

KEY COURT CASES

CLASSIC

Marbury v. Madison (1803) - Established judicial review; "midnight judges;" John Marshall; power of the Supreme Court.

McCulloch v. Maryland (1819) - Established national supremacy; established implied powers; use of elastic clause; state unable to tax federal institution; John Marshall; "the power to tax involves the power to destroy."

INTERSTATE COMMERCE

Gibbons v. Ogden (1824) - Congress can legislate and regulate all matters of interstate commerce as long as there is some commercial connection with another state.

Heart of Atlanta Motel v. U.S. (1964) - Congress has a right to regulate individual businesses in the interest of promoting interstate travel.

U.S. v. Lopez (1995) - Gun Free School Zones Act exceeded Congress' authority to regulate interstate commerce.

1ST AMENDMENT SPEECH

Schenck v. U.S. (1919) - Oliver Wendell Holmes; clear and present danger test; shouting "fire" in a crowded theater; limits on speech, especially in wartime.

Tinker v. Des Moines (1969) - "Students do not shed their constitutional rights at the schoolhouse gate, and therefore are entitled to the free expression of their views as long as there is no substantial or material interference of the educational process."

Texas v. Johnson (1989) - Struck down a Texas law that banned flag burning, which the Court declared was protected by First Amendment.

1ST AMENDMENT RELIGION

Reynolds v. U.S. (1879) - Religious duty (practice of polygamy) was not a suitable defense to a criminal indictment.

Engel v. Vitale (1962) - Prohibited state-sponsored recitation of prayer in public schools by virtue of First Amendment's establishment clause and the 14th Amendment's due process clause; Warren Court's judicial activism.

Lemon v. Kurtzman (1971) - Established 3-part test to determine if establishment clause is violated: nonsecular purpose, advances/inhibits religion, excessive entanglement with government.

1ST AMENDMENT PRESS

New York Times v. Sullivan (1964) - The Supreme Court rules on libel, which against public figures it stipulates must be published maliciously and with "reckless disregard for truth."

New York Times v. U.S. (1971) - Pentagon Papers; In order to exercise prior restraint, the government must show sufficient evidence that the publication would cause a "grave and irreparable" danger.

Hazelwood v. Kuhlmeier (1988) - The Supreme Court rules that freedom of the press does not extend to school newspapers, identifying such paper as a curricular device.

2ND AMENDMENT

District of Columbia v. Heller (2008) - Supreme Court held that a constitutional right to gun ownership - irrespective of service in a state militia - did exist.

4TH AMENDMENT

Mapp v. Ohio (1961) - Established exclusionary rule; illegally obtained evidence cannot be used in court; Warren Court's judicial activism.

5TH AMENDMENT

Miranda v. Arizona (1966) - Established Miranda warnings of counsel and silence. Must be given before questioning. Warren Court's judicial activism in criminal rights.

6TH AMENDMENT

Gideon v. Wainwright (1963) - Ordered states to provide lawyers for those unable to afford them in criminal proceedings; Warren Court's judicial activism in criminal rights.

14TH AMENDMENT – DUE PROCESS

Gitlow v. New York (1925) - Established precedent of federalizing Bill of Rights (applying them to the states); states cannot deny freedom of speech protected through due process clause of 14th Amendment.

14TH AMENDMENT – EQUAL PROTECTION

Plessy v. Ferguson (1896) - Established separate but equal.

Brown v. Board, 1st (1954) - School segregation unconstitutional; segregation psychologically damaging to blacks; overturned separate but equal; use of 14th Amendment; judicial activism of Warren Court; unanimous decision.

Brown v. Board, 2nd (1955) - Ordered schools to desegregate "with all due and deliberate speed."

U.C. Regents v. Bakke (1978) - Alan Bakke and UC Davis Medical School; strict quotas unconstitutional, but states may allow race to be taken into account as ONE factor in admissions decisions. Bakke admitted.

Gratz v. Bollinger (2003) - Struck down use of "bonus points" for race in undergrad admissions at University of Michigan.

Grutter v. Bollinger (2003) - Allowed the use of race as a general factor in law school admissions at University of Michigan.

APPORTIONMENT/GERRYMANDERING

Baker v. Carr (1962) - "One man, one vote." Ordered state legislative districts to be as near equal as possible in population; Warren Court's political judicial activism.

Wesberry v. Sanders (1963) - Ordered House districts to be as near equal in population as possible.

Shaw v. Reno (1993) - No racial gerrymandering; race cannot be the *sole* or *predominant* factor in redrawing legislative boundaries; majority-minority districts okay if race isn't sole factor.

RIGHT OF PRIVACY

Griswold v. Connecticut (1965) - Established right of privacy through 4th and 9th Amendments. Set a precedent for *Roe v. Wade*.

Roe v. Wade (1973) - Established national abortion guidelines; trimester guidelines: no state interference in 1st, state may regulate to protect health of mother in 2nd, state may regulate to protect health of unborn child in 3rd. Inferred from right of privacy established in *Griswold v. Connecticut*.

Planned Parenthood v. Casey (1992) - States can regulate abortion, but not with regulations that impose "undue burden" upon women; did not overturn *Roe v. Wade*, but gave states more leeway in regulating abortion (e.g., 24-hour waiting period, parental consent for minors).

Lawrence v. Texas (2003) - Using right of privacy, struck down Texas law banning sodomy.

CAMPAIGN FINANCE

Buckley v. Valeo (1976) - 1st Amendment protects campaign spending; legislatures can limit *contributions*, but not how much one spends of his own money on campaigns.

Citizens United v. Federal Election Commission (2010) - A provision of the Bipartisan Campaign Reform Act prohibiting unions, corporations and not-for-profit organizations from broadcasting electioneering communications within 60 days of a general election or 30 days of a primary election violates the free speech clause of the First Amendment.