

Regents of the University of California v. Bakke

FACTS:

The courts discussed what they felt was significant in the semantics of the Equal Protection Clause and Title VI.

ISSUE:

Can race be fairly judged to admit a student into a college program such as the medical program at the University of California? Does the special medical program at the University of California violate Title VI of the Civil Rights Act of 1964? Does the petitioner program at the University of California violate the Equal Protection Clause of the Fourteenth Amendment?

ARGUMENTS:

Affirmative Action is used to level the playing field for underrepresented groups of people. Title VI and the Equal Protection Clause have a purpose to bring equality despite background.

DECISION:

The court ruled that Bakke be admitted into the University of California. The special program however, was invalidated. Future admissions are prohibited from using race as a factor in admitting students to a program.

IMPLICATIONS:

The effects of this case may be that people who are of an underrepresented group may not have as many ways to level the playing field in collegiate affairs.

Reynolds vs Sims 1964

Facts:

In 1961, M.O. Sims, David J. Vann (Vann v. Baggett), John McConnell (McConnell v. Baggett), and other voters from Jefferson County, Alabama, challenged the apportionment of the state legislature. The Alabama Constitution prescribed that each county was entitled to at least one representative and that there were to be as many senatorial districts as there were senators. Population variance ratios of as great as 41-to-1 existed in the Senate.

Issue:

Did Alabama's apportionment scheme violate the Fourteenth Amendment's Equal Protection Clause by mandating at least one representative per county and creating as many senatorial districts as there were senators, regardless of population variances?

Arguments:

Sims stated that under this system Jefferson County, with a population of over 600,000, received only 1 senator and 7 representatives, while other counties with populations as low as 15,417 also received one senator, along with one Representative. In light of these discrepancies, the District Court found that there was an equal protection violation.

The State appealed the decision, arguing that it was not prohibited from using geography in its apportionment formulation and that the District Court had overstepped its power in drafting its own apportionment plan. The case came before the Supreme Court.

Decision:

Eight justices voted for Sims while only one against. The eight justices who struck down state senate inequality based their decision on the principle of "one person, one vote".

Implications:

Reynolds would have huge repercussions for State governments, a fact immediately recognized around the country. The reaction to this decision was so powerful that a constitutional amendment was unsuccessfully proposed to allow States to have unequal districts. To many, the idea that the Federal government could have a geographically based apportionment system but that states could not seemed illogical. Regardless, the decision stood, and State governments around the country would be forced to change their apportionment systems to approximate the one-person one-vote principle.

Reynolds vs. United States

FACTS: There is a man named George Reynolds. He is charged with bigamy, which is the act of entering into a marriage with one person while still legally married to another. He also states that he is a mormon at the Church of Jesus Christ of Latter Day Saints. One thing that his religion believes in is polygamy. Reynolds pleads not guilty and he believes that he should be found not guilty in this case because by doing this act he was just practicing his religious beliefs and duties that come with the religion he practices. He believes that the final verdict should be not guilty on the grounds that he was just doing what he was supposed to in his belief system and fulfilling a religious duty.

ISSUE: The supreme court needs to decide weather Reynolds willfully choose not to follow the rules of his country or if he was just doing what he was supposed to do in the eyes of his congregation. Reynolds and many other people who are hoping that the Supreme Court will rule in his favor and find him not guilty believe that religious freedom should be protected. Reynolds was just practicing what he has lived his whole life to believe and many think he should not be punished for that.

ARGUMENTS: On one side you have the Court who believe if you are married to one person that is it and that is your life. It is wrong to be married to multiple people at a time and to stay in monogamy is what God wants for us. On Reynolds side, people believe and make the argument that this is something that he had grown up with accepting and living in and it is not a far off concept to marry more than one person. Reynolds believe that he should be found not guilty because he has religious freedom and should be allowed to practice his own beliefs how ever he see fit.

DECISION: The final decision of this case was an thought provoking one. Reynolds was eventually found guilty on all charges. There was much controversy on this because Reynolds made comments about how his jury wasn't big enough and how he believed more in the government.

IMPLICATIONS: The government can control marriage. And the government felt they made the right decision with this case. Some effect are that people may start to understand what a sacred act getting married is. At least that is what the government wants them to realise. And they said that even if human sacrifices were part of religious culture, they are not legal. Just like polygamy. And so they were very content with their decision.

Roe v. Wade

FACTS: Roe, from Texas, wanted to terminate her pregnancy. In Texas, this is prohibited except when abortion is needed to save the pregnant woman's life. After being granted certiorari, the Court heard arguments twice. Roe's attorney could not locate the constitutional hook of her argument for Justice Stewart the first time around. Her opponent also misfired at the start of the case, later to be replaced by Robert Flowers who came under heavy questioning from the judges. Roe's attorney got her argument together and built up the case to be a very strong one.

ISSUE: The Supreme Court was asked to decide if the Constitution embraces a woman's right to terminate her pregnancy by abortion.

ARGUMENTS: From Roe's side, under the bill of rights a woman has the right to terminate her pregnancy. States cannot deny individuals the personal, marital, familial and sexual right to privacy. Also, in no case ever has the Court declared that a fetus is a person. Since it is not a "person" then it shouldn't have any legal right to life. For Wade, States have the duty to protect prenatal life. At the moment of conception, life is present and those unborn people have the right to protection under the Constitution. The Texas law is merely a valid exercise of powers reserved to the States to protect the health and safety of citizens, even the unborn.

