

Baker V Carr  
(1962)

Issue:

. This case was a landmark of the United States Supreme Court case that decided that redistricting (attempts to change the way voting districts are delineated) issues present justiciable questions, thus enabling federal courts to intervene in and to decide redistricting cases.

Facts:

. Charles W. Baker and other Tennessee citizens alleged that a 1901 law designed to apportion the seats for the states general assembly was virtually ignored.

. Bakers suit detailed how Tennessee's reapportionment efforts ignored significant economic growth and population shifts within the state.

. The early 1900s saw both population increases and rapid urban migration in America.

. By holding that voters could challenge the constitutionality of electoral apportionment in federal court, Baker V. Carr opened the doors of the federal courts to a long line of apportionment cases

Decision:

. In a 6-2 ruling, the Supreme Court held that federal courts have the power to determine the constitutionality of a state voting districts.

. In a 6-2 decision, justice William Brennan wrote for the majority that the fourteenth amendments equal protection clause was valid grounds to bring a reapportionment lawsuit.

. This decision opened the floodgates for similar lawsuits that redrew election maps around the country.

Why this case is important: This case is important because the Baker decision forced not only Tennessee but also many other states to redistrict in the 1960s, finally giving urban areas the representative weight their populations deserved. It also firmly established the concept of "one person, one vote", forcing states to ensure that districts were as evenly populated as possible.

## Barron v. Baltimore (1833)

### Issue:

- It was a case that involved a land dispute in Baltimore that led to a holding from the Supreme Court
- John Barron sued his home city (Baltimore, Maryland) because his business (located in the Baltimore Harbor) was damaged

### Facts:

- 1822- The harbor that owned by Barron lost its entire value as a commercial wharf after the disaster of the boats
- The city of Baltimore passed an adjustment of water flow law and cut off the water to the property of Barron
- Lack of water and inability to dock resulted in his boats getting damaged
- Trial of the Baltimore County Courthouse- Barron claimed that the city appropriated his private property for a public use without providing him just compensation
- The trial court agreed and awarded Barron with \$4,500 in damages
- City appealed the ruling and brought the case to the U.S. Supreme Court

### Decision:

- The Supreme Court ruled that the Constitution's Bill of Rights restricts only the powers of the federal government and not those of the state governments.
- 5<sup>th</sup> amendment of U.S. constitution was limited and should only be followed by the federal government
- 5<sup>th</sup> amendment- does not state that it must be followed by all state and city governments in the United States.

### Why this case is important:

The case is significant because the United States Supreme Court established that an individual citizen's property was not susceptible to the regulation of the Fifth Amendment. After the court case, the United States established a precedent that the United States Bill of Rights could not be applied to state governments. The court case also helped define the concept of federalism within the United States. It established the principle rights that are enumerated within the bill of rights. The principal rights demonstrate that the power of the states should not be limited. The first establishment was later removed and instead, the fourteenth amendment was incorporated within the Bill of Rights.

*Bethel School District v. Fraser* (1986)

**Issue:**

- Does the first amendment prevent a school from disciplining a high school student for giving an inappropriate speech at a high school assembly?

**Facts:**

- On April 23, 1983 a high school senior, Matthew Fraser, delivered a speech in front of his school nominating another student for vice-president of the school's Associated Student Body. In his speech he used several sexual innuendos, but was not obscene.
- Fraser was suspended and then forbidden from speaking at the graduation ceremony. The school justified this by saying the speech violated the school's "disruptive conduct rule," which prohibited conduct that substantially interfered with the educational process, including the use of obscene, profane language or gestures.:
- Fraser's Speech contained various sexual innuendos but it did not contain any obscene language.
- Fraser's father filed suit in federal district court. The court ruled in favor of Fraser, claiming The court held that the school's sanctions violated the First Amendment, it's conduct rule was unconstitutionally vague and overbroad, and that forbidding him from speaking violated the Due Process Clause of the Fourteenth Amendment.
- The Federal Court ruled in favor of Fraser, the District took the case to the Supreme Court.

**Decision:**

- The Supreme Court overturned the lower court's decision, ruling in favor of the school.
- The court held that although the use of offensive language may not be prohibited to adults, it does not mean that it must be permitted to children in public schools. "Nothing in the Constitution prohibits the states from insisting that certain modes of expression are inappropriate and subject to sanctions. The inculcation of these values is truly the work of the school, and the determination of what manner of speech is inappropriate properly rests with the school board."
- The court also decided that the school's broad conduct rule was not too general and that "Given the school's need to be able to impose disciplinary sanctions for a wide range of unanticipated conduct disruptive of the educational process, the school disciplinary rules need not be as detailed as a criminal code." They also say the student had enough warning.

**Why this case is important:**

- In a previous case the Supreme Court held that students "Do not shed their constitutional rights at the school gate." However the court is now allowing certain restrictions and limitations on the first amendment when it comes to students and issues involving student expression.
- The decision, according to some, has set a tone of authority and control in public schools and makes it too easy for schools to censor or suppress student expression.

## Boy Scouts of America vs. Dale (2000)

### Issue:

The Boys Scouts of America are accused by James Dale (former Boy Scout) of violating the New Jersey law, that everyone has the right **not** to be discriminated against the basis of their sexual identity / orientation

### Facts:

- After 9 years as a boy scout, James Dale is eligible for the position as a Scoutmaster
- Dale came out gay, publicly, while attending Rutgers University and became co-president of the Lesbian, Gay and Bisexual Alliance (RULGA)
- According to the Boy Scouts oath, one as a member they pledge to "keep myself physically strong, mentally awake, and **morally straight.**"
- The Boy Scouts were informed that Dale was a homosexual and gay rights activist which revoked his position as a Scoutmaster
- Dale arguing that the Boy Scouts of America were violating the New Jersey state law LAD: "prohibits unlawful employment discrimination based on an individual's **gender identity and expression...**"
- The Boy Scouts of America argued that the LAD violated their right to "freedom of expressive association," as stated in the first amendment

### Decision:

- U.S Supreme Court votes 5-4 agreeing that the Boy Scouts of America has the constitutional right to ban gay members / leaders
- The Supreme court claimed that the New Jersey law did not apply towards the Boy Scouts due to not being a place of public accommodation (ex: hotels, libraries, theaters) but a private group
- The First Amendment "freedom of expressive association" ("The right to form societies, clubs, and other groups of people, and to meet with people individually, without interference by the government") did not allow the Supreme Court to force the Boy Scouts of America to accept Dale as a Scoutmaster

### Why is it important?:

- The contribution of the gay rights movement during Bill Clinton's presidency
- How significant the first amendment is applied to the LGBT community
- Due to the "freedom of expressive association," the government can't force clubs to include people they don't want

## Brown V. Board of Education (1940-1955)

### Issue:

- The segregation of public education, based solely on race, violates the Equal Protection Clause of the Fourteenth Amendment

### Facts:

- Argued : December 8 through December 10, 1952
- Reargued : December 6 through December 8, 1953
- Decided: May 17, 1954
- Case was based on these four cases going on in different states which talked about the segregation of public schools on the basis of the race
  - Briggs v. Elliot (South Carolina)
  - Bulah v. Gebhart and Belton v. Gebhart (Delaware)
  - Davis v. County School Board of Prince Edward County (Virginia)
  - Bolling v. Sharpe (District of Columbia)
    - Minors of the Negro race sought the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis
    - The Supreme Court of Delaware claimed African American students had to be admitted to the white public schools because of their higher quality facilities
- Plaintiffs were denied due to the Plessy v. Ferguson, "separate but equal" doctrine, which stated separate facilities for the races was constitutional as long as the facilities were "substantially equal."

