Supreme Court Cases

American History 11R
Marbury v. Madison
(1803)

- **Background**
- In his last few hours in office, President John Adams made a series of “midnight appointments” to fill as many government posts as possible with Federalists. One of these appointments was William Marbury as a federal justice of the peace. However, Thomas Jefferson took over as President before the appointment was officially given to Marbury. Jefferson, a Republican, instructed Secretary of State James Madison to not deliver the appointment. Marbury sued Madison to get the appointment he felt he deserved. He asked the Court to issue a *writ of mandamus*, requiring Madison to deliver the appointment. The Judiciary Act, passed by Congress in 1789, permitted the Supreme Court of the United States to issue such a writ.
Constitutional Question/Issue

• Whether the Supreme Court of the United States has the power, under Article III, Section 2, of the Constitution, to interpret the constitutionality of a law or statute passed by Congress.
Opinion

• The Court decided that Marbury’s request for a *writ of mandamus* was based on a law passed by Congress that the Court held to be unconstitutional. The Court decided unanimously that the federal law contradicted the Constitution, and since the Constitution is the Supreme Law of the Land, it must reign supreme. Through this case, Chief Justice John Marshall established the power of judicial review: the power of the Court not only to interpret the constitutionality of a law or statute but also to carry out the process and enforce its decision.
Historical Significance/Impact

- This case is the Court’s first elaborate statement of its power of judicial review. In language which remains relevant today, Chief Justice Marshall said, “It is emphatically the province and duty of the judicial department to say what the law is.” Nowhere in the Constitution does the Court have the power that Chief Justice Marshall proclaimed.

- Despite there being no mention of such power in the Constitution, since 1803, our Nation has assumed the two chief principles of this case: that when there is a conflict between the Constitution and a federal or state law, the Constitution is supreme; and that it is the job of the Court to interpret the laws of the United States.
Gibbons v. Ogden
(1824)

- **Background**
  - Robert Livingston secured from the New York State Legislature an exclusive twenty-year grant to navigate the rivers and other waters of the State. The grant further provided that no one should be allowed to navigate New York waters by steam without a license from Livingston and his partner, Robert Fulton, and any unlicensed vessel should be forfeited to them. Ogden had secured a license for steam navigation from Fulton and Livingston. Gibbons originally had been partners with Ogden but was now his rival. Gibbons was operating steamboats between New York and New Jersey under the authority of a license obtained from the United States. Ogden petitioned the New York court and obtained an injunction ordering Gibbons to stop operating his boats in New York waters.
Constitutional Question/Issue

• Whether the New York statute that prohibited vessels licensed by the United States from navigating the waters of New York was unconstitutional and, therefore, void.
Opinion

• Writing for the Supreme Court of the United States, Justice Marshall said that the injunction against Gibbons was invalid because the monopoly granted by the New York statute conflicted with a valid federal law.
Historical Significance/Impact

• The Court used this case to put forth the position that Congress can legislate and regulate all matters of *interstate commerce* as long as there is some commercial connection with another state. While interstate commerce is regulated by Congress, power to regulate “completely internal” commerce (trade carried on in a state that does not affect other states) is reserved to the states.
McCulloch v. Maryland (1819)

• **Background**
  
  The state of Maryland brought an action against James William McCulloch, a cashier in the Maryland branch of the Bank of the United States, for not paying a tax the state had imposed on the United States Bank.
Constitutional Question/Issue

- Whether the state of Maryland had the right to tax a federal agency which was properly set up by the United States Congress.
Opinion

• In a unanimous decision, the Supreme Court of the United States ruled that the “power to tax involves the power to destroy,” and that the federal government’s national bank was immune to state taxation.
Historical Significance/Impact

• The Court reasoned that Congress could set up a United States Bank and write laws “necessary and proper” to carry out its constitutional power to coin and regulate money.
Scott v. Sanford
(1857)