DECISION: The lower courts decided in this case, that a person's right to privacy was protected by the First, Fourth, Ninth, and Fourteenth Amendment, abortion being one of which. The Supreme court decided in the favor of Roe in a 7-2 decision. After an abundance of debate from the states and courts, they had figured that it was all dependent on how far in the mother was on her pregnancy. The first trimester (first 3 months) the mother out ways the states, and has the rights and privacy to get an abortion as she wishes. During the second trimester the states interest becomes greater considering implications can become greater for the mother and the fetus becomes more developed. In the third trimester states can prohibit the ability to abort , in order to save the life of the fetus and protect the mother. Finally Justice Rehnquist concluded that because this issue required a careful balance of the interests of the woman against the interests of the state, it was not an appropriate decision for the Court to make, but instead was a question that should have been left up to state legislatures to resolve.

IMPLICATIONS: There is no doubt that there is still a fierce battle over abortion and whether the mother has the right to an abortion. States are now permitted to adopt restrictive laws in accordance with respecting the mother's health during the second trimester. In the third trimester, the practice is outright banned and any state law that conflicted with the ruling was automatically overturned. Ever since the ruling in 1973 though, every ruling since has upheld the decision, even with the composition of the Court changing with every retirement.

Source: https://www.law.cornell.edu/wex/roe_v_wade_1973
http://www.oyez.org/cases/1970-1979/1971/1971_70_18

Salinas Vs. Texas (2012)

FACTS: Two murder victims were found in December of 1992. Police investigations lead them to Genovevo Salinas, who on his own will went with the police for questioning. After working with police and answering all questions he chose to remain silent when asked if the shotgun casings found at the scene of the murder matched that of the shotgun found in Salinas's house. A ballistics analyst later matched the casings to the shotgun and a witness would claim that Salinas had admitted to the murder. The state court charged him with murder in 1993 but was unable to find him till 2007. The first of his trials ended in mistrial, but in the second the state used his silence as evidence before the court.'

ISSUE: The question brought to the court was based on the idea that you could not use defendants silence pre-arrest, pre-Miranda rights as evidence to find the person in question guilty, as the lower courts had done so to Salinas. More specifically it was a question of if the fifth amendment had been violated by the state.

ARGUMENTS: The arguments presented all focused around the questioning that Salinas opted to before he was arrested. The defendant argues that his right to remain silent cannot be used as evidence against him in a court of law and that his rights protect that. However the state argued that because this was pre-arrest, pre-Miranda, voluntary interview with the police that the Fifth Amendment does not apply to the situation.

DECISION: On a 5-4 vote it was decided that Salinas the man in question had not sufficiently used his rights to not self-incriminate. The judges ruled that because this was a voluntary interview that he could have just left and that because he had yet to be arrested for anything that the Fifth Amendment rights do not apply to his case. He was convicted for 20-years in prison by the courts.

IMPLICATIONS: This case is an example of a very grey area in the bill of rights; it does not say anything about having your Miranda rights before you have been arrested. Therefore the courts ruled under what their power allows. The effect of this are that we do not inherently have our Miranda rights until we have been arrested and the officer has read us our rights. Do I personally agree with the decision? It is rather hard to say, this is such a very specific case, after reading the opinions of the judges however I would agree with the decision. Not because I think it is right, but rather it is the understanding that courts are ruling specifically on what the bill of rights entails rather than what they believe morally. As Justice Alito wrote "(Salinas's) Fifth Amendment claim fails because he did not expressly invoke the privilege in response to the officer's question."

San Antonio v. Rodriguez

FACTS: Public schools at the elementary and secondary levels in Texas were funded through a state program designed to create a minimum educational threshold in all districts. Schools relied upon local property tax funding for supplemental revenue. The SAISD challenged this funding, claiming it to be unfair to underprivileged school districts that did not receive adequate revenue due to a low average property value in said district.

ISSUE: Whether or not Texas' public school funding policy violated the Fourteenth Amendment Equal Protection clause by creating unequal funding districts and therefore failing to provide equal distributions.

ARGUMENTS: Primary arguments advanced in the case include the argument of reversal, in which it was argued that education programs are the least understood of public functions and the most in need of independent and variable programs, and that the admittedly flawed Texas school funding system was indeed independent and individual and worked toward the betterment of educational opportunities.

DECISION: The Supreme Court decided on a 5 to 4 vote that the funding method of Texas public schools was indeed in violation of the Equal Protection Clause of the Fourteenth Amendment, and funding education based on property taxes was declared unconstitutional.

IMPLICATIONS: The effects of this decision are the attempted discontinuation of education funding based on property taxes, and led to attempts at a more egalitarian method of school funding in the United States.

Schechter Poultry Corp V. United States

Facts: Schechter was charged by the U.S. government with violating a poultry code by selling "unfit chickens". They were illegally selling chickens on an individual basis, avoiding inspections by local poultry regulators, falsifying records of poultry sold, and selling poultry to non-licensed purchasers. They were cited with unfair business practices and under the New Deal and were attacked. Section 3 of the National Industrial Recovery Act (NIRA) empowered the President to implement industrial codes (codes of unfair competition) to regulate weekly employment hours, wages, and minimum ages of employees. Which were brought upon Schechter as a punishment.

