2003_03_6696)

Harper v. Virginia (1966)

Facts of the Case:

Annie E. Harper, a resident of Virginia, filed suit alleging that the state's poll tax was unconstitutional. After a three-judge district court dismissed the complaint, the case went to the Supreme Court. This case was decided together with *Butts v. Harrison*.

Question:

Did the Virginia poll tax violate the equal protection clause of the Fourteenth Amendment?

Conclusion:

In a 6-to-3 decision, the Court held that making voter affluence an electoral standard violated the Equal Protection Clause. The Court found that wealth or fee-paying had no relation to voting qualifications. The Court also noted that the Equal Protection Clause was not "shackled to the political theory of a particular era" and that notions of what constituted equal treatment under the clause were subject to change.

Citation

The Oyez Project, Harper v. Virginia Board of Elections, 383 U.S. 663 (1966) available at: (http://oyez.org/cases/1960-1969/1965/1965_48)

Harris v. New York (1971)

Major Supreme Court Cases Summaries

Facts of the Case:

Harris was arrested for making two sales of heroin to an undercover police officer. Before receiving the Miranda warnings, Harris said that he had made both sales at the request of the officer. This statement was not admitted into evidence at the trial. However, Harris later testified in court that he did not make the first sale and in the second sale he merely sold the officer baking powder. Harris's initial statement was then used by the prosecution in an attempt to attack his credibility.

Question:

Did the use of Harris' post-arrest statement violate his Fifth, Sixth, and Fourteenth Amendment rights guaranteed by the Miranda decision?

Conclusion:

No. In a 5-to-4 decision, the Court held that the Miranda decision did not mandate that evidence inadmissible against an accused in the prosecution's case must be barred for all purposes from the trial. The Court reasoned that the shield provided by Miranda could not be "perverted into a license to use perjury by way of a defense, free from the risk of confrontation with prior inconsistent utterances." The Court found that the speculative possibility that police misconduct could be encouraged was outweighed by the value of admitting the statement into the impeachment process.

Citation

Harris v. New York, 401 U.S. 222 (1971), http://www.oyez.org/cases/1970-1979/1970/1970_206

Hawaii Housing Authority v. Midkiff (1984)

Facts of the Case:

After extensive hearings in the mid-1960s, the Hawaii legislature discovered that while federal and state governments owned nearly 49 percent of the land in Hawaii, another 47 percent was owned by only 72 private landowners. To combat this concentration of ownership, the legislature enacted the Land Reform Act of 1967. The Act adopted a method of redistribution in which title in real property could be taken from lessors and transferred to lessees. Frank E. Midkiff, a landholder, challenged the act.

Question:

Did the Land Reform Act of 1967 violate the public use clause of the Fifth Amendment?

Conclusion:

No. In a unanimous decision, the Court held that the Public Use Clause did not preclude Hawaii from taking title in real property, with just compensation, for the purpose of reducing the concentration of ownership. Noting that Hawaii's statute was rationally related to a conceivable public purpose, the Court argued that "debates over the wisdom of takings" were best carried out by legislatures, not by federal courts. The Court also held that the fact that the property taken by eminent domain was transferred to private beneficiaries did not condemn the law to having a solely private purpose.

Citation

The Oyez Project, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) available at: (http://oyez.org/cases/1980-1989/1983/1983_83_141)

Major Supreme Court Cases Summaries

Hazelwood v. Kuhlmeier (1988)

Facts of the Case:

The Spectrum, the school-sponsored newspaper of Hazelwood East High School, was written and edited by students. In May 1983, Robert E. Reynolds, the school principal, received the page proofs for the May 13 issue. Reynolds found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be withheld from publication. Cathy Kuhlmeier and two other former Hazelwood East students brought the case to court.

Question:

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Conclusion:

No. In a 5-to-3 decision, the Court held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that schools must be able to set high standards for student speech disseminated under their auspices, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test.

Citation

The Oyez Project, *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988) available at: (http://oyez.org/cases/1980-1989/1987/1987_86_836)

Heart of Atlanta Motel v. United States (1964)

Facts of the Case:

Title II of the Civil Rights Act of 1964 forbade racial discrimination by places of public accommodation if their operations affected commerce. The Heart of Atlanta Motel in Atlanta, Georgia, refused to accept black Americans and was charged with violating Title II.

Question:

Did Congress, in passing Title II of the 1964 Civil Rights Act, exceed its Commerce Clause powers by depriving motels, such as the Heart of Atlanta, of the right to choose their own customers?

Conclusion:

No. The Court held that the Commerce Clause allowed Congress to regulate local incidents of commerce, and that the Civil Rights Act of 1964 passed constitutional muster. The Court noted that the applicability of Title II was "carefully limited to enterprises having a direct and substantial relation to the interstate flow of goods and people..." The Court thus concluded that places of public accommodation had no "right" to select guests as they saw fit, free from governmental regulation.

Citation

The Oyez Project, *Heart of Atlanta Motel v. U.S.*, 379 U.S. 241 (1964) available at: (http://oyez.org/cases/1960-1969/1964/1964_515)

Major Supreme Court Cases Summaries

Hernandez v. Texas (1954)

Facts of the Case:

Pete Hernandez, an agricultural worker, was indicted for the murder of Joe Espinoza by an all-white grand jury in Jackson County, Texas. Claiming that Mexican Americans were barred from the jury commission that selected juries, and from petit juries, Hernandez's attorneys tried to quash the indictment. Moreover, Hernandez tried to quash the petit jury panel called for service, because persons of Mexican descent were excluded from jury service in this case. A Mexican American had not served on a jury in Jackson County in over 25 years and thus, Hernandez claimed that Mexican ancestry citizens were discriminated against as a special class in Jackson County. The trial court denied the motions. Hernandez was found guilty of murder and sentenced by the all-white jury to life in prison. In affirming, the Texas Court of Criminal Appeals found that "Mexicans are...members of and within the classification of the white race as distinguished from members of the Negro Race" and rejected the petitioners' argument that they were a "special class" under the meaning of the Fourteenth Amendment. Further, the court pointed out that "so far as we are advised, no member of the Mexican nationality" challenged this classification as white or Caucasian.

Question:

Is it a denial of the Fourteenth Amendment equal protection clause to try a defendant of a particular race or ethnicity before a jury where all persons of his race or ancestry have, because of that race or ethnicity, been excluded by the state?

Conclusion:

Yes. In a unanimous opinion delivered by Chief Justice Earl Warren, the Court held that the Fourteenth Amendment protects those beyond the two classes of white or Negro, and extends to other racial groups in communities depending upon whether it can be factually established that such a group exists within a community. In reversing, the Court concluded that the Fourteenth Amendment "is not directed solely against discrimination due to a 'two-class theory'" but in this case covers those of Mexican ancestry. This was established by the fact that the distinction between whites and Mexican ancestry individuals was made clear at the Jackson County Courthouse itself where "there were two men's toilets, one unmarked, and the other marked 'Colored Men and 'Hombres Aqui' ('Men Here')," and by the fact that no Mexican ancestry person had served on a jury in 25 years. Mexican Americans were a "special class" entitled to equal protection under the Fourteenth Amendment.

Citation

The Oyez Project, Hernandez v. Texas, 347 U.S. 475 (1954) available at: (http://oyez.org/cases/1950-1959/1953/1953_406)

Horton v. California (1990)

Facts of the Case:

A California policeman determined that there was probable cause to search Horton's home for the proceeds of a robbery and the robbers' weapons. His search warrant affidavit referred to police reports that described both the weapons and the proceeds, but the warrant that was issued only authorized a search for the proceeds. Upon executing the warrant, the officer did not find the stolen property but did find the weapons in plain view and seized them. The trial court refused to suppress the seized evidence, and Horton was convicted of armed robbery. The California court of appeal affirmed the decision. Since the officer had testified that while he was searching Horton's home for the stolen property he was also interested in finding other evidence connecting Horton to the robbery, the seized evidence was not discovered "inadvertently." However, in rejecting Horton's argument that *Coolidge v. New Hampshire* required suppression of that evidence, the court of appeal relied on a state supreme court decision stating that *Coolidge's* discussion of the inadvertence limitation on the "plain-view" doctrine was not binding because it was contained in a four-Justice plurality opinion.

Question:

Were the weapons seized in violation of the Fourth Amendment?

Conclusion:

No. The court found that the Fourth Amendment does not prohibit seizure of belongings not specifically listed in a warrant found in plain sight during a legal search for other items, even though the discovery was not inadvertent, as *Coolidge v. New Hampshire* (1971) mandated.

Citation

Horton v. California, 496 U. S. 128 (1990), <http://supreme.justia.com/us/496/128/index.html>

Major Supreme Court Cases Summaries

Hudson v. Palmer (1984)

Facts of the Case:

Russell Palmer, a prisoner in a Virginia prison, brought suit against Ted Hudson, an officer at the institution. Hudson had conducted a "shakedown" search of Palmer's locker and cell for contraband. Hudson and another officer also charged Palmer with destroying state property after they discovered a ripped pillowcase near Palmer's cell bunk. Palmer was then ordered to reimburse the state.

Question:

Did the search of Palmer's locker and cell violate the Fourth Amendment? Did prison officials deprive Hudson of his property in violation of the Fourteenth Amendment?

Conclusion:

No. The Court held that the Fourth Amendment proscription against unreasonable searches did not apply "within the confines of the prison cell." Noting that privacy was fundamentally incompatible with the maintenance of prison security and surveillance, the Court found that "the paramount interest in institutional security" outweighed all privacy concerns. The Court further held that "random and unauthorized" deprivations of property did not violate the Due Process Clause, so long as post-deprivation remedies were available.

Citation

The Oyez Project, Hudson v. Palmer, 468 U.S. 517 (1984) available at: (http://oyez.org/cases/1980-1989/1983/1983_82_1630)

Hurley v. Irish American GLIB Society (1995)

Facts of the Case:

In 1993, the South Boston Allied War Veterans Council was authorized by the city of Boston to organize the St. Patrick's Day Parade. The Council refused a place in the event for the Irish American Gay, Lesbian, and Bisexual Group of Boston (GLIB). The group attempted to join to express its members' pride in their Irish heritage as openly gay, lesbian, and bisexual individuals. The Massachusetts State Court ordered the Veterans' Council to include GLIB under a state law prohibiting discrimination on account of sexual orientation in public accommodations. The Veterans' Council claimed that forced inclusion of GLIB members in their privately-organized parade violated their free speech.

Question:

Did a Massachusetts State Court's mandate to Boston's Veterans' Council, requiring it to include GLIB members in its parade, violate the council's free speech rights as protected by the First and Fourteenth Amendments?

Conclusion:

Yes. A unanimous court held that the State Court's ruling to require private citizens who organize a parade to include a group expressing a message that the organizers do not wish to convey violates the First Amendment by making private speech to the public accommodation requirement. Such an action "violat[e]s the fundamental First Amendment rule that a speaker has the autonomy to choose the content of his own message and, conversely, to decide what not to say."

Citation

The Oyez Project, Hurley v. Irish American GLIB Association, 515 U.S. 557 (1995) available at: (http://oyez.org/cases/1990-1999/1994/1994_94_749)

Major Supreme Court Cases Summaries

Hurtado v. California (1884)

Facts of the Case:

The State of California tried and convicted Hurtado of murder on an "information"--a written set of accusations made by a prosecutor. Hurtado maintained that California denied him an indictment by a grand jury.

Question:

Does a state criminal proceeding based on an information rather than a grand jury indictment violate the Fourteenth Amendment's due process clause?

Conclusion:

No, this was not a violation of due process. Any legal proceeding that protects liberty and justice is due process. The majority opinion, authored by Matthews, reasoned that the Constitution cannot be locked into static conceptions bound by time and place. The Court also took the position that nothing in the Constitution is superfluous. Since the Fifth Amendment contains both a guarantee of grand jury proceedings and a guarantee of due process, the former is not considered part of the latter.

Citation

The Oyez Project, *Hurtado v. California*, 110 U.S. 516 (1884) available at: (http://oyez.org/cases/1851-1900/1883/1883_0)

Hustler Magazine, Inc. v. Falwell (1988)

Facts of the Case:

A lead story in the November 1983 issue of *Hustler* magazine featured a "parody" of an advertisement, modeled after an actual ad campaign, claiming that Falwell, a fundamentalist minister and political leader, had a drunken incestuous relationship with his mother in an outhouse. Falwell sued to recover damages for libel, invasion of privacy, and intentional infliction of emotional distress. Falwell won a jury verdict on the emotional distress claim and was awarded a total of \$150,000 in damages. *Hustler Magazine* appealed.

Question:

Does the First Amendment's freedom of speech protection extend to the making of patently offensive statements about public figures, resulting perhaps in their suffering emotional distress?

Conclusion:

Yes. In a unanimous opinion the Court held that public figures, such as Jerry Falwell, may not recover for the intentional infliction of emotional distress without showing that the offending publication contained a false statement of fact which was made with "actual malice." The Court added that the interest of protecting free speech, under the First Amendment, surpassed the state's interest in protecting public figures from patently offensive speech, so long as such speech could not reasonably be construed to state actual facts about its subject.

Citation

The Oyez Project, *Hustler Magazine v. Falwell*, 485 U.S. 46 (1988) available at: (http://oyez.org/cases/1980-1989/1987/1987_86_1278)

Major Supreme Court Cases Summaries

Hylton v. United States (1796)

Facts of the Case:

In 1794, Congress enacted a law entitled "An act to lay duties upon carriages for the conveyance of persons." The law assessed a tax of sixteen dollars on each carriage owned by an individual or business. Hylton viewed the law as a direct tax in violation of the constitutional requirement that taxes passed by Congress must be apportioned, that is, laid according to the population and the number of representatives from each state.

Question:

Did Congress violate the Constitution and go beyond its taxing and spending powers in implementing the tax on carriages?

Conclusion:

No. The Court held that the tax was legitimate. In one of the opinions, Justice Chase argued that an apportioned tax on carriages would lead to inequalities in the tax burden between states. Furthermore, he interpreted the terms "tax" and "duty" in Article I, Section 8 broadly, and concluded that the carriage tax was an indirect tax. Justice Iredell argued that to administer an apportioned tax on carriages would be "absurd," for if a state had no carriages it would be impossible to implement the tax. He concluded that if a tax could not be apportioned, then it was not a direct tax "in the sense of the constitution."

Citation

The Oyez Project, Hylton v. United States, 3 U.S. 171 (1796) available at: (http://oyez.org/cases/1792-1850/1796/1796_2)

In re Gault (1967)

Facts of the Case:

Gerald Francis Gault, fifteen years old, was taken into custody for allegedly making an obscene phone call. Gault had previously been placed on probation. The police did not leave notice with Gault's parents, who were at work, when the youth was arrested. After proceedings before a juvenile court judge, Gault was committed to the State Industrial School until he reached the age of 21.

Question:

Were the procedures used to commit Gault constitutionally legitimate under the due process clause of the Fourteenth Amendment?

Conclusion:

No. The Court held that the proceedings for juveniles had to comply with the requirements of the Fourteenth Amendment. These requirements included adequate notice of charges, notification of both the parents and the child of the juvenile's right to counsel, opportunity for confrontation and cross-examination at the hearings, and adequate safeguards against self-incrimination. The Court found that the procedures used in Gault's case met none of these requirements.

Citation

In re Gault, 387 U.S. 1 (1967), http://www.oyez.org/cases/1960-1969/1966/1966_116

Major Supreme Court Cases Summaries

INS v. Chadha (1983)

Facts of the Case:

In one section of the Immigration and Nationality Act, Congress authorized either house of Congress to invalidate and suspend deportation rulings of the United States Attorney General. Chadha had stayed in the U.S. past his visa deadline and was ordered to leave the country. The House of Representatives suspended the immigration judge's deportation ruling. This case was decided together with *United States House of Representatives v. Chadha and United States Senate v. Chadha*.

Question:

Did the Immigration and Nationality Act, which allowed a one-House veto of executive actions, violate the separation of powers doctrine?

Conclusion:

Yes. The Court held that the particular section of the act in question did violate the Constitution. Recounting the debates of the Constitutional Convention over issues of bicameralism and separation of powers, Chief Justice Burger concluded that even though the act would have enhanced governmental efficiency, it violated the "explicit constitutional standards" regarding lawmaking and congressional authority.

Citation

The Oyez Project, INS v. Chadha, 462 U.S. 919 (1983) available at: (http://oyez.org/cases/1980-1989/1981/1981_80_1832)

International Society for Krishna Consciousness v. Lee (1992)

Facts of the Case:

New York City's airport authority banned repetitive solicitation of money within airline terminals but permitted it outside the terminals. The International Society for Krishna Consciousness solicits funds in public places. It challenged the regulation. A federal district court granted an injunction against the airport authority. The authority appealed.

Question:

Does the regulation violate the First Amendment free speech clause?

Conclusion:

No. An airport terminal is not a public forum. The regulation banning such activity need only satisfy a reasonableness standard. The regulation is reasonable. Solicitors may slow the path of possible contributors, cause duress or commit fraud. Therefore, the regulation is permissible. In a related case, the Court held invalid the airport authority's ban on literature distribution in airport terminals.

Citation

International Society for Krishna Consciousness v. Lee, 505 U.S. 672 (1992), http://www.oyez.org/cases/1990-1999/1991/1991_91_155

Major Supreme Court Cases Summaries

J.E.B. v. Alabama

Facts of the Case:

Alabama, acting on behalf of T.B. (the mother), sought paternity and child support from J.E.B. (the putative father). A jury awarded in favor of T.B. In forming the jury, Alabama used its peremptory strikes to eliminate nine of the ten men who were in the jury pool; J.E.B. use a peremptory challenge to strike a tenth man in the pool.

Question:

Was the use of peremptory challenges to exclude jurors solely because of their gender a violation of the equal protection clause of the Fourteenth Amendment?

Conclusion:

Yes. The Constitution's guarantee of equal protection bars the exclusion of potential jurors on the basis of their sex, just as it bars exclusion on the basis of race. "Gender-based classifications," wrote Justice Harry Blackmun for the majority, "require 'an exceedingly persuasive justification' in order to survive constitutional scrutiny." As a consequence, "Parties still may remove jurors whom they feel might be less acceptable than others on the panel; gender simply may not serve as a proxy for bias."

Citation

J.E.B. v. Alabama ex rel T.B., 511 U.S. 127 (1994), http://www.oyez.org/cases/1990-1999/1993/1993_92_1239

Jacobson v. Massachusetts (1905)

Facts of the Case:

A Massachusetts law allowed cities to require residents to be vaccinated against smallpox. Cambridge adopted such an ordinance, with some exceptions. Jacobson refused to comply with the requirement and was fined five dollars.

Question:

Did the mandatory vaccination law violate Jacobson's Fourteenth Amendment right to liberty?

Conclusion:

No. The Court held that the law was a legitimate exercise of the state's police power to protect the public health and safety of its citizens. Local boards of health determined when mandatory vaccinations were needed, thus making the requirement neither unreasonable nor arbitrarily imposed.

Citation

The Oyez Project, Jacobson v. Massachusetts, 197 U.S. 11 (1905) available at: (http://oyez.org/cases/1901-1939/1904/1904_70)

Katz v. United States (1967)

Facts of the Case:

Acting on a suspicion that Katz was transmitting gambling information over the phone to clients in other states, federal agents attached an eavesdropping device to the outside of a public phone booth he used without first obtaining a search warrant. Based on recordings of his end of the conversations, Katz was convicted under an eight-count indictment for the illegal transmission of wagering information from Los Angeles to Boston and Miami. On appeal, Katz challenged his conviction arguing that the recordings could not be used as evidence against him. The court of appeals rejected this point, noting the absence of a physical intrusion into the phone booth itself.

Question:

Does the Fourth Amendment protection against unreasonable searches and seizures require the police to obtain a search warrant in order to wiretap a public pay phone?

Conclusion:

Yes. The Court ruled that Katz was entitled to Fourth Amendment protection for his conversations and that a physical intrusion into the area he occupied was unnecessary to bring the amendment into play. "The Fourth Amendment protects people, not places," wrote Justice Potter Stewart for the Court. A concurring opinion by John Marshall Harlan introduced the idea of a 'reasonable' expectation of Fourth Amendment protection.

Citation

The Oyez Project, Katz v. United States, 389 U.S. 347 (1967) available at: (http://oyez.org/cases/1960-1969/1967/1967_35)

Major Supreme Court Cases Summaries

Kelo v. City of New London (2005)

Facts of the Case:

New London, a city in Connecticut, used its eminent domain authority to seize private property to sell to private developers. The city said developing the land would create jobs and increase tax revenues. Kelo Susette and others whose property were seized sued New London in state court. The property owners argued the city violated the Fifth Amendment's takings clause, which guaranteed the government will not take private property for public use without just compensation. Specifically the property owners argued taking private property to sell to private developers was not public use. The Connecticut Supreme Court ruled for New London.

Question:

Does a city violate the Fifth Amendment's takings clause if the city takes private property and sells it for private development, with the hopes the development will help the city's bad economy?

Conclusion:

No. In a 5-4 opinion delivered by Justice John Paul Stevens, the majority held that the city's taking of private property to sell for private development qualified as a "public use" within the meaning of the takings clause. The city was not taking the land simply to benefit a certain group of private individuals, but was following an economic development plan. Such justifications for land takings, the majority argued, should be given deference. The takings here qualified as "public use" despite the fact that the land was not going to be used by the public. The Fifth Amendment did not require "literal" public use, the majority said, but the "broader and more natural interpretation of public use as 'public purpose.'"

Citation

The Oyez Project, *Kelo v. City of New London*, 545 U.S. ____ (2005) available at: (http://oyez.org/cases/2000-2009/2004/2004_04_108)

Kent v. Dulles (1958)

Facts of the Case:

Rockwell Kent applied for and was refused a passport to visit England. In addition to informing him that his application refusal rested on his Communist Party affiliations, the Passport Office director told Kent that in order for a passport to be issued a hearing would be necessary. The director instructed Kent to submit an affidavit as to whether he was a current or past Communist. Upon the advice of his lawyer, Kent refused to sign the affidavit but did participate in a hearing at which he was once more asked to sign an affidavit concerning his Communist affiliations. When he refused the affidavit, the Passport Department advised Kent that no further action would be taken on his passport request until he satisfied the affidavit requirement. On appeal from consecutive adverse rulings in both district and appellate court, the Supreme Court agreed to hear Kent's case.

Question:

Could the executive branch's Passport Department defer or refuse the issuance of passports to individuals suspected of being Communists or of traveling abroad to further Communist causes?

Conclusion:

No. In a 5-to-4 decision, the Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.

Citation

The Oyez Project, *Kent v. Dulles*, 357 U.S. 116 (1958) available at: (http://oyez.org/cases/1950-1959/1957/1957_481)

Major Supreme Court Cases Summaries

Korematsu v. United States (1944)

Facts of the Case:

During World War II, Presidential Executive Order 9066 and congressional statutes gave the military authority to "exclude" citizens of Japanese ancestry from areas deemed critical to national defense and potentially vulnerable to espionage by relocating them to internment camps. Korematsu remained in San Leandro, California and violated Civilian Exclusion Order No. 34 of the U.S. Army.

