

Landmark Supreme Court Cases

1. *Marbury v. Madison* (1803)

In the Judiciary Act of 1789, Congress gave the Supreme Court the authority to issue certain judicial writs. The Constitution did not give the Court this power. Because the Constitution is the Supreme Law of the Land, the Court held that any contradictory congressional Act is without force. The ability of federal courts to declare legislative and executive actions unconstitutional is known as judicial review.

2. *McCulloch v. Maryland* (1819)

Maryland imposed a tax on the Bank of the United States and questioned the federal government's ability to grant charters without explicit constitutional sanction. The Supreme Court held that the tax unconstitutionally interfered with federal supremacy and ruled that the Constitution gives the federal government certain implied powers.

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

In *Plessy v. Ferguson* (1896), the Supreme Court sanctioned segregation by upholding the doctrine of "separate but equal." The National Association for the Advancement of Colored People disagreed with this ruling, challenging the constitutionality of segregation in the Topeka, Kansas, school system. In 1954, the Court reversed its *Plessy* decision, declaring that "separate schools are inherently unequal."

4. *Cooper v. Aaron* (1958)

Several government officials in southern states, including the governor and legislature of Alabama, refused to follow the Supreme Court's *Brown v. Board of Education* decision. They argued that the states could nullify federal court decisions if they felt that the federal courts were violating the Constitution. The Court unanimously rejected this argument and held that only the federal courts can decide when the Constitution is violated.

5. *Mapp v. Ohio* (1961)

While searching Dollree Mapp's house, police officers discovered obscene materials and arrested her. Because the police officers never produced a search warrant, she argued that the materials should be suppressed as the fruits of an illegal search and seizure. The Supreme Court agreed and applied to the states the exclusionary rule from *Weeks v. United States* (1914).

6. *Gideon v. Wainwright* (1963)

Gideon was accused of committing a felony. Being indigent, he petitioned the judge to provide him with an attorney free of charge. The judge denied his request. The Supreme Court ruled for Gideon, saying that the Sixth Amendment requires indigent criminal defendants to be provided an attorney free of charge.

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

After hours of police interrogations, Ernesto Miranda confessed to rape and kidnapping. At trial, he sought to suppress his confession, stating that he was not advised of his rights to counsel and to remain silent. The Supreme Court agreed, holding that police must inform suspects of their rights before questioning.

8. ***Terry v. Ohio (1968)***

Observing Terry and others acting suspiciously in front of a store, a police officer concluded that they might rob it. The officer stopped and frisked the men. A weapon was found on Terry and he was convicted of carrying a concealed weapon. The Supreme Court ruled that this search was reasonable.

9. ***U.S. v. Nixon (1974)***

The special prosecutor in the Watergate affair subpoenaed audio tapes of Oval Office conversations. President Nixon refused to turn over the tapes, asserting executive privilege. The Supreme Court ruled that the defendants' right to potentially exculpatory evidence outweighed the President's right to executive privilege if national security was not compromised.

10. ***Texas v. Johnson (1989)***

To protest the policies of the Reagan administration, Gregory Lee Johnson burned an American flag outside of the Dallas City Hall. He was arrested for this act, but argued that it was symbolic speech. The Supreme Court agreed, ruling that symbolic speech is constitutionally protected even when it is offensive.

11. ***Engel v. Vitale (1962)***

In the New York school system, each day began with a nondenominational prayer acknowledging dependence upon God. This action was challenged in Court as an unconstitutional state establishment of religion in violation of the First Amendment. The Supreme Court agreed, stating that the government could not sponsor such religious activities.

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

To protest the Vietnam War, Mary Beth Tinker and her brother wore black armbands to school. Fearing a disruption, the administration prohibited wearing such armbands. The Tinkers were removed from school when they failed to comply, but the Supreme Court ruled that their actions were protected by the First Amendment.

13. ***Goss v. Lopez (1975)***

Nine students at an Ohio public school received 10-day suspensions for disruptive behavior without due process protections. The Supreme Court ruled for the students, saying that once the state provides an education for all of its citizens, it cannot deprive them of it without ensuring due process protections.

14. ***Hazelwood v. Kuhlmeier (1988)***

The principal of Hazelwood East High School edited two articles in the school paper *The Spectrum* that he deemed inappropriate. The student authors argued that this violated their First Amendment right to freedom of speech. The Supreme Court disagreed, stating that administrators can edit materials that reflect school values.

15. ***New Jersey v. T.L.O. (1985)***

A teacher accused T.L.O. of smoking in the bathroom. When she denied the allegation, the principal searched her purse and found cigarettes and marijuana paraphernalia. A family court declared T.L.O. a delinquent. The Supreme Court ruled that her rights were not violated since students have reduced expectations of privacy in school.

16. ***Bethel School District #43 v. Fraser (1987)***

Matthew N. Fraser, a student at Bethel High School, was suspended for three days for delivering an obscene and provocative speech to the student body. In this speech, he nominated his fellow classmate for an elected school office. The Supreme Court held that his free speech rights were not violated.