Issue: Did Congress illegally delegate legislative power to the president, and was it within the power of congress to "indirectly" influence interstate congress.

Arguments: Section 3 of NIRA allowed the president unfettered control of interstate commerce. Schechter held that it was not within the bounds of the president to do so and that the executive branch had no right to reach into their sector of business.

Decision: Section 3 of the Act was without precedent in that it supplied no standards for any trade, industry, or activity. Instead of prescribing rules of conduct, it authorized the President to make the codes to prescribe them. Congress made an unconstitutional delegation because it gave the President a clearly legislative function without imposing necessary standards and restrictions.

Implications: This ruling established that the president could not be put in charge of legislative powers and that the government was only allowed to influence interstate commerce in a direct way and was not allowed to do so in an indirect manor.

Schenck v. United States

FACTS: Schenck mailed circulars to draftees during World War I. He sent circulars to draftees in the mail that suggested the draft was a monstrous wrong by the capital system. They urged “Do not submit to intimidation”, and advised to peaceful action such as petitioning to repeal the Conscription act. He was charged with conspiracy to violate the Espionage Act by trying to cause insubordination within the military and obstructing recruitment.

ISSUE: The issue in question is whether or not Schenck’s actions, since they are words and an expression, are protected by the free speech clause of the first amendment or if he directly violated the espionage act.

ARGUMENTS: On the side of Schenck, they argued not only that his actions are protected by the First Amendment, but also argued that there was not sufficient evidence to prove that he even was the one who sent the letters. On the other side, the argument was that his words directly obstructed enlisting and that means he violated the act, and in certain times, not all speech is protected because it is a hindrance to the law.

DECISION: The Supreme Court unanimously decided that Schenck is not protected in this situation, and the character of every act depends on the circumstances. They decided “The question in every case is whether the words are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.

IMPLICATIONS: The decision might affect the idea that not all speech is free in all circumstances, and it sets forth the idea of clear and present danger when it comes to speech. It also might have changed the views on what can and cannot be said during times of war, even if they would probably be fine during times of peace.

Shaw v. Reno

Facts: After the 1990 census, The districts in North Carolina showed one area with a very large majority of black voters. The idea was to change the district regions so that the same population would have two districts with a black majority. This would be done to better represent the black voters in North Carolina. However, complaints were made about the new oddly shaped district, saying that this adjustment did not meet the requirements that a change in districts must be in the interest of the national government, narrowly tailored, and minimally restrictive.

Issue: Is racial gerrymandering as seen in North Carolina legal?

Arguments: This case was brought on by white voters. Those opposing them suggested that preventing this redistricting would not allow equal representation.

The 14th amendment should allow more discretion for advantages when concerning racial representation.

Race based voting blocs are notably different from other types of affirmative action such as race based hiring.

Decision: In a 5-4 vote, the final ruling stated that racial gerrymandering must be restricted to the standards set under the equal protection clause. It was also decided that the government groups responsible for defining districts must consider race, and make decisions that agree with the Voting Rights Act of 1965.

Implications: This decision heavily influenced the redistricting that occurred after the census in 2000.

Sheppard vs. Maxwell

Facts: Samuel Sheppard was accused of beating his pregnant wife to death in the state of Ohio. He challenged the verdict on the basis of unfair trial. He was able to do because the trial judge failed to protect him from the widespread publicity that attended his prosecution. His appeal was reversed. Then he appealed again and was granted certiorari by the Supreme Court.

Issue: What line must be crossed before a trial is claimed to be so prejudicial, due to publicity and many other things, that a persons is denied a fair trial as said by the Fifth Amendment.

Arguments: The Court said that it must not be so broad as to divert the trial away from its primary purpose: adjudicating both criminal and civil matters in an objective, calm, and solemn courtroom setting. Other sides say that he this was all an act so that he wouldn't be convicted. The side against Sheppard states that he was using the "unfair" trial as a sap story. The Court went on and stated that many factors contributed to Sheppard's unfair trial and said that the court should've postponed the proceedings or transferred the case to a different court house.

Decision: Sheppard won the case. The ruling consisted of 8 votes for him and 1 against him. The court ruled that Sheppard did, in fact, go through an extremely unfair trial.

Implications: Conclusions can now be drawn that there is a threshold for prejudicial publicity that can violate a person's Fifth Amendment rights. It can also be concluded that due process is easily denied by small courts and innocent people can be convicted while wrong verdicts can also be expressed.

Swann vs. Charlotte-Mecklenburg BD. Of Ed. (1970)

FACTS:

Despite the ruling in the infamous Brown vs. Board of Education case in 1954, there was very little progress in desegregating public schools. This case is an example of the ruling not being carried out in the state of North Carolina. In North Carolina there was roughly 14,000 African American students that attended all black or 99% black public schools.

ISSUE:

The constitutional question being asked was if the federal courts had the ability to authorize and produce solutions for the state imposed segregation.

ARGUMENTS:

They determined that the school attendance zones would not harm the dual school system which led to the courts determining that busing was an acceptable manner to desegregate the public schools in Charlotte, Burger also stated that under the desegregation plan that many students would actually have shorter bus rides and that ruling out bussing would hurt the desegregation plan.