### Decision:

- With an unanimous decision, the Supreme Court ruled in favor of Brown v Board of Education
- The court figured the practice of segregation was unconstitutional, therefore; refused to apply its decision to Plessy v. Ferguson
- They acknowledged that public education necessary to prepare children for their future professions and to have them actively participate in the democratic process

### Why is the case important?:

- This court case was absolutely important because it focused on giving equal education to every student, not just overall facilities, but specific education. The Court connected directly with segregation; it claimed that if facilities, teachers and supplies were equal, separation itself was unequal; therefore, a violation of the equal protection clause of the 14th amendment. The Court successfully overturned the Plessy v. Ferguson case, which had permitted racial segregation under the guide of "separate but equal."

## Buckley V. Valeo (January 30, 1976)

### Issue:

- Dealt with issues on Campaign Finance
- Did the limits placed on electoral expenditures by the Federal Election Campaign Act of 1971 violate the First Amendment's freedom of speech and association clauses?
- FECA's laws on the limitations of the campaigns contributions and expenditures violated the 1st Amendment (freedom of speech)
- Limitation of disbursements for candidates in federal elections

### Facts:

- The Federal Employees' Compensation Act of 1971 was established in order to regulate the spending and fundraising of money in campaigns for U.S federal elections
- FECA → Limited contributions, all stated all candidates must disclose contribution and expenditures
- Coalition plaintiff → James L. Buckley (senator from New York)

### Decision:

- Upheld restrictions on individual contributions to political campaigns and candidates
- Legislatures can limit contributions, but candidates can give unlimited amounts of their own money (expenditures) and resources to their own campaigns
- Spending money to influence campaign/ election is a form of constitutionality protecting free speech
- Buckley received 7 votes for and 1 vote against

### Why Is the Case Important?

- Buckley v. Valeo reshaped campaign finance laws (gave rise to a profusion of political action committees (PACs).
- Changed the policy regarding the restrictions on contributions from individuals and groups
- Shows the importance behind the 1st amendment

## **Bush v Gore (2000)**

### **Issue:**

When election day was over on November 7, 2000, there was no clear winner as the vote in Florida (the state both Vice President Albert Gore and Texas Governor George W. Bush needed to cross the 270 electoral threshold) was too close to call. Gore would not concede the election as Bush had an extremely narrow lead of less than 1,800 votes.

Florida law stated that if the margin of victory was fewer than .5%, there had to be an automatic recount. After the recount, Bush was still in the lead, but with only 327 votes out of six million total votes. The Florida Secretary of State wanted to certify the election with the result of the first recount on November 14, but the Florida Supreme Court ordered a second recount to proceed.

The manual recount had become a lengthy process, and after over 50 lawsuits were filed. The Florida Supreme Court had to rule as to whether let the recount continue, and on December 8 (a month after the election) they voted 4-3 to continue the recount. Bush immediately asked for an appeal, and the Supreme Court given the urgency of the case took the case immediately on the next day.

### **Facts:**

- Of 6 million votes, Bush had a lead of 1,784 votes on election night, this triggered an automatic recount.
- After the first recount finished on November 10, Bush's lead narrowed to 327 votes.
- Florida law gave Gore the right to ask for manual recounts (the 2nd recount), which he did for 4 counties.
- Florida law required the Secretary of State Kathrine Harris to certify the results by November 14, the counties in which Gore asked for a manual recount could not finish by then (the recount can take weeks).
- A Florida Circuit Court said that the Secretary of State could by her decision wait to certify the election giving time for the recounts to finalize, she however decided to certify the election on November 24.
- When the Supreme Court took the case, they halted the recount.

### **Decision:**

There were 3 rulings by the Court;

1. December 9- in a 5-4 decision, the court ruled to halt the manual recount (2nd recount) and to hear the arguments of both sides.
2. December 11- Bush's lawyers argued that the Florida Supreme Court exceeded its authority by authorizing a second recount of the votes. They argued the legislative process(issuing a new certification deadline) did not belong to the courts. Gore's lawyers argued that the case was resolved in the state, and that it was not a federal issue. In a 7-2 ruling, the justices overruled the Florida Supreme Court arguing the way the recount was handled violated the equal protection clause of the 14th amendment.
3. December 12- in a 4-5 ruling, the majority in the court said the Florida court had created a new law (which only the legislative can do) by ordering the recount. They also argued that because a recount could not be held in time to satisfy the federal deadline, the results (Bush winning by 327 votes) had to be certified.

### **Why This Case Is Important:**

Many believe if the Supreme Court allowed the second recount to finish, Gore would have been the eventual winner of Florida's electoral votes, and thus have won the presidency. Many accuse the Supreme Court in voting along party/ideological lines; the 5 conservatives for Bush and the 4 liberals for Gore.

In the month after the election, everyone remained in panic. When a new president is elected, there is a transition period between both administrations, and can take over 2 months. Inauguration day was only weeks away and the Presidency had no clear successor.

## California Board of Regents v Bakke (1978)

### Issue:

- As a result of the affirmative action, priority was given to students that belonged to a minority that previously endured hardships.
- Allan Paul Bakke had been rejected twice by the University of California Davis Medical School, despite having better credentials than other admitted applicants.
- Bakke argued that the affirmative action was violating the fourteenth amendment that stated that no person "shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

### Facts:

- 16 out of a 100 slots available in the medical school were reserved for minority applicants.
- Bakke had an overall score of 72 in the Medical College Admission Test; where an average UCD applicant scored an average of 69 and the average for an applicant under the special program for minorities was 33.
- While the case was waiting for an argument, Rita Clancy sued UCD Medical School for admission under the same circumstances in which Paul Bakke had sued.

### Decision:

- The Supreme Court ruled that it was unconstitutional to deny an applicant solemnly on their ethnicity or race, however they also argued that there could be circumstances in which the use of affirmative action was constitutional.
- It is forbidden by the University of California to consider race and ethnicity in the admission process.

### Why the case is important:

- Despite having good intentions, the affirmative action was promoting reverse discrimination. They were rejecting perfectly capable candidates based on their race when the affirmative action was meant to have an equal demographic representation.
- An applicant should be admitted based on their credentials, and the most qualified individual should receive the spot on the program regardless of their ethnicity and race.



## Clinton v. City of New York

### **Issue:**

- President Bill Clinton had the permission to amend a law except he did not have to go through the 2 Houses of Congress.
- There was a question on whether the Line Item Veto Act's cancellation procedure were in violation of the Presentment Clause of the Constitution

### **Facts:**

- This case is a merger between 2 separate challenges to the constitutionality of 2 cancellations under the Line Item Veto Act
- Made by President William (Bill) J. Clinton
- The first challenge was made by the City of New York along with a hospital, 2 health care unions, and 2 hospital associations, challenging President Clinton's cancellation of a provision in the Balanced Budget Act of 1997.
- The Balance Budget Act of 1997 withdrew the ability for the Federal Government to win back almost \$2.6 billion in taxes that were levied against Medicaid providers by the State of New York.
- The Snake River Farmer's cooperative and also one of its members challenged President Clinton's cancellation of a provision that was given by the Taxpayer Relief Act of 1997 in the second.

### **Decision:**

- The Court ruled in a 6-to-3 decision that the Line Item Veto Act of 1996 gave Clinton the power to remove or add parts of statutes and that this was in violation of the Presentment Clause of the Constitution.
- The Court held that legislation that passes both of the Houses of Congress have to be either entirely signed or entirely vetoed.

### **Why is this case important?**

- This case is very important because it showed us how the congress does not have an unlimited amount of power
- Kept the separation of powers that are in between the three branches of government

# Dolan V. City of Tigard (1994)

## Issue

- Landmark case regarding the practice of zoning and property rights
- Served to establish certain limits in the ability of citizens as well as government agencies to use zoning and land-use regulations in order to enforce property owners to make public improvements.

## Facts

- The petitioner, Florence Dolan, was a property owner of a plumbing and electricity supply store and wanted to expand the site. The City of Tigard, which was the respondent, issued her a valid permit to redevelop the site, but it included a condition that the petitioner had to give a part of her site to the city in order to use it as a bicycle path. The city justified the request by saying that this part of the petitioner territory would prevent floodings that would occur with the expansion as well as traffic issues.

