

Major Supreme Court Decisions



Major Supreme Court Decisions



Constitutional Rights

- Declaration of Independence introduced the fundamental rights provided by the Constitution
- Right to life, liberty, and the pursuit of happiness
- Framers saw the government as unfinished and believed that rights would evolve over time
- Who possessed these rights—were they absolute, unlimited, and guaranteed in all cases?



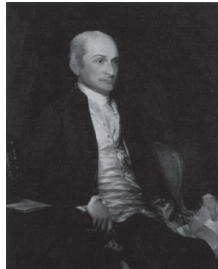
Constitutional Rights (continued)



- Constitution is a “living document” — adaptable to the times
- Supreme Court defines the meaning of the Constitution
- Boundaries within the government and between government and the people help safeguard the people’s rights
- The court’s rulings often reflect the times and are subject to change

The Supreme Court: The Early Years

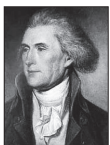
- Origins in the Constitution
- Judiciary Act of 1789
- Early years saw little participation, activity, or interest
- First major case was quickly overturned
- Hearing cases in circuit courts (“riding circuit”) both physically demanding and ethically questionable



John Jay, the first chief justice of the Supreme Court

The Supreme Court: The Early Years (continued)

- Supreme Court viewed as “least dangerous branch” of government
- Major political parties: Federalists and Democratic-Republicans
- Each party wanted to take the country in a different direction
- 1801: President Adams appoints John Marshall Chief Justice



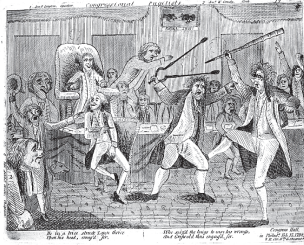
Thomas Jefferson



John Adams

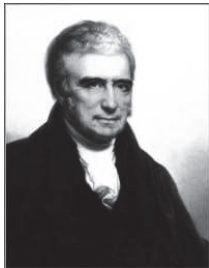
The Supreme Court: The Early Years (continued)

- Partisanship dominated politics
- To extend Federalist influence, President Adams appointed “midnight judges”
- *Marbury v. Madison* (1803)
- The Supreme Court is an appellate court



Federalists and Democratic-Republicans brawl in the House of Representatives, 1798

The Supreme Court: The Early Years (continued)



John Marshall

- Marshall’s ruling originated the doctrine of judicial review
- Only the court has the power to declare acts of Congress and the president unconstitutional

The Importance of Judicial Review

- Confirms the Framers’ intention to create three separate and independent branches of government
- Judicial review established the court’s unique ability to interpret the Constitution
- The interpretation may change with the times, as the court makes decisions on a case-by-case basis



Discussion Questions

1. Explain the statement, "The Constitution is a living document." What is the Supreme Court's role as it relates to the Constitution?
2. What were some of the problems the Supreme Court faced during the first ten years of its existence?
3. Describe the differing visions the Federalists and the Democratic-Republicans had for the country, as well as the criticisms each party had of the other.

Discussion Questions

4. What led President Adams to make his "midnight judges" appointments?
5. What dilemma did Chief Justice Marshall face in deciding *Marbury v. Madison*?
6. What is the importance of judicial review to the Supreme Court and the balance of power among the three branches of government?

The Power of Judicial Dissent

- Supreme Court is an appellate court
- Justices deliver opinions on the cases they review
- Majority opinions carry the ruling on the case
- Minority, or "dissenting," opinions don't have legal force but can effect change at a later time
 - Congress may pass a law limiting the court's ruling
 - Dissenting opinions may influence later court decisions



The Supreme Court room in the Capitol

The Power of Judicial Dissent (continued)



Justice Stephen J. Field

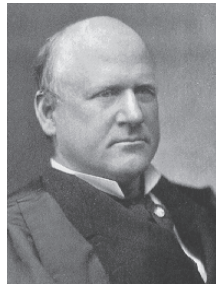
Munn v. Illinois (1877):

- Majority ruled government could regulate private business
- Justice Field insisted the 14th Amendment only applied to government, not private business
- His dissent later influenced the court not to interfere in private business
 - *Civil Rights Cases* (1883)
 - *Lochner v. New York* (1905)

The Power of Judicial Dissent (continued)

Plessy v. Ferguson (1896):

- Louisiana law allowed for “separate but equal” accommodations
- Justice Harlan believed the Constitution was “color-blind”
- His dissent influenced the 1954 *Brown v. Board of Education* decision



Justice John Marshall Harlan

The Power of Judicial Dissent (continued)



Justice Louis Brandeis

Olmstead v. United States (1928):