DECISION:

All 9 Supreme Court Justices voted for the Charlotte-Mecklenburg BD. Of Ed. stating that bussing and reorganizing school boundaries was a legal and acceptable way of desegregating schools. This ruling not only outlined but also explained what powers a federal court could employ to desegregate a public school system.

IMPLICATIONS:

The effects of this decision helped the future desegregation of public schools. School systems were now able to make zones for bussing that made it safer for the students as well, they wouldn't have to take as long as bus rides to school.

Donny Didion

3-8-15

1° AP Gov

Landmark Supreme Court Case

Texas v. Johnson

FACTS: Gregory Lee Johnson burned an American flag outside the convention center where 1984 the Republican National Convention in Dallas, TX. Johnson burned the flag in protest of the policies of President Ronald Reagan. He was arrested and charged with violating a Texas statute that prevented the desecration of a venerated object, including the American flag, if such action were likely to anger people. He appealed. The Supreme Court agreed to hear the case.

ISSUES: Is flag burning protected by the First Amendment? Is this an example of “symbolic speech?”

ARGUMENTS: Johnson: He is using his right to “symbolic speech,” protected by the First Amendment. Majority opinion (Justice Brennan): Freedom of Speech protects actions that people may find offensive. Dissenting opinion (Justice Stevens): The flag’s unique status as a symbol outweighs “symbolic speech” concerns, and could legally prohibit the burning of the flag. Dissenting opinion (Justice Rehnquist): The flag does not represent any particular political party. Burning the flag is not proper protest to the Republican party. This is an extremely offensive action.

Decision: They sided with Johnson. They found that symbolic speech does constitute flag burning. There was no disturbance of peace. The state may only punish speech that would incite “imminent criminal action.”

IMPLICATIONS: Laws were created to allow flag burning in 48 of 50 states. It is still very controversial. Polls show that a majority of people support a ban on flag-burning. The issue is still being debated.

Tinker v. Des Moines School District (1969)

FACTS: In 1965, public high school students John Tinker, his sister Mary Beth, and a friend of the two were suspended from school because they wore black armbands in order to protest US involvement in the Vietnam War. The school already had policy put in place that students were allowed to wear several political symbols if they chose, but had excluded the armbands from that policy. Their fathers sued because they thought that their children had the right to wear the armbands, but the District Court ruled that the school had not violated the constitution. When the Court of Appeals had the same ruling, the Tinkers appealed to the Supreme Court.

ISSUE: Whether or not the First Amendment's guarantee of free speech extends to the symbolic speech of public school students. And, if so, in what circumstances the symbolic speech will be protected.

ARGUMENTS: The First Amendment states that "Congress shall make no law . . . abridging the freedom of speech." The Fourteenth Amendment to the Constitution extends this law to the state governments, which applies to public schools.

DECISION: In a 7-2 decision, the Supreme Court ruled in favor of the Tinkers. Justice Abe Fortas wrote the majority opinion which stated that students maintain their right to freedom of speech while at school. The opinion stated "students (n)or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." Faculty must now provide constitutionally binding reasons if they attempt to control expression. Fortas stated that if "the prohibition of expression of one particular opinion . . . is not constitutionally permissible, school officials do not possess absolute authority over their students."

IMPLICATIONS: Since the decision, Tinker has served as a core case for symbolic speech and freedom of expression in schools. This includes the case Hazelwood School District v. Kuhlmeier, where the court ruled that schools can censor student publications when there is substantial reason for concern, which goes along with the decision that faculty must express constitutionally binding reasons to control expression. In another case, Bethel School District v. Fraser, the Court ruled that schools can regulate student speech if it is lewd, vulgar, or plainly offensive, which again corresponds with the Tinker decision.

T-Mobile South LLC. v. City of Roswell, GA

FACTS: T-Mobile wanted to construct a cell tower that was over 100 feet tall in a residential area. Residents of the area did not like the tower plan and brought their concerns up to the Planning and Zoning Division of Roswell, who then told the mayor and city council to move the tower, hide it, and surround it with a fence. City council denied the application for the cell tower. Roswell sent T-Mobile a letter telling the cell tower was rejected and the minutes from the city council meeting.

ISSUE: Whether or not the minutes of a city council meeting and a denial letter are sufficient pieces of evidence to deny the tower and whether they should be available at the same time or not.

ARGUMENTS: T-Mobile sued and claimed Roswell did not provide sufficient evidence (the minutes and the denial letter) for the denial of the tower, which violated the Telecommunications Act (1996). Roswell soon filed an appeal, saying they did provide enough evidence for the denial

DECISION: District court decided T-Mobile was correct because Roswell did not provide the “in writing” portion of the TCA, and Roswell had to approve the permit. Roswell then appealed to the Court of Appeals, which favored Roswell. The Supreme Court voted in favor of T-Mobile by a vote of 6-3, saying that the reasons were not necessary, but must be given in a clear document at the same time as the denial letter, which Roswell did not do. The denial letter came 26 days before the minutes. The Supreme Court found that Roswell violated the TCA.

IMPLICATIONS: This case helped define the Telecommunications Act so that cities had to provide the documents at the same time, which at the time was unclear.

