



LANDMARK SUPREME COURT CASES

2016-2017 AP GOVERNMENT CLASSES

Abington School District v. Schempp (1963)

FACTS: The Commonwealth Pennsylvania law requires each public school to read 10 Bible verses (of any version) at the beginning of each school day. As a result *Murray v. Curlett*, children may be excused from these readings if they have a written request from a guardian. At the Abington Senior High School, this law is practiced every day. The verses are broadcast over an intercommunications system, and the reading is followed by a student reciting the Lord's Prayer. Edward Schempp's children, Roger and Donna, attend Abington Senior High and feel that the daily readings go against their own religious beliefs.

ISSUE: It is brought up that the Commonwealth of Pennsylvania law that requires public schools to include Bible verse readings in their daily routine violates the First Amendment right that "Congress shall make no law respecting an establishment of religion..."

ARGUMENTS: The Schempp family testified that the readings refute their own religious beliefs. Edward Schempp considered excusing his children from the daily readings, but feared doing so would affect his children's relationships with the other students and teachers. The First Amendment states that "Congress shall make no law respecting an establishment of religion...". Schempp feels the law is indeed establishing a religion at Abington Senior High, a religion contrary to that of his children. In court, expert Dr. Solomon Grayzel testified that the requirement of the reading of the Holy Bible went against Jewish beliefs, because the Holy Bible includes the New Testament, and those who practice Judaism do not believe in the New Testament. Dr. Luther A Weigle refuted Grayzel by stating that the Holy Bible was non-sectarian, and provided "great moral, historical, and literary value." Another expert testified that the law requiring reading from a Christian document daily, established Christianity as the main religion in the public schools.

DECISION: Justice Clark wrote in the opinion of the Court that studying how Supreme Court interpreted the Constitution when dealing with previous legal cases similar to *Abington School District v. Schempp*, allowed them to decide on this case. The Supreme Court ruled, 8-1, that the Commonwealth of Pennsylvania law is indeed unconstitutional, for it violates the First Amendment right, "Congress shall make no law respecting an establishment of religion..."

IMPLICATIONS: The ruling of the *Abington School District v. Schempp* affected every public school in the United States. States are no longer allowed to make laws that require schools to include Bible readings and prayer in the school's daily routine.

Dani Salisbury

Brady

US Government and Politics

12 March 2017

Adkins v. Children's Hospital

In 1918 a law proposed by the District of Columbia was passed that required all women to receive the same amount of money in minimum wage. This was true regardless of the actual job they were doing or how much they deserved because they were trying to ensure a comfortable standard of living for all women. However, this decision was overturned by *Adkins v. Children's Hospital* in 1923 when it was recognized as unconstitutional under the Due Process Clause of the Fifth Amendment because of *Lochner v. New York* (1905) which was concerned with citizens having equal rights. Also to go along with their decision, "The Court claimed that, as of 1923, the civil inferiority of women in American society was at a 'vanishing point' citing the recent passage of the Nineteenth Amendment, which extended the right to vote to women, as an example of their newfound equality in American culture. Special workplace protections for women were thus unnecessary because women could protect their own interests through the political process and equal bargaining power" (McBride). It was said that minimum wage laws violate a citizen's right to freely contract work. Not too long after the *Adkins v. Children's Hospital* case took place, *West Coast Hotel v. Parrish* in 1937 found it constitutional to set a minimum wage without violating the Due Process Clause of the Fifth Amendment, "As long as they are rational and procedurally fair, minimum wage laws are a legitimate exercise of the state's police power" (McBride).

Trent McFarland

Baker V. Carr (1962)

FACTS: This case involved a Republican Mayor (Charles Baker) who argued that the district lines for the Tennessee General Assembly were outdated. The lines had not been redrawn to adjust for population growth in 60 years even though they are supposed to redistrict every ten. Baker sued the secretary of the state, Joe Carr. Tennessee argued it was a political question not judicial.

ISSUE: The court was asked to decide if it had the power to determine the constitutionality of a state's voting districts.

ARGUMENTS: William j. Brennan argued that it was not a political question but a judicial one since the Supreme Court could rule over state's apportionment decisions. This was the argument made by the majority in the Supreme Court. Another argument made was that a man's vote in one district had more influence than another man's vote in a district that had a greater population.

DECISION: The Supreme Court ruled 6-2 that the Supreme court had the power to determine the constitutionality of a State's voting district.