Question:

Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?

Conclusion:

The Court sided with the government and held that the need to protect against espionage outweighed Korematsu's rights. Justice Black argued that compulsory exclusion, though constitutionally suspect, is justified during circumstances of "emergency and peril."

Citation

The Oyez Project, Korematsu v. United States, 323 U.S. 214 (1944) available at: (http://oyez.org/cases/1940-1949/1944/1944_22)

Kyllo v. United States (2001)

Facts of the Case:

A Department of the Interior agent, suspicious that Danny Kyllo was growing marijuana, used a thermal imaging device to scan his home. The imaging was to be used to determine if the amount of heat emanating from the home was consistent with the high-intensity lamps typically used for indoor marijuana growth. Subsequently, the imaging revealed that relatively hot areas existed, compared to the rest of the home. Based on informants, utility bills, and the thermal imaging, a federal magistrate judge issued a warrant to search Kyllo's home. The search unveiled growing marijuana. After Kyllo was indicted on a federal drug charge, he unsuccessfully moved to suppress the evidence seized from his home and then entered a conditional guilty plea. Ultimately affirming, the court of appeals held that Kyllo had shown no subjective expectation of privacy because he had made no attempt to conceal the heat escaping from his home, and even if he had, there was no objectively reasonable expectation of privacy because the imager "did not expose any intimate details of Kyllo's life," only "amorphous 'hot spots' on the roof and exterior wall."

Question:

Does the use of a thermal imaging device to detect relative amounts of heat emanating from a private home constitute an unconstitutional search in violation of the Fourth Amendment?

Conclusion:

Yes. In a 5-4 opinion delivered by Justice Antonin Scalia, the Court held that "[w]here, as here, the Government uses a device that is not in general public use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant." In dissent, Justice John Paul Stevens argued that the "observations were made with a fairly primitive thermal imager that gathered data exposed on the outside of [Kyllo's] home but did not invade any constitutionally protected interest in privacy," and were, thus, "information in the public domain."

Citation

The Oyez Project, Kyllo v. United States, 533 U.S. 27 (2001) available at: (http://oyez.org/cases/2000-2009/2000/2000_99_8508)

Major Supreme Court Cases Summaries

Ladue v. Gilleo (1994)

Facts of the Case:

Margaret Gilleo placed a 24-by-36-inch sign calling for peace in the Persian Gulf on her front lawn. The original sign disappeared and a subsequent sign was knocked down. She reported these incidents to the police who advised her that such signs were prohibited in the city of Ladue. She sued the city and the district court ordered a preliminary injunction. Ladue repealed the law and replaced it with a new one which also banned window signs. Gilleo then placed another anti-war sign in her second-story window and amended her complaint to challenge the new ordinance.

Question:

Does the Ladue ordinance violate Gilleo's right to free speech as protected by the First Amendment?

Conclusion:

Yes. Although acknowledging Ladue's police power to minimize visual clutter associated with signs, the Court ruled that the law "almost completely foreclosed a venerable means of communication that is both unique and important." The Court held a "special respect" for an individual's right to convey messages from her home.

Citation

The Oyez Project, *Ladue v. Gilleo*, 512 U.S. 43 (1994) available at: (http://oyez.org/cases/1990-1999/1993/1993_92_1856)

Lamb's Chapel v. Center Moriches School District (1993)

Facts of the Case:

A New York law authorized schools to regulate the after-hour use of school property and facilities. The Center Moriches School District, acting under the statute, prohibited the use of its property by any religious group. The district refused repeated requests by Lamb's Chapel to use the school's facilities for an after-hours religious-oriented film series on family values and child rearing. The chapel brought suit against the school district in federal court.

Question:

Did the district violate the First Amendment's freedom of speech when it denied Lamb's Chapel the use of school premises to show religious-oriented films?

Conclusion:

Yes, by a unanimous vote. The Supreme Court's holding consisted of two parts. First, the district violated freedom of speech by refusing the chapel's request to show movies on school premises solely because such movies were religiously oriented. While non-public schools are permitted under New York law to restrict access to their premises based on subject matter or speaker identity, such restrictions must be reasonable and "viewpoint neutral." In this case, the district's restriction was neither reasonable nor viewpoint neutral, since it allowed the presentation of all other views about family values and child rearing--except those which were presented from a religious perspective. Second, a grant of permission to the chapel to use the district's premises would not have amounted to an establishment of religion. This is because the showing of the films would neither be school-sponsored during school hours nor closed to the public.

Citation

The Oyez Project, *Lamb's Chapel v. Center Moriches School District*, 508 U.S. 384 (1993) available at: (http://oyez.org/cases/1990-1999/1992/1992_91_2024)

Major Supreme Court Cases Summaries

Lemon v. Kurtzman (1971)

Facts of the Case:

This case was heard concurrently with two others, *Earley v. DiCenso* (1971) and *Robinson v. DiCenso* (1971). The cases involved controversies over laws in Pennsylvania and Rhode Island. In Pennsylvania, a statute provided financial support for teacher salaries, textbooks, and instructional materials for secular subjects to non-public schools. The Rhode Island statute provided direct supplemental salary payments to teachers in non-public elementary schools. Each statute made aid available to "church-related educational institutions."

Question:

Did the Rhode Island and Pennsylvania statutes violate the First Amendment's establishment clause by making state financial aid available to "church-related educational institutions"?

Conclusion:

Yes. Writing for the majority, Chief Justice Burger articulated a three-part test for laws dealing with religious establishment. To be constitutional, a statute must have "a secular legislative purpose," it must have principal effects which neither advance nor inhibit religion, and it must not foster "an excessive government entanglement with religion." The Court found that the subsidization of parochial schools furthered a process of religious inculcation, and that the "continuing state surveillance" necessary to enforce the specific provisions of the laws would inevitably entangle the state in religious affairs. The Court also noted the presence of an unhealthy "divisive political potential" concerning legislation which appropriates support to religious schools.

Citation

The Oyez Project, *Lemon v. Kurtzman*, 403 U.S. 602 (1971) available at: (http://oyez.org/cases/1970-1979/1970/1970_89)

Luther v. Borden (1849)

Facts of the Case:

In 1841, Rhode Island was still operating under an archaic system of government established by a royal charter of 1663. The charter strictly limited suffrage and made no provision for amendment. Dissident groups, protesting the charter, held a popular convention to draft a new constitution and to elect a governor. The old charter government declared martial law and put down the rebellion, although no federal troops were sent. One of the insurgents, Martin Luther, brought suit claiming the old government was not "a republican form of government" and all its acts were thereby invalid.

Question:

Did the Court have the constitutional authority to declare which group constituted the official government of Rhode Island?

Conclusion:

No. The Court held that "the power of determining that a state government has been lawfully established" did not belong to federal courts, and that it was not the function of such courts to prescribe the qualifications for voting in the states. The Court held that the creation of republican forms of government and the control of domestic violence were matters of an essentially political nature committed by the Constitution to the other branches of government. Hence, the Court should defer to Congress and the president when confronted with such issues.

Citation

The Oyez Project, *Luther v. Borden*, 48 U.S. 1 (1849) available at: (http://oyez.org/cases/1792-1850/1848/1848_2)

Major Supreme Court Cases Summaries

Lynch v. Donnelly (1984)

Facts of the Case:

The city of Pawtucket, Rhode Island, annually erected a Christmas display located in the city's shopping district. The display included such objects as a Santa Claus house, a Christmas tree, a banner reading "Seasons Greetings," and a nativity scene. The nativity scene had been included in the display for over 40 years. Daniel Donnelly objected to the display and took action against Dennis Lynch, the Mayor of Pawtucket.

Question:

Did the inclusion of a nativity scene in the city's display violate the Establishment Clause of the First Amendment?

Conclusion:

No. In a 5-to-4 decision, the Court held that notwithstanding the religious significance of the nativity scene, the city had not violated the Establishment Clause. The Court found that the display, viewed in the context of the holiday season, was not a purposeful or surreptitious effort to advocate a particular religious message. The Court found that the display merely depicted the historical origins of the holiday and had "legitimate secular purposes." The Court held that the symbols posed no danger of establishing a state church and that it was "far too late in the day to impose a crabbed reading of the [Establishment] Clause on the country."

Citation

The Oyez Project, *Lynch v. Donnelly*, 465 U.S. 668 (1984) available at: (http://oyez.org/cases/1980-1989/1983/1983_82_1256)

Madsen v. Women's Health Center Inc. (1994)

Facts of the Case:

Women's Health Center Inc. operated several abortion clinics throughout central Florida, including the Aware Woman Center for Choice in Melbourne, Florida. In 1992, in response to anti-abortion protesters, a state court prohibited the protesters from physically abusing those entering or exiting the clinic, or otherwise interfering with access to the clinic. About six months later, Women's Health Center Inc. expressed a need to broaden the court order. The state court agreed, banning demonstrators from entering a 36-foot buffer zone around the clinic, making excessive noise, using images visible to patients, approaching patients within a 300-foot radius of the clinic, and protesting within a 300-foot radius of staff residences. Petitioner Judy Madsen and her fellow protesters claimed that these restrictions violated their First Amendment right to free speech, but the Florida supreme court disagreed, upholding the court order.

Question:

1) Does prohibiting protesting within a 36-foot buffer zone in front of the clinic infringe upon free speech? 2) Does the 36-foot buffer zone along the back and side of the clinic infringe upon free speech? 3) Do the limitations placed on noise-making infringe upon free speech? 4) Do the restrictions placed on the use of images infringe upon free speech? 5) Does barring protesters from approaching patients within 300 feet of the clinic infringe upon free speech? 6) Does prohibiting protesting wi

Conclusion:

No, Yes, No, Yes, Yes, and Yes. In a majority opinion authored by Chief Justice William H. Rehnquist, the Court found that the state of Florida could only restrict protesters to the extent necessary to allow the clinic to run and the staff to live in their homes without interference. Thus, the majority approved of the 36-foot buffer zone around the front of the clinic because it was essential to allow patients and staff to enter and leave the building freely, but disapproved of the 36-foot buffer zone along the back and side of the building because it found no indication that protesting in these areas interfered with the function of the clinic. The Court also determined that the limitations placed on noise-making were necessary to insure the well-being of the patients, whereas those placed on images were not because they were easier to ignore. Finally, the Court concluded that both 300-foot radius rules were too broad, restricting the protesters more than necessary. Therefore, the decision of the Florida Supreme Court was affirmed in part and reversed in part.

Citation

The Oyez Project, *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994) available at: (http://oyez.org/cases/1990-1999/1993/1993_93_880)

Major Supreme Court Cases Summaries

Malloy v. Hogan (1964)

Facts of the Case:

William Malloy was arrested during a gambling raid in 1959 by Hartford, Connecticut police. After pleading guilty to pool selling, a misdemeanor, he was sentenced to one year in jail and fined \$500, but the sentence was suspended after ninety days and Malloy was placed on two years' probation. Some sixteen months following his plea, a superior court-appointed referee ordered Malloy to testify about gambling and other criminal activities in Hartford County. When Malloy refused, "on grounds it may tend to incriminate [him]" he was imprisoned for contempt and held until willing to answer questions. Malloy filed a habeas corpus petition challenging his confinement. Both the superior court and the Connecticut Supreme Court of Errors ruled against him, and he appealed to the Supreme Court.

Question:

Does the Fourteenth Amendment protect a state witness's Fifth Amendment guarantee against self-incrimination in a criminal proceeding?

Conclusion:

Yes. In a 5-to-4 opinion, the Court held that the Fifth Amendment's exception from compulsory self-incrimination is protected by the Fourteenth Amendment against abridgement by a state. When determining if state officers properly obtained a confession, one must focus on whether the statements were made freely and voluntarily without any direct or implied promised or improper influence. Noting that the American judicial system is accusatorial, not inquisitorial, the Court ruled that the Fourteenth Amendment secures defendants against self-incrimination and compels state and federal officials to establish guilt by evidence that is free and independent of a suspect's or witnesses' statements.

Citation

The Oyez Project, *Malloy v. Hogan*, 378 U.S. 1 (1964) available at: (http://oyez.org/cases/1960-1969/1963/1963_110)

Mapp v. Ohio (1961)

Facts of the Case:

Dolree Mapp was convicted of possessing obscene materials after an admittedly illegal police search of her home for a fugitive. She appealed her conviction on the basis of freedom of expression.

Question:

Were the confiscated materials protected by the First Amendment? May evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding?

Conclusion:

Not applicable. No. The Court brushed aside the First Amendment issue and declared that "all evidence obtained by searches and seizures in violation of the Constitution is, by [the Fourth Amendment], inadmissible in a state court." Mapp had been convicted on the basis of illegally obtained evidence. This was an historic--and controversial--decision. It placed the requirement of excluding illegally obtained evidence from court at all levels of the government. The decision launched the Court on a troubled course of determining how and when to apply the exclusionary rule.

Citation

The Oyez Project, *Mapp v. Ohio*, 367 U.S. 643 (1961) available at: (http://oyez.org/cases/1960-1969/1960/1960_236)

Major Supreme Court Cases Summaries

Marbury v. Madison (1803)

Facts of the Case:

The case began on March 2, 1801, when an obscure Federalist, William Marbury, was designated as a justice of the peace in the District of Columbia. Marbury and several others were appointed to government posts created by Congress in the last days of John Adams's presidency, but these last-minute appointments were never fully finalized. The disgruntled appointees invoked an act of Congress and sued for their jobs in the Supreme Court.

Question:

Is Marbury entitled to his appointment? Is his lawsuit the correct way to get it? And, is the Supreme Court the place for Marbury to get the relief he requests?

Conclusion:

Yes. Yes. It depends. The justices held, through Marshall's forceful argument, that on the last issue the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." In other words, when the Constitution--the nation's highest law--conflicts with an act of the legislature, that act is invalid. This case establishes the Supreme Court's power of judicial review.

Citation

The Oyez Project, *Marbury v. Madison*, 5 U.S. 137 (1803) available at: (http://oyez.org/cases/1792-1850/1803/1803_0)

Martin v. Struthers (1943)

Facts of the Case:

Martin was a Jehovah's Witness in Struthers, Ohio. She canvassed neighborhoods knocking on doors and ringing doorbells to distribute leaflets promoting a meeting. She was convicted and fined \$10 for violating a city ordinance that prohibited a person who was distributing leaflets and other flyers from knocking on doors and ringing doorbells. She appealed her conviction in the Circuit Court of Mahoning County, alleging that the city ordinance violated her First Amendment free speech and free press rights. The circuit court upheld the ordinance and her conviction. The Supreme Court of Ohio dismissed her appeal.

Question:

Did the city ordinance prohibiting the ringing of doorbells and knocking on doors by a person distributing promotional materials violate the free speech and free press clauses of the First Amendment?

Conclusion:

Yes. In a 5-4 decision, the Court reversed the Supreme Court of Ohio and held the Struthers ordinance unconstitutional. In the majority opinion written by Justice Hugo L. Black, the Court acknowledged the city's interest in preventing crime and reducing nuisances. However, alternative solutions, such as trespassing laws, were also available that could achieve the city's purpose. Activities like Martin's were "so clearly vital to the preservation of a free society that, putting aside reasonable police and health regulations of time and manner of distribution, it must be fully preserved." The ordinance was overly restrictive on door-to-door distributors, and therefore unconstitutional.

Citation

The Oyez Project, *Martin v. Struthers*, 319 U.S. 141 (1943) available at: (http://oyez.org/cases/1940-1949/1942/1942_238)

Major Supreme Court Cases Summaries

Martin v. Wilks (1989)

Facts of the Case:

As a result of a lawsuit in 1974, the Jefferson County Personnel Board in Birmingham, Alabama, entered into consent decrees that included hiring blacks as firefighters and for promoting them. The decrees were approved by a federal district court. Years later, Robert K. Wilks, a white firefighter, challenged the decrees and alleged that whites were being denied promotions in favor of less qualified blacks. Wilks argued that such practices violated Title VII of the Civil Rights Act of 1964. The personnel board agreed that it was making race-conscious decisions but argued it was doing so pursuant to the original decrees. The Court combined arguments in two companion cases: *Personnel Board v. Wilks* and *Arrington v. Wilks*.

Question:

Did Wilks and other white firefighters have a constitutional right to challenge the previously established decrees?

Conclusion:

Yes. In a 5-to-4 decision, the Court held that because "a person cannot be deprived of his legal rights in a proceeding to which he is not a party," the white firefighters were not precluded from challenging employment decisions taken pursuant to the consent decrees. The Court argued that "[t]he parties to a lawsuit presumably know better than anyone else the nature and scope of relief sought in the action" and that they were better suited to intervene when their rights were immediately threatened. Conversely, the Court noted that "[n]o one can seriously contend that an employer might successfully defend against a Title VII claim by one group of employees on the ground that its actions were required by an earlier decree entered in a suit brought against it by another, if the later group did not have adequate notice or knowledge of the earlier suit."

Citation

Martin v. Wilks, 490 U.S. 755 (1989), http://www.oyez.org/cases/1980-1989/1988/1988_87_1614

Major Supreme Court Cases Summaries

McConnell v. Federal Election Commission (2003)

Facts of the Case:

In early 2002, a many years-long effort by Senators John McCain and Russell Feingold to reform the way that money is raised for--and spent during--political campaigns culminated in the passage of the Bipartisan Campaign Finance Reform Act of 2002 (the so-called McCain-Feingold bill). Its key provisions were a) a ban on unrestricted ("soft money") donations made directly to political parties (often by corporations, unions, or well-heeled individuals) and on the solicitation of those donations by elected officials; b) limits on the advertising that unions, corporations, and non-profit organizations can engage in up to 60 days prior to an election; and c) restrictions on political parties' use of their funds for advertising on behalf of candidates (in the form of "issue ads" or "coordinated expenditures"). The campaign finance reform bill contained an unusual provision providing for an early federal trial and a direct appeal to the Supreme Court of the United States, bypassing the typical federal judicial process. In May of that year, a special three-judge panel struck down portions of the act's ban on soft-money donations but upheld some of its restrictions on the kind of advertising that parties can engage in. The ruling was stayed until the Supreme Court could hear and decide the resulting appeals.

Question:

1. Does the "soft money" ban of the Campaign Finance Reform Act of 2002 exceed Congress's authority to regulate elections under Article I, Section 4 of the Constitution and/or violate the First Amendment's protection of the freedom to speak? 2. Do regulations of the source, content, or timing of political advertising in the Campaign Finance Reform Act of 2002 violate the First Amendment's free speech clause?

Conclusion:

With a few exceptions, the Court answered "no" to both questions in a 5-to-4 decision written by Justices Sandra Day O'Connor and John Paul Stevens. Because the regulations dealt mostly with soft-money contributions that were used to register voters and increase attendance at the polls, not with campaign expenditures (which are more explicitly a statement of political values and therefore deserve more protection), the Court held that the restriction on free speech was minimal. It then found that the restriction was justified by the government's legitimate interest in preventing "both the actual corruption threatened by large financial contributions and...the appearance of corruption" that might result from those contributions. In response to challenges that the law was too broad and unnecessarily regulated conduct that had not been shown to cause corruption (such as advertisements paid for by corporations or unions), the Court found that such regulation was necessary to prevent the groups from circumventing the law. Justices O'Connor and Stevens wrote that "money, like water, will always find an outlet" and that the government was therefore justified in taking steps to prevent schemes developed to get around the contribution limits. The Court also rejected the argument that Congress had exceeded its authority to regulate elections under Article I, Section 4 of the Constitution. The Court found that the law only affected state elections in which federal candidates were involved and also that it did not prevent states from creating separate election laws for state and local elections.

Citation

The Oyez Project, *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003) available at: (http://oyez.org/cases/2000-2009/2003/2003_02_1674)

McCreary County v. ACLU (2005)

Facts of the Case:

The American Civil Liberties Union (ACLU) sued three Kentucky counties in federal district court for displaying framed copies of the Ten Commandments in courthouses and public schools. The ACLU argued the displays violated the First Amendment's establishment clause, which prohibits the government from passing laws "respecting an establishment of religion." The district court and the Sixth Circuit Court of Appeals ruled the displays violated the establishment clause.

Question:

1. Do Ten Commandments displays in public schools and in courthouses violate the First Amendment's establishment clause, which prohibits government from passing laws "respecting an establishment of religion?" 2. Was a determination that the displays' purpose had been to advance religion sufficient for the displays' invalidation?

Conclusion:

Yes. Yes. In a 5-4 opinion delivered by Justice David Souter, the majority held that the displays violated the establishment clause because their purpose had been to advance religion. In the case of each of the displays, the Court held, an observer would have concluded that the government was endorsing religion. The first display for presenting the Ten Commandments in isolation; the second for showing the Commandments along with other religious passages; the third for presenting the Commandments in a presentation of the "Foundations of American Law," an exhibit in which the county reached "for any way to keep a religious document on the walls of courthouses."

Citation

McCreary County v. ACLU, 545 U.S. ____ (2005), http://www.oyez.org/cases/2000-2009/2004/2004_03_1693

Major Supreme Court Cases Summaries

McCullough v. Maryland (1819)

Facts of the Case:

In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax.

Question:

The case presented two questions: Did Congress have the authority to establish the bank? Did the Maryland law unconstitutionally interfere with congressional powers?

Conclusion:

Yes. No. In a unanimous decision, the Court held that Congress had the power to incorporate the bank and that Maryland could not tax instruments of the national government employed in the execution of constitutional powers. Writing for the Court, Chief Justice Marshall noted that Congress possessed unenumerated powers not explicitly outlined in the Constitution. Marshall also held that while the states retained the power of taxation, "the constitution and the laws made in pursuance thereof are supreme...they control the constitution and laws of the respective states, and cannot be controlled by them."

Citation

The Oyez Project, *McCulloch v. Maryland*, 17 U.S. 316 (1819) available at: (http://oyez.org/cases/1792-1850/1819/1819_0)

McKeiver v. Pennsylvania (1971)

Facts of the Case:

These cases involve juveniles brought to trial without a jury. The first involves Joseph McKeiver and Edward Terry, fifteen- and sixteen-year-old boys charged with acts of robbery, theft, assault, and escape. At trial before the Juvenile Court of Philadelphia, each was denied a request for a jury trial. A superior court affirmed the order and, after consolidation of their cases, the Supreme Court of Pennsylvania did likewise, saying there was no constitutional right to a jury trial for juveniles. In *re Burrus* concerns the consolidated cases of more than forty juveniles ranging in age from eleven to fifteen. Most of the juveniles faced misdemeanor charges stemming from protests of school consolidations that took place in November and December, 1968, during which, on six different occasions, they blocked traffic and refused to clear the roadway. Additionally, one sixteen-year-old juvenile faced charges of disorderly conduct for an incident that occurred at the local school. In each case, the judge denied a request for a jury trial. The Court of Appeals and Supreme Court of North Carolina both affirmed the lower court's decision, finding no constitutional requirement for a jury trial for juvenile defendants.