United States v. Eichman

FACTS: In retaliation to the 1989 congressional ruling of the Flag Protection Act, demonstrations erupted all across the country. In D.C. on the steps of the Capitol Eichman set fire to the flag while protesting the government's foreign and domestic policy. Meanwhile in Seattle, Mark Haggerty set fire to the flag in protest of the same Act. Though not working together, Eichman and Haggerty's cases were argued together.

ISSUE: The Supreme Court was asked to decide whether burning of the flag should be protected under the First Amendment as a form of free speech or if it should be considered an attack on the integrity of the nation.

ARGUMENTS: The ultimate argument of the Court was whether or not the burning of the flag was protected under the First Amendment which will segway into whether the Court to prosecute one if they choose to do so willingly.

DECISION: In a close 5-4 decision, the law was enacted to be shut down as it was declared a oppression of expression to prohibit anyone's displays of opinion or limiting one's freedom of speech. Even though Congress believes in the integrity of the flag, they can't go around policing what one chooses to do with their own.

IMPLICATIONS: The decision might inspire people to do questionable things under the guise of 'expression' protected under the First Amendment. Implications that may have followed were more destructive acts against the flag. But after the ruling people became free to whatever they wished against their flag.

United States vs. Leon

FACTS:

The exclusionary rule states the any evidence illegally seized must be excluded from criminal trials. Leon was a target of police surveillance based on an anonymous informant's tip. The police applied to a judge for a search warrant of Leon's home based on the evidence from their surveillance. A judge issued the warrant and the police recovered large quantities of illegal drugs. Leon was indicted for violating federal drug laws. A judge concluded that the affidavit for the search warrant was insufficient; it did not establish the probable cause necessary to issue the warrant. Resulting in the evidence obtained under the warrant could not be introduced at Leon's trial.

ISSUE:

The court was asked to decide if the recovered evidence was in violation of the Fourth Amendment's Exclusionary rule. The Constitutional question is; is there a good faith exception to the exclusionary rule?

ARGUMENTS:

The primary argument was that "the exclusionary rule is not a right but a remedy justified by its ability to deter illegal police conduct." The exclusionary rule is costly to society: Guilty defendants go unpunished and people lose respect for the law.

DECISION:

There were 6 votes for United States, 3 votes against; the justices held the evidence seized on the basis of a mistakenly issued warrant could be introduced at trial. The rule cannot deter police in a case like Leon, where the police acted in good faith on the warrant issued by a judge.

IMPLICATIONS:

It established the exclusionary rule as a deterrent to illegal police conduct, not as a punishment for errors. Future implications are that police who act in good faith even if wrong cannot be affected by the exclusionary rule.

United States v. Lopez (1994)

FACTS: Alfonzo Lopez, a 12th grade student at Edison High School in San Antonio Texas , carried a concealed weapon into his school. He was charged under Texas law with firearm possession on school grounds. State charges were dropped the next day when the federal charge of violating the Gun Free School Zone Act of 1990.

ISSUE: The big question was is the Gun free school zone act of 1990 unconstitutional because it exceeds the power of congress to legislate under the commerce clause?

ARGUMENTS: Is the possession of something at or near a school commerce at all? Are the limitations of the commerce clause too general?

DECISION: The supreme court voted 5 in favor of Lopez and 4 against.

IMPLICATIONS: The strength of the checks for the balance of power in government could increase. This decision created a bigger rift between federal and state governments.

U.S. vs. Playboy Entertainment Group, Inc. (1999)

FACTS: Section 505 of the 1996 Communications Decency Act said that cable companies providing channels that are “primarily dedicated to sexually-oriented programming” had to fully block or scramble the channels or broadcast the channels’ programs only when children would not likely be watching, between the hours of 10 p.m. and 6 a.m. This section was meant to protect against “signal-bleed”, allowing some video and audio to be seen or heard by non-subscribers. Playboy challenged Section 505, saying it violated First Amendment rights and was too selectively restrictive. A district court decided Section 505 did violate the 1st Amendment.

ISSUE: The Supreme Court was asked to decide whether Section 505 of the Communications Decency Act was not in violation of the First Amendment and was the least restrictive way to block sexually-oriented programs on cable channels and promote government interests.

ARGUMENTS: The Supreme Court argued that all laws designated to restricting the protected expression of specific groups contradict 1st Amendment principles. It argued the reach of Section 505 prohibits protected communications between providers and “willing adult listeners” in far too many cases. The Court raised the issue of whether Section 505 punished Playboy for its choices in programming by limiting its market. Section 504 is less restrictive of companies than 505 because in it, consumers can request channels are blocked and forcing companies to comply.

DECISION: Justice Anthony Kennedy delivered the 5-4 opinion of the court in favor of Playboy, saying that the federal government had not shown that Section 505 was the least restrictive way to further the government’s interests. It violated the 1st Amendment freedom of speech. Kennedy also wrote that statutes created to regulate speech based on content must support compelling government interests with the least restrictive provisions possible to achieve that goal.

IMPLICATIONS: This decision maintained that “indecent speech” is to be fully protected and therefore expanded implementation of the 1st Amendment. It has been used as basic framework for cases involving the specific instances in which regulation of any free speech is allowed. It raised questions over the definitions of “indecenty” and “obscenity” and how far the government can go to protect American children from exposure to these things.