## Decision

- Dolan appeal in the state court, claiming that the conditions were violating the 5th amendment
- The Oregon Court of Appeal and Oregon Supreme Court rejected Dolan's argument. They found the conditions reasonable.
- The U.S Supreme Court held that the conditions were not proportional to what was proposed in the property changes and the conditions were violating the 5th amendment

## Why is it important?

- It is important in order to establish limits in both government agencies and ability of cities. Courts limit government's ability to ask public improvement when the property owners want to make changes in their properties.

## Engel V Vitale (1962)

### **Issue:**

In 1955, the state of New York passed a legislation that which encouraged students to start their school day with the pledge of allegiance and a voluntary prayer that included the line "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country. Amen." In 1958, a group of parents that included Steven Engel in Hyde Park, New York, objected to the prayer, especially the part "Almighty God" and sued the school board president. They claimed that the prayer went against their own beliefs and as well went against the Establishment Clause of the First Amendment which reads "Congress shall make no law respecting an establishment of religion". The New York's courts decided that the prayer was constitutional since it was volunteered and it was protected under the First Amendment's free exercise of religion protection. Hence, the petitioners filed an appeal to the Supreme Court to overrule the previous decision. Therefore, the case revolved around the question of whether school-sponsored nondenominational prayer in public schools violates the Establishment Clause of the First Amendment.

### **Facts:**

- The group of parents that sued the school board was comprised of various individuals with different beliefs. Some of the beliefs represented in the group were jewish beliefs, atheist beliefs, and beliefs from the Ethical Culture.
- The controversial prayer was nondenominational, which means that it was not focused on one denomination, but rather friendly to all denominations.

### **Decision:**

On April 3, 1962 the Supreme Court decided the prayer was unconstitutional with a 6-1 majority. The Supreme Court ruled the law violated the Establishment clause of the First Amendment because the constitution established a separation between church and state; which was violated in this law.

### **Importance:**

The case served as one of the major cases that challenged the government for sponsoring a variety of religious activities. Alongside those cases Engel V. Vitale found that these sponsored activities violated the Establishment Clause. It was also the first case that prohibited the government from endorsing official prayers in schools.

## Furman v. Georgia (1972)

**Issue:** Whether or not the imposition and carrying out the death penalty in Furman v. Georgia (along with Jackson v. Georgia and Branch v. Texas) constituted “cruel and unusual punishment” of the eighth and fourteenth amendment.

**Facts:**

- William Henry Furman was burglarizing a home when a family member discovered him. In an attempt to flee, Furman tripped and fell and the gun he was carrying went off and killed a resident of the home.
- He was sentenced to death (along with two other appellants convicted in their respective states) for rape and murder convictions.
- Furman claimed his sentencing violated his right to “life, liberty and the pursuit of happiness” as stated in the 14<sup>th</sup> amendment of the United States Constitution.

**Decision:** The Court overturned the execution of Furman. In a 5-4 ruling the Court held that the imposition of the death penalty constituted cruel and unusual punishment (causing for violation of the Constitution). The Court stated, “Unless a uniform policy of determining who is eligible for capital punishment exists, the death penalty will be regarded as “cruel and unusual punishment.”

**Importance of the case:**

- The Court's decision made states and the national legislature to rethink their principles for capital offenses to assure that the death penalty would not be administered in a discriminatory manner.
- The underlying reason of this case is whether or not use of the death penalty in murder cases is unconstitutional (re-evaluate implementation of Constitution).

## Gibbons Vs Ogden 1824

**Issue:** In 1798 New York agreed to grant Robert Fulton and Robert R. Livingston a monopoly on steamboat navigation in state waters with certain conditions from the state. In 1807 they were able to complete it, yet the company was bought by Aaron Ogden, and in 1819 Ogden sued Thomas Gibbons, who was also operating steamboats in the same waters as Ogden, in 1820 Ogden won the case. In 1824 Gibbons went to the Supreme Court and to argue that he was in the right to operate his steamboats at that location due to his federal license allowing him to be in coastal trading. The Supreme court ruled in Gibbons favored, and discontinued the monopoly that Ogden had.

**Facts:** Robert Fulton and Robert R. Livingston were able to get exclusive rights to navigate their steamboats in the rivers of New York, by the same state New York. Aaron Ogden paid a fee in order to be in the monopoly that Fulton and Livingston had, allowing his steamboats to operate in the same waters as their business. When in the Supreme Court, the decision was written by chief Justice John Marshall. The decision was in a way to support free enterprise over monopolies.

**Decision:** On March 2, 1824 the court said "The words are, "Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." The decision ruled in favor of Thomas Gibbons and allowed him to still navigate his steamboats in state waters, as it is the duty of congress to regulate commerce and not that of the state. John Marshall was who ruled the decision as the regulation of commerce was under the commerce clause.

**Why is this case important:** This case was in a way to challenge an act of congress. This also changed the way we saw federalism as it explored what the national government has in its power and what the state has. This case made it that the National government has control over any type of commerce that the states trade between each other, regulating it and having more control over economic growth in the United States. It also showed that interstate navigation fell under the category of the federal government, not just commerce.

## Gideon v. Wainright (1963)

### Issue:

- The U.S. Supreme Court decided to hear Gideon's case and review the decision that was made by the lower court (14<sup>th</sup> Judicial Circuit of Florida).
- This would help decide whether the Court's decision for *Betts v. Brady* (1942) should be revised or not.

### Facts:

- Clarence Earl Gideon was charged with felony in a Florida state court. He had broken and entered a poolroom with the intent to "commit a misdemeanor offense."
- Gideon was too poor to obtain an attorney, so he appeared in court by himself.
- He requested that the court appoint an attorney for him, but, according to Florida state law, they may only appoint an attorney for "poor defendants charged with capital offenses."
- While in prison, Gideon filed a petition for writ of habeas corpus in Florida's Supreme Court, but it ended up being denied.
- Next, he filed a petition to the U.S. Supreme Court.

### Decision:

- "The Court held that the Sixth Amendment's guarantee of counsel is a fundamental right essential to a fair trial and, as such, applies the states through the Due Process Clause of the Fourteenth Amendment."
- The Court, under Chief Justice Earl Warren, concluded that the Constitution requires that the states should provide attorneys to criminal defendants who cannot afford them.
- Justice Hugo L. Black: "noble ideal" of "fair trials before impartial tribunals in which ever defendant stands equal before the law . . . cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."

### Why is this case important:

- Ended discrimination towards the poor within the courts
- Created the need for "public defenders"
- Further improved the trial system
- Made important contribution to the so-called "due process revolution"
- Unfortunately, not all the states have established a system where "poor defendants" can obtain a lawyer without having to worry about paying for it

## **Gitlow v. New York (1925)**

### **Issue:**

The main issue in the Gitlow v. New York case was the 1st amendment, the 14th amendment, and freedom of speech.

### **Facts:**

Benjamin Gitlow was arrested in 1919 for publishing and distributing Marx's "Communist Manifesto" with an intention of establishing socialism and overthrowing the government through violence. Benjamin Gitlow was convicted under New York's Criminal Anarchy Law, which states "the doctrine that organized government should be overthrown by force or violence, or by assassination of the executive head or of any of the executive officials of government, or by any unlawful means." Gitlow argued that there was no violence or action following the distribution of the manifesto, and the government can't infringe his right of opinion.

### **Decision:**

The court ruled 7 to 2 in favor of New York, the final decision incited that New York could prohibit and punish advocating overthrowing the government through violent efforts and forceful action. Ultimately reserving the right of Congress to censor for the goal of safety.

### **Importance:**

This case is important as the ruling expanded free speech protections for individuals, and made sure that freedom states must follow federal law. This case assured that the Bill of Rights applied to State law and not just Federal Government, in the end making it harder to suppress speech.