• **Background**

• Dred Scott, a slave, was taken by his owner, Sanford, into northern federal territory. Scott felt that he was free because of the *Missouri Compromise of 1820*, which excluded slavery from specified portions of United States territories. When he came back to Missouri, Scott sued his owner for his freedom.
Constitutional Question/Issue

• Whether Dred Scott, a slave, was a citizen of the United States and legally entitled to use the courts to sue.
Opinion

• The Supreme Court of the United States ruled that slaves were property, not citizens and, therefore, Dred Scott was not entitled to use the courts.
Historical Significance/Impact

• The Court focused on the rights of the owner, not the slave, saying that black people had no rights that white people were bound to respect. Justice Taney said that freeing Scott would be a clear violation of the Fifth Amendment because it would amount to depriving Sanford of his property without due process of law. He also said that Congress had no power to prohibit slavery in the territory and that the Missouri Compromise was unconstitutional.

• Justice Taney believed that if he decided the case in favor of Scott, immediate civil war would have resulted.
Plessy v. Ferguson (1896)

• **Background**
• In 1892, Plessy purchased a first class ticket on the East Louisiana Railway, from New Orleans to Covington, Louisiana. Plessy, who was of racially mixed descent (one-eighth black and seven-eighths Caucasian), was a United States citizen and a resident of the state of Louisiana. When he entered the train, he took a seat in the coach where only whites were permitted to sit. He was told by the conductor to leave the coach and to find another seat on the train where non-whites were permitted to sit. Plessy did not move and was ejected by force from the train. Plessy was sent to jail for violating the Louisiana Act of 1890, which required railway companies to provide “separate but equal” accommodations for white and black races. Plessy argued that this law was unconstitutional.
Constitutional Question/Issue

• Whether laws which provided for the separation of races violated the rights of blacks as guaranteed by the equal protection clause of the Fourteenth Amendment.
Opinion

• The Supreme Court of the United States held that the Louisiana Act, which stated that “all railway companies were to provide equal but separate accommodations for white and black races” did not violate the Constitution. This law did not take away from the federal authority to regulate interstate commerce, nor did it violate the Thirteenth Amendment, which abolished slavery. Additionally, the law did not violate the Fourteenth Amendment, which gave all blacks citizenship, and forbade states from passing any laws which would deprive blacks of their constitutional rights.
Historical Significance/Impact

• The Court believed that “separate but equal” was the most reasonable approach considering the social prejudices which prevailed at the time.

• Legitimized the policy of racial separation and gave Jim Crow laws the weight of the Supreme Court for the next 60 years.
Brown V. Board of Education, Topeka Kansas (1954)

• **Background**

• Four black children sought the aid of the courts to be admitted to the all-white public schools in their community after having been denied admission under laws which permitted racial segregation. The youths alleged that these laws deprived them of the equal protection of the law under the Fourteenth Amendment, even though their all-black schools were equal to the all-white schools with respect to buildings, curricula, qualifications and salaries of teachers, and other “tangible” factors.
Constitutional Question/Issue

• Whether segregation of children in public schools denies blacks their Fourteenths Amendment right of equal protection under the law.
Opinion

• The Supreme Court of the United States looked not to the “tangible” factors but the effect of segregation itself on public education.

• The Court decided unanimously that segregation of black children in the public school system was a direct violation of the equal protection clause of the Fourteenth Amendment.
Historical Significance/Impact

- The Court rejected the “separate but equal” doctrine of *Plessy v. Ferguson*, (1896), overturning a previous ruling of the Supreme Court.
- The court stated that this doctrine had no place in education. According to the Court, even if the facilities were physically equal, the children of the minority group would still receive an inferior education. Separate educational facilities were held to be “inherently unequal.”
Gideon v. Wainwright (1963)