- Electronic surveillance used as a tool for fighting crime
- Justice Brandeis’s dissent warned that new technology would continue to pry into people’s lives
- His belief that the Fourth Amendment protects people helped reverse *Olmstead* in *Katz v. United States*

Discussion Questions

1. What does it mean that Supreme Court is an appellate court? How does this fact relate to Justice Marshall's ruling in *Marbury v. Madison*?
2. What are dissenting opinions? Why are they important?
3. How did Justice Field's dissent differ from the majority's regarding the application of the 14th Amendment to private businesses?
4. Why did Justice Harlan feel the "separate but equal doctrine" was unconstitutional?
5. How did the circumstances in *Olmstead v. United States* lead Justice Brandeis to believe that interpretations of the Constitution needed to adjust to the times?

The Boundaries of Federalism

McCulloch v. Maryland (1819):

- Allows Congress to create laws "necessary and proper" for the operation of the country
- Affirmed federal power over states



The Second Bank of the United States

The Boundaries of Federalism (continued)



An early 19th-century steamboat unloading

Gibbons v. Ogden (1824):

- Upheld federal law as the supreme law of the land
- Asserted federal power over states

The Boundaries of Federalism (continued)

Barron v. Baltimore (1833):

- Declared that Bill of Rights protections do not apply to the states
- Supported states' power over federal government



Baltimore harbor, around 1830

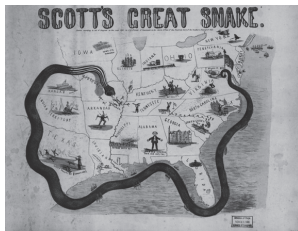
Discussion Questions

1. Describe the concept of federalism and the role of the Supreme Court in settling disputes over federalism.
2. Explain the Supreme Court's rationale in *McCulloch v. Maryland* for allowing Congress to establish a national bank, and in *Gibbons v. Ogden* for regulating interstate trade.
3. Why did the court rule it had no jurisdiction regarding the alleged violation of rights by the city of Baltimore in the case of *Barron v. Baltimore*?

Limits on the Executive Branch

The Supreme Court has at times defined the powers of the executive branch:

- *Prize Cases* (1863): Permitted Lincoln's exercise of war powers without a congressional declaration of war



1861 cartoon map of the Union blockade of the South

Limits on the Executive Branch (continued)



Japanese Americans interned at the Manzanar relocation camp during WWII

The Supreme Court has at times defined the powers of the executive branch:

- *Ex parte Milligan* (1866): Unconstitutional for military courts to try civilians when civilian courts are in session, even during wartime
- *Hirabayashi v. United States* (1943): Upheld racial discrimination in times of war

Limits on the Executive Branch (continued)

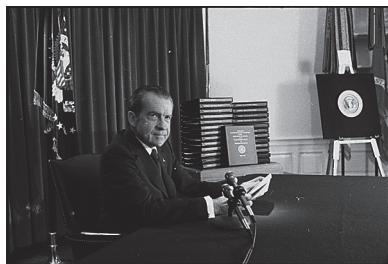
The Supreme Court has at times defined the powers of the executive branch:

- *Youngstown Sheet and Tube Co. v. Sawyer* (1952): The president as commander-in-chief cannot seize private property without congressional approval



President Truman in 1952 conferring with labor leader Walter Reuther

Limits on the Executive Branch (continued)



President Nixon at the press conference at which he released the transcripts of the White House tapes

- *United States v. Nixon* (1974)
The president must be accountable to the law

Limits on the Legislative Branch



Supreme Court cases that defined the powers of Congress:

- *Schechter Poultry Corp. v. United States* (1935): Congress has the authority to regulate trade between states, but not within states

Limits on the Legislative Branch (continued)

Supreme Court cases that defined the powers of the Congress:

- *West Coast Hotel Company v. Parrish* (1937): Government may regulate the economy in times of hardship



President Franklin Roosevelt

Discussion Questions

1. Review the four cases regarding presidential powers during wartime. Do you feel the Supreme Court ruled correctly in each case? Why or why not? What relationship do any of these cases have to more recent presidential actions in times of war?
2. For 30 years the Supreme Court adhered to the “liberty of contract” doctrine, which stated that the federal government had no authority to regulate private businesses. How did the court view this doctrine differently in the two New Deal cases of *Schechter* and *West Coast Hotel Corp.*? Why do you think the Supreme Court changed its position between the two cases?