Question:

Does the Sixth Amendment right to a jury trial, as applied to the states by the due process clause of the Fourteenth Amendment, apply to juveniles?

Conclusion:

No. In a 6-3 plurality opinion authored by Justice Harry A. Blackmun, the Court concluded that the previous application of other criminal rights to juveniles, like rights to counsel and cross-examination, was done out of an emphasis on factfinding. "But one cannot say that in our legal system the jury is a necessary component of accurate factfinding." Additionally, the Court noted that, because juvenile prosecution is not considered either civil or criminal, the whole of the Sixth Amendment does not necessarily apply. As such, there is no requirement for a jury trial in juvenile cases.

Citation

McKeiver v. Pennsylvania, 403 U.S. 528 (1971), http://www.oyez.org/cases/1970-1979/1970/1970_322

Major Supreme Court Cases Summaries

Meritor Savings Bank v. Vinson (1986)

Facts of the Case:

After being dismissed from her job at a Meritor Savings Bank, Mechelle Vinson sued Sidney Taylor, bank's vice president. Vinson charged that she had constantly been subjected to sexual harassment by Taylor during her four years at the bank. She argued such harassment created a "hostile working environment" and was covered by Title VII of the Civil Rights Act of 1964. Vinson sought injunctive relief along with compensatory and punitive damages against Taylor and the bank.

Question:

Did the Civil Rights Act prohibit the creation of a "hostile environment," or was it limited to tangible economic discrimination in the workplace?

Conclusion:

Yes: The Court held that the language of Title VII was "not limited to 'economic' or 'tangible' discrimination," finding that Congress intended "'to strike at the entire spectrum of disparate treatment of men and women' in employment..." The Court noted that guidelines issued by the EEOC specified that sexual harassment leading to noneconomic injury was a form of sex discrimination prohibited by Title VII. The Court recognized that plaintiffs could establish violations of the act "by proving that discrimination based on sex has created a hostile or abusive work environment." The Court declined to rule on the degree to which businesses could be liable for the conduct of specific employees.

Citation

The Oyez Project, *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986) available at: (http://oyez.org/cases/1980-1989/1985/1985_84_1979)

Miller v. Johnson (1995)

Facts of the Case:

Between 1980 and 1990, only one of Georgia's ten congressional districts was majority-black. According to the 1990 decennial census, 25 percent of Georgia's population was black, which entitled blacks to an additional eleventh congressional seat, prompting Georgia's general assembly to re-draw the state's congressional districts. After the Justice Department refused pre-clearance of several of the assembly's proposed new districts, the assembly was finally successful in creating an additional majority-black district through the forming of an eleventh district. This district, however, was called a "geographic monstrosity" because it extended 6,784.2 square miles from Atlanta to the Atlantic Ocean. In short, "the social, political, and economic makeup of the Eleventh District tells a tale of disparity, not community."

Question:

Is racial gerrymandering of the congressional redistricting process a violation of the Equal Protection Clause?

Conclusion:

Yes. In some instances, a reapportionment plan may be so highly irregular and bizarre in shape that it rationally cannot be understood as anything other than an effort to segregate voters based on race. Applying the rule laid down in *Shaw v. Reno* requires strict scrutiny whenever race is the "overriding, predominant force" in the redistricting process.

Citation

The Oyez Project, *Miller v. Johnson*, 515 U.S. 900 (1995) available at: (http://oyez.org/cases/1990-1999/1994/1994_94_631)

Major Supreme Court Cases Summaries

Minersville v. Gobitis (1940)

Facts of the Case:

Lillian and William Gobitis were expelled from the public schools of Minersville, Pennsylvania, for refusing to salute the flag as part of a daily school exercise. The Gobitis children were Jehovah's Witnesses; they believed that such a gesture of respect for the flag was forbidden by Biblical commands.

Question:

Did the mandatory flag salute infringe upon liberties protected by the First and Fourteenth Amendments?

Conclusion:

No. In an 8-to-1 decision, the Court declined to make itself "the school board for the country" and upheld the mandatory flag salute. The Court held that the state's interest in "national cohesion" was "inferior to none in the hierarchy of legal values" and that national unity was "the basis of national security." The flag, the Court found, was an important symbol of national unity and could be a part of legislative initiatives designed "to promote in the minds of children who attend the common schools an attachment to the institutions of their country." This decision was overturned in *West Virginia State Board of Education v. Barnette* (1943).

Citation

The Oyez Project, *Minersville School District v. Gobitis*, 310 U.S. 586 (1940) available at: (http://oyez.org/cases/1901-1939/1939/1939_690)

Minor v. Happersett (1874)

Facts of the Case:

On October 15, 1872, Virginia Minor applied to register to vote in Missouri. The registrar, Reese Happersett, turned down the application, because the Missouri state constitution read: "Every male citizen of the United States shall be entitled to vote." Mrs. Minor sued in Missouri state court, claiming her rights were violated on the basis of the Fourteenth Amendment.

Question:

Does the Fourteenth Amendment protect the voting rights of women?

Conclusion:

No. In a unanimous opinion the court held that while women were citizens of the United States, and were, even prior to the passage of the Fourteenth Amendment, voting rights were not a "necessary privilege and immunity" to which all citizens are entitled.

Citation

88 U.S. 162 (Wall.)

Major Supreme Court Cases Summaries

Miranda v. Arizona (1966)

Facts of the Case:

The Court was called upon to consider the constitutionality of a number of instances, ruled on jointly, in which defendants were questioned "while in custody or otherwise deprived of [their] freedom in any significant way." In *Vignera v. New York*, the petitioner was questioned by police, made oral admissions, and signed an incriminating statement, all without being notified of his right to counsel. Similarly, in *Westover v. United States*, the petitioner was arrested by the FBI, interrogated, and made to sign statements without being notified of his right to counsel. Lastly, in *California v. Stewart*, local police held and interrogated the defendant for five days without notification of his right to counsel. In all these cases, suspects were questioned by police officers, detectives, or prosecuting attorneys in rooms that cut them off from the outside world. In none of the cases were suspects given warnings of their rights at the outset of their interrogation.

Question:

Does the police practice of interrogating individuals without notifying them of their right to counsel and their protection against self-incrimination violate the Fifth Amendment?

Conclusion:

Yes. The Court held that prosecutors could not use statements stemming from custodial interrogation of defendants unless they demonstrated the use of procedural safeguards "effective to secure the privilege against self-incrimination." The Court noted that "the modern practice of in-custody interrogation is psychologically rather than physically oriented" and that "the blood of the accused is not the only hallmark of an unconstitutional inquisition." The Court specifically outlined the necessary aspects of police warnings to suspects, including warnings of the right to remain silent and the right to have counsel present during interrogations.

Citation

Miranda v. Arizona, 384 U.S. 436 (1966), http://www.oyez.org/cases/1960-1969/1965/1965_759

Missouri v. Holland (1920)

Facts of the Case:

In December 1916, the United States and Great Britain entered into a treaty to protect a number of migratory birds in the U.S. and Canada. Congress passed the Migratory Bird Treaty Act in 1918 in order to facilitate enforcement of the treaty. When Ray P. Holland, the U.S. Game Warden, threatened to arrest citizens of Missouri for violating the act, the state of Missouri challenged the treaty.

Question:

Did the treaty infringe upon rights reserved to the states by the Tenth Amendment?

Conclusion:

No. In a 7-to-2 decision, the Court held that the national interest in protecting the wildlife could be protected only by national action. The Court noted that the birds the government sought to protect had no permanent habitats within individual states and argued that "but for the treaty and the statute there soon might be no birds for any powers to deal with." The Court thus upheld the exercise of the treaty power and thus found no violation of the Tenth Amendment.

Citation

The Oyez Project, *Missouri v. Holland*, 252 U.S. 416 (1920) available at: (http://oyez.org/cases/1901-1939/1919/1919_609)

Major Supreme Court Cases Summaries

Mitchell v. Helms (2000)

Facts of the Case:

Chapter 2 of the Education Consolidation and Improvement Act of 1981 provides for the allocation of funds for educational materials and equipment, including library materials and computer software and hardware, to public and private elementary and secondary schools to implement "secular, neutral, and nonideological" programs. In Jefferson Parish, Louisiana, about 30% of Chapter 2 funds are allocated for private schools, most of which are Catholic or otherwise religiously affiliated. Mary Helms and other public school parents file suit alleging that Chapter 2, as applied in Jefferson Parish, violated the First Amendment's establishment clause. The district court initially agreed, finding that Chapter 2 had the primary effect of advancing religion because the materials and equipment loaned to the Catholic schools were direct aid and that the schools were pervasively sectarian. However, after the presiding judge who made the initial ruling retired, the case was reviewed by a new judge, who reversed that decision. Thereafter, based on different precedent, the court upheld Chapter 2. In reversing, the court of appeals held Chapter 2 unconstitutional.

Question:

Does Chapter 2 of the Education Consolidation and Improvement Act of 1981 violate the establishment clause of the First Amendment?

Conclusion:

No. In a 6-3 plurality decision delivered by Justice Clarence Thomas, the Court held that that Chapter 2, as applied in Jefferson Parish, is not a law respecting an establishment of religion simply because many of the private schools receiving Chapter 2 aid in the parish are religiously affiliated. Turning to neutrality to distinguish between indoctrination attributable to the state and that which is not, Justice Thomas wrote for the Court, "[i]f the religious, irreligious, and areligious are all alike eligible for governmental aid, no one would conclude that any indoctrination that any particular recipient conducts has been done at the behest of the government."

Citation

Mitchell v. Helms, 530 U.S. 793 (2000), http://www.oyez.org/cases/1990-1999/1999/1999_98_1648

Mueller v. Allen (1983)

Facts of the Case:

A Minnesota law allowed taxpayers to deduct from their state income tax expenses incurred in providing tuition, textbooks, and transportation for their children's elementary or secondary school education. Parents who sent their children to parochial school also qualified for the deductions.

Question:

Did the law violate the establishment clause of the First Amendment?

Conclusion:

No. The Court held that the law did not have "the primary effect of advancing the sectarian aims of the non-public schools," nor did it "excessively entangle" the state in religion. Most importantly, argued Justice Rehnquist, the deductions were available to all parents; in effect, Minnesota did not "confer any imprimatur of state approval" on religious schools. Thus, the law passed the Court's three-pronged test announced in *Lemon v. Kurtzman* (1971) used to evaluate claims regarding the Establishment Clause.

Citation

The Oyez Project, *Mueller v. Allen*, 463 U.S. 388 (1983) available at: (http://oyez.org/cases/1980-1989/1982/1982_82_195)

Major Supreme Court Cases Summaries

Murray's Lessee v. Hoboken Land and Improvement Co. (1856)

Facts of the Case:

While working as a customs collector for the federal government, Samuel Swartwout embezzled more than \$1 billion. He used this money to purchase land in New Jersey. In accordance with an act passed in 1820, the Treasury Department issued a warrant of distress against Swartwout. This voided his purchase of land and provided for the seizure of the money he embezzled. Swartwout argued that the 1820 Act violated the Fifth Amendment's guarantee of due process of law since it authorized a non-judicial procedure to remove property. The Supreme Court agreed to hear the case in order to resolve conflicting opinions of judges on the circuit court of the United States for the district of New Jersey.

Question:

Does the federal government violate the due process of law guarantee of the Fifth Amendment by recovering funds embezzled from it through nonjudicial procedures?

Conclusion:

No. Justice Benjamin R. Curtis delivered the opinion for a unanimous court. The Court found that "due process of law" meant that all citizens be tried "by the law of the land," a concept established by the Magna Carta. When issuing the warrant, the Treasury Department properly applied the 1820 Act, which was part of the "law of the land." Since the "constitution contains no description of those processes which it [the due process clause] was intended to allow or forbid," the Court examined traditions of common law to find whether nonjudicial warrants had a precedential basis. It found that they did, and did not find a constitutional provision prohibiting their use. Therefore, the Court concluded the act conformed with the federal government's "power to collect and disburse revenue," which "includes all known and appropriate means of effectually collecting and disbursing that revenue." If a recipient disputes the sum he owes, he may rely upon his procedural right to petition a district court to consider "whether he is indebted as recited in the warrant."

Citation

The Oyez Project, *Murray's Lessee v. Hoboken Land and Improvement Co.*, 59 U.S. 272 (1856) available at: (http://oyez.org/cases/1851-1900/1855/1855_0)

NAACP v. Alabama (1964)

Facts of the Case:

As part of its strategy to prohibit the NAACP from operating, Alabama required it to reveal to the state's attorney general the names and addresses of all the NAACP's members and agents in the state.

Question:

Did Alabama's requirement violate the due process clause of the Fourteenth Amendment?

Conclusion:

Yes. The unanimous Court held that a compelled disclosure of the NAACP's membership lists would have the effect of suppressing legal association among the group's members. Nothing short of an "overriding valid interest of the State," something not present in this case, was needed to justify Alabama's actions.

Citation

The Oyez Project, *NAACP v. Alabama*, 357 U.S. 449 (1958) available at: (http://oyez.org/cases/1950-1959/1957/1957_91)

NAACP v. Button (1963)

Facts of the Case:

The NAACP was prosecuted for violating a Virginia statute which banned "the improper solicitation of any legal or professional business."

Question:

Did the law, as applied to the NAACP's activities, violate the First and Fourteenth Amendments?

Conclusion:

Yes. The unanimous Court held that the activities of the NAACP amounted to "modes of expression and association protected by the First and Fourteenth Amendments which Virginia may not prohibit." NAACP initiated litigation was "a form of political expression" and not "a technique of resolving private differences," argued Brennan.

Citation

The Oyez Project, *NAACP v. Button*, 371 U.S. 415 (1963) available at: (http://oyez.org/cases/1960-1969/1961/1961_5)

Major Supreme Court Cases Summaries

National Labor Relations Board v. Jones and Laughlin Steel (1937)

Facts of the Case:

With the National Labor Relations Act of 1935, Congress determined that labor-management disputes were directly related to the flow of interstate commerce and, thus, could be regulated by the national government. In this case, the National Labor Relations Board charged the Jones & Laughlin Steel Co. with discriminating against employees who were union members.

Question:

Was the act consistent with the Commerce Clause?

Conclusion:

Yes. The Court held that the act was narrowly constructed so as to regulate industrial activities which had the potential to restrict interstate commerce. The justices abandoned their claim that labor relations had only an indirect effect on commerce. Since the ability of employees to engage in collective bargaining (one activity protected by the act) is "an essential condition of industrial peace," the national government was justified in penalizing corporations engaging in interstate commerce which "refuse to confer and negotiate" with their workers.

Citation

The Oyez Project, *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937) available at: (http://oyez.org/cases/1901-1939/1936/1936_419)

National League of Cities v. Usery (1975)

Facts of the Case:

In 1974, Congress passed amendments to the Fair Labor Standards Act of 1938. The purpose of the amendments was to regulate minimum wage and overtime pay for state and local government employees. The National League of Cities, as well as several states and cities, challenged the constitutionality of the amendments.

Question:

May Congress, acting under its commerce power, regulate the labor market of state employees, which the Tenth Amendment reserves to the states?

Conclusion:

No, Congress may not regulate the labor market of state employees. The Tenth Amendment prohibits Congress from enacting legislation which operates "to directly displace the States' freedom to structure integral operations in areas of traditional governmental functions." While the power of Congress under the Commerce Clause is "plenary," that power has constitutional limits. In this case, the exercise of the commerce power ran afoul of the Tenth Amendment which protects the states' traditional activities.

Citation

The Oyez Project, *National League of Cities v. Usery*, 426 U.S. 833 (1976) available at: (http://oyez.org/cases/1970-1979/1974/1974_74_878)

Near v. Minnesota (1931)

Facts of the Case:

Jay Near published a scandal sheet in Minneapolis, in which he attacked local officials, charging that they were implicated with gangsters. Minnesota officials obtained an injunction to prevent Near from publishing his newspaper under a state law that allowed such action against periodicals. The law provided that any person "engaged in the business" of regularly publishing or circulating an "obscene, lewd, and lascivious" or a "malicious, scandalous and defamatory" newspaper or periodical was guilty of a nuisance, and could be enjoined (stopped) from further committing or maintaining the nuisance.

Question:

Does the Minnesota "gag law" violate the free press provision of the First Amendment?

Conclusion:

The Supreme Court held that the statute authorizing the injunction was unconstitutional as applied. The Court held that the statutory scheme constituted a prior restraint--it attempted to punish a crime that had not yet happened--and hence was invalid under the First Amendment. Thus the Court established as a constitutional principle the doctrine that, with some narrow exceptions, the government could not censor or otherwise prohibit a publication in advance, even though the communication might be punishable after publication in a criminal or other proceeding.

Citation

The Oyez Project, *Near v. Minnesota ex rel. Olson*, 283 U.S. 697 (1931) available at: (http://oyez.org/cases/1901-1939/1929/1929_91)

Major Supreme Court Cases Summaries

Nebraska Press Association v. Stuart (1976)

Facts of the Case:

A Nebraska state trial judge, presiding over a widely publicized murder trial, entered an order restraining members of the press from publishing or broadcasting accounts of confessions made by the accused to the police. The judge felt that this measure was necessary to guarantee a fair trial to the accused.

Question:

Did the judge's order violate the First and Fourteenth Amendments?

Conclusion:

Yes. The Court agreed with the trial judge that the murder case would generate "intense and pervasive pretrial publicity." However, the unanimous court held that the practical problems associated with implementing a prior restraint on the press in this case would not have served the accused's rights. Chief Justice Burger reasoned that "a whole community cannot be restrained from discussing a subject intimately affecting life within it."

Citation

The Oyez Project, *Nebraska Press Assoc. v. Stuart*, 427 U.S. 539 (1976) available at: (http://oyez.org/cases/1970-1979/1975/1975_75_817)

New Jersey v. TLO (1985)

Facts of the Case:

T.L.O. was fourteen years old; she was accused of smoking in the girls' bathroom of her high school. A principal at the school questioned her and searched her purse, yielding a bag of marijuana and other drug paraphernalia.

Question:

Did the search violate the Fourth and Fourteenth Amendments?

Conclusion:

No. Citing the peculiarities associated with searches on school grounds, the Court abandoned its requirement that searches be conducted only when a "probable cause" exists that an individual has violated the law. The Court used a less strict standard of "reasonableness" to conclude that the search did not violate the Constitution. The presence of rolling papers in the purse gave rise to a reasonable suspicion in the principal's mind that T.L.O. may have been carrying drugs, thus, justifying a more thorough search of the purse.

Citation

The Oyez Project, *New Jersey v. T.L.O.*, 469 U.S. 325 (1985) available at: (http://oyez.org/cases/1980-1989/1983/1983_83_712)

Major Supreme Court Cases Summaries

New York Times v. Sullivan (1964)

Facts of the Case:

Decided together with *Abernathy v. Sullivan*, this case concerns a full-page ad in the *New York Times* which alleged that the arrest of the Rev. Martin Luther King, Jr. for perjury in Alabama was part of a campaign to destroy King's efforts to integrate public facilities and encourage blacks to vote. L. B. Sullivan, the Montgomery city commissioner, filed a libel action against the newspaper and four black ministers who were listed as endorsers of the ad, claiming that the allegations against the Montgomery police defamed him personally. Under Alabama law, Sullivan did not have to prove that he had been harmed; and a defense claiming that the ad was truthful was unavailable since the ad contained factual errors. Sullivan won a \$500,000 judgment.

Question:

Did Alabama's libel law, by not requiring Sullivan to prove that an advertisement personally harmed him and dismissing the same as untruthful due to factual errors, unconstitutionally infringe on the First Amendment's freedom of speech and freedom of press protections?

Conclusion:

Yes. The Court held that the First Amendment protects the publication of all statements, even false ones, about the conduct of public officials except when statements are made with actual malice (with knowledge that they are false or in reckless disregard of their truth or falsity). Under this new standard, Sullivan's case collapsed.

Citation

The Oyez Project, *New York Times v. Sullivan*, 376 U.S. 254 (1964) available at: (http://oyez.org/cases/1960-1969/1963/1963_39)

New York Times v. United States (1971)

Facts of the Case:

In what became known as the "Pentagon Papers Case," the Nixon Administration attempted to prevent the *New York Times* and *Washington Post* from publishing materials belonging to a classified Defense Department study regarding the history of United States activities in Vietnam. The President argued that prior restraint was necessary to protect national security. This case was decided together with *United States v. Washington Post Co.*

Question:

Did the Nixon administration's efforts to prevent the publication of what it termed "classified information" violate the First Amendment?

Conclusion:

Yes. In an unsigned opinion published on behalf of the entire Court, justices held that the government did not overcome the "heavy presumption against" prior restraint of the press in this case. Justices Black and Douglas argued that the vague word "security" should not be used "to abrogate the fundamental law embodied in the First Amendment." Justice Brennan reasoned that since publication would not cause an inevitable, direct, and immediate event imperiling the safety of American forces, prior restraint was unjustified.

Citation

The Oyez Project, *New York Times v. United States*, 403 U.S. 713 (1971) available at: (http://oyez.org/cases/1970-1979/1970/1970_1873)

Major Supreme Court Cases Summaries

Nix v. Williams (1984)

Facts of the Case:

Williams was arrested for the murder of a ten-year-old girl whose body laid along a gravel road. State law enforcement officials engaged in a massive search for the child's body. During the search, after responding to an officer's appeal for assistance, Williams made statements to the police (without an attorney present) which helped lead the searchers to the child's body. The defendant's Miranda rights were only read to him after his arrest.

Question:

Should evidence resulting in an arrest be excluded from trial because it was improperly obtained?

Conclusion:

No. The Court relied on the "inevitable discovery doctrine," as it held that the exclusionary rule did not apply to the child's body as evidence. It was clear that the volunteer search teams would have discovered the body, even absent Williams's statements.

Citation

Nix v. Williams, 467 U.S. 431 (1984), http://www.oyez.org/cases/1980-1989/1983/1983_82_1651

Olmstead v. United States (1928)

Facts of the Case:

Roy Olmstead was a suspected bootlegger. Without judicial approval, federal agents installed wiretaps in the basement of Olmstead's building (where he maintained an office) and in the streets near his home. Olmstead was convicted with evidence obtained from the wiretaps. This case was decided along with *Green v. United States*, in which Green and several other defendants were similarly convicted, based on illegally obtained wire-tapped conversations, for conspiracy to violate the National Prohibition Act by importing, possessing, and selling illegal liquors. This case was also decided with *McInnis v. United States*.

Question:

Did the use of evidence disclosed in wiretapped private telephone conversations, violate the recorded party's Fourth and Fifth Amendment rights?