## Griswold v. Connecticut 1965

### Issue:

The issue in the Griswold v. Connecticut case was whether a married couple has the constitutional rights to privacy to be consulted in the use of contraceptives. Connecticut's 1879 law stated, "any person who uses any drug, medicinal article or instrument for the purposes of preventing conception shall be fined"... "any person who assists, abets, counsels, causes, hires or commands another to commit any offense may be prosecuted and punished", in which Griswold claims it violates the 14th amendment regarding the right to privacy and personal freedom as an American citizen.

### Facts:

- Decided June 7, 1965
- Court: Warren Court
- gynecologist, C. Lee Buxton, opened a birth control clinic in New Haven with with Estelle Griswold ( head of Planned Parenthood in Connecticut)
- Both Buxton and Griswold were convicted of breaking Connecticut's law of counseling in the case of an abortion.
- As a result they were fined \$100 each
- Justice William O. Douglas wrote the majority opinion of the case

### Decision:

The supreme court ruled on a 7-2 decisions that the previous 1879 law violated the right to marital privacy and it no longer can be enforced to a married couple. The state ban of using contraceptives was lifted and no longer viewed as illegal due to the rights that protect us under the 14th amendment.

### Importance:

The case influenced many other cases in which involved a very similar topics as to the Griswold v Connecticut case. To name a few of the cases; Eisenstadt v. Baird (1972) giving the right to birth control to unmarried couples, Roe v. Wade (1973) legalized abortion, Doe v. Bolton (1973) defined restrictions with abortion, etc. Making an impact on other cases, Griswold v. Connecticut showcased the importance of abiding by the constitution to receive the rights we have. Showing us the people the government may be wrong in some cases and that we should stand for what we believe is right, because we may make a difference one day.



## **In Re Gault (1967)**

### **Issue:**

- The Supreme Court decision that stated that juveniles accused of crimes must be given the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel.

### **Facts:**

- Gerald Gault, a 15 year old teenager, was taken into custody for making an obscene telephone call to his neighbor
- Gault's neighbor, Mrs. Cook, filed a complaint and Gault and a friend, Ronald Lewis, were arrested and taken to the Children's Detention Home
- At the time of the arrest, Gault's parents were at work and no one was notified about the arrest

### **Decision:**

- The Supreme Court ruling was 8-1, in favor of Gerald Gault
- The Supreme Court ruled that the Gault's commitment was a violation of the 6<sup>th</sup> Amendment, seeing as he was denied the right to an attorney and wasn't notified of the charges against him.
- The Arizona Juvenile Code was labeled unconstitutional, as it didn't require that the parent's of the accused juvenile be informed of the specific charges against Gerald.

### **Why the case is important:**

- An adult charged with the same crime Gault committed would've received a maximum sentence of a \$50 fine and two months in jail. Gault was sentenced to six years in juvenile detention until he turned 21.

## Katz v. United States (1967)

### Issue:

- Charles Katz was suspected of managing interstate gambling by the Federal Bureau of Investigation, once arrested he was charged with an 8 count indictment (8 different crimes that each have enough evidence to be brought to court).
- Katz's claim was that the evidence collected against him by the FBI violated his 4th amendment right by installing surveillance in a public booth.
- The FBI's claim is that there was no "physical intrusion" into the public telephone booth, and added on that it is surrounded in glass which means he was exposed.

### Facts:

- In the attempt to evade the FBI he would use public phone booths to conduct business, after 2 years of tracking him down, the FBI set up the booths with wiretaps (listening devices used as surveillance) and were stationed not too far from him with the intention to catch him in the act.
- The 4th amendment basically serves to provide security to the people by not allowing unreasonable searches and seizures without a warrant.
- The reason the FBI used the claim of no physical intrusion was due to the case *Olmstead v. United States* which established the "trespass" doctrine (that the 4th amendment only applied to physical intrusion of a "constitutionally protected area").

### Decision:

The Warren court concluded a 7 to 1 vote against the FBI, an already controversial topic in the court that derived 40 years prior, with this case the court revised their interpretation for the 4th amendment to the general idea that it "protects people, not places" (Justice Potter Stewart).

### Significance:

The case expanded our privacy rights under the constitution to electronic means, the idea of "against unreasonable searches and seizures" would now also apply to such methods as wiretaps. Prior to this case, the "trespass" doctrine was established as the agreeable interpretation for the 4th amendment, this was what the FBI based their reasoning for the electronic surveillance. The *Katz v. United States* case set the expectations for privacy held by the people as their right, and it specially applies to recent controversies in the tech industry regarding data collecting without permission of the consumer ("mass data collection") and GPS tracking. Both carry a negative opinion due to the new definition for privacy and the limitations that were created from this case.

## Lemon v. Kurtzman (1971)

### Issue:

- Does state funding for non-public schools, with a religious curriculum, violate the Establishment Clause of the First Amendment in the Constitution? The Constitution states that the establishment of any religion by *Congress* is unconstitutional.

### Facts:

- Statutes in the states of Rhode Island (1969) and Pennsylvania (1968) provided state funding for non-public religious schools.
- This statute paid partially for teachers salaries, school materials such as textbooks, etc.
- Alton J. Lemon, a schoolteacher believed that these state grants were an infringement upon the Establishment clause in the Constitution.
- Other people who sued believed that the separation of Church and State was violated

### Decision:

- The Court ruled that the school statutes were unconstitutional, for the government became too involved in the religious affiliation of the schools. (In favor of Lemon)
- The programs fostered "excessive government entanglement with religion."

### Why is this case important?:

- This case led to the creation of the lemon test, a three question test that is used to determine whether a legislature is unconstitutional or not, the questions are the following:
  - First, the statute must have a secular legislative purpose
  - Second, its principal or primary effect must be one that neither advances nor inhibits religion
  - Finally, the statute must not foster an excessive government entanglement with religion.

## Mapp VS. Ohio (1961)

### Issue –

1. Dollree Mapp (the appellant) was concerned her prosecution was unjust and was granted a trial with the Supreme Court in 1961.
  - a. Mapp (she) was convicted of possessing obscene materials including indecent images and drugs after an admittedly illegal police search of her home for a fugitive.
  - b. Her argument was that police searched her house unlawfully, then used irrelevant evidence in their initial search to convict her.

### Facts –

1. In May of 1961 police approached Mapp's house looking for a fugitive.
  - a. Police were informed that a fugitive who allegedly bombed a house was often around Mapp's house in Cleveland, Ohio.
  - b. Mapp denied them entry on the grounds that they did not have a warrant.
2. Police left and later returned with a "warrant" and more police officers than before. They forced their way inside.
  - a. She requested to examine the validity of the warrant, but police refused to show it.
3. Police continued to search her home. They found obscene images in her basement and arrested her.
4. She was convicted in September of 1958
5. The case was argued in March of 1961 and received its final decision in June of 1961.

### Decision –

1. The Supreme Court ruled a 6-3 vote *in favor* of Dollree Mapp, as it was held that the Fourth Amendment protects U.S Citizens from unreasonable searches and seizures.
2. High court said evidence seized unlawfully, without a search warrant, could not be used in criminal prosecution in state courts.
3. Dollree Mapp's conviction was *voided*.

### Why is this case important? –

1. Strengthened the Fourth Amendment protection against unreasonable searches and seizures.
2. Established the "Exclusionary Rule" on a state/local level (since it already existed on a federal level)
  - a. A law that prohibits the use of illegally obtained evidence in criminal trials.
3. Redefined the rights of the accused and set clear strict limits on how law enforcement could obtain and use evidence.
  - a. This case is crucial in the application of the *criminal procedure* contained in the bill of rights.
4. Created a notable impact in the states where the State Courts were given the same standards like those of the Federal Courts.