First Amendment Cases: Religion

On the free exercise clause:

- *Minersville School District v. Gobitis* (1940): Ruled that political responsibility supersedes religious freedom
- *West Virginia Board of Education v. Barnette* (1943): Reversed the *Gobitis* decision; religious freedom trumps patriotism



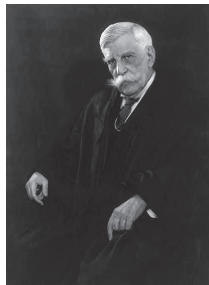
First Amendment Cases: Religion (continued)

On the establishment clause:

- *Engle v. Vitale* (1962): Any state-sponsored prayer session in public schools violates the establishment clause
- *Lemon v. Kurtzman* (1971): Stated that government support to religious schools:
 1. Must have a legitimate secular purpose,
 2. Must not advance or inhibit religion, and
 3. Must not create an “excessive entanglement” of government and religion

First Amendment Cases: Speech

- The Framers originally viewed the First Amendment as only protecting political speech
- *Schenck v. United States* (1919): Speech that presents a “clear and present danger” cannot be protected



Justice Oliver Wendell Holmes

First Amendment Cases: Speech (continued)



Even repugnant messages, such as the ones at this segregationist rally from the 1950s, are protected under the Constitution

- *Terminiello v. Chicago* (1949): Though the message may be repugnant, free speech must be preserved to allow for the flow of ideas
- *Feiner v. New York* (1951): Speech cannot be restricted for its content, but it may be legitimately suppressed to preserve the peace

First Amendment Cases: Speech (continued)



Expression as protected speech:

- *Tinker v. Des Moines* (1969): Symbolic speech that does not disrupt or invade the rights of others is protected in a school environment



First Amendment Cases: Speech (continued)



Expression as protected speech:

- *Texas v. Johnson* (1989): Burning the American flag in protest constitutes free expression
- *United States v. Eichman* (1990): Only with a constitutional amendment can Congress reverse a Supreme Court decision

First Amendment Cases: The Press

- *Near v. Minnesota* (1931): Declared prior restraint unconstitutional in nearly all cases
- *Hazelwood School District v. Kuhlmeier* (1988): School-sponsored newspapers not protected in the same way as standard press



First Amendment Cases: Assembly



- *DeJonge v. Oregon* (1937): Extended the right of free assembly to the states via the 14th Amendment
- *Cox v. New Hampshire* (1941): established the doctrine of time, place, and manner for public demonstrations
- *Lloyd Corporation v. Tanner* (1972): freedom of assembly protections do not apply to private property

Discussion Questions

1. Compare the cases of *Gobitis* and *Barnette*. Why do you think the court reversed its opinion in just two years?
2. Compare the two cases of *Engle v. Vitale* and *Lemon v. Kurtzman*. Why do you think the court ruled that funding for non-religious instruction in religious schools still supported religion, and therefore violated the First Amendment's establishment clause?
3. Discuss the court's distinctions regarding the limits of free speech in the *Schenck*, *Terminiello*, and *Feiner* cases. What seems to be the common standard for determining whether speech receives First Amendment protections?

Discussion Questions (continued)

4. Describe the two kinds of symbolic speech in the *Tinker v. Des Moines School District* and *Texas v. Johnson* cases. Besides reaffirming its earlier ruling in *Texas v. Johnson*, what other message did the court send Congress when it struck down the Flag Protection Act of 1989?
5. Define the term “prior restraint” and describe why it was used to censor both *The Saturday Press* and *The Spectrum*. Discuss how the court’s decisions in these two cases differed. Do you agree or disagree with the court’s distinction between student and standard publications?
6. Review the three cases involving freedom of assembly. What were the important points of each case? How did these three cases help define the extent of freedom of assembly?

Fourth Amendment Cases

Protections against “unreasonable searches and seizures”:

- *Weeks v. United States* (1914): Established the “exclusionary rule”
- *Mapp v. Ohio* (1963): Extended the exclusionary rule to the states



Fourth Amendment Cases (continued)



Protections against “unreasonable searches and seizures”:

- *United States v. Leon* (1984): Clarified the exclusionary rule
- Exclusionary rule not intended to protect a suspect’s constitutional rights, but to deter and penalize police misconduct

Other Bill of Rights Cases

Fifth Amendment:

- *Miranda v. Arizona* (1966): Protection against self-incrimination

Sixth Amendment:

- *Gideon v. Wainwright* (1963): Guaranteed a suspect's right to counsel



Other Bill of Rights Cases: Eighth Amendment

Establishing the standard against "cruel and unusual punishments":

- *Trop v. Dulles* (1958): Punishment must reflect the evolving standards of decency

Clarifying the standard:

- *Furman v. Georgia* (1972): Death penalty disallowed; more guidance for judge and jury needed
- *Gregg v. Georgia* (1976): Death penalty allowed in cases involving premeditated murder with separate trial and sentencing phases