United States v. Virginia (VMI)

FACTS: The Virginia Military Institute was Virginia's only exclusively male undergraduate institution. The United States claimed that this was unconstitutional as it violated the Fourteenth Amendment's equal protection clause. The District Court favored VMI, on appeal the Fourth Circuit reversed, and, in response, Virginia proposed creating an exclusively female program to parallel the men's school, called the "Virginia Women's Institute for Leadership (VWIL)." The United States appealed to the Supreme Court, which decided the case on June 26, 1996.

ISSUE: Does the creation of the female-only academy - comparable to that of the male-only academy - satisfy the Fourteenth Amendment's Equal Protection Clause?

ARGUMENTS: The Supreme Court considered the proposed VWIL was a separate but unequal program from VMI. Virginia generalized women as not having the same as men when it comes to "learning and developmental needs," thus denying "non-average" women the same resources that men had at VMI. The Supreme Court considered whether the gender-based policy advanced learning at VMI and decided that it did not. Additionally, the proposed training at VWIL was far less rigorous than that of VMI. The Supreme Court considered what changes would have to be made to VMI to be suitable for women, and determined that women are not inherently unsuitable for the training and methodology needed to become VMI's citizen soldiers. By failing to provide women with an equal program, Virginia denied equal protection to women.

DECISION: With 7 votes for the United States and 1 vote against it, the Court held that VMI's policy prohibiting females was unconstitutional as it failed to show "exceedingly persuasive justification" for VMI's gender-based policy. Virginia failed to show that the male-only admissions policy furthered educational diversity, and could not show that VWIL could offer the same benefits that VMI offered men. VMI offered rigorous training, faculty, facilities, and reputation that VWIL would not. The Court held that all gender based classifications be evaluated with "heightened scrutiny."

IMPLICATIONS: Those who wish to have gender based government action must show an "exceedingly persuasive justification" for it. The Court created the "substantive comparability" test to give gender based classifications "heightened scrutiny." VMI opened its doors to women, and was the last public all-male university. Now, single-gender-based public institutions are unlawful without proper justification, the bar for which has been raised. This decision helped to level the playing field between men and women regarding their educations and career goals, and will continue to do so in the future as long as the Supreme Court holds their decision from United States v Virginia. Public institutions should be more scrutinized regarding their policies falling under the Fourteenth Amendment and its equal protection clause.

United States vs. Windsor (2013)

Facts: After 30+ years of being in a committed relationship, Edith Windsor and Thea Spyer registered as domestic partners in the State of New York in 1993. In 2007, they got married in Toronto, Canada, with their home state of New York recognizing their legal union. Spyer died in February 2009, and left her entire estate to Windsor. Because DOMA denies federal recognition to same-sex spouses (it defines the words “marriage” and “spouse” only to legal unions between one man and one woman), Windsor did not qualify for the marital exemption from the federal estate tax. This led to a \$363,053 tax on Spyer’s estate. Windsor sued, seeking a full refund of the estate tax and a declaration that DOMA’s Section 3 is unconstitutional under the equal protection clause of the Fifth Amendment. Initially the government defended DOMA. However, eventually the President and the Attorney General stated that they would no longer defend DOMA in court. A Bipartisan Legal Advisory Group (BLAG) from the US House of Representatives took over the defense of DOMA. A US District Court ruled in favor of Windsor and a Second Circuit Court of Appeals affirmed it.

Issue: (1) The question is whether Section 3 of DOMA violates the Fifth Amendment’s guarantee of equal protection of the laws as applied to persons of the same sex who are legally married under the laws of their state. (2) Additionally, the court is asked to decide whether the executive branch’s agreement with the unconstitutional ruling by the lower courts should deprive the Supreme Court of jurisdiction to decide the case. (3) Lastly, there is a question as to whether BLAG has standing in this case under Article III which says that federal courts may only hear cases in which there is an actual “case or controversy.” Because the US agrees with the earlier rulings of unconstitutionality, there was no case or controversy to appeal.

Arguments: On the equal protection issue, the Court focused on the tradition of the states’ sovereign right to define marriage, as well the intent of DOMA to discriminate against a class of persons deemed to be protected by their specific state for marriage protection. On jurisdiction, the Court focused on Windsor’s claim for the tax refund, which the United States refused to pay, and established it a controversy sufficient for Article III jurisdiction. It also focused on BLAG’s substantial adversarial argument for DOMA’s Section 3 constitutionality and the likely enormous litigation that would result from its dismissing this case as sufficient reasons to satisfy its prudential concerns that otherwise might cause it to refuse to hear an appeal from a decision with which the principal parties agree.

Decision: The Supreme Court ruled in a 5-4 majority opinion (1) that Section 3 of DOMA was unconstitutional because it violated principles of equal protection by treating relationships that had equal status under state law differently under federal law; (2) and (3) that the Court has jurisdiction to decide the case.

Implications: The opinion and its holdings mean that the federal government cannot deny federal protections and benefits to same-sex couples in states where they can legally marry. However, there are over 35 other states that have laws banning same-sex marriage. The court has left the marriage issue up to the states to decide individually, which the LGBT community and its supports will keep pushing to change.