## Marbury v Madison (1803)

### Issue:

A few days before his Presidential term was over John Adams made several judicial appointments known as the infamous "Midnight Judges" and such nominations were made up until midnight of his last day in office. William Marbury was one of these appointments for Judge of Peace in the District of Columbia. However James Madison, Thomas Jefferson's Secretary of State, refused to deliver his commission, so Marbury petitioned the court for the delivery of the commission. The questions to answer was; Did the Supreme Court have the power or jurisdiction to hear this case? Did Congress have the power to expand the Jurisdiction of the Judiciary? Did Marbury have a right to his commission?

### Facts:

- Thomas Jefferson was elected as the 3rd president, defeating John Adams in the election of 1800
- After losing the election, but before leaving office, Adams created the Judiciary Act of 1801 to appoint a number of judges to fill judicial vacancies. The appointments were made just 2 days before the end of his term, and were approved by the senate the following day.
- Adams signed the commissions and acting Secretary of State John Marshall (soon to be Chief Justice) was responsible for delivering them, but unfortunately missed a few. When Thomas Jefferson took office he directed James Madison to not send the remaining commissions, because he believed they were void for not have been delivered on time.
- Marbury did not receive his commission for Judge of Peace, and sued Madison, demanding that the Secretary of State be forced to give him his commission.
- Article III, Section 2, Clause 2 of the constitution establishes Original Jurisdiction, which is to hear a case for the first time, this means not appeals.
- The Judiciary Act of 1789 gave the Supreme Court the power to order those holding office to properly fulfil their duties or correct an abuse of discretion (writ of mandamus)

### Decisions:

In a unanimous decision, John Marshall as Chief Justice wrote that Marbury did indeed have a right to his commission but that the Judiciary Act of 1789 was unconstitutional, and that Congress could not give the Supreme Court the power to issue an order granting Marbury his commission.

### Why is this case important:

This case confirmed the legal principle of Judicial review, where the Supreme Court can limit congressional power by declaring legislation unconstitutional. Judicial review itself is extremely important because places it places a check on the legislative and executive branch.

## *McCulloch v. Maryland* (1819)

### Issue:

- Can Congress establish a national bank, and if so, can a state tax this bank?

### Facts:

- On April 10, 1816, the Congress of the United States passed an act titled "An Act to Incorporate the Subscribers to the Bank of the United States" which established the Second Bank of the United States.
- A branch of this bank was later established in Maryland. Both sides agreed that they did not have the authority to establish the Baltimore branch.
- On February 11, 1818, the General Assembly of Maryland passed an act titled, "An act to impose a tax on all banks, or branches thereof, in the State of Maryland, not chartered by the legislature" This act was passed in an effort to stop the bank from operating in Maryland.
- The director of the bank refused to pay the fees and the case was taken to the federal courts who ruled in favor of Maryland, claiming the constitution did not explicitly give congress the power to establish a bank and therefore the National Bank was unconstitutional.
- They also argued that the state has the right to tax the bank because it was within their state and the constitution grants the states the power to regulate themselves in some areas.
- The case was appealed in the Supreme Court.

### Decision:

- The Supreme Court determined that Congress *did* have the power to charter a bank. In the Unanimous opinion, Justice Marshall supported this by claiming that the first Bank of the United States gave them the power to create the second. Because the first was approved it set the historical precedent allowing for the creation of the second.
- Marshall also reaffirmed the federal government's superiority by pointing out that by taxing the federal bank they are undermining the laws, which should be superior to state laws.
- Marshall also invoked the Necessary and Proper Clause, pointing out that although congress was not explicitly given the power to charter a bank this clause allows them to pass any laws that are necessary and proper to execute their enumerated powers. Meaning because they must regulate finances and commerce, creating a bank in a justified means of achieving this goal.

### Why this case is important:

- This case had wide reaching effect in the areas of federalism and Implied powers
- By asserting the fact that the State of Maryland could not tax a bank created by the federal government, the court was reaffirming the federal supremacy.
- This case set a precedent that ensured that in times where it may not be clear who has jurisdiction, it is certain that the federal government laws will be superior.
- This case also established the concept of implied powers. This meant that even if the federal government was not expressly granted permission to take certain actions it might still be possible for them to take those actions. This is thanks to the sections of the constitution that are vague enough to be interpreted in many different ways.

## Miranda v. Arizona (1966)

### Issue

- It is necessary for the individual that is being subjected to custodial interrogation to be reminded of his or her privileges under the Fifth Amendment to the Constitution, "no person shall be compelled in any criminal case to be a witness against himself."

### Facts

- *Miranda v. Arizona*. Ernesto Miranda was arrested and taken into custody and was not given a full and effective warning of his rights at the outset of the interrogation process. This resulted in a written and signed confession and also an oral confession. Both were presented at trial and he was found guilty of kidnapping and rape, sentenced to 20 – 30 years in prison for each count.
- *Vignera v. New York*. Vignera was arrested and taken to the 17<sup>th</sup> Detective Squad HQ for a connection with a robbery three days earlier. At trial, the confessions were presented and Vignera was found guilty of first-degree robbery and sentenced to 30 – 60 years jail time.
- *Westover v. United States*. Westover was arrested in Kansas City as a suspect in two robberies and for a felony charge in California. After two and a half hours of interrogation, Westover signed separate confessions, which were introduced at trial. He was convicted for the crimes and sentenced to 15 years in prison for each count.
- *California v. Stewart*. Stewart was arrested at his home as the endorser of checks stolen in a robbery, which resulted in the death of the victim. Stewart confessed to the robbery but stated that he had never meant to hurt the victim. Stewart was taken to trial where he was convicted of robbery and first-degree murder and sentenced to death.

### Decision

- The Supreme Court saw the cases as a violation to the Fifth Amendment privilege and stated that a defendant "must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.

### Importance

- This court case is important because it protects the rights of the accused found in the Fifth Amendment.
- Before the *Miranda v. Arizona* Supreme Court decision, a person would be arrested and could be forced to confess to the crime.
- The accused is now read their rights so they know and has the right to remain silent during an interrogation until a lawyer is present.

## Near vs. Minnesota (1931)

Issue: J.M. Near is a resident of Minnesota, who owned and operated a newspaper called "The Saturday Press". The state of Minnesota had previously passed a law called the Minnesota Gag Law of 1925. This law did not want what was considered hateful media made public due to fear of sparking riots and uprisings. J.M. Near was arrested because one of his publishing's was considered hateful and racist. Near appealed saying that his publishing was not criminal or illegal and his arrest violated his first and 14<sup>th</sup> amendment rights.

### Facts:

- Near vs. Minnesota case began January 30<sup>th</sup>, 1930
- J.M. Near is a resident of Minnesota, owns and operated a newspaper.
- Minnesota had a Minnesota Gag Law of 1925 that prevent publication of hateful or racist media.
- J.M. Near appealed that his arrest violated his first and 14<sup>th</sup> amendments.
- The U.S. Supreme Court ruled in favor of J.M. Near stating the Minnesota's Gag Law of 1925 violated the first amendment of the U.S. Constitution.

Decision: The U.S. Supreme Court ruled in favor of J.M. Near in this case, because Minnesota's Gag Law of 1925 was found in violation of the first amendment. The U.S. Supreme Court distinguished a difference between hateful speech and hateful actions, finding that the newspaper was not a danger for the people.

Importance: This case is important because it established more lines for the censorship and freedom of Press.



## New York Times V United States (1971)

### Background:

At the time, the United States had been engaged in an unofficial war with North Vietnam for 6 years. The public was appalled due to the estimate of 58,000 soldier deaths and began turning on the government with protest.

### Issue:

Daniel Ellsberg leaked a "top secret" government document called the Pentagon Papers to the New York Times. The NYT published the first chapter of the pentagon papers exposing President Lyndon Johnson of lying to the public about the extent of the U.S military's involvement in the beginnings of SouthEast Asia affairs. The issue became whether publishing the Pentagon Papers is protected by the first amendment, the freedom of speech and press.

### Facts:

The Nixon administration issued federal injunctions against the New York Times and the Washington Post arguing that the publication of such document is a threat to national security.