17. ***Santa Fe Independent School District v. Doe (2000)***

Before football games, members of the student body of a Texas high school elected one of their classmates to address the players and spectators. These addresses were conducted over the school's loudspeakers and usually involved a prayer. Attendance at these events was voluntary. Three students sued the school arguing that the prayers violated the Establishment Clause of the First Amendment. A majority of the Court rejected the school's argument that since the prayer was student initiated and student led, as opposed to officially sponsored by the school, it did not violate the First Amendment. The Court held that this action did constitute school-sponsored prayer because the loudspeakers that the students used for their invocations were owned by the school.

18. ***Board of Education of Independent School District #92 of Pottawatomie County v. Earls (2002)***

In *Veronia School District v. Acton (1995)*, the Supreme Court held that random drug tests of student athletes do not violate the Fourth Amendment's prohibition of unreasonable searches and seizures. Some schools then began to require drug tests of all students in extracurricular activities. The Supreme Court in *Earls* upheld this practice.

19. ***Zelma v. Simmons-Harris (2002)***

The Ohio Pilot Scholarship Program allowed certain Ohio families to receive tuition aid from the state. This would help offset the cost of tuition at private, including parochial (religiously affiliated), schools. The Supreme Court rejected First Amendment challenges to the program and stated that such aid does not violate the Establishment Clause.

20. ***Grutter v. Bollinger (2003)***

Barbara Grutter alleged that her Equal Protection rights were violated when the University of Michigan Law School's attempt to gain a diverse student body resulted in the denial of her admission's application. The Supreme Court disagreed and held that institutions of higher education have a legitimate interest in promoting diversity.

21. ***Roper v. Simmons (2005)***

Matthew Simmons was sentenced to death for the murder of a woman when he was 17 years of age. In the 1988 case *Thompson v. Oklahoma*, the Supreme Court ruled that executing persons for crimes committed at age 15 or younger constitutes cruel and unusual punishment in violation of the Eighth Amendment. Roper argued that "evolving standards of decency" prevented the execution of an individual for crimes committed before the age of 18. A majority of the Supreme Court agreed with Roper, and held that to execute him for his crime would violate the Eighth Amendment.

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

During World War I (1918), Charles Schenck was the general secretary of the Socialist Party, and was arrested for distributing literature discouraging young men from enlisting in the armed forces. The basis for his opposition to the draft or enlistment was the first clause of the Thirteenth Amendment which prohibited slavery or involuntary servitude. Schenck appealed his conviction and the case went to the Supreme Court. Justice Oliver Wendell Holmes stated that "the character of every act depends upon the circumstances in which it is done. The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. [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." Distributing the literature during peace time would have been an entirely different matter, but in time of war Schenck's actions, according to the Court, presented a "clear and present danger" to the security of the United States.

23. ***Near v. Minnesota (1931)***

Although the First Amendment ensures a free press, until this case, it only protected the press from federal laws, not state laws. Minnesota shut down J. M. Near's Saturday Press for publishing vicious antisemitic and racist remarks. In what is regarded as the landmark free press decision, the Court ruled that a state cannot engage in "prior restraint"; that is, with rare exceptions, it cannot stop a person from publishing or expressing a thought.

24. ***Griswold v. Connecticut (1965)***

Estelle Griswold, the director of a Planned Parenthood clinic, broke an 1879 Connecticut law banning contraception. The Court struck down the law, making it a landmark case in which the Court read the Constitution to protect individual privacy. This was to be the foundation of further privacy rulings, including the right to privacy in matters of abortion.

25. *San Antonio Independent School District v. Rodriguez* (1973)

In 1968, a group of low-income parents sued San Antonio, claiming the city's wealthy precincts had better schools. The Court upheld the districting plan, saying that the Constitution did not guarantee an education, and upholding this tenet: The Constitution does not compel government to provide services like education or welfare to the people. Rather, it places boundaries on government action.

26. *Roe v. Wade* (1973)

Norma McCorvey sought an abortion in Texas, but was denied under state law. The Court struck down that law, on grounds that it unconstitutionally restricted the woman's right to choose. The opinion set forth guidelines for state abortion regulations; states could restrict a woman's right to choose only in the later stages of the pregnancy. Later modified but not overruled, the decision stands as one of the Court's most controversial.

27. *Cruzan v. Missouri Dept. of Health* (1990)

Nancy Cruzan lay in a permanent vegetative state as a result of injuries suffered in an auto accident. Her parents sought to withdraw life-sustaining treatment and allow her to die, claiming she'd said this would be her wish under such circumstances. The state refused, and the Supreme Court upheld the state's guidelines for the continuation of medical treatment, which allowed withdrawal of treatment only with clear and convincing evidence that this is what the patient would have wanted. The Court said that, given the need to protect against abuses of such situations, the state can continue life support as long as its standards for doing so are reasonable.