Other Bill of Rights Cases: Eighth Amendment (continued)



Permitting the execution of persons under 18 years old:

- *Stanford v. Kentucky* (1989): With no national consensus, juvenile executions left up to states

The court reversed itself on the execution of juveniles:

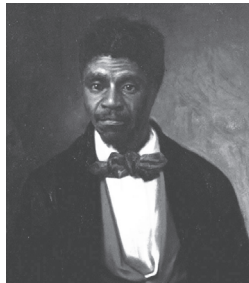
- *Roper v. Simmons* (2005): Evolving standards of decency had changed; juvenile execution now prohibited

Discussion Questions

1. Describe the purpose of the exclusionary rule. What are some of its advantages and disadvantages?
2. How do the court's decisions in *Miranda* and *Gideon* reflect the due process protections in the "Miranda warning" that police recite during an arrest?
3. Explain how the court clarified the limits of "cruel and unusual punishment" in *Trop v. Dulles*. Do you feel this standard is reasonable in capital cases? Why or why not?
4. Describe how the court applied the above standard to the cases of *Stanford v. Kentucky* and *Roper v. Simmons*. Explain whether you agree or disagree with the court's conclusions, and why.

Key Civil Rights Decisions

- Supreme Court heard few civil rights cases prior to the Civil War
- *Dred Scott v. Sandford* (1857): Since blacks were not and could not be citizens, they had no constitutional protections



Dred Scott

Key Civil Rights Decisions (continued)



- *Hall v. DeCuir* (1878): States could not pass laws barring racial discrimination on passenger carriers involved in interstate commerce
- *Civil Rights Cases* (1883): 14th Amendment protections did not apply to the operation of private enterprises

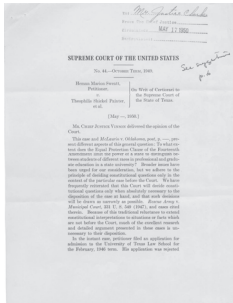
Key Civil Rights Decisions (continued)

- *Plessy v. Ferguson* (1896): Instituted the “separate but equal” doctrine
- *Morgan v. Virginia* (1946): Struck down state-mandated discrimination on passenger vehicles engaged in interstate transportation



Key Civil Rights Decisions (continued)

Draft of the
Supreme
Court's
opinion in the
Sweatt case



- *Sweatt v. Painter* (1950): Segregated facilities differing in quality violate the “separate but equal” doctrine

Key Civil Rights Decisions (continued)

- *Brown v. Board of Education* (1954): Determined “separate but equal” to be inherently unequal



Thurgood Marshall (center) and fellow NAACP lawyers in the *Brown* case

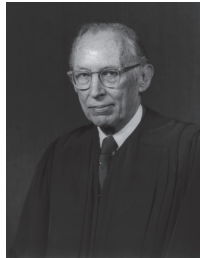
Key Civil Rights Decisions (continued)



- *Katzbach v. McClung* (1964): Businesses engaged in substantial interstate trade could not discriminate based on race

Key Civil Rights Decisions (continued)

- *University of California Regents v. Bakke* (1978): Racial considerations may be one—but not the only—factor in college admissions



Justice Lewis Powell

Discussion Questions

1. What did the Supreme Court rule in *Dred Scott v. Sandford*? Why do you think the case created such controversy at the time?
2. The 14th Amendment was intended to end racial discrimination and enforce the promises of equal protection and due process. How did the court's rulings in *Hall v. DeCuir*, the *Civil Rights Cases*, and *Plessy v. Ferguson* help to perpetuate such discrimination for another 80 years?

Discussion Questions (continued)

3. Describe how the Supreme Court gradually began to address the issue of segregation in public facilities (including schools and privately owned establishments such as restaurants) between 1946 and 1964.
4. How did *University of California Regents v. Bakke* present a case of “reverse discrimination”? How did the court’s decision side with Bakke but still honor the university’s affirmative-action policy?