### Decision:

The supreme court ruled in a 6-3 decision that the Nixon administration violated the First Amendment. The first amendment clearly supports the press being free to publish the news without censorship, injunctions or prior restraints from whatever source. It was also decided that the publication of this document would not endanger the military and their current operations. This case specifically was won by the New York Times because it was argued to be "prior restraint" meaning the government attempted to prevent the publication rather than taking legal action after the document was published; an act of censoring.

### Why is this case important:

This case stands out because it is a battle of our rights and a model of what the judicial system is meant to achieve. After this ruling the Supreme court established a standard for considering government censoring unconstitutional, even in cases of national security guaranteeing the legal safety of the press.

## Roe v. Wade (1973)

### Issue:

- The court case mainly focused on the unwritten constitutional right to have an abortion

### Facts:

- 1970- Jane Roe (Norma McCorvey) filed a lawsuit against the District Attorney of the County of Texas (Henry Wade) from 1951 to 1987
- The case involved an unmarried pregnant woman who was at the time identified only as Jane Roe in order to maintain her anonymity
- Roe believed that the Texas criminal abortion laws were unconstitutional (The Texas state law prohibited her from having an abortion)
- Texas prohibited abortions except to save a pregnant woman's life or in the cases of rape and incest
- Based on the decision of the constitutional right of privacy

### Decision:

- **January 22, 1973** – The U.S. Supreme court, in a 7-2 decision, affirms the legality of a woman's right to have an abortion under the Fourteenth amendment to the Constitution.

### Why is this Case Important?:

Within the ruling of the court case, it was the first time that the United States Supreme Court recognized the right to privacy. It is ultimately a woman's decision to decide if she would like to have an abortion. Roe v Wade was the court case that is

## Texas vs Johnson (1989)

### Issue:

- During the 1984 Republican National Convention, Gregory Lee Johnson burned an American flag in form of protest against the Reagan administration.

### Facts:

- After burning the flag, Johnson was arrested for violating Texas's state law that prohibited vandalization and destruction of the U.S. flag
- During this time, Texas was not the only state to have anti-flag burning laws, 47 other states also criminalized flag desecration.
- He was eventually convicted, fined \$2,000 dollars, and sentenced to one year in jail.
- The Court of Appeals for the Fifth District of Texas at Dallas certified Johnson's conviction, but then the Texas Court of Criminal Appeals reversed the conviction, claiming that the State could not punish Johnson for burning the flag due to the First Amendment (freedom of speech)
- In March of 1989, it was decided that this case would be reviewed by the Supreme Court

### Decision:

- In the end it was a 5-to-4 decision, and the Court had ruled that Johnson's burning of a flag was a form of expression protected by the First Amendment
- The Supreme Court stated that just because society or an audience might be offended by a certain form of expression, the Court can not justify any prohibitions of speech
- During this time, they were questioning whether they should take leniency and grant a specific and exclusive exception to flag desecration, but in the end they argued that they cannot question the First Amendment and "designate symbols to be used to communicate only limited sets of messages"

### Why this case is important:

- The Texas vs Johnson case challenged the First Amendment and showed citizens that they do indeed have the freedom of speech and are protected by the law
- They are allowed to express their ideas and beliefs
- Although it is controversial and extremely discouraged in society, because of this case, people know that they can legally express themselves and burn the flag if they truly want to

## **Tinker v. Des Moines School District (1969)**

### **Issue:**

- Should schools be able to dictate what students wear or say when it is a matter of symbolical protest? Is doing so a violation of their right to free speech mandated in the First Amendment of the Constitution?

### **Facts:**

- In the city of Des Moines in 1965, a small group of students came together in order to formulate a plan to peacefully protest for peace regarding the Vietnam War.
- Their way to demonstrate their support would be to wear black armbands and to fast on two different days.
- After administration learned about what they planned to do, they created a new school policy stating that whoever wore a black armband would have to remove it when asked.
- Mary Beth Tinker, John Tinker, and Christopher Eckhardt refused to this and were suspended.
- These three were not allowed to return to school until after January 1st which was initially the day they had planned to end their protest.
- Their parents then sued the Des Moines school district for violating the student's freedom of speech and expression.
- The district court dismissed the case believing that their actions were reasonable, they maintained that the school was obligated to "uphold school discipline".
- The families then became represented by the ACLU and underwent 4 years in this ongoing court battle.

### **Decision:**

- The court ruled 7-2 on February 24, 1969 that it is unconstitutional for schools to prohibit students from expressing their opinions, that is unless they are disrupting other students' education.
- In this case, the school based their suspension more on the fear that they would disrupt rather than because they caused an actual disruption.
- It was said that students do not "shed" their rights as soon as they step onto school property.

### **Importance:**

- This was the first time the Supreme Court was involved in a case regarding freedom of speech/expression in the school environment.
- This case set the standard for future protests, it is known as the "Tinker Test". This decides whether the protest is protected by free speech or not, as long as it does not disrupt or invade the rights of other students it cannot be suppressed by the school.
- Although members of the court disagreed, it was upheld that children or minors have the same rights and freedom as adults and to the same degree.
- Confirmed that symbolic speech/protests are also protected under the First Amendment.

## United States V. Lopez (1995)

### Issue

- In 1992, Alfonso Lopez, a high senior, entered his San Antonio high school with a concealed handgun, and was convicted in a Federal District Court for knowingly possessing a weapon.
- He was caught with a .38 caliber revolver along with five cartridges, with the intent to deliver the weapon in exchange for \$44.

### Facts

- Lopez was charged in a court in Texas for violating the Gun-Free Schools Act.
- The Gun-Free School Act of 1990, an act of the U.S. Congress that prohibits any unauthorized individual from knowingly possessing a loaded or unsecured firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.
- Alfonso Lopez was found guilty and appealed to the Supreme Court, arguing that the law was an overreach of congressional power because schools are supposed to be controlled at the state level, not federal level.
- Lopez was at first sentenced to a six month's imprisonment and two years of supervised release.
- The federal government argued that the law was within Congress's power as it fell under the Commerce Clause of the Constitution, in which Congress could regulate three things:
  - a. Instrumentalities of commerce.
  - b. The use or channels of commerce.
  - c. Activities that affect interstate commerce.

### Decision

- In a 5-4 decision written by Chief Justice William Rehnquist, rules that the Gun-Free School Zones Act was unconstitutional, and did not violate the Constitution on the grounds that Congress was overreaching its power granted under the commerce clause.
- The Supreme Court found that although Congress was given the right to regulate interstate commerce, possession of a gun in a school zone was not an economic activity.
- It rules that it was a criminal act, that must be handled at the local and state level, not by the federal government.
- Alfonso Lopez conviction was eventually overturned.

### Why this case is important

- US v. Lopez preserved the system of federalism, which delegates certain powers to states and to the federal government. It upheld the principle that states have control of local issues such as in this case gun possession on school grounds.
- It was the first case in a long time that states the federal government as overstepping its bounds and that Congress had given itself too much power under the commerce clause.
- This case reaffirmed the balance of power between the federal government and state governments.

United States V. Nixon  
(1974)

**Issue:**

Following the event of the Democratic headquarters break-in at the Watergate hotel, and President Richard Nixon's attempts to sweep it under the rug, public confidence in the executive branch began to diminish. Special Prosecutor Leon Jaworski had ordered a subpoena for President Nixon to release recorded tapes of conversations with those indicted in the Watergate investigation, believing the president to be involved. Nixon refused to release the tapes claiming executive privilege and made the claim to the Supreme Court. It begged the question what information could the president keep secret and if this claim granted the president immunity from legal proceedings.