28. *Atkins v. Virginia* (2002)

Daryl Renard Atkins was convicted of abduction, armed robbery, and capital murder. In the penalty phase of Atkins' trial, the defense relied on one witness, a forensic psychologist, who testified that Atkins was mildly mentally retarded. The jury sentenced Atkins to death, but the Virginia Supreme Court ordered a second sentencing hearing because the trial court had used a misleading verdict form. During resentencing the same forensic psychologist testified, but this time the State rebutted Atkins' intelligence. The Court held that executions of mentally retarded criminals are "cruel and unusual punishments" prohibited by the Eighth Amendment. Since it last confronted the issue, the Court reasoned that a significant number of States have concluded that death is not a suitable punishment for a mentally retarded criminal. Moreover, the Court concluded that there was serious concern whether either justification underpinning the death penalty - retribution and deterrence of capital crimes - applies to mentally retarded offenders, due to their lessened culpability.

29. ***Morse v. Frederick* (2007)**

Joseph Frederick, a senior at Juneau-Douglas High School, held a banner saying "Bong Hits 4 Jesus" during the Olympic Torch Relay through Juneau. Frederick was at a school-supervised activity but on a public sidewalk. Frederick was asked by the Principal to put it away but he refused. He was suspended for 10 days. The Court decided that student speech at school or school-supervised events are afforded less-protections than other forms of speech.

30. ***Burwell v. Hobby Lobby Stores* (2013)**

The Green family owns and operates Hobby Lobby Stores, Inc. (a for-profit institution). The Green family organized their business around the principals of the Christian faith. One of these principals is the belief that the use of contraception is immoral. The Affordable Care Act (ACA) only allows exceptions for religious employers and non-profit religious institutions. The Court argued that Religious Freedom Restoration Act of 1993 should be applied to corporations (because they are comprised of individuals). The ruling only applied to the contraceptive mandate in the ACA.

31. ***Planned Parenthood v. Casey* (1991)**

Pennsylvania came out with several laws targeting abortions. One law required informed consent and a 24-hour waiting period prior to having an abortion. Another law said if a minor wanted an abortion they needed consent from on parent. The final law stated that a married woman needed to indicate that she had notified her husband.

The Court said that state laws on abortion cannot impose "undue burden" (substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability). The Court decided that the only Pennsylvania law to fail the undue-burden test was the husband notification requirement.

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

During WWII a Presidential Executive Order gave the military the authority to move citizens of Japanese ancestry from certain areas because the areas were important for national defense. They were also fearful of espionage. Korematsu refused to move and was arrested. The Court ruled that the need to protect against espionage outweighed Korematsu's rights.

33. ***Gitlow v. New York* (1922)**

Gitlow, a socialist, was distributing a manifesto that called for strikes that would lead to the establishment of socialism in the U.S. Gitlow was arrested for breaking the anarchy law. Gitlow argued that since no action took place from distributing this manifesto he should not have been arrested. The Court argued that a state can forbid speech and publication if it had the tendency to result in dangerous action to public security, even if the utterances create no clear or present danger at all.

34. *Wilson v. Arkansas* (1994)

Sharlene Wilson sold illegal drugs to under cover agents. The police got a warrant and went to her house to arrest her. The main door was open at the police walked in, identified themselves as police officers and said they had a warrant. Her lawyer said the officers failed to "knock and announce." In a unanimous decision the Court decided that the common-law "knock and announce" principal is a part of the 4th amendment.

35. *Mitchell v. Wisconsin* (1992)

Todd Mitchell, a young black man, initiated a fight against a young white boy. He was convicted of aggravated battery. His sentenced was increased due to the fact that he selected his victim based on race. Mitchell said that was against the Constitution. The Court decided that the law matched Wisconsin anti-discrimination laws that complied with the 1st amendment. They also said that victims chosen due to race suffered more severely. The Court ended with that the Wisconsin law did not punish the defendant for their beliefs but for their actions.

36. *Hamdi v. Rumsfeld* (2003)

Yaser Hamdi, an American citizen, was arrest by the U.S. military in Afghanistan. He was accused of fighting for the Taliban against the U.S. He was declared an "enemy combatant." A habeas corpus petition was filed because of him being held indefinitely and not given access to an attorney or trial. He believed his 5th amendment right of due process was being violated. The government said that the Executive Branch had the right during wartime to declare people "enemy combatants" and restrict their access to the court system. The Court agreed that the 5th amendment awards a citizen held as an enemy combatant does have the right to contest the detention.

37. *Obergefell v. Hodges* (2015)

Groups of same-sex couples sued their relevant state agencies in Ohio, Michigan, Kentucky, and Tennessee to challenge the constitutionality of those states' bans on same-sex marriage or refusal to recognize legal same-sex marriages that occurred in jurisdictions that provided for such marriages. The plaintiffs in each case argued that the states' statutes violated the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment, and one group of plaintiffs also brought claims under the Civil Rights Act.