Conclusion:

No. The Court held that neither the Fourth nor Fifth Amendment rights of the recorded parties were violated. The use of wiretapped conversations as incriminating evidence did not violate their Fifth Amendment protection against self incrimination because they were not forcibly or illegally made to conduct those conversations. Instead, the conversations were voluntarily made between the parties and their associates. Moreover, the parties' Fourth Amendment rights were not infringed because mere wiretapping does not constitute a search and seizure under the meaning of the Fourth Amendment. These terms refer to an actual physical examination of one's person, papers, tangible material effects, or home--not their conversations. Finally, the Court added that while wiretapping may be unethical no court may exclude evidence solely for moral reasons. When criticized for his opinion, Justice Taft mocked his foes as he wrote to a friend: "If they think we are going to be frightened in our effort to stand by the law and give the public a chance to punish criminals, they are mistaken, even though we are condemned for lack of high ideals." This case was reversed by *Katz v. U.S.* (1967).

Citation

The Oyez Project, *Olmstead v. United States*, 277 U.S. 438 (1928) available at: (http://oyez.org/cases/1901-1939/1927/1927_493)

Major Supreme Court Cases Summaries

Oregon v. Elstad (1985)

Facts of the Case:

Michael James Elstad was suspected of committing a burglary and was picked up by police officers in his home. Before officers had given the warnings required by *Miranda v. Arizona*, Elstad made an incriminating statement. Once at the Sheriff's headquarters, Elstad was advised of his rights. Elstad then voluntarily executed a written confession.

Question:

Was Elstad's written confession made invalid by the failure of the officers to administer *Miranda* warnings at his home?

Conclusion:

In a 6-to-3 decision, the Court held that while *Miranda* required that unwarned admissions must be suppressed, subsequent statements, if made knowingly and voluntarily, need not be. The Court held that "...the mere fact that a suspect has made an unwarned admission does not warrant a presumption of compulsion." The Court also noted that police officers were ill-equipped to determine when "custody" legally begins. Justice O'Connor, writing for the majority, argued that the holding "in no way retreat[ed] from the bright-line rule of *Miranda*."

Citation

Oregon v. Elstad, 470 U.S. 298 (1985), http://www.oyez.org/cases/1980-1989/1984/1984_83_773

Oregon v. Mitchell (1970)

Facts of the Case:

The Voting Rights Act Amendments of 1970 made changes to voter eligibility. Oregon, Texas, and Idaho brought suit in the Supreme Court against the United States and attorney general John Mitchell to challenge the Voting Rights Act Amendments of 1970. They claimed that only the states, and not Congress, have the authority to establish qualification rules for voters in state and local elections.

Question:

Can the Federal Government make laws respecting local and state elections?

Conclusion:

For the most part, no. The Supreme Court held, with considerable disagreement, that the federal 18-year-old voting age requirement is valid for national elections, but not for state or local elections. Justice Hugo Black announced the Court's judgment in an opinion that expressed his own views. Four justices agreed with Justice Black that the Constitution gives Congress broad powers to regulate federal elections. These four justices, but not Justice Black, thought Congress also could do so in State elections. They argued that the states have no legitimate interest in excluding 18 to 21-year-old voters, and that the Equal Protection Clause supports the right of people in this age group to vote. Four other justices agreed with Justice Black that Congress could not regulate the minimum age in State and local elections. These justices thought Congress also lacked the power to set the voting age for federal elections. They argued that under the Constitution, only the states have the right to set voter qualifications. All justices agreed that Congress can prohibit the use of literacy tests or other requirements that discriminate against voters based on their race in all elections. In upholding the ban on literacy tests, the Court accepted Congress's findings that the tests tended to disqualify a disproportionate number of minority voters.

Citation

The Oyez Project, *Oregon v. Mitchell*, 400 U.S. 112 (1970) available at: (http://oyez.org/cases/1970-1979/1970/1970_43_orig)

Major Supreme Court Cases Summaries

Palko v. Connecticut (1937)

Facts of the Case:

Frank Palko had been charged with first-degree murder. He was convicted instead of second-degree murder and sentenced to life imprisonment. The state of Connecticut appealed and won a new trial; this time the court found Palko guilty of first-degree murder and sentenced him to death.

Question:

Does Palko's second conviction violate the protection against double jeopardy guaranteed by the Fifth Amendment because this protection applies to the states by virtue of the Fourteenth Amendment's due process clause?

Conclusion:

No. The Supreme Court upheld Palko's second conviction. In his majority opinion, Cardozo formulated principles that were to direct the Court's actions for the next three decades. He noted that some Bill of Rights guarantees--such as freedom of thought and speech--are fundamental, and that the Fourteenth Amendment's due process clause absorbed these fundamental rights and applied them to the states. Protection against double jeopardy was not a fundamental right. Palko died in Connecticut's electric chair on April 12, 1938.

Citation

Palko v. Connecticut, 302 U.S. 319 (1937), http://www.oyez.org/cases/1901-1939/1937/1937_135

Parents Involved in Community Schools v. Seattle School District 1 (2008)

Facts of the Case:

The Seattle School District allowed students to apply to any high school in the district. Since certain schools often became oversubscribed when too many students chose them as their first choice, the District used a system of tiebreakers to decide which students would be admitted to the popular schools. The second most important tiebreaker was a racial factor intended to maintain racial diversity. If the racial demographics of any school's student body deviated by more than a predetermined percentage from those of Seattle's total student population (approximately 40% white and 60% non-white), the racial tiebreaker went into effect. At a particular school either whites or non-whites could be favored for admission depending on which race would bring the racial balance closer to the goal. A non-profit group, Parents Involved in Community Schools (Parents), sued the district, arguing that the racial tiebreaker violated the equal protection clause of the Fourteenth Amendment as well as the Civil Rights Act of 1964 and Washington state law. A federal district court dismissed the suit, upholding the tiebreaker. On appeal, a three-judge panel on the ninth circuit court of appeals reversed the decision. Under the Supreme Court's precedents on racial classification in higher education, *Grutter v. Bollinger* and *Gratz v. Bollinger*, race-based classifications must be directed toward a "compelling government interest" and must be "narrowly tailored" to that interest. Applying these precedents to K-12 education, the circuit court found that the tiebreaker scheme was not narrowly tailored. The district then petitioned for an "en banc" ruling by a larger panel of 11 ninth circuit judges. The panel came to the opposite conclusion and upheld the tiebreaker. The majority ruled that the district had a compelling interest in maintaining racial diversity. Applying a test from *Grutter*, the circuit court also ruled that the tiebreaker plan was narrowly tailored, because 1) the district did not employ quotas, 2) the district had considered race-neutral alternatives, 3) the plan caused no undue harm to races, and 4) the plan had an ending point.

Question:

1) Do the decisions in *Grutter v. Bollinger* and *Gratz v. Bollinger* apply to public high school students? 2) Is racial diversity a compelling interest that can justify the use of race in selecting students for admission to public high schools? 3) Does a school district that normally permits a student to attend the high school of her choice violate the Equal Protection Clause by denying the student admission to her chosen school because of her race in an effort to achieve a desired r

Conclusion:

No. No. Yes. By a 5-4 vote, the Court applied a "strict scrutiny" framework and found the district's racial tiebreaker plan unconstitutional under the equal protection clause of the Fourteenth Amendment. Chief Justice John Roberts wrote in the plurality opinion that "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." The Court acknowledged that it had previously held that racial diversity can be a compelling government interest in university admissions, but it ruled that "the present cases are not governed by *Grutter*." Unlike the cases pertaining to higher education, the district's plan involved no individualized consideration of students, and it employed a very limited notion of diversity ("white" and "non-white"). The district's goal of preventing racial imbalance did not meet the Court's standards for a constitutionally legitimate use of race: "Racial balancing is not transformed from 'patently unconstitutional' to a compelling state interest simply by relabeling it 'racial diversity.'" The plans also lacked the narrow tailoring that is necessary for race-conscious programs. The Court held that the district's tiebreaker plan was actually targeted toward demographic goals and not toward any demonstrable educational benefit from racial diversity. The district also failed to show that its objectives could not have been met with non-race-conscious means. In a separate opinion concurring in the judgment, Justice Kennedy agreed that the district's use of race was unconstitutional but stressed that public schools may sometimes consider race to ensure equal educational opportunity.

Citation

The Oyez Project, *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007) available at: (http://oyez.org/cases/2000-2009/2006/2006_05_908)

Major Supreme Court Cases Summaries

Patterson v. McLean Credit Union (1989)

Facts of the Case:

Brenda Patterson, a black woman, worked as a teller for McLean Credit Union for ten years until she was laid off. She then alleged that McLean had harassed her, failed to promote her, and ultimately fired her because of her race. She claimed in federal district court that this violated 42 U.S.C. 1981, which the Supreme Court's ruling in *Runyon v. McCrary* interpreted to prohibit racial discrimination in the "making and enforcing of contracts." The court declared that Section 1981 did not cover racial harassment suits, and instructed the jury to only consider her lack of promotions and firing. Patterson lost. On appeal, the Fourth Circuit court of appeals ruled that Section 1981 only applied to matters relating to contracts and therefore did not include harassment suits. The Supreme Court held arguments and surmised that its decision would depend on whether it maintained the interpretation of Section 1981 it reached in *Runyon v. McCrary*. The Court scheduled re-argument to focus on whether it should offer a broader interpretation of Section 1981 than that reached in *Runyon*.

Question:

Can a victim of workplace racial harassment file suit under 42 U.S.C. 1981? In order for an employee bypassed for promotion to charge racial discrimination under 42 U.S.C. 1981, must the bypassed employee show that the employees promoted instead had lesser qualifications?

Conclusion:

No. Justice Anthony M. Kennedy delivered the opinion for a 5-4 court. The Court affirmed its interpretation of *Runyon v. McCrary* allowing only contract-related suits under Section 1981. The *Runyon* interpretation of Section 1981 neither conflicts with other laws against racial harassment nor has proved unworkable as precedent. Regarding the racial harassment suit, the Court deemed that "the conduct alleged is postformation conduct by the employer relating to the terms and conditions of continuing employment, which is actionable only under the more expansive reach of Title VII." Since workplace harassment does not affect contracts, Section 1981 does not apply. Regarding promotions, the Court rejected the trial court's demand for proof that less qualified employees were promoted. Instead, Patterson only needed to prove that "she applied for and was qualified for an available position, that she was rejected, and that the employer then either continued to seek applicants for the position...or filled the position with a white employee." When following this procedure, Section 1981 did apply to discriminatory promotion suits.

Citation

Patterson v. McLean Credit Union, 491 U.S. 164 (1989), http://www.oyez.org/cases/1980-1989/1987/1987_87_107

Pennsylvania v. Mimms (1977)

Facts of the Case:

This case arose when two Philadelphia police officers pulled over the defendant, Harry Mimms, for driving with an expired license plate. After asking Mimms to exit the car, the officers noticed an unusual bulge underneath his jacket. One of the officers searched Mimms and discovered a loaded .38-caliber revolver. Mimms was charged with carrying a concealed deadly weapon and unlawfully carrying a firearm without a license. He was convicted on both counts at trial after his motion to suppress the revolver was denied. On appeal, the Pennsylvania Supreme Court reversed the conviction, holding that the officers' request for Mimms to exit the vehicle was an unlawful "seizure" in violation of the Fourth Amendment. According to the court, the officer could not point to any "objective observable facts to support a suspicion that criminal activity was afoot or that the occupants of the vehicle posed a threat to police safety" sufficient to warrant ordering Mimms to step out of the car. Therefore, the officers should never have noticed the bulge and the search should never have taken place.

Question:

Do police officers violate the Fourth Amendment's prohibition against unlawful searches and seizures when, during a routine traffic stop, they obtain evidence through a search conducted after asking the suspect to exit the vehicle without a justifiable reason to do so?

Conclusion:

No. The Court held, in a 6-3 unsigned decision issued on behalf of the entire court, that the search did not violate Mimms's rights under the Fourth Amendment. The Court noted that the officers had already detained Mimms in order to issue him a traffic summons and felt that asking him to exit the vehicle was a minimal and reasonable intrusion of his freedom. Whether the search occurred inside or outside the car was irrelevant to the Court: the officers had stopped Mimms for a legitimate reason and, upon observing the bulge in his jacket, any person of reasonable caution would have conducted the search. Justice Thurgood Marshall wrote a dissenting opinion, arguing that such searches, in order to conform to the requirements of the Fourth Amendment, must relate to the reason for the stop. Because the officers had detained Mimms for an expired license plate, searching him for concealed weapons was not within the scope of the stop and therefore made it an unlawful search. Justice John Paul Stevens, joined by Justices William Brennan and Thurgood Marshall, filed a separate dissent arguing that the majority opinion gave too much discretion to police officers, allowing them to search detainees whenever they could invent any basis for concern.

Citation

The Oyez Project, *Pennsylvania v. Mimms*, 434 U.S. 106 (1977) available at: (http://oyez.org/cases/1970-1979/1977/1977_76_1830)

Major Supreme Court Cases Summaries

PGA Tour, Inc. v. Martin (2001)

Facts of the Case:

Casey Martin is afflicted with a degenerative circulatory disorder that prevents him from walking golf courses. His disorder constitutes a disability under the Americans with Disabilities Act of 1990 (ADA). When Casey made a request to use a golf cart for the duration of the qualification tournament onto the professional tours sponsored by PGA Tour, Inc., PGA refused. Martin then filed suit under Title III of the ADA, which requires an entity operating "public accommodations" to make "reasonable modifications" in its policies "when...necessary to afford such...accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such...accommodations." Ultimately, the district court entered a permanent injunction against PGA, requiring it to allow Martin to use a cart. The court found that the purpose of the PGA's walking rule was to insert fatigue into the skill of shot-making, and that Martin suffered significant fatigue due to his disability, even with the use of a cart. In affirming, the court of appeals concluded that golf courses are places of public accommodation during professional tournaments and that permitting Martin to use a cart would not fundamentally alter the nature of those tournaments.

Question:

Does the Americans with Disabilities Act of 1990 provide access to professional golf tournaments by a qualified entrant with a disability? May a disabled contestant be denied the use of a golf cart because it would "fundamentally alter the nature" of the tournaments to allow him to ride when all other contestants must walk?

Conclusion:

Yes; no. In a 7-2 opinion delivered by Justice John Paul Stevens, the Court held that Title III of the ADA, by its plain terms, prohibits the PGA from denying Martin equal access to its tours on the basis of his disability and that allowing Martin to use a cart, despite the walking rule, is not a modification that would "fundamentally alter the nature" of the game. "The purpose of the walking rule is...not compromised in the slightest by allowing Martin to use a cart," wrote Justice Stevens, noting Martin's fatiguing disability. Justice Antonin Scalia, joined by Justice Clarence Thomas, dissented.

Citation

The Oyez Project, *PGA Tour v. Martin*, 532 U.S. 661 (2001) available at: (http://oyez.org/cases/2000-2009/2000/2000_00_24)

Pierce v. Society of Sisters (1925)

Facts of the Case:

The Compulsory Education Act of 1922 required parents or guardians to send children between the ages of eight and sixteen to public school in the district where the children resided. The Society of Sisters was an Oregon corporation which facilitated care for orphans, educated youths, and established and maintained academies or schools. This case was decided together with *Society of Sisters v. Hill Military Academy*.

Question:

Did the act violate the liberty of parents to direct the education of their children?

Conclusion:

Yes. The unanimous Court held that "the fundamental liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only."

Citation

The Oyez Project, *Pierce v. Society of Sisters*, 268 U.S. 510 (1925) available at: (http://oyez.org/cases/1901-1939/1924/1924_583)

Major Supreme Court Cases Summaries

Planned Parenthood v. Casey (1992)

Facts of the Case:

The Pennsylvania legislature amended its abortion control law in 1988 and 1989. Among the new provisions, the law required informed consent and a 24 hour waiting period prior to the procedure. A minor seeking an abortion required the consent of one parent (the law allows for a judicial bypass procedure). A married woman seeking an abortion had to indicate that she notified her husband of her intention to abort the fetus. These provisions were challenged by several abortion clinics and physicians. A federal appeals court upheld all the provisions except for the husband notification requirement.

Question:

Can a state require women who want an abortion to obtain informed consent, wait 24 hours, and, if minors, obtain parental consent, without violating their right to abortions as guaranteed by *Roe v. Wade*?

Conclusion:

Sometimes. In a bitter 5-to-4 decision, the Court again reaffirmed *Roe*, but it upheld most of the Pennsylvania provisions. For the first time, the justices imposed a new standard to determine the validity of laws restricting abortions. The new standard asks whether a state abortion regulation has the purpose or effect of imposing an "undue burden," which is defined as a "substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability." Under this standard, the only provision to fail the undue-burden test was the husband notification requirement. The opinion for the Court was unique: It was crafted and authored by three justices.

Citation

The Oyez Project, *Planned Parenthood v. Casey*, 505 U.S. 833 (1992) available at: (http://oyez.org/cases/1990-1999/1991/1991_91_744)

Plessy v. Ferguson (1896)

Facts of the Case:

The state of Louisiana enacted a law that required separate railway cars for blacks and whites. In 1892, Homer Adolph Plessy--who was seven-eighths Caucasian--took a seat in a "whites only" car of a Louisiana train. He refused to move to the car reserved for blacks and was arrested.

Question:

Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?

Conclusion:

No, the state law is within constitutional boundaries. The majority, in an opinion authored by Justice Henry Billings Brown, upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Justice Brown conceded that the Fourteenth Amendment intended to establish absolute equality for the races before the law. But Brown noted that "in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

Citation

The Oyez Project, *Plessy v. Ferguson*, 163 U.S. 537 (1896) available at: (http://oyez.org/cases/1851-1900/1895/1895_210)

Major Supreme Court Cases Summaries

Plyler v. Doe (1982)

Facts of the Case:

A revision to the Texas education laws in 1975 allowed the state to withhold from local school districts state funds for educating children of illegal aliens. This case was decided together with *Texas v. Certain Named and Unnamed Alien Child*.

Question:

Did the law violate the equal protection clause of the Fourteenth Amendment?

Conclusion:

Yes. The Court reasoned that illegal aliens and their children, though not citizens of the United States or Texas, are people "in any ordinary sense of the term" and, therefore, are afforded Fourteenth Amendment protections. Since the state law severely disadvantaged the children of illegal aliens, by denying them the right to an education, and because Texas could not prove that the regulation was needed to serve a "compelling state interest," the Court struck down the law.

Citation

The Oyez Project, *Plyler v. Doe*, 457 U.S. 202 (1982) available at: (http://oyez.org/cases/1980-1989/1981/1981_80_1538)

Pollock v. Farmers Loan and Trust Company (1895)

Facts of the Case:

The Constitution gave the states the power to impose direct taxation. The federal government could impose direct taxes as well, but only if those taxes were apportioned among the states in proportion to their representation in Congress. In this case the Court examined a national income tax passed by Congress in 1894. This case was decided together with *Hyde v. Continental Trust Company of the City of New York*.

Question:

Was the income tax a direct tax in violation of Article I, Section 9 of the Constitution?

Conclusion:

Yes. The Court held that the act violated the Constitution since it imposed taxes on personal income derived from real estate investments and personal property such as stocks and bonds; this was a direct taxation scheme, not apportioned properly among the states. The decision was negated by the adoption of the Sixteenth Amendment in 1913.

Citation

The Oyez Project, *Pollock v. Farmers' Loan & Trust Co.*, 157 U.S. 429 (1895) available at: (http://oyez.org/cases/1851-1900/1894/1894_893)

Powell v. Alabama (1932)

Facts of the Case:

Nine black youths--young, ignorant, and illiterate--were accused of raping two white women. Alabama officials sprinted through the legal proceedings: A total of three trials took one day and all nine were sentenced to death. Alabama law required the appointment of counsel in capital cases, but the attorneys did not consult with their clients and had done little more than appear at the trial. This cases was decided together with *Patterson v. Alabama* and *Weems v. Alabama*.

Question:

Did the trials violate the due process clause of the Fourteenth Amendment?

Conclusion:

Yes. The Court held that the trials denied due process because the defendants were not given reasonable time and opportunity to secure counsel in their defense. Though Justice George Sutherland did not rest the Court holding on the right-to-counsel guarantee of the Sixth Amendment, he repeatedly implicated that guarantee. This case was an early example of national constitutional protection in the field of criminal justice.

Citation

The Oyez Project, *Powell v. Alabama*, 287 U.S. 45 (1932) available at: (http://oyez.org/cases/1901-1939/1932/1932_98)

Major Supreme Court Cases Summaries

Powell v. McCormack (1969)

Facts of the Case:

Representative Adam Clayton Powell had been embroiled in scandal both in Harlem and in Washington. He won reelection in 1966 but the House of Representatives voted to exclude him from taking his seat, strip him of his seniority, fine him, and declare his seat vacant.

Question:

May the House of Representatives exclude a duly elected member if the member has satisfied the standing requirements of age, citizenship and residence as articulated in Article I, Section 2 of the U.S. Constitution?

Conclusion:

No. The Court noted that the proceedings against Powell were intended to exclude and not expel him from the chamber. That is an important distinction to recognize since the House does have the power, under Article I, Section 5, to expel members. However, expulsion was not the purpose of the proceedings in this case. After analyzing the Framers' debates on this issue, Chief Justice Warren concluded that since Powell had been lawfully elected by his constituents and, since he met the constitutional requirements for membership in the House, that the chamber was powerless to exclude him.

Citation

The Oyez Project, *Powell v. McCormack*, 395 U.S. 486 (1969) available at: (http://oyez.org/cases/1960-1969/1968/1968_138)

Printz v. United States (1997)

Facts of the Case:

The Brady Handgun Violence Prevention Act (Brady Bill) required "local chief law enforcement officers" (CLEOs) to perform background checks on prospective handgun purchasers, until such time as the Attorney General establishes a federal system for this purpose. County sheriffs Jay Printz and Richard Mack, separately challenged the constitutionality of this interim provision of the Brady Bill on behalf of CLEOs in Montana and Arizona, respectively. In both cases district courts found the background checks unconstitutional, but ruled that since this requirement was severable from the rest of the Brady Bill a voluntary background check system could remain. On appeal from the Ninth Circuit's ruling that the interim background check provisions were constitutional, the Supreme Court consolidated and heard the cases, deciding this one along with *Mack v. United States*.

Question:

Using the necessary and proper clause of Article I as justification, can Congress temporarily require state CLEOs to regulate handgun purchases by performing those duties called for by the Brady Bill's handgun applicant background checks?

Conclusion:

No. The Court constructed its opinion on the old principle that state legislatures are not subject to federal direction. The Court explained that while Congress may require the federal government to regulate commerce directly, in this case by performing background checks on applicants for handgun ownership, the Necessary and Proper Clause does not empower it to compel state CLEOs to fulfill its federal tasks for it--even temporarily. The Court added that the Brady Bill could not require CLEOs to perform the related tasks of disposing of handgun-application forms or notifying certain applicants of the reasons for their refusal in writing, since the Brady Bill reserved such duties only for those CLEO's who voluntarily accepted them.