- **Background**
- Clarence Earl Gideon was arrested in 1961, and charged with breaking and entering a pool hall with intent to commit petty larceny (a felony). He did not have enough money for a lawyer and asked that one be appointed to defend him. The judge denied the request, saying that under Florida state law, counsel can be appointed only in a capital offense. Gideon was sentenced to five years in prison. He then filed a writ of certiorari (petition of appeal) to the Supreme Court of the United States, asking for a case review. The Court granted Gideon’s request and appointed Abe Fortas to represent him.
Constitutional Question/Issue

- Whether the state of Florida violated Gideon’s Sixth Amendment right to counsel, made applicable to the states by the Fourteenth Amendment, by not providing him with the assistance of counsel for his criminal defense.
Opinion

- The Court ruled unanimously in Gideon’s favor, and held that the Fourteenth Amendment included state as well as federal defendants.
Historical Significance/Impact

• The Court said that all states must provide an attorney in all felony and capital cases for people who cannot afford one themselves. Through the Fourteenth Amendment due process clause, the Sixth Amendment guarantee of the right to counsel applies to the states.
• Gideon was retried in Florida and found not guilty.
Mapp v. Ohio
(1961)

• Facts
• In May 1957, Cleveland police officers received a tip that Miss Mapp was in possession of a large number of betting slips, and that a bomber was hiding in her home. When the police arrived at her house, Mapp refused to admit them without a search warrant. A few hours later, the police knocked again, then forcibly opened the door. A struggle ensued and Mapp was put in handcuffs, taken upstairs, and kept there while police searched her apartment. During the search, obscene materials were discovered in a trunk in her basement. Mapp was arrested for possession and control of obscene materials.
Constitutional Question/Issue

- Whether Miss Mapp’s Fourth Amendment right to be secure from search and seizure was violated during the search of her home.
Opinion

• The Supreme Court of the United States ruled that Mapp’s Fourth Amendment right to be secure from search and seizure was violated.
Historical Significance/Impact

• The Court held that both the Fourth and Fourteenth Amendments protected persons from unwarranted federal and state intrusion of their private property.

• Strengthened the rights of accused persons and provided protection of their civil liberties.
Miranda v. Arizona
(1966)

• Background

• Ernesto Miranda was convicted of rape and kidnapping. His conviction was based in part on incriminating statements he made to the police while they interrogated him. At no time during the questioning did the police inform Miranda that he did not have to talk to them or that he had the right to a lawyer when being questioned by police.
Constitutional Question/Issue

• Whether the state of Arizona violated the constitutional rights of Miranda under the Fifth, Sixth, and Fourteenth Amendments when they interrogated him without advising him of his constitutional right to remain silent.
Opinion

• The Supreme Court of the United States, in a 5-4 decision, ruled that the police were in error. The Court held that the police must inform suspects that they have the right to remain silent, that anything they say may be used against them, and that they have the right to counsel before the police may begin to question those held in custody.
Historical Significance/Impact

- *Miranda* established the “*Miranda Warning*” which police now use prior to interrogation of persons arrested.
**Schenck v. U.S.**

**Background**

Charles T. Schenck and Elizabeth Baer, charged with conspiring to print and circulate documents intended to cause insubordination within the military, were convicted of violating the Espionage Act of 1917. The act made it a crime to “willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military ... or to willfully obstruct the recruiting service of the United States.” Schenck appealed the conviction to the Supreme Court of the United States, claiming all his actions were protected by the First Amendment.
Constitutional Question/Issue

- Whether Schenck’s and Baer’s First Amendment right to freedom of speech were violated when they were convicted of conspiring to obstruct the recruitment and enlistment of service.
Opinion

• The Court unanimously upheld the conviction of Schenck, not for violation of the Espionage Act, but rather for conspiracy to violate it.
Historical Significance/Impact

- The Court found that the First Amendment did not apply in this case, and that Schenck’s speech was not constitutionally protected because it posed a “clear and present danger” to the country. The nation was involved in World War I, and the Court saw Schenck’s speech and action as counter-productive to the national war effort. The Court reasoned that certain speech could be curtailed, using the example of a situation where one cannot yell “fire” in a crowded theatre.
W. Va. v. Barnette
(1943)