**Facts:**

- The case United States V. Nixon began on July 8th, 1974
- The case was decided and ended on July 24th, 1974
- Before heading to the Supreme court, the president was ordered to release the full tapes by a District Court Judge John Sirica
- The defense for President Nixon was that the matter is between the executive branch and should be resolved by the executive branch
- President Nixon claimed executive privilege meaning he could keep information secret from the other branches of the federal government so long as it is in the best interest of the nation

**Decision:**

The decision was heavily debated and revised while still being made due to difficulties of being open to interpretation and involving a sitting president. Regardless, the decision was delivered three weeks after the arguments were made. The Supreme Court came to the decision that executive privilege with the exception of certain military and diplomatic situations did not give the president immunity from "judicial process". The ruling was against President Nixon and he was ordered to release the tapes to the District Court, to which he complied.

**Why is this case important?:**

This case was monumental in U.S. history for limiting the power of the president and the executive branch as well as it reestablished the checks and balances stated in the Constitution by the Founding Fathers. It set a precedent for what executive privilege meant and what information the president could keep secret and what exactly do they have immunity from. As well as increasing the powers of the legislative and judicial branches by having more information available to them and less hidden. The decision of the case led to president Nixon resigning sixteen days later, becoming the first president to officially resign from office.

## US TERM LIMITS V. THORNTON (1995)

### Issue:

- The constitutionality of the 73 amendment to Arkansas state constitution since it was meant to limit the amount of terms that a candidate for the house or the senate can run before being denied ballot access
- The term limit was not the main problem, but mostly the problem was that the federal government and past lawmakers wanted the Constitution to be the only source of qualifications for members of congress.

### Facts:

- Arkansas voters adopted their 73rd amendment to their state constitution on November 3, 1992
- This was meant to limit the terms that members of the congress can run
- Limited the members of the United States House of Representatives from Arkansas to three terms before denying them access to the to the ballot
- Limited the members of the Senate from Arkansas to the two terms before denying them access to the ballot for reelection

### Decision:

- The Supreme Court determined that this amendment was unconstitutional with a 5-4 vote.
- This was mostly due to the fact that the state was trying to add required qualifications to be a member of the house or senate
- The judges argued that this shouldn't be allowed because the only qualifications required are meant to be on the constitution.
- Also, this conflicted with the constitution because the constitution didn't say anything about term limits.

### Why this case is important:

- This removed the possibility of the states imposing their own congressional qualifications on their senators or members of the house and ensures that the constitution is the only source of qualifications for members of the congress.

## **Vernonia School District 47J v. Acton (1995)**

### **Issue:**

The main issue in the Vernonia School District v. Acton case is whether it is legal for schools to conduct random drug tests on sports athletes.

### **Facts:**

Vernonia School District established the student-athlete drug policy, allowing them to conduct random urinalysis drug testing of student-athletes. James Acton a 12-year-old football player and his parents refused to sign a waiver of consent for drug testing, ultimately resulting in his suspension of the team. The Actons argued that this was an infringement of their 4th and 14th amendment as an intrusion of privacy.

### **Decision:**

The court ruled 6 to 3 in favor of Vernonia School District, the court argued that the level of privacy infringed upon urine samples are minimal and close to the privacy they already succumb as to using public restrooms and the results of the urinalysis are monitored by a minimal authority. The school pledged that the concern for safety especially within sports-related injuries of minors out weights the intrusion of the athletes' privacy.

### **Importance:**

This case is important as it establishes the level at which the cause and intention of safety, overrides privacy and the 4th amendment. This also established the amount of privacy and intrusion surrendered during a urinalysis and deemed it similar to using a public restroom and not a violation of the constitutionally guaranteed privacy of participants in scholar sports programs.



## Wallace v Jaffree (1985)

### Issue:

Jaffree complained on behalf of his three children (which all attended public schools in Alabama) that members of the county's school board, various school officials, and the childrens' three teachers should be prevented from "maintaining or allowing the practice of regular religious prayer services or other forms of religious observances" in violation of the first amendment. He claimed that the teachers were indoctrinating his children by leading class with a prayer daily, and since the children didn't participate they were shunned by peers. Even with repeated complaints by Jaffree asking for these religious activities to stop, the school paid him no attention.

### Facts:

In 1978 Alabama passed a law allowing 1-minute of silent meditation in public school  
In 1981 Alabama modified the 1978 law to also include voluntary prayer.

### Decision:

In a 6-3 ruling the supreme court stated that the Alabama law (1981) violated a constitutional principle, that a statute can't be entirely motivated by a purpose to advance/inhibit religion. The 1978 law was kept in place.

### Why this case is important:

The case reinforced the principle that "the government must pursue a course of complete neutrality toward religion", and government and religion must remain separated.

### **Wilkins v Missouri 1989**

**Issue:** A capital offense (murder) was made by defendants that were juveniles (16 and 17 years of age). This court case was put in motion to discuss whether they should receive capital punishment and be put to death as it was unclear if the eighth amendment of the Constitution prohibited the imposition of a death sentence upon a defendant that was under the age of 18 or not.

#### **Facts:**

- Defendant Health A. Wilkins (16-years-old) plead guilty to first degree murder
  - During a robbery of the victim's convenience store, he murdered a 26-years-old mother who had two small children.
  - The defendant was tried as an adult considering the viciousness of the crime on top of all of his previous juvenile crimes.
  - Health A. Wilkins was then sentenced to death.
  
- After much controversy on whether the death sentence for a 16-year-old was constitutional or not, this case was presented to the Supreme Court.
  - The Supreme Court ruled (5 to 4) that sentencing a minor aged 16 or 17 is not unconstitutional
    - It did not specifically go against the eighth amendment.
  - Of the 37 states that allow capital punishment, 12 of them prohibit capital punishment for offenders under the age of 17 and 15 states prohibit capital punishment for 16-year-olds.
  
- The Supreme Court decided to give the power to the states, allowing them to decide whether they felt it was appropriate to sentence a 16 or 17 year old to death, at least at the time of this case.

**Decision:** The court concluded that it was never clearly stated that a juvenile was not allowed to be served capital punishment if they commit such a crime as murder.

- Capital punishment for a 16 and 17-year-old would not go against the eighth amendment's prohibition against brutal and inhuman punishment.
- Death penalty for 16 and 17-year-olds is not a unconstitutional

#### **Why this case is important:**

- Marks the time when it was decided that offenders of ages 16 and 17 could be given capital punishment as it would not be considered a cruel punishment for a capital offense
  - Does not cause conflict with the eighth amendment.
- It tore the public, interest groups, and professional association studies apart when trying to decide what the universal decision could be.
- The Supreme Court handed power down to the states so that they could decide what they believe in rather than just creating a law that would apply to the entire nation.

## Kelo v. City of New London (2005):

### Issue:

- Kelo v. City of New London dealt with the Takings Clause highlighted in the fifth amendment of the United States Constitution. The Takings Clause states that, "private property [shall not] be taken for public use, without just compensation." This protects individuals from confiscation of property without reimbursement and also ensures that said confiscation is used to benefit the public.
- Kelo v. City of New London worked to explain whether or not the public use requirement is met if the government takes private property and resells it to private developers to provide aid to a failing economy. Scott G. Bullock effectively summarizes the issue in one short sentence; he stated, "the question goes to whether or not the government could use its police power to acquire property and then sell it to a private developer."

### Facts:

- Kelo v City of New London was argued on February 22, 2005 and was decided upon that same year, on June 23.
- A city in Connecticut, New London, exercised its eminent domain authority to take forcible possession of private property owned by Susette Kelo following her refusal to sell her property. The government seized it and it was resold to private developers in the name of economic revitalization, as part of an integrated development plan.
- The city did this in hopes of saving their economy, which had been failing for decades. Ruth Bader Ginsburg stated, "New London was in a depressed economic condition.. this was a depressed community and they wanted to build it up, get more jobs."
- Kelo brought the case to court stating that it violated the "public purpose" requirement highlighted in the Takings Clause.

### Decision:

- Justice John Paul Stevens announced the verdict on June 23, 2005. He stated, "New London's effort to rejuvenate its economy through an integrated development plan qualifies as a public purpose."
- In a 5-4 opinion the court decided that the taking of land was for public use, as it did not simply benefit one small group. Although the land was not *literally* used by the public, the economic development that it would provide was to significantly benefit the public.