IMPLICATIONS: This case lead to a plethora of other cases involving apportionment since the supreme court ruled it could review such cases. These cases included Grey V Sanders in 1964 and then Wesberry V Sanders in the same year.

Bethel School District Vs. Fraser

The case was against a senior at a betel high school who used lots of sexual innuendos and references to nominate a classmate for an office in student government. The school suspended him and removed him from the list of students allowed to speak at graduation despite him being second in his class. Fraser's parents appealed saying his freedom of speech rights had been violated.

A previous ruling (Tinker vs. des moines independent school district) stated that students do not give up their rights at school when they wanted to wear black armbands to protest the Vietnam war. In the case of Fraser there as determined to be a difference in protesting the war in Vietnam and saying a lewd speech in front of the school. Burger determined the first amendment applied to adults who wanted to make offensive comments, but not to children in a public school. Fraser's family argued that he has no way of knowing he would get suspended for his speech, thus violating due process however the pre-speech teachers did give warning that his speech could result in disciplinary action.

In summary the court decided the schools did have the right to prohibit lewd or vulgar speech that could offend students or disrupt a class. Chief Justice Burger drew distinct differences between the Des Moines case and Fraser's case because of the explicitly sexual content of Fraser's speech. The first Amendment does not keep public schools from being able to prohibit crude language and behavior.

Brandenburg vs. Ohio

FACTS:

Brandenburg was a Ku Klux Klan member in Ohio who made a speech at a Klan's rally where he was later convicted under the Ohio syndicalism law. The speech was a violation of the law because he was advocating "crime, sabotage, violence, or unlawful methods of terrorism as a means of accomplishing industrial or political reform," as well as assembling "with any society, group, or assemblage of persons formed to teach or advocate the doctrines of criminal syndicalism."

ISSUE:

The Supreme Court was asked if Ohio's criminal syndicalism law, prohibiting public speech that advocates various illegal activities, violate Brandenburg's right to free speech as protected by the First and Fourteenth Amendments? The Constitutional question is Brandenburg protected by the First and Fourteenth amendment?

ARGUMENTS:

The Court used a two-pronged test to evaluate speech acts: (1) speech can be prohibited if it is "directed at inciting or producing imminent lawless action" and (2) it is "likely to incite or produce such action." The government cannot constitutionally punish abstract advocacy of force or law violation.

DECISION:

A 7-1 ruling, the Supreme Court reversed Ohio's original ruling on Brandenburg, setting him free to go.

IMPLICATIONS:

I think that the ruling on this case will make some people think they can say whatever they want because they are protected by the First Amendment. I think many people were upset about this ruling and there might be some still upset about it today.

Andrew Hoffman

Mr. Brady

Judicial Court Case

13/03/17

Buckley V. Valeo

Facts: James L. Buckley took issue with the the campaign limits stated by the FECA of 1971, saying that it was limiting the first amendment. When the district of columbia's appeals sided with the FECA of 1971, the plaintiff appealed to the supreme court. The Supreme court ended ruling in favor of Buckley.

Issue: The issue was James L. buckley felt that the FECA of 1971 limited free speech stated in the first amendment. The question then came down to whether money was tied to free speech.

Arguments: The Federal Election Commission's stated that money from outside sources such as private citizens or businesses was an unfair aspect of the the system that the FECA of 1971 aimed to fix; this would in turn lead to a lack of responsiveness to constituents, and more to "investors". The Plaintiffs stated that there was an unfair advantage for incumbents. They also state that although disclosure helped prevent from incidents such as watergate, the current limits were unconstitutionally low.

Decision: The Supreme ruled with a per curiam opinion, they said that many of the key parts of the FECA of 1971 were unconstitutionally violating free speech.

Implications: The decision in this court case has lead to other cases like Citizens United v. FEC. which deal with campaign funding.

Nathan Phillips

Bush v. Gore

FACTS:

The Florida Supreme Court ordered that the Circuit Court in Leon County count by hand 9,000 ballots from Miami-Dade county. The Court also ordered that every county in Florida must immediately manually recount all of the "under-votes". George Bush and his running mate, Richard Cheney filed a request for review in the U.S Supreme Court and an emergency petition for a stay of the Supreme Court of Florida's decision.

ISSUE:

The Supreme Court was asked to decide if the Florida Supreme Court violated Article II Section 1 Clause 2 of the U.S Constitution by making new election law? Does the request of standardless manual recounts violate the Equal Protection and Due Process Clauses of the Constitution?