14th Amendment Cases: Equal Protection



All-male jury, 1920s

Landmark cases have involved gender discrimination and the rights of immigrants and prison inmates

Gender discrimination:

- *Hoyt v. Florida* (1961): State laws may exempt women from jury duty
- *Taylor v. Louisiana* (1975): Reversed *Hoyt*—exempting women from juries violates Sixth Amendment as extended to states by the 14th Amendment

14th Amendment Cases: Equal Protection

Yick Wo v. Hopkins (1886):

- Though constitutional on its face, a law may not be administered in an unconstitutional manner
- Non-citizens entitled to same 14th Amendment protections as citizens



14th Amendment Cases: Equal Protection (continued)



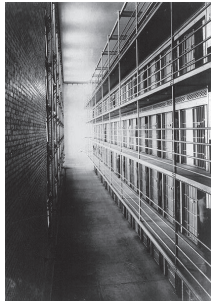
Equal protection for
immigrants and illegal aliens:

- *Graham v. Richardson* (1971): legal immigrants entitled to same benefits and freedoms as citizens
- *Plyler v. Doe* (1982): children of illegal immigrants have the right to public education

14th Amendment Cases: Equal Protection (continued)

Wilson v. Seiter (1991):

- Denied Eighth Amendment protections against cruel and unusual punishment to prisoners
- Inmates must prove “deliberate indifference” by prison officials



14th Amendment Cases: Equal Protection (continued)



Hudson v. Palmer (1984):

- Denied prisoners Fourth Amendment protection against unreasonable search and seizure
- Prison safety and security outweigh constitutional concerns

14th Amendment Cases: Equal Protection (continued)

Cutter v. Wilkinson (2005):

- First Amendment guarantees of religious freedom generally apply to prisoners
- Giving special sanction to religion did not violate First Amendment's establishment clause



Contemporary Constitutional Issues



Cases that defined the rights of individuals:

- *Roe v. Wade* (1973): Upheld a woman's right to an abortion on privacy grounds
- *Cruzan v. Director, Missouri Department of Health* (1990): Prohibited removing a patient from life support without "clear and convincing evidence" of the patient's wishes

Contemporary Constitutional Issues (continued)

Cases that defined the rights of individuals:

- *Gonzales v. Oregon* (2006): barred the U.S. Attorney General from punishing doctors who participate in physician-assisted suicide



Discussion Questions

1. On what constitutional basis did the court in *Taylor v. Louisiana* reverse its ruling in *Hoyt v. Florida*?
2. Review the court's decisions in the cases of *Graham v. Richardson* and *Plyler v. Doe*. What was the court's rationale for granting the rights of citizens to immigrants—even those who are in the country illegally? Do you agree with these rulings? Why or why not?
3. Why did the court deny prisoners' claims to equal protection and to guarantees against unreasonable searches and seizures in the cases of *Wilson v. Seiter* and *Hudson v. Palmer*?

Discussion Questions (continued)

4. In *Cutter v. Wilkinson*, why did the court rule against the state of Ohio for abridging prisoners' religious freedoms? Do you agree with this ruling? Why or why not?
5. What was the constitutional basis of the Supreme Court's decision in *Roe v. Wade*, and how did this ruling apply to the states? What conditions did the ruling place on a woman's right to an abortion?
6. In the *Cruzan* case, why did the Supreme Court decide in favor of the state of Missouri? Why did the court feel the U.S. Attorney General did not have the power to forbid doctors from dispensing lethal drugs for assisted suicide in *Gonzales v. Oregon*? What other questions arise from both of these cases?

Judicial Activism vs. Judicial Restraint

- The study of law and constitutionalism is not an exact science
- Contrasting viewpoints of constitutional interpretation:
 - Judicial restraint—interpreting the Constitution as strictly as possible
 - Judicial activism—interpreting the Constitution in ways that may depart from precedent or supposed intent



Judicial Activism vs. Judicial Restraint (continued)

- Both viewpoints nearly as old as the nation
- Judicial review the first instance of judicial activism
- Judicial activism has been used to:
 - Establish federal power over the states
 - Extend Bill of Rights protections to the states
 - Settle the 2000 presidential election
- Judicial restraint has been used to:
 - Uphold state laws favoring “separate but equal”
 - Support state laws over federal regulations

Judicial Activism vs. Judicial Restraint (continued)

Judicial activism has brought about needed change:

- Defined the power of the Supreme Court in its early days
- Brought about new thinking regarding civil rights
- Led to legislation promoting equality

Judicial restraint has helped control federal power:

- Maintained balance between federal and state power
- Limited government influence over the economy
- Provided a gradual transition for social change

The Legacy of the Supreme Court

- A unique institution among the three branches, with no power to enforce its rulings, yet having the authority to create major shifts in the nation’s direction
- All who come to have disputes resolved receive equal justice under the law
- The Supreme Court balances the competing interests of different branches and levels of government, as well as those between government and its citizens



Discussion Questions

1. Define the terms “judicial restraint” and “judicial activism.”
2. How can it be said that John Marshall was the first judicial activist on the Supreme Court?
3. Identify the types of cases that have followed from judicial restraint and judicial activism. Why do you think both of these philosophies have had a place in Supreme Court rulings?
