

Summary of Supreme Court Cases

DIRECTIONS: Research 5 of the following Supreme Court cases. I have provided *Marbury v Madison* as an example for you to follow. I have also provided a question for each of the following cases. Use your research to find the facts of the case and the conclusion. It will be more interesting if you find five cases that have an interest to you.

1. **Marbury v. Madison (1803)**

Facts of the Case

The case began on March 2, 1801, when an obscure Federalist, William Marbury, was designated as a justice of the peace in the District of Columbia. Marbury and several others were appointed to government posts created by a Federalist Congress in the last days of John Adams's presidency. These last-minute appointments were never fully finalized, however, since the new President Thomas Jefferson, did not want to seat Federalist judges. Marbury and other disgruntled appointees invoked an act of Congress and sued for their jobs in the Supreme Court.

Question

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

Conclusion

Yes; and it depends. The justices held, through Marshall's forceful argument, that on the last issue the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." In other words, when the Constitution--the nation's highest law--conflicts with an act of the legislature (in this case, the Judiciary Act of 1791, which, among other things, added to the Court's original jurisdiction), that act is invalid. This case establishes the Supreme Court's power of judicial review and provides the Court with the means of "checking" the other branches.

2. **McCulloch v. Maryland (1819)**

Question:

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

3. **Barron v. Baltimore (1833)**

Question:

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

4. **Dred Scott v. Sandford (1856)**

Question:

Was Dred Scott free or slave?

5. **Ex Parte Milligan (1865)**

Question:

Does a civil court have jurisdiction over a military tribunal?

6. **Plessy v. Ferguson (1896)**

Question:

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

7. **Schenck v. U.S. (1919)**

Question:

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

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

Question:

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

9. **Palko v. Connecticut (1937)**

Question:

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

10. **Brown v. Board, 1st (1954)**

Question:

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?

11. **Brown v. Board, 2nd (1955)**

Question:

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

12. **Mapp v. Ohio (1961)**

Question

Were the confiscated materials protected by the First Amendment? And more importantly, if turned out, may evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding?

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

Question

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

14. **Baker v. Carr (1962)**

Question

Did the Supreme Court have jurisdiction over questions of legislative apportionment? And has the 14th Amendment's proscription to states against denying "equal protection of the law" been violated?

15. **Abington v. Schempp (1963)**

Question:

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

16. **Gideon v. Wainwright (1963)**

Question

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

17. **Wesberry v. Sanders (1963)**

Question

Did Georgia's congressional districts violate the Fourteenth Amendment or deprive citizens of the full benefit of their right to vote?

18. **Heart of Atlanta Motel v. U.S. (1964)**

Question

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

19. **Escobedo v. Illinois (1964)**

Question

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

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

Question

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

21. **Miranda v. AZ (1966)**

Question

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

22. **Lemon v. Kurtzman (1971)**

Question

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

23. **Roe v. Wade (1973)**

Question

Does the Constitution embrace a woman's right to terminate her pregnancy by abortion; similarly, can a state deny a woman this right?

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

Question

1) Do the courts have the jurisdiction to hear a case involving a dispute within the executive branch? 2) Does the president have the power of absolute privilege and, if so, does his privilege prevail over the demands of the subpoena in this case?

25. **Gregg v. Georgia (1975)**

Question:

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

26. **Buckley v. Valeo (1976)**

Question

Did the limits placed on electoral expenditures by the Federal law (FECA), and related provisions of the Internal Revenue Code of 1954, violate the First Amendment's freedom of speech and association clauses?

27. **Regents of the University of California v. Bakke (1978)**

Question

Did the University of California violate the Fourteenth Amendment's equal protection clause, and the Civil Rights Act of 1964, by practicing an affirmative action policy that resulted in the repeated rejection of Bakke's application for admission to its medical school?

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

Question

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

29. **U.S. v. Lopez (1995)**

Question

Is the 1990 Gun-Free School Zones Act, forbidding individuals from knowingly carrying a gun in a school zone, unconstitutional because it exceeds the power of Congress to legislate under the Commerce Clause?

30. **Clinton v. NY (1998)**

Question

Did the President's ability to selectively cancel individual portions of bills, under the Line Item Veto Act, violate the Presentment Clause of Article I?

31. **Bush v. Gore (2000)**

Question

Did the Florida Supreme Court violate Article II Section 1 Clause 2 of the U.S. Constitution by making new election law? Do standard-less manual recounts violate the Equal Protection and Due Process Clauses of the Constitution?

32. **Zelman v. Simmons-Harris (2002)**

Question

Does Ohio's school voucher program violate the Establishment Clause of the First Amendment?

33. **Ashcroft v. ACLU (2002)**

Question

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

34. **Lawrence v. Texas (2003)**

Question

Do the criminal convictions of John Lawrence and Tyron Garner under the Texas "Homosexual Conduct" law, which criminalizes sexual intimacy by same-sex couples, but not identical behavior by different-sex couples, violate the Fourteenth Amendment guarantee of equal protection of laws? Do their criminal convictions for adult consensual sexual intimacy in the home violate their vital interests in liberty and privacy protected by the Due Process Clause of the Fourteenth Amendment? Should *Bowers v. Hardwick*, 478 U.S. 186 (1986), be overruled?

35. **Gratz v. Bollinger (2003)**

Question

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