ARGUMENTS:

Bush had argued that the recounts violated the Equal Protection Clause of the Fourteenth Amendment because Florida did not have a statewide vote recount standard. On the other side, Gore argued that there was a statewide standard, the "intent of the voter" standard, and that it was sufficient under the Equal Protection Clause.

DECISION:

Seven justices voted that it did violate the Equal Protection Clause by using different standards of counting.

IMPLICATIONS:

Lucas Higgins
 AP government
 James Brady
 14 march 2017

Communist Party of the United States v. Subversive Activities Control Board

FACTS: The Subversive Activities Control Board labeled the Communist Party of the United States (henceforth referred to as the CPUSA) as a "communist action organization", and required them to register under the board as such a group. The CPUSA petitioned the United States Court of Appeals for the District of Columbia Circuit, and order of *CERTIORARI* it was then heard by the Supreme Court of the United States, at the time under control of chief justice Earl Warren. The boards decision for the CPUSA to register as a "communist action organization" was upheld in the Supreme Court of the United States.

ARGUMENTS: The argument made by the petitioning side, the CPUSA, was that this act is a wholly violation of the first amendment. The petitioners council goes on to point out that this specifically violates the first amendments with repercussions such as lost employment opportunities, being barred from office (even in labor unions) the deportation of foreign born yet naturalized immigrants, and the denial of being legally issued a passport. The Argument made by the Responding side, the Subversive Activities Control Board was the argument that the assembly of the communist party should not be protected by the constitution, due to the fact that they were actively preaching violent overthrow of the american government, and that they were funded by and worked in the interest of "the world communist movement".

ISSUE: The Constitutional issue presented in this case is that o what is and is not protected first amendment rights, specifically concerning the right of assembly, and what forms of assembly are constitutionally protected.

DECISION: The courts upheld the decision of the board, requiring the CPUSA to register as a "communist action group"

IMPLICATION: From a revolutionary perspective, the implications of this decision are that of the bourgeoisie further flexing its power to suppress the workers movement and further their counter-revolutionary agenda. From a constitutional point of view, the implication of this ruling is that it gives the federal government the unrestricted ability to declare what sort of organizations are acceptable or unacceptable. This implies that whatever form of organization, if a certain official or board does not approve of it's legal activities, to declare it illegal. I found it particularly ironic that an argument used to argue in favor of the boards decision was labeling the CPUSA as part of a "world Communist movement which, in its origins, its development, and its present practice, is a worldwide revolutionary movement whose purpose it is, by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship", while they effectively pushed the US government slightly closer to totalitarianism in an attempt to cull what they perceived as totalitarian (which, even from a leftist perspective, the CPUSA during the cold war took an incredibly pro soviet hardline "tankie" position that could be described as more or less totalitarian).

Cox V Louisiana

Facts

- 1964, Baton Rouge Louisiana
- The plaintiff or appellant in this case was civil rights activist, Reverend B. Elton Cox
- Appellant was arrested on charges of peace disturbance, obstructing public passages, and courthouse picketing, after he assembled a group of 2,000 students of Southern University to protest segregation after a small group of students were arrested the day before for doing the same thing
- The group was told that they could protest on the west side of the street from the courthouse, which they did and later that day they partook in sit-ins in local restaurants
- The group was sprayed with tear gas when they refused to move

Issue

- The issue argued was one of civil disobedience
- The question was, is an arrest for breach-of-the-peace constitutional? Or did it violate one's first amendment right to assembly and free speech?

Arguments

- Louisiana argued that it had the right to imprison and charge Cox because he violated the breach of the peace law and sought to imprison Cox for a year due to his violation of the law
- Cox argued this was unconstitutional because he has a right to free speech and assembly under the first amendment

Decision

- The supreme court of the United States of America reversed the decision of the Louisiana court to imprison Cox for a year due to a violation of the peace statute
- The supreme court ruled that the charges were unconstitutional and did in fact violate Cox's first amendment rights

Implications

- Due to the final outcome of this court case the civil rights movement and any movement from then on out that argued for equality was helped by this court case because it established that no one's first amendment right could be taken away under any circumstance

District of Columbia v. Heller (No. 07-290)

FACTS: Heller applied to the district to be able to register and keep a handgun at his house and was refused due to the district's ban on handgun possession. The District of Columbia's firearm laws in place states it is unlawful for a citizen in the District of Columbia to carry an unregistered firearm and bans all registration of handguns. However, the police chief is allowed to issue a one year license, but the firearm must be unloaded and disassembled or fitted with a trigger lock. Heller in turn filed a suit claiming this was a breach of his Second Amendment rights. The District Court dismissed the suit but the D.C. Circuit Court reversed the dismissal and held that the Second Amendment does protect citizens rights to own a firearm and said the ban on handguns and, the firearms in the home requirements, violated this right as it can be used for self defense.