United States v. Wong Kim Ark (1898)

FACTS: Due to the Chinese exclusion acts, Chinese immigrants were not allowed citizenship during this time. A treaty signed earlier also stated that no Chinese subject could ever become a naturalized United States citizen. A man named Won Kim Ark was born in America to two Chinese immigrants who were not naturalized. At some point they left to live in China again. When Ark was 21 years old, he left the United States to visit his parents in China. Upon returning to the states, Ark was not allowed to enter because according to the authorities he was not a Citizen.

ISSUE: This decision dealt with the fourteenth amendment which describes citizens as “all persons born in the United States and not subject to any foreign power”. The overall issue was based around whether or not being born in the United States automatically makes you a Citizen and whether the Fourteenth amendment guarantees this right to citizenship.

ARGUMENTS: Those against Ark's citizenship claimed that since he was born to two Chinese citizens, he was Chinese, not American, regardless of if he was born in the states or not. This is called the principle of jus sanguinis and was cited in the Dissenting opinion. Those who agreed that Ark was a citizen based their opinions on the aforementioned segment of the 14th amendment.

DECISION: The court decided that Ark was indeed a citizen of the United States due to the fact that he had been born in the states and the 14th amendment explicitly states that those born in the United States are automatically citizens. They also said in their report that he was born with citizenship and it was not revoked because of any of his actions.

IMPLICATIONS: The immediate implication at that time was that it solidified the idea that pretty much anyone born in the United States was a citizen. This is a very relevant idea today when it comes to the immigration debate. Many people every year illegally cross the borders of the United States to work. Often times while they are here they have children who, by law, are now citizens, even if their parents were in the country illegally.

Wallace V. Jaffree

FACTS: A standing Alabama law allowed teachers to conduct prayer at school during school hours; specifically, a one-minute period of silence for “meditation or prayer.” Ishmael Jaffree appealed to the 11th circuit on behalf of his 3 children, who attended Mobile County Public Schools. The final complaint filed named the governor of Alabama, among others, as a defendant and questioned the constitutionality of several Alabama statutes: 16-1-20, 16-1-20.1, and 16-1-20.2.17.

ISSUE: Did the Alabama statutes in place violate the First Amendment’s Establishment Clause, which states Congress shall make no law respecting an establishment of religion? Since it is a state, does it have the right to establish such statutes?

ARGUMENTS:

Plaintiff: The statutes in place by the state of Alabama violate the constitutional right to freedom of religion by indoctrinating a specific religion in schools and thus wrongfully establishing a statewide religion.

Defense: Returning voluntary prayer to schools does not establish an official religion, as it is not a mandatory practice. Furthermore, the Establishment Clause does not impose a barrier onto Alabama’s right to establish a religion.

DECISION: Court determined the laws to be unconstitutional under the premise that they were endorsing religion through these statutes. Thus they were deemed to violate the Establishment Clause of the First Amendment.

IMPLICATIONS: This establishes the state as an institution accountable to the religious aspects of the First Amendment; if they pass religious laws, they are advocating religion. Also, it signifies strides toward interpreting the Constitution in a broad manner.

Anthony Candelmo

Period 3

Landmark U.S. Supreme Court Case Studies

WAL-MART vs. DUKES (2010)

Facts: A group of 6 women, all employed at Wal-Mart, filed a class-action lawsuit against the big corporation due to their alleged allegation that their wages were insufficient compared to the wages given to men, and that higher up positions in the company was allotted to men more frequently than to women. The certified class consisted of 1.5 million women, making it the largest class-action lawsuit in history. Wal-Mart argued that the courts should require each employee to file individually, knowing about rule 23(b). Under rule 23(b), a class action of that size is too large to manage and comes with huge costs. The class certification was done by the U.S. District Court for the Northern District of California

Issue: First, can a class of more than one million women under one employer across the U.S. be certified if they fall short of proving the cohesiveness of issue or fact as necessary under Federal Rules 23(a)(2), in that they cannot prove that all class members were subject to discrimination through employment policy? Second, is a claim for financial relief permitted to be certified under Federal Rules of Civil Procedure 23 (b)(2) if it is not secondary to obtaining an injunction or declaration?

Arguments: “The mandatory nationwide class in this case was improperly certified for two fundamental reasons. First, plaintiffs failed to satisfy Rule 23(a)'s cohesion requirements as reflected in the commonality, typicality, and adequacy requirements of the rule. Second, plaintiffs' highly individualized claims for monetary relief failed to satisfy Rule 23(b)(2)' requirements for certification of a mandatory non-opt-out class,” Stated by Chief Justice Theodore J. Broussard. Their arguments against ruling in favor of the class was due to the fact that it broke Rule 23(a) and Rule 23(b). They could not prove discrimination for all employees at Wal-Mart, and when Wal-Mart's policy was reviewed, they concluded that their policy promoted diversity and had no patience's for discrimination.

Decision: The Supreme Court ruled in favor of Wal-Mart (a 5 to 4 vote). Due to the breaking of Rule 23(a) and Rule 23(b), the women employed at Wal-Mart lost the case. Factors like the size of the class, the rules it broke, and the Wal-Mart policy having no form of discrimination present, the case was won by Wal-Mart.

Implications: One major effect brought out by this case is the huge hurdle women will now have to face in order to gain equal pay in the work space. It will be more challenging for woman to obtain that equality. This case also changes how employment discrimination cases are going to be handled due to the incentives for bringing them.