- **Background**
- The West Virginia State Board of Education required by state law that all students salute the flag and recite the pledge of allegiance as a part of their daily routine. Students who refused were suspended, declared unlawfully absent, and subject to delinquency proceedings. Parents of such students were also subject to a fine or imprisonment. Several Jehovah’s Witnesses, who were citizens of West Virginia, sought from the court an injunction to stop the West Virginia State Board of Education from requiring the pledge and flag salute.
Constitutional Question/Issue

• Whether flag salute ceremonies in the schools violated students’ liberties as guaranteed by the First Amendment.
Opinion

• The Supreme Court of the United States ruled, 6-3, in favor of Barnette and the other Jehovah’s Witnesses.
Historical Significance/Impact

- The Court held that the Board of Education could not require daily flag salute and pledge as a condition that students must meet to receive a public education.

- The Court’s ruling provided students “scrupulous protection” of their constitutional liberties as guaranteed by the First Amendment.
Texas v. Johnson
(1989)

• **Background**

• In 1984, Gregory Lee Johnson burned an American flag in front of the Dallas City Hall. He burned the flag as a means of protest against the policies of President Ronald Reagan’s Administration. Under Texas law desecration of the American flag is a criminal offense. Mr. Johnson was convicted and sentenced to one year in jail and a $2,000 fine.
Constitutional Question/Issue

• Does a law against desecration of the American flag violate an individual’s right to freedom of speech as found in the First Amendment?
Opinion

• In a 5-4 decision the Supreme Court of the United States found that desecrating the flag as an act of protest is an act of expression, an act protected by the First Amendment.
Historical Significance/Impact

• The Court found that **burning the American flag was political speech** which Justice Brennan wrote “...is the bedrock principle underlying the First Amendment. Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”
Supreme Court Cases Warren Court and Other Important Cases

American History 11R
Warren Court

• In 1953, newly-elected President Dwight Eisenhower appointed Earl Warren to be the Chief Justice of the United States.

• From 1953 –1969, the Supreme Court led by Chief Justice Warren made several controversial decisions that changed the nature of law enforcement.
Baker v. Carr (1962)

• Facts
  – In 1960, potential voters for members of the Tennessee Legislature brought a class action suit charging that some members of the legislature represented larger numbers of people in some voting districts while other legislators represented very small numbers of voters, thus creating disproportional representation among people living in the more populated voting districts.
Issue

• Whether or not the unequal voter representation was in violation of the Fourteenth Amendment’s Equal Protection Clause, and whether the apportionment of the state legislative districts is a question within the jurisdiction of the federal courts.
Opinion

• By a 6-2 ruling the Supreme Court of the United States agreed that Tennessee’s failure to reapportion their voting districts had created electoral districts for the state legislature of unequal population. Individuals living in the cities, although with larger populations, were underrepresented while those living in the country, with a smaller population, held the majority of representation. Two thirds of the State Senate was elected by only one third of the state population. The Court ruled this clearly deprived voters of equal protection found in the Fourteenths Amendment’s Equal Protection Clause.
Engel v. Vitale (1962)

• Facts
  – The Board of Education of New Hyde Park, New York, instructed the schools of their district to have students recite a NYS Regents-composed prayer at the beginning of each school day. Parents of a number of students challenged this policy. They said that the official prayer was contrary to their religious beliefs and that a governmental agency did not have the right to force prayer on students. The parents felt that the prayer violated the First Amendment’s separation of church and state provision. The state contended that it was a non-denominational prayer and that the schools did not compel any student to recite it.
Issue

• Whether a non-denominational prayer, recited in every classroom in a school district, violated the First Amendment’s provision for separation of church and state.
Opinion