ISSUE: Certiorari was filed and on March 18, 2008, the Supreme Court heard arguments to decide if the District of Columbia's ban on the possession of usable handguns in the home violates the 2nd Amendment. The Constitutional question was if the District of Columbia's ban prevents an individual to possess a firearm, and to use that arm for traditionally lawful purposes, for example self defense in the home.

ARGUMENTS: The majority opinion was that the handgun ban was a prohibition of an entire 'class of arms' that most Americans chose to use for self-defense. Furthermore, the ban because it included homes, meant that it failed homeowners from arming themselves for self defense. In addition, because the District of Columbia's law stated they should be kept inoperable by disassembly or a trigger lock, this meant a homeowner would be unable to protect themselves in self-defense. They did argue that there are certain circumstances where the government can regulate licensing requirements, concealed carry requirements, public places subject to forbidding firearms and bans on certain citizens possessing firearms.

DECISION: The Supreme Court ruled a 5-4 decision on June 26, 2008 ruling the District of Columbia's Firearms Control Regulations Act of 1975 was unconstitutional as "the ban on handgun possession in the home violated the Second Amendment as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense. It further ruled that as long as Heller was not disqualified from exercising Second Amendment rights, the District had to allow him to register his handgun and issue him a license to carry it in the home.

IMPLICATIONS: This case involved a federal district, so it did not address the state or local laws. The case centered on the argument of self-defense in terms of the Second Amendment which is why it was a landmark case as those cases that were more about a right to bear arms, many of which were ruled against. An outcome of this was a fear for less gun control, and increased gun violence. Furthermore, there could be the danger of unsecured guns in the house, being accessed by minors in the household, or even the use of guns without strong self-defense reasoning. However, it emphasized the need for regulation, which would be in the hands of state and local jurisdictions.

Dred Scott VS. Sandford

FACTS

Dred Scott was an African American Slave who worked in Missouri. Scott was sold to Dr. John Emerson who took Scott to Illinois Territory which was a free state at the time. Scott lived there with his wife and kids from 1833 to 1840; they eventually went back to Missouri with Emerson who later died in 1843. When Emerson's widowed wife Eliza Irene Sanford refused to accept Scott's offer to buy his own freedom Scott sued, claiming that his residence in a free territory made him a free man. Scott eventually appealed his case to the Supreme court in 1856.

ISSUE

Was Dred Scott considered a free man or a Slave?

ARGUMENTS

The supreme court argued that whether Scott lived in a free area or not, he was still a slave, for any descendant of a slave could not be a citizen. Therefore, he could not file a lawsuit in court, according to Article III and IV.

DECISION

No. in a 7-2 Chief Justice Robert B. Taney ruled that African Americans were not citizens and had no right to file a lawsuit in the first place in federal or supreme courts. And because slaves were considered property, his owner had a fifth amendment right to keep him as property.

IMPLICATIONS

The case created tension between the South and the North. Anti-slavery forces were outraged. However, the case contributed to the election of Lincoln as well as the Civil war.

Edwards vs. Aguillard

FACTS: The Supreme Court ruled in June 1987 that evolution was not to be taught in public schools in Louisiana unless creationism was to be taught as well due to the First Amendment's establishment clause. The court made known that this law encourages a certain religious standard. Don Aguillard argued that this was an infraction of the establishment clause and Edwin Edwards was in charge to respond to this matter.

ISSUE: The Court agreed to rejected the Creationism Act in 1987. It lacked an evident "secular purpose". The Supreme Court was forced to decide whether this law was constitutional or unconstitutional.

ARGUMENTS: One of the major arguments was that it does not give public school teachers to teach what they want and it doesn't grant them their own teaching style. It also argues the point that if one religious view should be taught, then all religious views should be taught.

DECISION: The Supreme Court ruled the law violated the establishment clause of the First Amendment. The Federal District Court also declared the Creationism Act was unconstitutional and the Supreme Court and court of appeals both agreed.

IMPLICATIONS: If the law had been passed, it would have significantly increased the argument that all religious views of the origin of the earth should be taught as well. The court of appeals have agreed that this act does not protect academic freedom for teachers or for students.