West Virginia State Board of Education v. Barnette

FACTS: The West Virginia Board of Education required that the flag salute be mandatory in all public schools. If students or teachers refused to salute, it was treated as insubordination and could lead to expulsion.

ISSUE: The court had to decide if a mandatory flag-salute for public schoolchildren violates the First Amendment.

ARGUMENTS: The state's argument was that Barnette raised no substantial federal question because *Gobitis* settled the constitutional questions raised by expulsions due to not pledging. Hayden Covington answered the state's appeal in a brief that was a mixture of Jehovah's Witnesses Bible teachings and Constitutional arguments. He argued that the *Gobitis* decision because it allowed the legislature to define its own powers in the court.

DECISION: The final decision was 6 votes for Barnette, 3 votes against. This was because the court decided that compelling public schoolchildren to salute the flag was unconstitutional.

IMPLICATIONS: Many people were upset with the court decision. Nearly 1,500 Witnesses of the case were physically attacked in more than 300 communities nationwide because of the decision. Mobs of people attacked the witnesses of the case, including a mob of 2,500 which burned the Kingdom Hall in Kennebunkport, Maine.

Wisconsin v. Yoder

FACTS: Three Amish children stopped attending school after the eighth grade because of their parents religious beliefs. Shortly after the local county court found the children and their parents guilty and fined them each \$5. The Wisconsin Supreme Court however ruled in the families favor, making Wisconsin seek to take the case to the Supreme Court. Since the Amish don't like conflict they didn't want to defend themselves causing a group to be made to represent Amish people in court cases, The National Committee for Amish Religious Freedom. The court found that going to school is important but it interfered with the First Amendment with the freedom of religion.

ISSUE: The Supreme Court was asked to decide if families could take children out of school for religious reasons and if the state could make them stay in school. The Constitutional question was if the school was violating the families First Amendment rights by making them attend school after a certain point.

ARGUMENTS: The majority opinion argued that the state couldn't make the children attend school if it violated their First Amendment rights. There needed to be evidence that the religion was seriously practiced so that people didn't make up stories and it was clear they practiced this religion. No solid proof was brought forth by the state to show a great benefit of children having two more years of school. If a child was to leave the Amish community without the two extra years they wouldn't be a burden on society, they thought Amish children generally had a good vocational background. For the dissenting opinion the judge believed that this was only the parents decision and the children were not old enough to realize that if they wanted to leave the Amish community the two extra years of schooling could help them. The children should be in control of their own destiny.

DECISION: The Supreme Court ultimately decided that the state was violating the families First Amendment rights by forcing them to go to school even though it was against their religion.

IMPLICATIONS: The decision is cited as the reason that other types of outside education like homeschooling is allowed today. The ruling said that the Amish may be allowed to form their own schools or if they would like they may drop out of school after the eighth grade.

Wolf v. Colorado (1949)

FACTS:

Doctor Wolf gave back-alley abortions to multiple patients, which at the time was illegal. When the police searched Wolf's office without a search warrant, obtained his patient list where the police were able to find and question women who have gotten an abortion from Wolf. He claimed that his fourth amendment rights were violated and the evidence obtained during the search and seizure be null and void. The trial court found Wolf to be guilty. He appealed to the Colorado Supreme court where they upheld the decision and it went on to the Supreme court.

ISSUE:

The Supreme court had to decide if a conviction for a State offense denies due process under the Fourteenth Amendment because evidence that would have been excluded in a federal court under the Fourth Amendment. Did the States have to exclude evidence obtained illegally and follow the Fourth Amendment?

ARGUMENTS:

The States did not have to follow the Fourth Amendment if the case was against the State's laws. However by upholding the conviction the Supreme court is directly violating the Constitution and saying the States' Supreme courts don't have to follow the Constitution.

DECISION:

The decision was upheld by the Supreme court because the Fourth Amendment, although binding to States, does not carry with it the sanction exclusion of evidence. Later this decision was overturned in the case Mapp v. Ohio.

IMPLICATIONS:

Justice Wiley Rutledge believed that the failure to overturn this ruling means the protection of the Fourth Amendment is null and void.

Zorach v. Clausen (1952)

FACTS: Zorach and other New York City petitioners challenged the constitutionality of the "released time" program integrated into the school systems that authorized children to leave school with parental permission to partake in religious instruction off campus.

ISSUE: The Supreme Court is asked to decide if the program establishes religion, or if it interferes with the right to freedom of religion. The issue is whether or not New York had violated the Establishment Clause of the First Amendment by allowing the "released time" program.

ARGUMENTS: A couple of primary arguments were used to sway the decision made by the Supreme Court. One argument used was that the religious instruction did not take place on school grounds, thus it did not require school participation. Also, it was stated that the Bill of Rights never clearly suggests government hostility towards religion.

DECISION: It was decided by the Court that the "released time" program did not interfere with the right to freedom of religion, nor did it constitute an establishment of religion. Public expenses were not used to fund religious instruction, and no student was forced into going to any religious classrooms outside of school.

IMPLICATIONS: This decision by the Supreme Court effected how schools today view religious practices. This court case encouraged schools to keep religion separate from the curriculum, but always available to those who wished to go outside of the normal learning environment to partake in religious instruction. The schools can no longer implement official sanctions for educating a student on their religious beliefs during school hours without being seriously frowned upon by the public eye.