- The Supreme Court of the United States found that the school district violated the students’ First Amendment rights because even though the students did not have to say the prayer, the reciting of the prayer in class would put unwanted pressures on them. Further, this non-denominational prayer was found to be too religious for the state to mandate and was in violation of the establishment clause of the First Amendment.
Escobedo v. Illinois (1964)

**Facts**

- Escobedo was arrested in 1960, in connection with the murder of his brother-in-law. After his arrest, he requested to see his lawyer but was not allowed to do so. After persistent questioning by the police, Escobedo made a statement which was used against him at his trial and he was convicted of murder. He appealed to the Illinois Supreme Court, which affirmed the conviction. Escobedo then appealed to the Supreme Court of the United States.
Issue

• Whether the state of Illinois violated Escobedo’s Fourteenth Amendment protections, his Fifth Amendment right to remain silent, and his Sixth Amendment right to assistance of counsel by denying his request to speak to a lawyer before questioning.
Opinion

- The Court found that the denial by the police of Escobedo’s right to counsel and their failure to inform him of his right to remain silent were clearly unconstitutional. Furthermore, the Court held that incriminating statements made by defendants are inadmissible as evidence unless the accused is informed of his rights before making the statements.
Other Supreme Court Cases
Chief Justice Warren Burger
(1969-1986)

• Facts
Issue

• Whether the President of the United States had the power to stop the publication of historical news that might have an impact on the Vietnam War.
Opinion

• The Supreme Court of the United States said that prior restraints (prohibiting information from being published or aired) are almost never valid. The Government must strongly justify any abridgment of a newspaper’s freedom of speech. Since, in the eyes of the Court, national security was not threatened by the printing of the “Pentagon Papers,” no prior restraint was necessary and the Government’s attempt at censorship was unconstitutional.
Roe v. Wade (1973)

• Facts

– A Texas woman sought to terminate her pregnancy. However, a Texas law made it a crime to procure or attempt an abortion except when the mother’s life would be in danger if she remained pregnant. Ms. Roe challenged the Texas law on the grounds that the law violated her right of personal liberty given in the Fourteenth Amendment and her right to privacy protected by the Bill of Rights.
Issue

• Whether state law which bans or regulates abortion violates a woman’s right to privacy or personal choice in matters of family decisions or marriage.
The Supreme Court of the United States decided that states could regulate abortions only in certain circumstances but otherwise women did have a right to privacy and reproductive autonomy. The Court divided a woman’s pregnancy into three time periods: 1) during the first trimester (the first three months of pregnancy), states may not interfere with a woman’s decision to have an abortion; 2) during the second trimester, states could regulate abortions, but only if such regulation was reasonably related to the mother’s health; and, 3) during the third trimester, which occurs after the fetus (unborn child) reaches viability (the stage at which it can survive outside the mother’s body), states may regulate absolutely and ban abortions altogether in order to protect the unborn child. The woman’s right to privacy was held to be a fundamental right which could only be denied if a compelling state interest existed. Once the fetus reaches a “viable” stage of development, such a compelling point is reached because the unborn child is now given constitutional protection.

- **Facts**
  - In the first half of 1972, the Democratic National Headquarters at the Watergate Office Building in Washington, D.C., was broken into. The investigation that followed centered on staff members of then Republican President Richard M. Nixon. The Special Prosecutor subpoenaed certain tapes and documents of specific meetings held in the White House. The President’s lawyer sought to deny the subpoena. The Special Prosecutor asked the Supreme Court of the United States to hear the case before the lower appeals court ruled on the President’s appeal to deny the subpoena.
Issue

• Whether the United States violated President Nixon’s constitutional right of executive power, his need for confidentiality, his need to maintain the separation of powers, and his executive privilege to immunity from any court demands for information and evidence.
Opinion

• By an 8-0 vote, the Court decided that President Nixon must hand over the specific tapes and documents to the Special Prosecutor. Presidential power is not above the law. It cannot protect evidence that may be used in a criminal trial.
University of California Regents v. Bakke (1978)