Citation

The Oyez Project, *Printz v. United States*, 521 U.S. 898 (1997) available at: (http://oyez.org/cases/1990-1999/1996/1996_95_1478)

Major Supreme Court Cases Summaries

Rasul v. Bush (2004)

Facts of the Case:

Four British and Australian citizens were captured by the American military in Pakistan and Afghanistan during the United States' War on Terror. The four men were transported to the American military base in Guantanamo Bay, Cuba. When their families learned of the arrests, they filed suit in federal district court seeking a writ of habeas corpus that would declare the detention unconstitutional. They claimed that the government's decision to deny the men access to attorneys and to hold them indefinitely without access to a court violated the Fifth Amendment's due process clause. The government countered that the federal courts had no jurisdiction to hear the case because the prisoners were not American citizens and were being held in territory over which the United States did not have sovereignty (the Guantanamo Bay base was leased from Cuba indefinitely in 1903, and Cuba retains "ultimate sovereignty"). The district court agreed with the government, dismissing the case because it found that it did not have jurisdiction. The U.S. Court of Appeals for the District of Columbia affirmed the district court's decision.

Question:

Do United States courts have jurisdiction to consider legal appeals filed on behalf of foreign citizens held by the United States military in Guantanamo Bay Naval Base, Cuba?

Conclusion:

Yes. In a 6-to-3 opinion written by Justice John Paul Stevens, the Court found that the degree of control exercised by the United States over the Guantanamo Bay base was sufficient to trigger the application of habeas corpus rights. Stevens, using a list of precedents stretching back to mid-17th century English common law cases, found that the right to habeas corpus can be exercised in "all...dominions under the sovereign's control." Because the United States exercised "complete jurisdiction and control" over the base, the fact that ultimate sovereignty remained with Cuba was irrelevant. Further, Stevens wrote that the right to habeas corpus is not dependent on citizenship status. The detainees were therefore free to bring suit challenging their detention as unconstitutional.

Citation

Rasul v. Bush, 542 U.S. 466 (2004), http://www.oyez.org/cases/2000-2009/2003/2003_03_334

Reno v. ACLU (1997)

Facts of the Case:

Several litigants challenged the constitutionality of two provisions in the 1996 Communications Decency Act. Intended to protect minors from unsuitable internet material, the Act criminalized the intentional transmission of "obscene or indecent" messages as well as the transmission of information which depicts or describes "sexual or excretory activities or organs" in a manner deemed "offensive" by community standards. After being prohibited by a district court from enforcing the above provisions, except for the one concerning obscenity and its inherent protection against child pornography, Attorney General Janet Reno appealed directly to the Supreme Court as provided for by the Act's special review provisions.

Question:

Did certain provisions of the 1996 Communications Decency Act violate the First and Fifth Amendments by being overly broad and vague in their definitions of the types of internet communications which they criminalized?

Conclusion:

Yes. The Court held that the act violated the First Amendment because its regulations amounted to a content-based blanket restriction of free speech. The act failed to clearly define "indecent" communications, limit its restrictions to particular times or individuals (by showing that it would not impact on adults), provide supportive statements from an authority on the unique nature of internet communications, or conclusively demonstrate that the transmission of "offensive" material is devoid of any social value. The Court added that since the First Amendment distinguishes between "indecent" and "obscene" sexual expressions, protecting only the former, the act could be preserved if it dropped the words "or indecent" from its text. The Court refused to address any Fifth Amendment issues.

Citation

The Oyez Project, Reno v. ACLU, 521 U.S. 844 (1997) available at: (http://oyez.org/cases/1990-1999/1996/1996_96_511)

Major Supreme Court Cases Summaries

Reynolds v. United States (1878)

Facts of the Case:

George Reynolds, secretary to Mormon Church leader Brigham Young, challenged the federal anti-bigamy statute. Reynolds was convicted in a Utah territorial district court. His conviction was affirmed by the Utah territorial supreme court.

Question:

Does the federal anti-bigamy statute violate the First Amendment's free exercise clause because plural marriage is part of religious practice?

Conclusion:

No. Chief Justice Morrison R. Waite, writing for a unanimous court, held that the statute can punish criminal activity without regard to religious belief. The First Amendment protected religious belief, but it did not protect religious practices that were judged to be criminal such as bigamy. Those who practice polygamy could no more be exempt from the law than those who may wish to practice human sacrifice as part of their religious belief.

Citation

The Oyez Project, *Reynolds v. United States*, 98 U.S. 145 (1879) available at: (http://oyez.org/cases/1851-1900/1878/1878_0)

Ricci v. Destefano (2009)

Facts of the Case:

White and Hispanic candidates for promotion in the New Haven, Connecticut fire department sued various city officials in the United States District Court for the District of Connecticut when the New Haven Civil Service Board (CSB) failed to certify two exams needed for the plaintiffs' promotion to Lieutenant and Captain. The CSB did not certify because the results of the test would have promoted a disproportionate number of white candidates in comparison to minority candidates. The plaintiffs argued that their rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e, and the 14th Amendment Equal Protection Clause were violated. On appeal, the Second Circuit court of appeals affirmed the previous decision. It reasoned that the CSB, by refusing to certify the results of the promotional exam, was trying to fulfill its obligations under the rules utilized by the plaintiffs in their argument and therefore was protected in its actions.

Question:

1) Can a municipality reject results from an otherwise valid civil service exam when the results unintentionally prevent the promotion of minority candidates? 2) Does 42 U.S.C. Section 2000e permit federal courts to relieve municipalities from having to comply with local laws that require strict compliance with race-blind merit selection procedures?

Conclusion:

Maybe--it depends on the facts. Not answered. The Supreme Court held that by discarding the exams, the City of New Haven violated Title VII of the Civil Rights Act of 1964. With Justice Anthony M. Kennedy wrote the majority joined by Chief Justice John G. Roberts, and Justices Antonin G. Scalia, Clarence Thomas, and Samuel A. Alito. Before an employer can engage in intentional discrimination for the purpose of avoiding a "disparate impact" on a protected trait (race, color, religion, national origin), the employer must have a "strong basis in evidence" that it will be subject to "disparate impact liability" if it fails to take the discriminatory action. Here, the Court reasoned that New Haven failed to prove it had a "strong basis in evidence" that failing to discard the results of the exam would have subjected it to liability, as the exams were job-related, consistent with business necessity, and there was no evidence that an equally-valid, less-discriminatory alternative was available. Justice Scalia wrote separately, concurring. He noted that the Court avoided answering whether the "disparate impact" provision of Title VII was consistent with the Equal Protection Clause. Justice Alito also wrote a concurring opinion and was joined by Justices Scalia and Thomas. He criticized the dissent for omitting key information in reaching its alternate conclusion. Justice Ruth Bader Ginsburg dissented and was joined by Justices John Paul Stevens, David H. Souter, and Stephen G. Breyer. She argued that the City of New Haven had good cause to believe it would be vulnerable to a Title VII lawsuit if it certified the exams. Moreover, she criticized the majority for ignoring "substantial flaws" in the exam.

Citation

The Oyez Project, *Ricci v. DeStefano*, 557 U.S. (2009) available at: (http://oyez.org/cases/2000-2009/2008/2008_08_328)

Major Supreme Court Cases Summaries

Richmond Newspapers, Inc. v. Virginia (1980)

Facts of the Case:

After a series of mistrials in a murder case in the state of Virginia, a trial judge closed the trial to the public and the media. Defense counsel brought the closure motion; the prosecution did not object. Two reporters of Richmond Newspapers, Inc. challenged the judge's action.

Question:

Did the closure of the trial to the press and public violate the First or Sixth Amendments?

Conclusion:

Yes. In a 7-to-1 decision, the Court held that the right to attend criminal trials was "implicit in the guarantees of the First Amendment." The Court held that the First Amendment encompassed not only the right to speak but also the freedom to listen and to receive information and ideas. The Court also noted that the First Amendment guaranteed the right of assembly in public places such as courthouses. The Court emphasized that "certain unarticulated rights" were implicit in enumerated guarantees and were often "indispensable to the enjoyment of rights explicitly defined."

Citation

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980), http://www.oyez.org/cases/1970-1979/1979/1979_79_243

Roe v. Wade (1973)

Facts of the Case:

Roe, the anonymous alias for a Texas resident, sought to terminate her pregnancy by abortion. Texas law prohibited abortions except to save the pregnant woman's life. The Court heard arguments twice: The first time, Roe's attorney--Sarah Weddington--could not locate the constitutional hook of her argument for Justice Potter Stewart. Her opponent--Jay Floyd--misfired from the start. Weddington sharpened her constitutional argument in the second round. Her new opponent--Robert Flowers--came under strong questioning from Justices Potter Stewart and Thurgood Marshall.

Question:

Does the Constitution embrace a woman's right to terminate her pregnancy by abortion?

Conclusion:

The Court held that a woman's right to an abortion fell within the right to privacy (recognized in *Griswold v. Connecticut*) protected by the Fourteenth Amendment. The decision gave a woman total autonomy over the pregnancy during the first trimester and defined different levels of state interest for the second and third trimesters. As a result, the laws of 46 states were affected by the Court's ruling.

Citation

The Oyez Project, *Roe v. Wade*, 410 U.S. 113 (1973) available at: (http://oyez.org/cases/1970-1979/1971/1971_70_18)

Major Supreme Court Cases Summaries

Roper v. Simmons (2005)

Facts of the Case:

Christopher Simmons was sentenced to death in 1993, when he was only 17. A series of appeals to state and federal courts lasted until 2002, but each appeal was rejected. Then, in 2002, the Missouri Supreme Court suspended Simmon's execution while the U.S. Supreme Court decided *Atkins v. Virginia*, a case that dealt with the execution of the mentally ill. After the U.S. Supreme Court ruled that executing the mentally ill violated the Eighth and Fourteenth Amendment prohibitions on cruel and unusual punishment because a majority of Americans found it cruel and unusual, the Missouri Supreme Court decided to reconsider Simmons' case. Using the reasoning from the *Atkins* case, the Missouri court decided, 6-to-3, that the U.S. Supreme Court's 1989 decision in *Stanford v. Kentucky*, which held that executing minors was not unconstitutional, was no longer valid. The opinion in *Stanford v. Kentucky* had relied on a finding that a majority of Americans did not consider the execution of minors to be cruel and unusual. The Missouri court, citing numerous laws passed since 1989 that limited the scope of the death penalty, held that national opinion had changed. Finding that a majority of Americans were now opposed to the execution of minors, the court held that such executions were now unconstitutional. On appeal to the U.S. Supreme Court, the government argued that allowing a state court to overturn a Supreme Court decision by looking at "evolving standards" would be dangerous, because state courts could just as easily decide that executions prohibited by the Supreme Court (such as the execution of the mentally ill in *Atkins v. Virginia*) were now permissible due to a change in the beliefs of the American people.

Question:

Does the execution of minors violate the prohibition of "cruel and unusual punishment" found in the Eighth Amendment and applied to the states through the incorporation doctrine of the Fourteenth Amendment?

Conclusion:

Yes. In a 5-4 opinion delivered by Justice Anthony Kennedy, the Court ruled that standards of decency have evolved so that executing minors is "cruel and unusual punishment" prohibited by the Eighth Amendment. The majority cited a consensus against the juvenile death penalty among state legislatures, and its own determination that the death penalty is a disproportionate punishment for minors. Finally the Court pointed to "overwhelming" international opinion against the juvenile death penalty. Chief Justice William Rehnquist and Justices Antonin Scalia, Sandra Day O'Connor, and Clarence Thomas all dissented.

Citation

The Oyez Project, *Roper v. Simmons*, 543 U.S. 551 (2005) available at: (http://oyez.org/cases/2000-2009/2004/2004_03_633)

Rosenberger v. University of Virginia (1995)

Facts of the Case:

Ronald W. Rosenberger, a University of Virginia student, asked the University for \$5,800 from a student activities fund to subsidize the publishing costs of *Wide Awake: A Christian Perspective* at the University of Virginia. The University refused to provide funding for the publication solely because it "primarily promotes or manifests a particular belief in or about a deity or an ultimate reality," as prohibited by university guidelines.

Question:

Did the University of Virginia violate the First Amendment rights of its Christian magazine staff by denying them the same funding resources that it made available to secular student-run magazines?

Conclusion:

Yes. The Court, in a 5-to-4 opinion, held that the University's denial of funding to Rosenberger, due to the content of his message, imposed a financial burden on his speech and amounted to viewpoint discrimination. The Court noted that no matter how scarce University publication funding may be, if it chooses to promote speech at all, it must promote all forms of it equally. Furthermore, because it promoted past publications regardless of their religious content, the Court found the University's publication policy to be neutral toward religion and, therefore, not in violation of the establishment clause. The Court concluded by stating that the University could not stop all funding of religious speech while continuing to fund an atheistic perspective. The exclusion of several views is as offensive to free speech as the exclusion of only one. The University must provide a financial subsidy to a student religious publication on the same basis as other student publications.

Citation

The Oyez Project, *Rosenberger v. University of Virginia*, 515 U.S. 819 (1995) available at: (http://oyez.org/cases/1990-1999/1994/1994_94_329)

Major Supreme Court Cases Summaries

Rotary International v. Rotary Club of Duarte (1987)

Facts of the Case:

When the Duarte chapter of Rotary International violated club policy by admitting three women into its active membership, its charter was revoked and it was expelled. The California Court of Appeals, however, in reversing a lower court decision, found that Rotary International's action violated a California civil rights act prohibiting sexual discrimination.

Question:

Did a law which required California Rotary Clubs to admit women members violate Rotary International's First Amendment rights of association?

Conclusion:

No. Considering the size, purpose, selectivity, and exclusivity of Rotary's membership, the Court found that the relationship among the club's members was not of the intimate or private variety which warrants First Amendment protection. Writing for the unanimous Court, Justice Powell argued that because many of Rotary's activities (including their meetings) are conducted in the presence of strangers, and because women members would not prevent the club from carrying out its purposes, there was no violation of associational rights. Furthermore, even if there were a slight encroachment on the rights of Rotarians to associate, that minimal infringement would be justified since it "serves the State's compelling interest" in ending sexual discrimination.

Citation

The Oyez Project, *Rotary Int. v. Rotary Club*, 481 U.S. 537 (1987) available at: (http://oyez.org/cases/1980-1989/1986/1986_86_421)

Roth v. United States (1957)

Facts of the Case:

Roth operated a book-selling business in New York and was convicted of mailing obscene circulars and an obscene book in violation of a federal obscenity statute. Roth's case was combined with *Alberts v. California*, in which a California obscenity law was challenged by Alberts after his similar conviction for selling lewd and obscene books in addition to composing and publishing obscene advertisements for his products.

Question:

Did either the federal or California's obscenity restrictions, prohibiting the sale or transfer of obscene materials through the mail, impinge upon the freedom of expression as guaranteed by the First Amendment?

Conclusion:

In a 6-to-3 decision written by Justice William J. Brennan, Jr., the Court held that obscenity was not "within the area of constitutionally protected speech or press." The Court noted that the First Amendment was not intended to protect every utterance or form of expression, such as materials that were "utterly without redeeming social importance." The Court held that the test to determine obscenity was "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest." The Court held that such a definition of obscenity gave sufficient fair warning and satisfied the demands of due process. Brennan later reversed his position on this issue in *Miller v. California* (1973).

Citation

The Oyez Project, *Roth v. United States*, 354 U.S. 476 (1957) available at: (http://oyez.org/cases/1950-1959/1956/1956_582)

Major Supreme Court Cases Summaries

Rumsfeld v. Padilla (2004)

Facts of the Case:

Jose Padilla, an American citizen, was arrested in Chicago's O'Hare International Airport after returning from Pakistan in 2002. He was initially detained as a material witness in the government's investigation of the Al-Qaeda terrorist network, but was later declared an "enemy combatant" by the Department of Defense, meaning that he could be held in prison indefinitely without access to an attorney or to the courts. The FBI claimed that he was returning to the United States to carry out acts of terrorism. Donna Newman, who had represented him while he was being held as a material witness, filed a petition for habeas corpus on his behalf. The U.S. District Court for the Southern District of New York ruled that Newman had standing to file the petition despite the fact that Padilla had been moved to a military brig in South Carolina. However, the court also found that the Department of Defense, under the president's constitutional powers as Commander in Chief and the statutory authorization provided by Congress's Authorization for Use of Military Force, had the power to detain Padilla as an enemy combatant. The district judge rejected Newman's argument that the detention was prohibited by the federal Non-Detention Act, which states that no "citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress." On appeal, a divided Second Circuit Court of Appeals panel reversed the district court's "enemy combatant" ruling. The panel found that the Authorization for Use of Military force did not meet the requirement of the Non-Detention Act and that the president could not, therefore, declare American citizens captured outside a combat zone as enemy combatants.

Question:

Does Congress's "Authorization for use of Military Force" authorize the president to detain a United States citizen based on a determination that he is an enemy combatant, or is that power precluded by the Non-Detention Act?

Conclusion:

The Court did not reach a decision on the merits in this case. Instead, in 5-to-4 opinion written by Chief Justice William H. Rehnquist, the Court found that the case had been improperly filed. Under federal law, a petition for a writ of habeas corpus can only be filed against the person directly responsible for a prisoner's confinement or, put another way, the person with the power to bring the prisoner to court. In most cases this person is the warden of the petitioner's prison; in this case, it was the commander of the military brig in which Padilla was held. Because Padilla's attorney had listed Secretary of Defense Donald Rumsfeld as the defendant, instead of the brig commander, and because the suit was filed in New York instead of in South Carolina, where the commander lived and worked, the Court found that the case would have to be re-filed in a federal district court in South Carolina. Justices Stevens, Souter, Ginsberg and Breyer dissented, finding that an exception should be made to the jurisdictional rule because the government had moved Padilla to South Carolina without giving his attorney notice to file the habeas writ.

Citation

The Oyez Project, *Rumsfeld v. Padilla*, 542 U.S. 426 (2004) available at: (http://oyez.org/cases/2000-2009/2003/2003_03_1027)

Runyon v. McCrary (1976)

Facts of the Case:

Michael McCrary and Colin Gonzales were black children who were denied admission to Bobbe's School. Gonzales was also denied admission to Fairfax-Brewster School. McCrary and Gonzales's parents filed a class action against the schools, suspecting the denials were due to their children's race. A federal district court ruled for McCrary and Gonzales, finding that the school's admission policies were racially discriminatory. The United States Court of Appeals for the Fourth Circuit affirmed the decision.

Question:

(1) Were the schools' admission policies in violation of 42 U.S.C. Section 1981? (2) Did 42 U.S.C. Section 1981 violate the Constitutional right to privacy and free association?

Conclusion:

Yes. No. In a 6-2 opinion, the Court held that Section 1981 prohibited the racially discriminatory policies of the schools. While the schools were private, *Jones v. Alfred Meyer Co.* held that Section 1981 applied to "purely private acts of racial discrimination." Writing for the majority, Justice Potter Stewart described the school's admission policies as "classical violation[s] of Section 1981." While the Court acknowledged the right to free association of parents to send their children to schools that "promote the belief that racial segregation is desirable," it was not entitled the constitutional protection. Additionally, the Court cited *Pierce v. Society of Sisters* and the right of the State "reasonably to regulate all schools."

Citation

The Oyez Project, *Runyon v. McCrary*, 427 U.S. 160 (1976) available at: (http://oyez.org/cases/1970-1979/1975/1975_75_62)

Major Supreme Court Cases Summaries

Saenz v. Roe (1999)

Facts of the Case:

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), states receiving Temporary Assistance to Needy Families (TANF) can pay the benefit amount of another State's TANF program to residents who have lived in the State for less than 12 months. When California announced it would enforce this option, Brenda Roe brought this class action, on behalf of other first year residents, challenging the constitutionality of the durational residency requirement. On appeal from successive adverse rulings in the lower courts, the Supreme Court agreed to hear the case brought by Rita Saenz, the Director of California's Department of Social Services.

Question:

Does a state statute, authorizing states receiving Temporary Assistance to Needy Families to pay the benefit amount of another State's TANF to its first year residents, violate the Fourteenth Amendment's right-to-travel protections?

Conclusion:

Yes. In a 7-to-2 decision, the Court held that the Fourteenth Amendment protects the right to travel in three ways, by allowing citizens to move freely between states, securing the right to be treated equally in all states when visiting, and securing the rights of new citizens to be treated like long-time citizens of a state. The Court explained that by paying first-year residents the same TANF benefits they received in their state of origin, states treated new residents differently than others who have lived in their borders for over one year. As such, enforcement of the PRWORA power unconstitutionally discriminated among residents.

Citation

The Oyez Project, Saenz v. Roe, 526 U.S. 489 (1999) available at: (http://oyez.org/cases/1990-1999/1998/1998_98_97)

Safford Unified School District v. Redding (2009)

Facts of the Case:

Savanna Redding, an eighth grader at Safford Middle School, was strip-searched by school officials on the basis of a tip by another student that she might have ibuprofen on her person, violating school policy. Redding subsequently filed suit against the school district and the school officials responsible for the search in an Arizona district court. She alleged her Fourth Amendment right to be free of unreasonable search and seizure was violated. The district court granted the defendants' motion for summary judgment and dismissed the case. On the initial appeal, the Ninth Circuit court of appeals upheld the dismissal. However, on rehearing before the entire court, the court of appeals held that Ms. Redding's Fourth Amendment right to be free of unreasonable search and seizure was violated. It reasoned that the strip search was not justified nor was the scope of intrusion reasonably related to the circumstances.

Question:

1) Does the Fourth Amendment prohibit school officials from strip searching students suspected of possessing drugs in violation of school policy? 2) Are school officials individually liable for damages in a lawsuit filed under 42 U.S.C Section 1983?

Conclusion:

Sometimes, fact dependent. No. The Supreme Court held that Savanna's Fourth Amendment rights were violated when school officials searched her underwear for non-prescription painkillers. With David H. Souter writing for the majority and joined by Chief Justice John G. Roberts, and Justices Antonin G. Scalia, Anthony M. Kennedy, Stephen G. Breyer, and Samuel A. Alito, and in part by Justices John Paul Stevens and Ruth Bader Ginsburg, the Court reiterated that, based on a reasonable suspicion, search measures used by school officials to root out contraband must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Here, school officials did not have sufficient suspicion to warrant extending the search of Savanna to her underwear. The Court also held that the implicated school administrators were not personally liable because "clearly established law [did] not show that the search violated the Fourth Amendment." It reasoned that lower court decisions were disparate enough to have warranted doubt about the scope of a student's Fourth Amendment right. Justice Stevens wrote separately, concurring in part and dissenting in part, and was joined by Justice Ginsburg. He agreed that the strip search was unconstitutional, but disagreed that the school administrators retained immunity. He stated that "[i]t does not require a constitutional scholar to conclude that a nude search of a 13-year old child is an invasion of constitutional rights of some magnitude." Justice Ginsburg also wrote a separate concurring opinion, largely agreeing with Justice Stevens's point of dissent. Justice Clarence Thomas concurred in the judgment in part and dissented in part. He agreed with the majority that the school administrators were partially immune to prosecution. However, he argued that the judiciary should not meddle with decisions school administrators make in the interest of keeping their schools safe.