### Why this case is important:

- Kelo v. City of New London explores a city's authority in regards to eminent domain. The case provides a greater understanding of the Takings Clause as it shows an interpretation of the public use requirement. The case established that the Taking Clause was not violated as long as the public could reap the benefits of economic growth.

## McConnell v FEC (2003)

### Issue:

The issue surrounding the McConnell v FEC is the constitutionality of the "McCainFeingold" Bipartisan Campaign Reform Act of 2002. This act placed restrictions on campaigns and contributors such as: banning soft money donations to political parties, limited union, corporate and nonprofit organization political ads before election and restricted political party use of funds for ads. The court sought three developments in this case, "soft money" importance, proliferation of "issue ads" and findings of campaign practices.

### Facts:

The first amendment protects the freedom to experiment and create thought and speech in elections. Citizens are able to be free in terms of findings new forms to express ideas, it belongs to the people and can't be taken away by the government. Congress can't imprison those who attempt to create new political parties and alter civic discourse or restrict independent expenditures from political communications by corporations.

### Decision:

The supreme court upheld the Bipartisan Campaign Reform Act of 2002 to control soft money and the regulation of electioneering communications. In addition it found unconstitutional the BCRA's ban on contributions from minors and the "choice provision" where a party committee isn't allowed to make expenditures in behalf of a candidate after their general elections. The court upheld national committees to not undermine their duties, meaning they must subject donations to limitations, prohibitions and reporting requirements. National officers may not personally spend, receive, direct or solicit soft money, but may advise candidates on how to spend and raise donations. This includes state, district, and local committees; they may not interfere with federal elections. A person who donates more than \$1000 to a campaign must be disclosed to the public as it was established as a public interest. Buckley v Valeo in 1976, which conducted disclosure requirements to entities communicating the election or defeat was used to define a new category of communication. The "electioneering communication" encompassing broadcast, cable or satellite communication that identifies with a federal candidate, must air within 30 days of a primary or 60 days of a federal general election.

### Why is this case important?:

The case is important because it held that free speech in the First Amendment prohibits the government from restricting political expenditures from communication mediums, labor unions, corporations, etc. It called the limitation minimal to the First Amendment as it focused mainly on soft money rather communication mediums to increase register voters in polls and prevented government interest in corruption by large financial contributions.

## District of Columbia v. Heller

Issue: When Dick Anthony Heller application to keep a handgun in his house was rejected, on the basis of a law in D.C that prohibited possession of any type of gun, Heller sued the District of Columbia claiming their law violated the Second Amendment.

### Facts:

- The *Firearms Control Regulation of 1975* prohibited citizens of D.C from owning handguns, automatic firearms as well as semi automatic rifles. It also prohibited them from possessing unregistered firearms.
- Robert A. Levy, a member of a policy research organization, was looking for citizens in D.C who would want to sue the city for violating the Second Amendment
- Dick Anthony Heller was a police officer who was certified to carry a handgun during his shifts and he had previously considered suing the city but found little support
- Levy, Heller and other plaintiff took the case to the D.C District court where it was dismissed
- Later the D.C Circuit Court reversed that dismissal claiming that the D.C law did in fact violate the Second Amendment
- The D.C Circuit Court then appealed to the Supreme Court where the case was taken up

### Decision:

In a 5-4 vote the Supreme Court ruled alongside the D.C Circuit Court, supporting the decision that the D.C law that prohibited the possession of firearms was violating the Second Amendment. The Second Amendment states that "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." The judges who signed on to the majority opinion stated that in the Second Amendment the meaning of "militia" is extended to the entirety of the citizens, not only the military. They supported their argument by stating that when the constitution was written the militia referred to any able bodied citizens who had the ability to serve in the military. In addition, they argued that the prefatory clause ("A well regulated Militia, being necessary to the security of a free State...") does not limit the operative clause ("the right of the people to keep and bear Arms, shall not be infringed."). However, the court ruled that the Second Amendment was not unlimited and that other weapons such as those not commonly used for hunting or self defense and other highly dangerous weapons could be banned

### Why this case is important?

Before *District of Columbia v. Heller* was brought forth to the Supreme Court it had not considered the interpretation of the Second Amendment for about 70 years. Through this case it was explicitly stated that the Second Amendment refers to the right of citizens to own guns. The last case regarding the Second Amendment was *United States v. Miller*, in which it was stated that the Second Amendment's purpose was to ensure the effectiveness of the militia. The interpretation of the law in *District of Columbia v. Heller* was a radical reversal to the previous interpretation. After the decision in *Heller* the District of Columbia began enacting further restrictions in the ownership of firearms.

## Citizens United v FEC (2010)

### Issue:

- Citizens United wanted to broadcast a movie of Hilary Clinton called *Hilary: The Movie* within 30 days of the 2008 democratic primaries and were turned down by the courts from airing it.

### Facts:

- The Lobbying group Citizens United wanted to air a film about Hilary Clinton.
- The Bipartisan Campaign Reform Act prohibits unions and corporations from spending large amounts of money and airing anything within 60 days of a general election or 30 days of a primary.
- The First Amendment states that everyone has the freedom to press and is allowed to broadcast what they want.

### Decision:

- The United States District Court of the District of Columbia realized section 203 of the BCRA was a factor and denied Citizens United the right to air the movie of Hilary Clinton within 30 days of the primaries.
- The Supreme Court reopened the case and reversed this decision.
- They ruled that because of the First Amendment, this stopped the government from restricting independent payments for political reasons from nonprofit organizations such as unions.

### Why this case is important:

- This is important because it shows how the First Amendment can be violated so easily. Plus, it shows how the media can air anything because everyone has the right to speech.

## McDonald v City of Chicago, 2010

### Issue

In 1982, the City of Chicago passed a law that made registration a prerequisite for anyone who intends to hold possession of a firearm and created a city-wide handgun ban. Overall, the law made it incredibly difficult for the citizens of Chicago to own firearms, which then created an argument on whether or not this law was contradicting the Second Amendment. In 2008, Otis McDonald along with others, challenged provisions of this 1982 Chicago law claiming it violated their individual rights.

### Facts

This case can find its beginnings in the District of Columbia v *Heller* case in 2008, in which the Supreme Court determined that the Second Amendment protects an individual's right to carry weapons and use them for lawful purposes, such as self defense.

- Otis McDonald was a seventy-six year-old Oak Park resident who owned various firearms for hunting yet was denied the ability to purchase a handgun due to the 1982 Chicago ban, and was the “leader” for this lawsuit.
- He challenged four aspects of the gun registration law:
  - Prohibit the registration of handguns, require that guns be registered prior to their acquisition by Chicago residents, mandate that guns be re-registered annually, with another payment of the fee, render any gun permanently non-registrable if its registration lapses.
- The federal district court rejected McDonald’s claims that the ban was unconstitutional and claimed that the Supreme Court Cases refrained from deciding whether or not the Second Amendment applied to the states.
  - Cited “selective incorporation” (The Supreme Court application to the states of most of the protections of the Bill of Rights through the clause of the Fourteenth Amendment (prohibits states from denying life, liberty, or property without due process of law.)
  - McDonald argued that the Second Amendment is applicable through that clause.

### Decision

Decided on June 28th, 2010. The *McDonald v City of Chicago* case ended up being a 5-4 majority. The majority in this case stated that the right of individuals to keep and bear arms for self-defense was essential to the American "scheme of ordered liberty and system of justice." Therefore they concluded that Chicago's handgun ban was unconstitutional.

### Why this case is important

This case cleared up the uncertainty that was left in District of Columbia v *Heller* by establishing that the right to bear arms is indeed protected by the Second Amendment and the Fourteenth Amendment. Pro-gun advocates also ended up feeling that this case would lead the path for future state law overturns regarding restrictive handgun ownership. Overall, it protects the right for people to keep and bear guns and is applied to state, local, and federal governments.