• Facts
  – Allan Bakke, a white male, applied to the University of California at Davis Medical School. He was denied admission because he did not meet the standard entrance requirements. Davis Medical School also had a special admissions program for minorities. Sixteen per cent of the available places were reserved for minorities who did not meet the standard entrance requirements. Bakke argued that the requirements for special admissions to the medical school were discriminatory because only African-American, Chicano, and Asian students could compete for these places. The University of California argued that its special admissions program remedied the long standing historical wrong of racial discrimination.
Issue

- Whether the University’s special admissions program, which accepted minority students with significantly lower scores than Bakke, violated Bakke’s Fourteenth Amendment equal protection rights; and whether the University was permitted to take race into account as a factor in its future admissions decisions.
The Supreme Court of the United States did not render a majority opinion in this case (i.e., one in which five or more of the nine justices agree). Six separate opinions were written, and no more than four justices agreed in whole in their reasoning. The Court ordered Bakke’s admission to Davis Medical School and invalidated the University’s special admissions program because the program barred people like Bakke from applying for the special admissions seats in the medical school. However, of much greater significance was the fact that the Court allowed institutions of higher learning to take race into account as a factor in their future admissions decisions. Justices Brennan, White, Marshall, and Blackman said that this aspect was the central meaning of the case: “Government may take race into account when it acts not to insult any racial group but to remedy disadvantages cast on minorities by past racial prejudice.”

While to some observers Bakke won a place in the school and the particular special admissions program at Davis was invalidated, the case really stands as a landmark civil rights-affirmative action decision. Race may hereafter be taken into account as a factor in college admissions.

• Facts
  - In December 1965, Marybeth and John Tinker planned to wear black arm bands to school signifying their protest of the Vietnam War. School officials became aware of the plan beforehand and adopted regulation banning the wearing of such armbands. Failure to comply with this regulation would result in suspension until the student returned to school without the armbands. Both Tinkers went ahead and wore the black armbands to school. They were suspended and told not to return with the armbands. The Tinkers claimed that their rights of free speech and expression, which are protected under the First Amendment of the Constitution of the United States, had been violated, and that they should have been allowed to attend school wearing the armbands.
Issue

• Whether Marybeth and John Tinker have a First Amendment right to free speech to wear black armbands as a symbol of protest in a public school.
The Court decided that the students did have a right to wear the armbands. It reasoned that the wearing of the armbands was an exercise of the students’ right to free, silent, *symbolic* speech, which is protected under the First Amendment: “Students do not shed their constitutional rights at the schoolhouse gate, and therefore are entitled to the free expression of their views as long as there is no *substantial or material* interference of the educational process.”

• Facts
  – In 1980, a teacher at Piscataway High School, New Jersey, discovered two girls smoking in the lavatory. Since smoking was a violation of a school rule, the two students, T.L.O. and a companion, were taken to the principal’s office. There they met with the assistant vice-principal who demanded to see T.L.O.’s purse. Upon opening the purse, he found cigarettes and cigarette rolling paper. He proceeded to look through the purse and found marijuana, a pipe, plastic bags, money, lists of names, and two letters that implicated her in drug dealing. T.L.O. argued the search of her purse was unconstitutional.
Issue

• Whether the state of New Jersey and its agent, the assistant vice-principal, violated T.L.O.’s Fourth Amendment right of protection from “unreasonable search,” her Fifth Amendment right of protection from self-incrimination, and her right to due process as provided in the Fourteenth Amendment.
Opinion

• The Supreme Court of the United States held for the school and its assistant vice-principal. The Court reasoned that to maintain discipline in school, the school officials who have “reasonable suspicion” that a student has done something wrong can conduct a reasonable search of the suspicious student. A school’s main objective is to educate students in a legal, safe learning environment. Police need “probable cause,” a higher standard, to search people, places, and things. School officials, unlike the police, need only “reasonable suspicion” to search students when they believe unlawful conduct is occurring.