Citation

Safford Unified School District v. Redding, 557 U.S. ____ (2009), http://www.oyez.org/cases/2000-2009/2008/2008_08_479

Major Supreme Court Cases Summaries

Santa Clara Pueblo v. Martinez (1978)

Facts of the Case:

Martinez was a membership case, filed under the Indian Civil Rights Act on a gender discrimination charge. The case claimed that a tribal rule allowing tribal membership to children of male members who married outside the tribe but not to women who did the same violated the equal protection clause of the act.

Question:

Does the tribal law violate the equal protection clause?

Conclusion:

No. Justice Thurgood Marshall, writing for the Court, denied the claim and eviscerated the law. Contending that a federal cause of action was not required to extend constitutional norms to tribal governments, he urged that grieving Indians sue in their tribal courts so as to preserve tribal self-determination. Justice Byron White, in his dissent, wrote, "I cannot believe that Congress desired the enforcement of these acts to be left up to the very tribal authorities alleged to have violated them. Extension of constitutional rights to individual citizens is intended to intrude upon the authority of government." The outcome was that the decision strengthened tribal self-determination, but an Indian with a complaint against a tribal government had little opportunity for relief. Few tribal court decisions were subsequently appealed.

Citation

Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978), http://www.oyez.org/cases/1970-1979/1977/1977_76_682

Santa Fe Independent School District v. Doe (2000)

Facts of the Case:

Prior to 1995, a student elected as Santa Fe High School's student council chaplain delivered a prayer, described as overtly Christian, over the public address system before each home varsity football game. One Mormon and one Catholic family filed suit challenging this practice and others under the establishment clause of the First Amendment. The district court barred the public Santa Fe Independent School District (the District) from implementing its policy as it stood. While the suit was pending, the District adopted a new policy, which permitted, but did not require, student-initiated and student-led prayer at all the home games and which authorized two student elections, the first to determine whether "invocations" should be delivered at games, and the second to select the spokesperson to deliver them. After the students authorized such prayers and selected a spokesperson, the district court entered an order modifying the policy to permit only nonsectarian, nonproselytizing prayer. The court of appeals held that, even as modified by the district court, the football prayer policy was invalid. The District petitioned the Supreme Court, claiming its policy did not violate the Establishment Clause because the football game messages were private student speech, not public speech.

Question:

Does the Santa Fe Independent School District's policy permitting student-led, student-initiated prayer at football games violate the establishment clause of the First Amendment?

Conclusion:

Yes. In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that the District's policy permitting student-led, student-initiated prayer at football games violates the Establishment Clause. The Court concluded that the football game prayers were public speech authorized by a government policy and taking place on government property at government-sponsored school-related events and that the District's policy involved both perceived and actual government endorsement of the delivery of prayer at important school events. Such speech is not properly characterized as "private," wrote Justice Stevens for the majority. In dissent, Chief Justice William H. Rehnquist, joined by Justices Antonin Scalia and Clarence Thomas, noted the "disturbing" tone of the Court's opinion that "bristle[d] with hostility to all things religious in public life."

Citation

The Oyez Project, Santa Fe Independent School Dist. v. Doe, 530 U.S. 290 (2000) available at: (http://oyez.org/cases/1990-1999/1999/1999_99_62)

Major Supreme Court Cases Summaries

Schechter Poultry Corporation v. United States (1935)

Facts of the Case:

Section 3 of the National Industrial Recovery Act empowered the president to implement industrial codes to regulate weekly employment hours, wages, and minimum ages of employees. The codes had standing as penal statutes.

Question:

Did Congress unconstitutionally delegate legislative power to the president?

Conclusion:

The Court held that Section 3 was "without precedent" and violated the Constitution. The law did not establish rules or standards to evaluate industrial activity. In other words, it did not make codes, but simply empowered the president to do so. A unanimous Court found this to be an unconstitutional delegation of legislative authority.

Citation

The Oyez Project, *Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935) available at: (http://oyez.org/cases/1901-1939/1934/1934_854)

Schenck v. United States (1919)

Facts of the Case:

During World War I, Schenck mailed circulars to draftees. The circulars suggested that the draft was a monstrous wrong motivated by the capitalist system. The circulars urged "Do not submit to intimidation" but advised only peaceful action such as petitioning to repeal the Conscription Act. Schenck was charged with conspiracy to violate the Espionage Act by attempting to cause insubordination in the military and to obstruct recruitment.

Question:

Are Schenck's actions (words, expression) protected by the free speech clause of the First Amendment?

Conclusion:

Holmes, speaking for a unanimous Court, concluded that Schenck is not protected in this situation. The character of every act depends on the circumstances. "The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." During wartime, utterances tolerable in peacetime can be punished. The clear and present danger test established in Schenck would later be modified in *Brandenburg v. Ohio* (1969) as the imminent lawless action test.

Citation

The Oyez Project, *Schenck v. United States*, 249 U.S. 47 (1919) available at: (http://oyez.org/cases/1901-1939/1918/1918_437)

Major Supreme Court Cases Summaries

Shaw v. Hunt (1995)

Facts of the Case:

Residents of North Carolina challenged a plan to create two congressional districts on the ground that the proposed districts were racially gerrymandered. On initial review, a three-judge district court panel dismissed the action only to have its decision reversed and sent back to it by the Supreme Court. However, the Court's standard for review left very little room for racial engineering of congressional voting districts. When reviewing it again, the district court found the redistricting plans to be racially tailored and, therefore, unconstitutional. Again, the matter was appealed to the Supreme Court.

Question:

Does North Carolina's redistricting plan constitute racial gerrymandering in violation of the Fourteenth Amendment's equal protection clause?

Conclusion:

Yes. In a 5-to-4 opinion by Chief Justice Rehnquist, the Court first confronted the threshold question of "standing." It held that some of the appellants lacked proper standing to challenge the redistricting plan. Only those voters who resided in a congressional district alleged to have been created by racial gerrymandering had proper standing to challenge the constitutionality of that district's creation. Those voters who did not reside in one of the two allegedly racially gerrymandered districts, and who failed to provide evidence that they were assigned to their district of residence on the basis of race, lacked proper standing to participate in the racial gerrymandering claim. After noting the challenged district's unusually non-compact serpentine shape, and the appellants' admission that the districts' were primarily designed to create black voting majorities, the Court applied strict scrutiny to the facts at hand. Finding no narrowly tailored plans aimed at serving a compelling state interest that would justify the creation of racially gerrymandered districts, the Court concluded that the redistricting plans violated the Fourteenth Amendment's equal protection clause.

Citation

The Oyez Project, *Shaw v. Hunt*, 517 U.S. 899 (1996) available at: (http://oyez.org/cases/1990-1999/1995/1995_94_923)

Shaw v. Reno (1993)

Facts of the Case:

The U.S. Attorney General rejected a North Carolina congressional reapportionment plan because the plan created only one black-majority district. North Carolina submitted a second plan creating two black-majority districts. One of these districts was, in parts, no wider than the interstate road along which it stretched. Five North Carolina residents challenged the constitutionality of this unusually shaped district, alleging that its only purpose was to secure the election of additional black representatives. After a three-judge district court panel ruled that they failed to state a constitutional claim, the residents appealed and the Supreme Court heard the case.

Question:

Did the North Carolina residents' claim, that the state created a racially gerrymandered district, raise a valid constitutional issue under the Fourteenth Amendment's equal protection clause?

Conclusion:

Yes. The Court held that although North Carolina's reapportionment plan was racially neutral on its face, the resulting district shape was bizarre enough to suggest that it constituted an effort to separate voters into different districts based on race. The unusual district, while perhaps created by noble intentions, seemed to exceed what was reasonably necessary to avoid racial imbalances. After concluding that the residents' claim did give rise to an equal protection challenge, the Court sent the case back to a lower court, adding that in the absence of contradictory evidence, the District Court would have to decide whether or not some compelling governmental interest justified North Carolina's plan.

Citation

The Oyez Project, *Shaw v. Reno*, 509 U.S. 630 (1993) available at: (http://oyez.org/cases/1990-1999/1992/1992_92_357)

Major Supreme Court Cases Summaries

Sherbert v. Verner (1963)

Facts of the Case:

Adeil Sherbert, a member of the Seventh-day Adventist Church, was fired from her job after she refused to work on Saturday, the Sabbath Day of her faith. The South Carolina Employment Security Commission denied her unemployment benefits, finding unacceptable her religious justification for refusing Saturday work.

Question:

Did the denial of unemployment compensation violate the First and Fourteenth Amendments?

Conclusion:

Yes. The Court held that the state's eligibility restrictions for unemployment compensation imposed a significant burden on Sherbert's ability to freely exercise her faith. Furthermore, there was no compelling state interest which justified such a substantial burden on this basic First Amendment right.

Citation

The Oyez Project, *Sherbert v. Verner*, 374 U.S. 398 (1963) available at: (http://oyez.org/cases/1960-1969/1962/1962_526)

Skinner v. Oklahoma ex rel. Williamson (1942)

Facts of the Case:

Oklahoma's Criminal Sterilization Act allowed the state to sterilize a person who had been convicted three or more times of crimes "amounting to felonies involving moral turpitude."

Question:

Did the act violate the due process and equal protection clauses of the Fourteenth Amendment?

Conclusion:

Yes. A unanimous Court held that the Act violated the equal protection clause of the Fourteenth Amendment. Since some crimes such as embezzlement, punishable as felonies in Oklahoma, were excluded from the act's jurisdiction, Justice Douglas reasoned that the law had laid "an unequal hand on those who have committed intrinsically the same quality of offense." Moreover, Douglas viewed procreation as one of the fundamental rights requiring the judiciary's strict scrutiny.

Citation

The Oyez Project, *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535 (1942) available at: (http://oyez.org/cases/1940-1949/1941/1941_782)

Smith v. Allwright (1944)

Facts of the Case:

A resolution of the Democratic Party of Texas, a group that the Texas Supreme Court had deemed a "voluntary association," allowed only whites to participate in Democratic primary elections. S.S. Allwright was a county election official; he denied Lonnie E. Smith, a black man, the right to vote in the 1940 Texas Democratic primary.

Question:

Did denying blacks the right to vote in primary elections violate the Fifteenth Amendment?

Conclusion:

Yes. The Court overruled its decision in *Grovey v. Townsend* (1935) and found the restrictions against black people unconstitutional. Even though the Democratic Party was a voluntary organization, the fact that Texas statutes governed the selection of county-level party leaders, the party conducted primary elections under state statutory authority, and state courts were given exclusive original jurisdiction over contested elections, guaranteed for black people the right to vote in primaries. Allwright engaged in state action abridging Smith's right to vote because of his race. A state cannot "permit a private organization to practice racial discrimination" in elections, argued Justice Reed. (The Court's decision in this matter was amended on June 12, 1944.)

Citation

The Oyez Project, *Smith v. Allwright*, 321 U.S. 649 (1944) available at: (http://oyez.org/cases/1940-1949/1943/1943_51)

Major Supreme Court Cases Summaries

South Carolina v. Katzenbach (1966)

Facts of the Case:

The Voting Rights Act of 1965 prevented states from using a "test or device" (such as literacy tests) to deny citizens the right to vote. Federal examiners, under the attorney general's jurisdiction, were empowered to intervene to investigate election irregularities.

Question:

Did the act violate the states' rights to implement and control elections?

Conclusion:

No: The Court upheld the law. Noting that the enforcement clause of the Fifteenth Amendment gave Congress "full remedial powers" to prevent racial discrimination in voting, the act was a "legitimate response" to the "insidious and pervasive evil" which had denied blacks the right to vote since the Fifteenth Amendment's adoption in 1870.

Citation

South Carolina v. Katzenbach, 383 U.S. 301 (1966), http://www.oyez.org/cases/1960-1969/1965/1965_22_orig

South Dakota v. Dole (1987)

Facts of the Case:

In 1984, Congress enacted legislation ordering the Secretary of Transportation to withhold five percent of federal highway funds from states that did not adopt a 21-year-old minimum drinking age. South Dakota, a state that permitted persons 19 years of age to purchase alcohol, challenged the law.

Question:

Did Congress exceed its spending powers, or violate the Twenty-first Amendment, by passing legislation conditioning the award of federal highway funds on the states' adoption of a uniform minimum drinking age?

Conclusion:

No. In a 7-to-2 decision, the Court held that Congress, acting indirectly to encourage uniformity in states' drinking ages, was within constitutional bounds. The Court found that the legislation was in pursuit of "the general welfare," and that the means chosen to do so were reasonable. The Court also held that the Twenty-first Amendment's limitations on spending power were not prohibitions on congressional attempts to achieve federal objectives indirectly. The five percent loss of highway funds was not unduly coercive.

Citation

The Oyez Project, South Dakota v. Dole, 483 U.S. 203 (1987) available at: (http://oyez.org/cases/1980-1989/1986/1986_86_260)

Stanton v. Stanton (1975)

Facts of the Case:

The case had started in Utah state court. A divorced father stopped paying child support for his daughter when she turned eighteen, so the daughter's mother went to court to ask for support until both the daughter and the son reached twenty-one. Utah divorce court ruled against the mother, and the Utah Supreme Court held that there was a "reasonable basis" for the differential: women matured earlier and married younger; men had a greater need for education. The Utah court stated in its opinion that the basis for the law, though an "old notion," was not unconstitutional.

Question:

Does the differing standard for child support violate the equal protection clause?

Conclusion:

Yes. Justice Blackmun wrote for the majority. He said the law failed under any standard, including rational basis (the Supreme Court's lowest standard of review). The decision remained in the context of child support, without considering different ages for males and females in other contexts. The Stanton decision placed the Court on record as declaring that society's stereotypes were not a legitimate basis for official policies that treated men and women differently. Blackmun wrote: "A child, male or female, is still a child...No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas...If a specified age of minority is required for the boy in order to assure him parental support while he attains his education and training, so, too, is it for the girl."

Citation

The Oyez Project, Stanton v. Stanton, 421 U.S. 7 (1975) available at: (http://oyez.org/cases/1970-1979/1974/1974_73_1461)

Major Supreme Court Cases Summaries

Stone v. Graham (1980)

Facts of the Case:

Sydell Stone and a number of other parents challenged a Kentucky state law that required the posting of a copy of the Ten Commandments in each public school classroom. They filed a claim against James Graham, the superintendent of public schools in Kentucky.

Question:

Did the Kentucky statute violate the establishment clause of the First Amendment?

Conclusion:

Yes. In a 5-to-4 decision, the Court ruled that the Kentucky law violated the first part of the test established in *Lemon v. Kurtzman*, and thus violated the Establishment Clause. The Court found that the requirement that the Ten Commandments be posted "had no secular legislative purpose" and was "plainly religious in nature," and noted that the Commandments did not confine themselves to arguably secular matters (such as murder, stealing, etc.), but rather concerned matters such as the worship of God and the observance of the sabbath.

Citation

The Oyez Project, *Stone v. Graham*, 449 U.S. 39 (1980) available at: (http://oyez.org/cases/1980-1989/1980/1980_80_321)

Strauder v. West Virginia (1880)

Facts of the Case:

A West Virginia law declared that only whites may serve on juries.

Question:

Does the state law barring blacks from jury service violate the equal protection clause of the Fourteenth Amendment?

Conclusion:

Yes. Strong, writing for the majority, declared that to deny citizen participation in the administration of justice solely on racial grounds "is practically a brand upon them, affixed by law; an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others."

Citation

The Oyez Project, *Strauder v. West Virginia*, 100 U.S. 303 (1880) available at: (http://oyez.org/cases/1851-1900/1879/1879_0)

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

Facts of the Case:

After the Supreme Court's decision in 1954 in *Brown v. Board of Education*, little progress had been made in desegregating public schools. One example was the Charlotte-Mecklenburg, North Carolina, system in which approximately 14,000 black students attended schools that were either totally black or more than 99 percent black. Lower courts had experimented with a number of possible solutions when the case reached the Supreme Court.

Question:

Were federal courts constitutionally authorized to oversee and produce remedies for state-imposed segregation?

Conclusion:

Yes. In a unanimous decision, the Court held that once violations of previous mandates directed at desegregating schools had occurred, the scope of district courts' equitable powers to remedy past wrongs were broad and flexible. The Court ruled that 1) remedial plans were to be judged by their effectiveness, and the use of mathematical ratios or quotas were legitimate "starting points" for solutions; 2) predominantly or exclusively black schools required close scrutiny by courts; 3) non-contiguous attendance zones, as interim corrective measures, were within the courts' remedial powers; and 4) no rigid guidelines could be established concerning busing of students to particular schools.

Citation

The Oyez Project, *Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1 (1971) available at: (http://oyez.org/cases/1970-1979/1970/1970_281)

Major Supreme Court Cases Summaries

Terry v. Ohio (1968)

Facts of the Case:

Terry and two other men were observed by a plain clothes policeman in what the officer believed to be "casing a job, a stick-up." The officer stopped and frisked the three men, and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail.

Question:

Did the search and seizure of Terry and the other men violate of the Fourth Amendment?

Conclusion:

No. In an 8-to-1 decision, the Court held that the search undertaken by the officer was reasonable under the Fourth Amendment and that the weapons seized could be introduced into evidence against Terry. Attempting to focus narrowly on the facts of this particular case, the Court found that the officer acted on more than a "hunch" and that "a reasonably prudent man would have been warranted in believing [Terry] was armed and thus presented a threat to the officer's safety while he was investigating his suspicious behavior." The Court found that the searches undertaken were limited in scope and designed to protect the officer's safety incident to the investigation.

Citation

The Oyez Project, Terry v. Ohio, 392 U.S. 1 (1968) available at: (http://oyez.org/cases/1960-1969/1967/1967_67)

Texas v. Johnson (1989)

Facts of the Case:

In 1984, in front of the Dallas City Hall, Gregory Lee Johnson burned an American flag as a means of protest against Reagan administration policies. Johnson was tried and convicted under a Texas law outlawing flag desecration. He was sentenced to one year in jail and assessed a \$2,000 fine. After the Texas Court of Criminal Appeals reversed the conviction, the case went to the Supreme Court.

Question:

Is the desecration of an American flag, by burning or otherwise, a form of speech that is protected under the First Amendment?

Conclusion:

In a 5-to-4 decision, the Court held that Johnson's burning of a flag was protected expression under the First Amendment. The Court found that Johnson's actions fell into the category of expressive conduct and had a distinctively political nature. The fact that an audience takes offense to certain ideas or expression, the Court found, does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages, noting that "if there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

Citation

The Oyez Project, Texas v. Johnson, 491 U.S. 397 (1989) available at: (http://oyez.org/cases/1980-1989/1988/1988_88_155)

Major Supreme Court Cases Summaries

Texas v. White (1868)

Facts of the Case:

In 1851, Congress authorized the transfer of \$10 million worth of United States bonds to the state of Texas. The bonds were payable to the state or bearer and were to be redeemable in 1864. In 1862, during the Civil War, an insurgent Texas legislature authorized the use of the bonds to purchase war supplies. Four years later, the reconstruction government tried to reclaim the bonds.

Question:

Was Texas a state in the union eligible to seek redress in the Supreme Court? Could Texas constitutionally reclaim the bonds?

Conclusion:

Yes. In a 5-to-3 decision, the Court held that Texas did indeed have the right to bring suit and that individuals such as White had no claim to the bonds in question. The Court held that individual states could not unilaterally secede from the Union and that the acts of the insurgent Texas legislature--even if ratified by a majority of Texans--were "absolutely null." Even during the period of rebellion, however, the Court found that Texas continued to be a state.

Citation

The Oyez Project, Texas v. White, 74 U.S. 700 (1869) available at: (http://oyez.org/cases/1851-1900/1868/1868_0)

The Slaughterhouse Cases (1873)

Facts of the Case:

Louisiana had created a partial monopoly of the slaughtering business and gave it to one company. Competitors argued that this created "involuntary servitude," abridged "privileges and immunities," denied "equal protection of the laws," and deprived them of "liberty and property without due process of law."

Question:

Did the creation of the monopoly violate the Thirteenth and Fourteenth Amendments?

Conclusion:

No. The involuntary servitude claim did not forbid limits on the right to use one's property. The equal protection claim was misplaced since it was established to void laws discriminating against blacks. The due process claim simply imposes the identical requirements on the states as the fifth amendment imposes on the national government. The Court devoted most of its opinion to a narrow construction of the privileges and immunities clause, which was interpreted to apply to national citizenship, not state citizenship.

Citation

The Oyez Project, The Slaughterhouse Cases, 83 U.S. 36 (1873) available at: (http://oyez.org/cases/1851-1900/1872/1872_2)

Major Supreme Court Cases Summaries

Thomas v. Review Board of the Indiana Employment Security Division (1981)

Facts of the Case:

Eddie C. Thomas, a Jehovah's Witness and an employee of Blaw-Knox Foundry & Machinery Co., asked his company to lay him off when it transferred all of its operations to weapons manufacturing. He stated that his religious faith prohibited him from producing arms. His employer refused, so he quit instead. He applied for unemployment compensation benefits under the Indiana Employment Security Act, which the Review Board of the Indiana Employment Security Division denied. The board agreed that he quit because of his religious convictions, but claimed that this was not a "good cause [arising] in connection with [his] work" that would qualify him for benefits. The Indiana Court of Appeals reversed the decision on the ground that it burdened Thomas' First Amendment right to the free exercise of his religion. The Supreme Court of Indiana reinstated the board's initial decision, calling Thomas' decision to quit a "personal philosophical choice" that only indirectly burdened his free exercise right.

Question:

Does the Free Exercise Clause require a state to provide unemployment compensation benefits to an employee who quit because of a belief that his religion prohibited him from engaging in the employer's line of work?

Conclusion:

Yes. In an 8-1 decision authored by Justice Burger, the Court held that the Review Board's denial of unemployment benefits to Thomas violated his First Amendment right to the free exercise of religion. The Supreme Court of Indiana wrongfully used Thomas' struggle to "articulate" his religious beliefs as grounds to call his decision merely "philosophical." The Court's decisions in *Everson v. Board of Education* and *Sherbert v. Verner* had established that "[a] person may not be compelled to choose between the exercise of a First Amendment right and participation in an otherwise available public program." In his dissent, Justice Rehnquist argued that the free exercise clause did not require a "State to provide direct financial assistance to persons solely on the basis of their religious beliefs."

Citation

The Oyez Project, *Thomas v. Review Board of the Indiana Employment Security Division*, 450 U.S. 707 (1981) available at: (http://oyez.org/cases/1980-1989/1980/1980_79_952)

Tinker v. Des Moines Independent Community School District (1969)

Facts of the Case:

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Eckhardt, 16 years old, decided along with their parents to protest the Vietnam War by wearing black armbands to their Des Moines schools during the Christmas holiday season. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district resolved that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Eckhardt wore their armbands to school, they were asked to remove them. When they refused, they were suspended until after New Year's Day.

Question:

Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?

Conclusion:

Yes. The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but here the principals lacked justification for imposing any such limits. The principals had failed to show that the forbidden conduct would substantially interfere with appropriate school discipline.

Citation

The Oyez Project, *Tinker v. Des Moines Ind. Comm. School Dist.*, 393 U.S. 503 (1969) available at: (http://oyez.org/cases/1960-1969/1968/1968_21)

Major Supreme Court Cases Summaries

Trop v. Dulles (1958)

Facts of the Case:

In 1944, United States Army private Albert Trop escaped from a military stockade at Casablanca, Morocco, following his confinement for a disciplinary violation. A day later, Trop willingly surrendered to an army truck headed back to Casablanca. Despite testifying that he "decided to return to the stockade" when he was picked up, a general court martial convicted Trop of desertion and sentenced him to three years at hard labor, loss of all pay and allowances, and a dishonorable discharge. In 1952, Trop applied for a passport. His application was rejected under Section 401(g) of the amended 1940 Nationality Act, on the ground that he lost his citizenship due to his conviction and dishonorable discharge for wartime desertion. After failing to obtain a declaratory judgment that he was a U.S. citizen, from both a district and the Second Circuit Court of Appeals, Trop appealed to the Supreme Court.

Question:

Did Section 401(g) of the amended 1940 Nationality Act (the "Act") allow for an unconstitutional punishment by authorizing the expatriation of a citizen convicted of wartime desertion?

Conclusion:

Yes. After finding that Section 401(g) of the amended Act was penal in nature, since it punished convicted deserters with denationalization, the Court held that involuntary expatriation was barred by the Eighth Amendment as a cruel and unusual penal remedy. Citizenship, the Court stated, is not a license that expires upon misbehavior. Rather, it can only be voluntarily renounced by express language and, or, conduct. Since Trop did not involve himself in any way with a foreign state, so as to demonstrate disloyalty to the United States, his court martial conviction of desertion did not justify his forced expatriation.

Citation

The Oyez Project, *Trop v. Dulles*, 356 U.S. 86 (1958) available at: (http://oyez.org/cases/1950-1959/1956/1956_70)

U.S. Term Limits, Inc. v. Thornton (1995)

Facts of the Case:

On November 3, 1992, Arkansas voters adopted Amendment 73 to their State Constitution. The "Term Limitation Amendment," in addition to limiting terms of elected officials within the Arkansas state government, also provided that any person who served three or more terms as a member of the United States House of Representatives from Arkansas would be ineligible for re-election as a U.S. Representative from Arkansas. Similarly, the Amendment provided that any person who served two or more terms as a member of the United States Senate from Arkansas would be ineligible for re-election as a U.S. Senator from Arkansas.

Question:

Can states alter those qualifications for the U.S. Congress that are specifically enumerated in the Constitution?

Conclusion:

No. The Constitution prohibits States from adopting Congressional qualifications in addition to those enumerated in the Constitution. A state congressional term limits amendment is unconstitutional if it has the likely effect of handicapping a class of candidates and "has the sole purpose of creating additional qualifications indirectly." Furthermore, "allowing individual States to craft their own congressional qualifications would erode the structure designed by the Framers to form a 'more perfect Union.'"

Citation

The Oyez Project, *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995) available at: (http://oyez.org/cases/1990-1999/1994/1994_93_1456)

Major Supreme Court Cases Summaries

United States v. Butler (1936)

Facts of the Case:

As part of the 1933 Agricultural Adjustment Act, Congress implemented a processing tax on agricultural commodities, from which funds would be redistributed to farmers who promised to reduce their acreage. The act intended to solve the crisis in agricultural commodity prices which was causing many farmers to go under.

Question:

Did Congress exceed its constitutional taxing and spending powers with the act?

Conclusion:

The Court found the act unconstitutional because it attempted to regulate and control agricultural production, an arena reserved to the states. Even though Congress does have the power to tax and appropriate funds, argued Justice Roberts, in this case those activities were "but means to an unconstitutional end," and violated the Tenth Amendment.

Citation

The Oyez Project, *United States v. Butler*, 297 U.S. 1 (1936) available at: (http://oyez.org/cases/1901-1939/1935/1935_401)

United States v. Carolene Products (1938)

Facts of the Case:

A 1923 act of Congress banned the interstate shipment of "filled milk" (milk with skimmed milk and vegetable oil added). A manufacturer, indicted for shipping filled milk, challenged the law.

Question:

Does the law violate the commerce power granted to Congress in Article I, Section 8 and the due process clause of the Fifth Amendment?

Conclusion:

No. The Court upheld the act. In this otherwise unremarkable case, the Court planted the seeds for a new jurisprudence in a footnote to Stone's opinion for the Court. Here Stone gives a presumption of constitutionality to economic regulation. The Court would no longer substitute its views on economic policy for the views of Congress. Stone went further in footnote four by cautiously asserting that certain types of legislation might not merit deference toward constitutional validity. The most controversial element in the footnote was the suggestion that prejudice directed against discrete and insular minorities may call for "more searching judicial inquiry," establishing the rational basis test and the strict scrutiny standard of review. Strict scrutiny would not be used until *Korematsu v. U.S.* in 1944.

Citation

The Oyez Project, *United States v. Carolene Products Co.* 304 U.S. 144 (1938) available at: (http://oyez.org/cases/1901-1939/1937/1937_640)

United States v. Darby (1941)

Facts of the Case:

In 1938, Congress passed the Fair Labor Standards Act to regulate many aspects of employment including minimum wages, maximum weekly hours, and child labor. Corporations that did not comply and which engaged in interstate commerce or produced goods which were sold in other states were punished for violating the statute.

Question:

Was the act a legitimate exercise of Congress's power to regulate interstate commerce?

Conclusion:

Yes. The unanimous Court affirmed the right of Congress to exercise "to its utmost extent" the powers reserved for it in the Commerce Clause. Relying heavily on the Court's decision in *Gibbons v. Ogden* (1824), Justice Stone argued that the "motive and purpose of a regulation of interstate commerce are matters for the legislative judgment...over which the courts are given no control." Congress acted with proper authority in outlawing substandard labor conditions since they have a significant impact on interstate commerce.

Citation

The Oyez Project, *United States v. Darby*, 312 U.S. 100 (1941) available at: (http://oyez.org/cases/1940-1949/1940/1940_82)

Major Supreme Court Cases Summaries

United States v. Knotts (1983)

Facts of the Case:

Minnesota police believed co-defendant Armstrong was buying chloroform to use in making illicit drugs, so they arranged with a seller to place a radio transmitter into a container Armstrong purchased. Officers used the transmitter signals to follow the car into which the chloroform container was placed, which led them to Knotts's remote cabin in Wisconsin. After three days of visual surveillance, officers obtained a search warrant and entered the cabin, where they found the chloroform with materials and equipment for making amphetamines. Knotts attempted to have the transmitter evidence suppressed on the grounds that the warrantless monitoring constituted an illegal search, but was denied and convicted. An appellate court reversed the decision, holding that the transmitter violated his Fourth Amendment rights.

Question:

Did planting a radio transmitter and monitoring its signal without a warrant constitute an illegal search or seizure?

Conclusion:

No. The defendant had no reasonable expectation to privacy that was breached by the radio transmitter. Police essentially followed the involved car on public streets, where there is no legitimate expectation of privacy. Nothing suggested police used the transmitter to follow the movements inside the cabin, where there is an expectation of privacy, and nothing in the Fourteenth Amendment prevents the use of technology to aid in sensory surveillance.

Citation

United States v. Knotts, 460 U.S. 276 (1983), <http://supreme.justia.com/us/460/276/>

United States v. Lopez (1995)

Facts of the Case:

Alfonzo Lopez, a twelfth grade high school student, carried a concealed weapon into his San Antonio, Texas high school. He was charged under Texas law with firearm possession on school premises. The next day, the state charges were dismissed after federal agents charged Lopez with violating a federal criminal statute, the Gun-Free School Zones Act of 1990. The act forbids "any individual knowingly to possess a firearm at a place that [he] knows...is a school zone." Lopez was found guilty following a bench trial and sentenced to six months' imprisonment and two years' supervised release.

Question:

Is the 1990 Gun-Free School Zones Act, forbidding individuals from knowingly carrying a gun in a school zone, unconstitutional because it exceeds the power of Congress to legislate under the Commerce Clause?

Conclusion:

Yes. The possession of a gun in a local school zone is not an economic activity that might, through repetition elsewhere, have a substantial effect on interstate commerce. The law is a criminal statute that has nothing to do with "commerce" or any sort of economic activity.

Citation

The Oyez Project, United States v. Lopez, 514 U.S. 549 (1995) available at: (http://oyez.org/cases/1990-1999/1994/1994_93_1260)

Major Supreme Court Cases Summaries

United States v. Morrison (2000)

Facts of the Case:

Hazel Morrison was indicted for distributing heroin and obtained private counsel for her defense. Without her counsel's knowledge two agents of the Drug Enforcement Agency (DEA) conversed with her regarding a related investigation. During this conversation the agents advised that she have a public defender represent her instead of her private counsel. They also told her that the severity of her punishment would depend on how well she cooperated with them. Morrison notified her counselor immediately and did not speak to the agents about the investigation. She unsuccessfully petitioned the district court to dismiss her indictment on the ground that the agents had violated her Sixth Amendment right to counsel. Morrison then entered a guilty plea to one count of the indictment. On appeal the Court of Appeals for the Third Circuit found that Morrison's Sixth Amendment rights had been violated and ruled to drop all charges against her.

Question:

Did the United States Court of Appeals for the Third Circuit wrongfully dismiss criminal charges on the ground that the defendant's Sixth Amendment right to counsel was violated in a way that had no tangible effect upon court proceedings?

Conclusion:

Yes. Justice Byron White authored the opinion for the Court unanimously reversing the Third Circuit's decision. For sake of argument, the Court granted that Morrison's Sixth Amendment right to counsel had been violated, but held that this did not merit the dismissal of all charges since the conduct of the agents did not prejudice the outcome of the trial. The Court maintained that Sixth Amendment violations should not be remedied beyond the scope of the harm they inflicted upon the defendant.

Citation

The Oyez Project, *United States v. Morrison*, 529 U.S. 598 (2000) available at: (http://oyez.org/cases/1990-1999/1999/1999_99_5)

United States v. Nixon (1974)

Facts of the Case:

A grand jury returned indictments against seven of President Richard Nixon's closest aides in the Watergate affair. The special prosecutor appointed by Nixon and the defendants sought audio tapes of conversations recorded by Nixon in the Oval Office. Nixon asserted that he was immune from the subpoena claiming "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest.

Question:

Is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, entirely immune from judicial review?

Conclusion:

No. The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. Nixon resigned shortly after the release of the tapes.

Citation

The Oyez Project, *United States v. Nixon*, 418 U.S. 683 (1974) available at: (http://oyez.org/cases/1970-1979/1974/1974_73_1766)

Major Supreme Court Cases Summaries

United States v. Patane (2004)

Facts of the Case:

Samuel Patane was arrested at his home for calling his ex-girlfriend in violation of a restraining order. During the arrest, police officers began reading Patane his Miranda rights. Patane told the officers that he knew his rights. The officers then stopped reading them, at which point Patane told police that he had a gun in his house. They searched the house with his permission and found the gun. As an ex-felon, Patane was not permitted to possess a gun and was prosecuted for possession. During the trial on gun possession charges, Patane argued that his arrest violated the Fourth Amendment prohibition of unreasonable searches and seizures and the Fifth Amendment right not to incriminate oneself because there was not probable cause to arrest him and because the gun had been found as a result of an un-Mirandized confession. The district court initially ruled that there was not probable cause for his arrest and that it was therefore unconstitutional. A Tenth Circuit Court of Appeals panel disagreed, holding that Patane's ex-girlfriend had given police probable cause for the arrest. However, the panel held that gun could not be used as evidence because it had been found as the result of an un-Mirandized (and therefore unconstitutional) confession. The government appealed, arguing that physical evidence found as the result of un-Mirandized testimony could be used in court, despite the fact that the testimony itself was inadmissible.

Question:

Can physical evidence found as a result of un-Mirandized but voluntary testimony be used in court?

Conclusion:

Yes. In a decision without a majority opinion, three justices wrote that the Miranda warnings were merely intended to prevent violations of the Constitution, and that because Patane's un-Mirandized testimony was not admitted at trial the Constitution (specifically the Fifth Amendment's protection against self-incrimination) had not been violated. Physical evidence obtained from un-Mirandized statements, as long as those statements were not forced by police, were constitutionally admissible. Two other justices also held that the physical evidence was constitutionally admissible, but did so with the understanding that the Miranda warnings must be accommodated to other objectives of the criminal justice system. They did not discuss whether the Miranda warnings were, in themselves, constitutionally required.

Citation

United States v. Patane, 542 U.S. 630 (2004), http://www.oyez.org/cases/2000-2009/2003/2003_02_1183

United States v. Robinson (1973)

Facts of the Case:

A police officer pulled over and arrested Robinson for operating an automobile without a valid permit. The officer then frisked Robinson and discovered a crumpled cigarette package containing fourteen vials of heroin in his pocket.

Question:

Did the officer's search violate the Fourth Amendment?

Conclusion:

No. Distinguishing between searches done to discover concealed weapons and those conducted coextensive with an arrest, Justice Rehnquist argued since the officer did not conduct the search in an abusive or extreme manner, and because he acted consistent with the authority vested in a police officer when making an arrest, his actions were legitimate.

Citation

The Oyez Project, United States v. Robinson, 414 U.S. 218 (1973) available at: (http://oyez.org/cases/1970-1979/1973/1973_72_936)

Major Supreme Court Cases Summaries

United States v. Wade (1967)

Facts of the Case:

Several weeks after a man was indicted for robbery of a federally insured bank and for conspiracy, he was placed in a lineup in which each person wore strips of tape on his face, as the robber allegedly had done, and, on direction, repeated words like those the robber allegedly had used. This was done without notice to his appointed counsel. Two bank employees identified respondent as the robber. At trial, when asked if the robber was in the courtroom, the employees identified the defendant. The prior lineup identifications were elicited on cross-examination. Urging that the conduct of the lineup violated his Fifth Amendment privilege against self-incrimination and his Sixth Amendment right to counsel, the man filed a motion for acquittal or, alternatively, to strike the courtroom identifications. The trial court denied the motions, and the man was convicted. An appellate court reversed the decision, holding that, though there was no Fifth Amendment deprivation, the absence of counsel at the lineup denied respondent his right to counsel under the Sixth Amendment and required the grant of a new trial at which the in-court identifications of those who had made lineup identifications would be excluded.

Question:

1. Did the line up violate Wade's Fifth Amendment protection against self-incrimination? 2. Did the absence of counsel at the line up deprive him of his Sixth Amendment rights?

Conclusion:

1. No. 2. Yes. Neither the lineup itself nor anything required therein violated respondent's Fifth Amendment privilege against self-incrimination, since merely exhibiting his person for observation by witnesses and using his voice as an identifying physical characteristic involved no compulsion of the accused to give evidence of a testimonial nature against himself which is prohibited by that Amendment. However, the Sixth Amendment guarantees an accused the right to counsel not only at his trial but at any critical confrontation by the prosecution at pretrial proceedings where the results might well determine his fate and where the absence of counsel might derogate from his right to a fair trial. The post-indictment lineup (unlike such preparatory steps as analyzing fingerprints and blood samples) was a critical prosecutive stage at which respondent was entitled to the aid of counsel.

Citation

United States v. Wade, 388 U.S. 218 (1967), <http://supreme.justia.com/us/388/218/case.html>

United States v. Wong Kim Ark (1898)

Facts of the Case:

The Chinese Exclusion Acts denied citizenship to Chinese immigrants. Moreover, by treaty no Chinese subject in the United States could become a naturalized citizen. Wong Kim Ark was born in San Francisco. At age 21, he returned to China to visit his parents who had previously resided in the United States for 20 years. When he returned to the United States, Wong was denied entry on the ground that he was not a citizen.

Question:

Could the government deny naturalization to persons born in the United States in violation of the Fourteenth Amendment?

Conclusion:

No. The government could not deny naturalization to anyone born in the United States. To reach this conclusion, Justice Gray's tedious majority opinion managed to traverse much of western civilization.

Citation

The Oyez Project, United States v. Wong Kim Ark, 169 U.S. 649 (1898) available at: (http://oyez.org/cases/1851-1900/1896/1896_132)

Major Supreme Court Cases Summaries

University of California Regents v. Bakke (1978)

Facts of the Case:

Allan Bakke, a thirty-five-year-old white man, had twice applied for admission to the University of California Medical School at Davis. He was rejected both times. The school reserved sixteen places in each entering class of one hundred for "qualified" minorities, as part of the university's affirmative action program, in an effort to redress longstanding, unfair minority exclusions from the medical profession. Bakke's qualifications (college GPA and test scores) exceeded those of any of the minority students admitted in the two years Bakke's applications were rejected. Bakke contended, first in the California courts, then in the Supreme Court, that he was excluded from admission solely on the basis of race.

Question:

Did the University of California violate the Fourteenth Amendment's equal protection clause, and the Civil Rights Act of 1964, by practicing an affirmative action policy that resulted in the repeated rejection of Bakke's application for admission to its medical school?

Conclusion:

No and yes. There was no single majority opinion. Four of the justices contended that any racial quota system supported by government violated the Civil Rights Act of 1964. Justice Lewis F. Powell, Jr., agreed, casting the deciding vote ordering the medical school to admit Bakke. However, in his opinion, Powell argued that the rigid use of racial quotas as employed at the school violated the equal protection clause of the Fourteenth Amendment. The remaining four justices held that the use of race as a criterion in admissions decisions in higher education was constitutionally permissible. Powell joined that opinion as well, contending that the use of race was permissible as one of several admission criteria. So, the Court managed to minimize white opposition to the goal of equality (by finding for Bakke) while extending gains for racial minorities through affirmative action.

Citation

The Oyez Project, *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978) available at: (http://oyez.org/cases/1970-1979/1977/1977_76_811)

Vacco v. Quill (1997)

Facts of the Case:

Dr. Timothy E. Quill, along with other physicians and three seriously ill patients who have since died, challenged the constitutionality of the New York state's ban on physician-assisted suicide. New York's ban, while permitting patients to refuse lifesaving treatment on their own, has historically made it a crime for doctors to help patients commit or attempt suicide, even if patients are terminally ill or in great pain. Following a district court ruling favoring the state of New York, the Second Circuit reversed and the Supreme Court agreed to hear the case.

Question:

Did New York's ban on physician-assisted suicide violate the Fourteenth Amendment's equal protection clause by allowing competent terminally ill adults to withdraw their own lifesaving treatment, but denying the same right to patients who could not withdraw their own treatment and could only hope that a physician would do so for them?

Conclusion:

No. Employing a rationality test to examine the guarantees of the Equal Protection Clause, the Court held that New York's ban was rationally related to the state's legitimate interest in protecting medical ethics, preventing euthanasia, shielding the disabled and terminally ill from prejudice which might encourage them to end their lives, and, above all, the preservation of human life. Moreover, while acknowledging the difficulty of its task, the Court distinguished between the refusal of lifesaving treatment and assisted suicide, by noting that the latter involves the criminal elements of causation and intent. No matter how noble a physician's motives may be, he may not deliberately cause, hasten, or aid a patient's death.

Citation

Vacco v. Quill, 521 U.S. 793 (1997), http://www.oyez.org/cases/1990-1999/1996/1996_95_1858

Major Supreme Court Cases Summaries

Van Orden v. Perry (2005)

Facts of the Case:

Thomas Van Orden sued Texas in federal district court, arguing a Ten Commandments monument on the grounds of the state capitol building represented an unconstitutional government endorsement of religion. Orden argued this violated the First Amendment's establishment clause, which prohibits the government from passing laws "respecting an establishment of religion." The district court and the Fifth Circuit Court of Appeals ruled against Orden and said the monument served a valid secular purpose and would not appear to a reasonable observer to represent a government endorsement of religion.

Question:

Does a Ten Commandments monument on the grounds of a state capitol building violate the First Amendment's establishment clause, which barred the government from passing laws "respecting an establishment of religion?"

Conclusion:

No. In 5-4 decision, and in a four-justice opinion delivered by Chief Justice William H. Rehnquist, the Court held that the establishment clause did not bar the monument on the grounds of Texas' state capitol building. The plurality deemed the Texas monument part of the nation's tradition of recognizing the Ten Commandments' historical meaning. Though the Commandments are religious, the plurality argued, "simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the establishment clause."

Citation

Van Orden v. Perry, 545 U.S. 677 (2005), http://www.oyez.org/cases/2000-2009/2004/2004_03_1500

Wallace v. Jaffree (1985)

Facts of the Case:

An Alabama law authorized teachers to set aside one minute for voluntary prayer or meditation in school classrooms during the school day. Three of Jaffree's children attended public schools in Mobile.

Question:

Did Alabama law violate the First Amendment's establishment clause?

Conclusion:

Yes. The Court determined the constitutionality of Alabama's prayer and meditation statute by applying the secular purpose test, which asked if the state's actual purpose was to endorse or disapprove of religion. The Court held that Alabama's passage of the prayer and meditation statute was not only a deviation from the state's duty to maintain absolute neutrality toward religion, but was an affirmative endorsement of religion. As such, the statute clearly lacked any secular purpose as it sought to establish religion in public schools, thereby violating the First Amendment's establishment clause.

Citation

The Oyez Project, Wallace v. Jaffree, 472 U.S. 38 (1985) available at: (http://oyez.org/cases/1980-1989/1984/1984_83_812)

Major Supreme Court Cases Summaries

Waller v. Georgia (1984)

Facts of the Case:

Acting under court authorization, Georgia police placed wiretaps on a number of phones and conducted searches pursuant to an investigation of illegal gambling. A number of people were indicted as a result of the investigation. The defendants moved to suppress the wiretaps and the evidence seized during the searches. Because the wiretap evidence related to alleged offenders not then on trial, Georgia moved to close to the public any hearing on the motion to suppress. A trial court upheld Georgia's move to close the hearing.

Question:

Did the closure of the hearing violate the right to a public trial under the Sixth and Fourteenth Amendments?

Conclusion:

In a unanimous decision, the Court held that the Sixth Amendment right to a public trial applied to suppression hearings. The Court found that the "aims and interests" of public trials were "no less pressing in a hearing to suppress wrongfully seized evidence." The Court noted that the presumption of openness for trials could be overcome only by overriding interests based on findings that closure was absolutely necessary to preserve higher values and was narrowly tailored to serve those interests.

Citation

The Oyez Project, *Waller v. Georgia*, 467 U.S. 39 (1984) available at: (http://oyez.org/cases/1980-1989/1983/1983_83_321)

Ward v. Rock Against Racism (1989)

Facts of the Case:

New York City, responding to complaints of high-decibel concerts adjoining residential neighborhoods, mandated the use of city-provided sound systems and technicians for concerts in Central Park. Members of rock groups claimed that the inability to use their own sound equipment and technicians in a concert in a public forum interfered with their First Amendment rights of expression.

Question:

Does the New York ordinance substituting a city-employed technician and mixing board for a performer's mixer and equipment violate the First Amendment?

Conclusion:

No. The Court upheld the ordinance, giving broad deference to the government's interest in maintaining order. As long as "the means chosen are not substantially broader than necessary to achieve the government's interest," a regulation will not be invalidated because a court concludes that the government's interest "could be adequately served by some less-speech-restrictive alternative."

Citation

The Oyez Project, *Ward v. Rock Against Racism*, 491 U.S. 781 (1989) available at: (http://oyez.org/cases/1980-1989/1988/1988_88_226)

Major Supreme Court Cases Summaries

Wards Cove Packing v. Atonio (1989)

Facts of the Case:

Wards Cove Packing Co. employed primarily nonwhite workers for unskilled seasonal jobs canning fish. A group of nonwhite workers filed suit in federal district court alleging that Wards Cove practiced discriminatory hiring in violation of Title VII of the Civil Rights Act of 1964. As evidence, the group compared the high percentage of nonwhites in unskilled work with the high percentage of whites in skilled work. The district court rejected this claim because it found that Wards received unskilled workers through a hiring agency that enrolled primarily nonwhites. The ninth circuit court reversed the decision. It held that Wards had the burden of proof to show that its hiring practices were not discriminatory after the claimants presented evidence of racial disparity.

Question:

Once employees present evidence of racial disparity among different classes of jobs, does the employer have to justify this disparity as a "business necessity" in order to avoid a "disparate impact" lawsuit under Title VII of the Civil Rights Act of 1964?

Conclusion:

No. Justice Byron R. White delivered the opinion for a 5-4 court. The fact that one class of jobs at a firm has a higher percentage of nonwhites than another class does not by itself prove that the firm practices discriminatory hiring. Comparisons of race percentages among different job classes could wrongfully blame the employer, since what appears to show racial discrimination could in reality reflect the racial differences that exist in the labor market at large. Instead, the Court held that "the proper comparison is generally between the racial composition of the at-issue jobs and the racial composition of the qualified population in the relevant labor market." If a substantial difference is found, then the claimants must show that it is the result of a hiring practice of the employer.

Citation

Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989), http://www.oyez.org/cases/1980-1989/1988/1988_87_1387

Ware v. Hylton (1796)

Facts of the Case:

This case involved the Treaty of Paris, which established peace in 1783. A Virginian owed a debt to a British subject. A Virginia law provided for the confiscation of such debts on the ground the debt was owed to an alien enemy. The British subject (actually, his administrator) sued in a federal court to recover on the bond. The administrator argued that the Treaty of Paris ensured the collection of such debts.

Question:

Does the Treaty of Paris override an otherwise valid state law?

Conclusion:

Four of the five justices wrote opinions. It was the practice of that time for the Court to issue opinions one after another, and there was no "opinion for the Court." Collectively, the justices held that federal courts had the power to determine the constitutionality of state laws. They invalidated the Virginia law under the supremacy clause and, in the words of a distinguished scholar of the period, "established for all time [the Supreme Court's] power of judicial review of state laws."

Citation

The Oyez Project, Ware v. Hylton, 3 U.S. 199 (1796) available at: (http://oyez.org/cases/1792-1850/1796/1796_0)

Major Supreme Court Cases Summaries

Washington v. Glucksberg (1997)

Facts of the Case:

Dr. Harold Glucksberg--along with four other physicians, three terminally ill patients who have since died, and a nonprofit organization that counsels individuals contemplating physician assisted-suicide--brought this suit challenging the state of Washington's ban on physician assisted-suicide. The state of Washington has historically criminalized the promotion of suicide attempts by those who "knowingly cause or aid another person to attempt suicide." Glucksberg alleged that Washington's ban was unconstitutional. Following a district court ruling favoring Glucksberg and his fellow petitioners, the Ninth Circuit affirmed the decision and the Supreme Court agreed to hear Washington's case.

Question:

Did Washington's ban on physician assisted-suicide violate the Fourteenth Amendment's due process clause by denying competent terminally ill adults the liberty to choose death over life?

Conclusion:

No. Analyzing the guarantees of the Due Process Clause, the Court focused on two primary aspects: the protection of our nation's objective fundamental, historically rooted, rights and liberties; and the cautious definition of what constitutes a due process liberty interest. The Court held that the right to assisted suicide is not a fundamental liberty interest protected by the Due Process Clause since its practice has been, and continues to be, offensive to our national traditions and practices. Moreover, employing a rationality test, the Court held that Washington's ban was rationally related to the state's legitimate interest in protecting medical ethics, shielding disabled and terminally ill people from prejudice which might encourage them to end their lives, and, above all, the preservation of human life.

Citation

The Oyez Project, *Washington v. Glucksberg*, 521 U.S. 702 (1997) available at: (http://oyez.org/cases/1990-1999/1996/1996_96_110)

Watchtower Bible & Tract Society of New York v. Village of Stratton (2002)

Facts of the Case:

The Village of Stratton passed an ordinance that prohibits canvassers from entering private residential property to promote any cause without first obtaining a permit from the mayor's office. The Watchtower Bible and Tract Society of New York, Inc., a congregation of Jehovah's Witnesses that publishes and distributes religious materials, sought an injunction, alleging that the ordinance violates their First Amendment rights to the free exercise of religion, free speech, and freedom of the press. The district court upheld most provisions of the ordinance as valid, content-neutral regulations. The appellate court agreed, concluding that the Village's interests in protecting its residents from fraud and its desire to prevent criminals from posing as canvassers in order to defraud its residents were sufficient bases on which to justify the regulation.

Question:

Does a municipal ordinance that requires a permit prior to engaging in the door-to-door advocacy of a political cause and to display upon demand the permit, which contains one's name, violate the First Amendment protection accorded to anonymous pamphleteering or discourse?

Conclusion:

Yes. In an 8-1 opinion delivered by Justice John Paul Stevens, the Court held that the ordinance's provisions making it a misdemeanor to engage in door-to-door advocacy without first registering with the mayor and receiving a permit violate the First Amendment as it applies to religious proselytizing, anonymous political speech, and the distribution of handbills. The Court reasoned that the village's interest in preventing fraud could not support the ordinance's application to the religious organizations, to political campaigns, or to enlisting support for unpopular causes. Dissenting, Chief Justice William H. Rehnquist argued that the Court decision deprived Stratton residents of the degree of accountability and safety that the permit requirement provides.

Citation

The Oyez Project, *Watchtower Bible & Tract Society of New York v. Village of Stratton*, 536 U.S. 150 (2002) available at: (http://oyez.org/cases/2000-2009/2001/2001_00_1737)

Major Supreme Court Cases Summaries

Weeks v. United States (1914)

Facts of the Case:

Police entered the home of Fremont Weeks and seized papers which were used to convict him of transporting lottery tickets through the mail. This was done without a search warrant. Weeks took action against the police and petitioned for the return of his private possessions.

Question:

Did the search and seizure of Weeks's home violate the Fourth Amendment?

Conclusion:

Yes. In a unanimous decision, the Court held that the seizure of items from Weeks's residence directly violated his constitutional rights. The Court also held that the government's refusal to return Weeks' possessions violated the Fourth Amendment. To allow private documents to be seized and then held as evidence against citizens would have meant that the protection of the Fourth Amendment declaring the right to be secure against such searches and seizures would be of no value whatsoever. This was the first application of what eventually became known as the "exclusionary rule."

Citation

The Oyez Project, *Weeks v. United States*, 232 U.S. 383 (1914) available at: (http://oyez.org/cases/1901-1939/1913/1913_461)

Welsh v. United States (1970)

Facts of the Case:

On March 27, 1964, Elliot Ashton Welsh II was ordered by the Selective Service to report for physical examination after having been classified I-A and available for military service. Welsh requested and filed an application for conscientious objector status. On his form, Welsh specifically indicated that his objection was not rooted in religious belief; he responded "No" where the questionnaire asked if he believed in a supreme being. An appeal board rejected his application. Welsh refused to appear for induction and, on June 1, 1966, was sentenced to three years imprisonment. The Court ruled in *United States v. Seeger* (1965) that conscientious objector status was not reserved to individuals of a traditional religious background. On appeal, however, the Ninth Circuit court of appeals found that because Welsh denied any religious foundation for his beliefs, whereas Seeger had characterized his pacifist beliefs as "religious," Welsh's conviction was valid.

Question:

Can Welsh claim conscientious objector status even though he professes no religious-based objection?

Conclusion:

Yes. In a 5-3 plurality opinion authored by Justice Hugo L. Black, the Court declared a registrant's characterization of his beliefs as nonreligious to be "a highly unreliable guide for those charged with administering the exemption." According to Justice Black, the term "religious" is broadly scoped, and denying conscientious objector status because of a refusal to use the term "places undue emphasis on the registrant's interpretation of his own beliefs." The Court therefore reasoned that conscientious objector status applies to "all those whose consciences, spurred by deeply held moral, ethical, or religious beliefs, would give them no rest or peace if they allowed themselves to become a part of an instrument of war."

Citation

Welsh v. United States, 398 U.S. 333 (1970), http://www.oyez.org/cases/1960-1969/1969/1969_76

Major Supreme Court Cases Summaries

Wesberry v. Sanders (1964)

Facts of the Case:

James P. Wesberry, Jr. filed a suit against Georgia governor Carl E. Sanders, protesting the state's apportionment scheme. The Fifth Congressional District, of which Wesberry was a member, had a population two to three times larger than some of the other districts in the state. Wesberry claimed this system diluted his right to vote compared to other Georgia residents.

Question:

Did Georgia's congressional districts violate the Fourteenth Amendment or deprive citizens of the full benefit of their right to vote?

Conclusion:

Yes. The Court held that Georgia's apportionment scheme grossly discriminated against voters in the Fifth Congressional District. Because a single congressman had to represent two to three times as many people as were represented by congressmen in other districts, the Georgia statute contracted the value of some votes and expanded the value of others. The Court recognized that "no right is more precious" than that of having a voice in elections and held that "to say that a vote is worth more in one district than in another would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected 'by the People.'"

Citation

The Oyez Project, *Wesberry v. Sanders*, 376 U.S. 1 (1964) available at: (http://oyez.org/cases/1960-1969/1963/1963_22)

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

Facts of the Case:

The West Virginia Board of Education required that the flag salute be part of the program of activities in all public schools. All teachers and pupils were required to honor the flag; refusal to salute was treated as "insubordination" and was punishable by expulsion and charges of delinquency.

Question:

Did the compulsory flag salute for public schoolchildren violate the First Amendment?

Conclusion:

Yes. In a 6-to-3 decision, the Court overruled its decision in *Minersville School District v. Gobitis* and held that compelling public schoolchildren to salute the flag was unconstitutional. The Court found that such a salute was a form of utterance and was a means of communicating ideas. "Compulsory unification of opinion," the Court held, was doomed to failure and was antithetical to First Amendment values. Writing for the majority, Justice Jackson argued that "if there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

Citation

The Oyez Project, *West Virginia State Board of Ed. v. Barnette*, 319 U.S. 624 (1943) available at: (http://oyez.org/cases/1940-1949/1942/1942_591)

Major Supreme Court Cases Summaries

Whitney v. California (1927)

Facts of the Case:

Charlotte Anita Whitney, a member of the Communist Labor Party of California, was prosecuted under that state's Criminal Syndicalism Act. The act prohibited advocating, teaching, or aiding the commission of a crime, including "terrorism as a means of accomplishing a change in industrial ownership...or effecting any political change."

Question:

Did the Criminal Syndicalism Act violate the First or Fourteenth Amendments?

Conclusion:

In a unanimous decision, the Court sustained Whitney's conviction and held that the act did not violate the Constitution. The Court found that the Act violated neither the Due Process Clause nor the Equal Protection Clause, and that freedom of speech guaranteed by the First Amendment was not an absolute right. The Court argued "that a State...may punish those who abuse this freedom by utterances...tending to...endanger the foundations of organized government and threaten its overthrow by unlawful means" and was not open to question. The decision is most notable for the concurring opinion written by Justice Brandeis, in which he argued that only clear, present, and imminent threats of "serious evils" could justify suppression of speech.

Citation

The Oyez Project, *Whitney v. California*, 274 U.S. 357 (1927) available at: (http://oyez.org/cases/1901-1939/1925/1925_3)

Wickard v. Filburn (1942)

Facts of the Case:

Filburn was a small farmer in Ohio. He was given a wheat acreage allotment of 11.1 acres under a Department of Agriculture directive which authorized the government to set production quotas for wheat. Filburn harvested nearly 12 acres of wheat above his allotment. He claimed that he wanted the wheat for use on his farm, including feed for his poultry and livestock. Filburn was penalized. He argued that the excess wheat was unrelated to commerce since he grew it for his own use.

Question:

Is the amendment subjecting Filburn to acreage restrictions in violation of the Constitution because Congress has no power to regulate activities local in nature?

Conclusion:

According to Filburn, the act regulated production and consumption, which are local in character. The rule laid down by Justice Jackson is that even if an activity is local and not regarded as commerce, "it may still, whatever its nature, be reached by Congress if it exerts a substantial economic effect on interstate commerce, and this irrespective of whether such effect is what might at some earlier time have been defined as 'direct' or 'indirect.'"

Citation

The Oyez Project, *Wickard v. Filburn*, 317 U.S. 111 (1942) available at: (http://oyez.org/cases/1940-1949/1942/1942_59)

Major Supreme Court Cases Summaries

Williams v. Florida (1970)

Facts of the Case:

In 1967, the state of Florida passed legislation to allow six-member juries in criminal cases. Johnny Williams was tried and convicted for robbery by such a jury. Williams, lost in a Florida appellate court; he appealed to the U.S. Supreme Court.

Question:

Did a trial by jury of less than 12 persons violate the Sixth Amendment?

Conclusion:

No. The Court held that "the 12-man [jury] requirement cannot be regarded as an indispensable component of the Sixth Amendment." The Court found that the purpose of the jury trial was "to prevent oppression by the Government," and that the performance of this role was not dependent on the particular number of people on the jury. The Court concluded that "the fact that the jury at common law was composed of precisely 12 is a historical accident, unnecessary to effect the purposes of the jury system and wholly without significance 'except to mystics.'"

Citation

The Oyez Project, *Williams v. Florida*, 399 U.S. 78 (1970) available at: (http://oyez.org/cases/1960-1969/1969/1969_927)

Wisconsin v. Yoder (1972)

Facts of the Case:

Jonas Yoder and Wallace Miller, both members of the Old Order Amish religion, and Adin Yutzy, a member of the Conservative Amish Mennonite Church, were prosecuted under a Wisconsin law that required all children to attend public schools until age 16. The three parents refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

Question:

Did Wisconsin's requirement that all parents send their children to school at least until age 16 violate the First Amendment by criminalizing the conduct of parents who refused to send their children to school for religious reasons?

Conclusion:

In a unanimous decision, the Court held that individual's interests in the free exercise of religion under the First Amendment outweighed the state's interests in compelling school attendance beyond the eighth grade. In the majority opinion by Chief Justice Warren E. Burger, the Court found that the values and programs of secondary school were "in sharp conflict with the fundamental mode of life mandated by the Amish religion," and that an additional one or two years of high school would not produce the benefits of public education cited by Wisconsin to justify the law. Justice William O. Douglas filed a partial dissent but joined with the majority regarding Yoder.

Citation

The Oyez Project, *Wisconsin v. Yoder*, 406 U.S. 205 (1972) available at: (http://oyez.org/cases/1970-1979/1971/1971_70_110)

Wolf v. Colorado (1949)

Facts of the Case:

The Colorado Supreme Court upheld a number of convictions in which evidence was admitted that would have been inadmissible in a prosecution for violation of a federal law in a federal court.

Question:

Were the states required to exclude illegally seized evidence from trial under the Fourth and Fourteenth Amendments?

Conclusion:

Sometimes. In a 6-to-3 decision, the Court held that the Fourteenth Amendment did not subject criminal justice in the states to specific limitations and that illegally obtained evidence did not have to be excluded from trials in all cases. The Court reasoned that while the exclusion of evidence may have been an effective way to deter unreasonable searches, other methods could be equally effective and would not fall below the minimal standards assured by the Due Process Clause. Civil remedies, such as "the internal discipline of the police, under the eyes of an alert public opinion," were sufficient.

Citation

The Oyez Project, *Wolf v. Colorado*, 338 U.S. 25 (1949) available at: (http://oyez.org/cases/1940-1949/1948/1948_17)

Major Supreme Court Cases Summaries

Wong Wing v. United States (1896)

Facts of the Case:

The Chinese Exclusion Act imposed imprisonment at hard labor and deportation to Chinese persons convicted of unlawful entry to or presence in the United States. Wong Wing was charged under the act. A commissioner of the circuit court (who was not a judge) found that Wong Wing was an unlawful alien and sentenced him to 60 days at hard labor followed by deportation to China. Wong Wing sought a writ of habeas corpus, but it was denied. He appealed to the Supreme Court.

Question:

Does penalty of imprisonment at hard labor and deportation without a jury trial constitute a violation of the Fifth and Sixth Amendments?

Conclusion:

Yes; consequently, the imprisonment provisions of the act are void. Congress may deport without a jury trial, but imprisonment at hard labor is an infamous offense calling for judicial trial to establish the guilt of the accused. "It is not consistent with our theory of government that the legislature should, after having defined an offense as an infamous crime, find the fact of guilt and adjudge the punishment by one of its own agents."

Citation

The Oyez Project, *Wong Wing v. United States*, 163 U.S. 228 (1896) available at: (http://oyez.org/cases/1851-1900/1895/1895_204)

Worcester v. Georgia (1832)

Facts of the Case:

In September 1831, Samuel A. Worcester and several others, all non-Native Americans, were indicted in the Gwinnett county supreme court in Georgia for "residing within the limits of the Cherokee nation without a license" and "without having taken the oath to support and defend the constitution and laws of the state of Georgia." They were indicted under an 1830 act of the Georgia legislature titled, "an act to prevent the exercise of assumed and arbitrary power by all persons, under pretext of authority from the Cherokee Indians." Worcester argued that the state could not maintain the prosecution because the statute violated the Constitution, treaties between the United States and the Cherokee nation, and an act of Congress titled, "an act to regulate trade and intercourse with the Indian tribes." Worcester was convicted and sentenced to "hard labour in the penitentiary for four years."

Question:

Does the state of Georgia have the authority to regulate interactions between citizens of its state and members of the Cherokee Nation?

Conclusion:

No. In an opinion delivered by Chief Justice John Marshall, the Court held that the Georgia act under which Worcester was prosecuted violated the Constitution, treaties, and laws of the United States. Noting that the "treaties and laws of the United States contemplate the Indian territory as completely separated from that of the states; and provide that all intercourse with them shall be carried on exclusively by the government of the union," Chief Justice 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." The Georgia act thus interfered with the federal government's authority and was unconstitutional. Justice Henry Baldwin dissented for procedural reasons and on the merits.

Citation

The Oyez Project, *Worcester v. Georgia*, 31 U.S. 515 (1832) available at: (http://oyez.org/cases/1792-1850/1832/1832_2)

Major Supreme Court Cases Summaries

Yates v. United States (1957)

Facts of the Case:

On June 30, 1952, during testimony in the case of *United States v. Schneiderman*, Oleta O'Connor Yates, an admitted leader of the Communist Party of California, refused to answer eleven questions regarding the identities of other members of the party. For her refusal Yates was found in criminal contempt and sentenced to eleven concurrent sentences of one year. The judge in the case stated that if Yates answered the questions within sixty days of conviction, he would accept her testimony. Yates continued to refuse. Yates appealed the contempt convictions on the ground that the court's intention was to coerce her to testify, rather than punish her. This would make the contempt charges civil, rather than criminal, and Yates's convictions would be a violation of due process. Yates further claimed that eleven contempt sentences for a line of questioning also violated due process. The Ninth Circuit Court of Appeals rejected Yates's claims and upheld her convictions.

Question:

Did Yates's contempt convictions violate the due process clause of the Fifth Amendment?

Conclusion:

Yes. In a 6-3 decision authored by Justice Tom C. Clark, the Court found that Yates's contempt convictions were indeed criminal, but also found that eleven convictions for what amounted to a single instance of contempt violated due process. The judge in the case stated that, were Yates to concede to answer the questions, she would still be held for contempt, even though the court would accept her testimony. This, the Court reasoned, indicated that the convictions were intended to punish Yates and not to coerce her testimony. However, the Court also found that every question for which Yates was found in contempt "fell within the same area of refusal." Noting that it would be improper for the prosecution to multiply contempts by repeated questioning on the same inquiry, the Court vacated all but the first conviction for contempt.

Citation

The Oyez Project, *Yates v. United States*, 355 U.S. 66 (1957) available at: (http://oyez.org/cases/1950-1959/1956/1956_2)

Youngstown Sheet and Tube Co. v. Sawyer (1952)

Facts of the Case:

In April 1952, during the Korean War, President Truman issued an executive order directing Secretary of Commerce Charles Sawyer to seize and operate most of the nation's steel mills. This was done in order to avert the expected effects of a strike by the United Steelworkers of America.

Question:

Did the president have the constitutional authority to seize and operate the steel mills?

Conclusion:

No. In a 6-to-3 decision, the Court held that the president did not have the authority to issue such an order. The Court found that there was no congressional statute that authorized the president to take possession of private property. The Court also held that the president's military power as Commander in Chief of the Armed Forces did not extend to labor disputes. The Court argued that "the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker."

Citation

The Oyez Project, *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) available at: (http://oyez.org/cases/1950-1959/1951/1951_744)

Major Supreme Court Cases Summaries

Zorach v. Clauson (1952)

Facts of the Case:

In McCollum v. Board of Education, the Supreme Court disallowed an Illinois program in which representatives of religious groups came to public schools and taught classes during the school day. In the aftermath of that decision, New York City began a program in which students in public schools could be dismissed from classroom activities for certain periods to participate in religious instruction elsewhere. That program was upheld by the New York Court of Appeals.

Question:

Did the New York program violate the establishment clause of the First Amendment?

Conclusion:

In a 6-to-3 decision, the Court held that the "released time" program neither constituted the establishment of religion nor interfered with the free exercise of religion. The Court noted that public facilities were not being used for the purpose of religious instruction and that "no student was forced to go to the religious classroom." Writing for the majority, Justice Douglas argued that there was "no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effective scope of religious influence."

Citation

The Oyez Project, Zorach v. Clauson, 343 U.S. 306 (1952) available at: (http://oyez.org/cases/1950-1959/1951/1951_431)