Kirsten Georges

Escobedo vs Illinois

Facts: Escobedo v. Illinois was a United States Supreme Court case stating that criminal suspects have a right to counsel during police interrogations under the Sixth Amendment.

Issue: The Supreme Court was asked to rule in favor of Escobedo or the state of Illinois. The police did not inform Escobedo of the fifth amendment and did not give him an attorney. Looking from another view, Escobedo did not have to answer any questions and was not harmed in any way. Looking at these two views, the court had to look at both sides and decide which side was found guilty.

Arguments: Escobedo continued to confess voluntarily and that could've caused the rule in favor of Illinois. The police also caused no harm and did everything correctly but then again forgot to inform of fifth amendment as well as right to counsel there it led to their decision.

Decision: The court ruled in favor of Escobedo. The police failed to remind him of the right to remain silent and denied right to counsel, this was ruled unconstitutional

Dominic Filippi

Elk Grove Unified School District v. Newdow

Facts: A man named Michael Newdow sued the California Elk Grove school District. This case is called the "Pledge" case. The case took place in 2003 and 2004 starting on October 14 2003 and ended June 15 2004. The case was actually thrown out of courts early on due to Mr. Newdow not having custody of his daughter since he was divorced to his wife.

Issue: Newdow took the school district to court over the constitutionality of making children hear, even if they don't participate in, the part of the pledge of allegiance that includes "under god". The big issue was deciding if it is unconstitutional under the establishment clause. This had to deal with if the public district is allowed to lead willing students saying "under god".

Arguments: The arguments involved in the case if Newdow even has the privilege to take Elk Grove to the courts over the issue of public district leading the willing students in the pledge of allegiance. The other big argument was if leading willing students in saying the pledge violates the establishment clause.

Decision: The decision was that first Newdow since he didn't have custody over his daughter, who he was arguing for, since he was divorced from his wife. Since he didn't have custody he doesn't have the standing to argue for his daughter. Since that finding the court stopped the case from going further. The justices made separate opinions coming to the unanimous conclusion in favor of Elk Grove.

Implication: This case proves that school districts have the ability to make willing students recite the pledge of allegiance and also unwilling students listen to the pledge of allegiance. This means that it doesn't intrude upon parents ability to religious education of their children.

Furman v. Georgia

FACTS: The cases were argued on January 17, 1972. Furman had decided to join with Jackson v. Georgia and Branch v. Texas to be heard collectively by the Court once granted certiorari. The appellants were black, but unlike Jackson and Branch whom convicted of rape, Furman was found guilty of murder. They were all sentenced to death by their states. The cases were decided on June 29, 1972.

ISSUE: Does the act of carrying out the capital punishment in cases such as these violate the Eighth and Fourteenth Amendment?

ARGUMENTS: In the concurrences which included Brennan, Douglass, Stewart, White, and Marshall, a majority said that the idea of "cruel and unusual punishment" evolves in decency over time. Also, they agree that the jury is inconsistent with their rulings. Yet, on the dissents side which includes Burger, Blackmun, Powell, and Rehnquist whom have agreed that the court has consistently denied it as a violation of the Eighth Amendment and the Fifth and Fourteenth Amendment could not be taken away without due process of the law in which it had been.

DECISION: In a 5-4 decision, the concurrences had decided that the act of carrying out the capital punishment in cases such as these do violate the Eighth and Fourteenth Amendment against the dissents.

IMPLICATIONS: Due to this case, there were no executions in the whole country between 1967 and 1977. In 1972, the United States Supreme Court had struck down all capital punishment statutes and reduced all death sentences that were pending to life imprisonment. After, most states had created new statutes for the death penalty.

Gideon vs. Wainwright

LILA

FACTS: Clarence Earl Gideon was charged with a felony of breaking and entering a poolroom on a misdemeanor offense. Gideon showed up to court without a lawyer and wanted the court to assign him one. But based on the Florida state law, they did not appoint him a lawyer and he represented himself in court. He was then found guilty of his charges and was sentenced to five years in prison. Gideon filled out a habeas corpus petition in the Florida Supreme Court and stated that the decision made by the court was unfair because it violated his constitutional right to be represented by counsel. The Supreme Court denied his habeas corpus relief.

ISSUE: Is the Sixth Amendment extended to felony defendants in state courts?

ARGUMENTS: Being that the right to counsel is a protection of due process, should that protection apply to certain cases or all?

DECISION: Supreme Court came to the conclusion that the framers of the Constitution were big on the right of the accused to have proper defense and for that right to be respected by the federal courts. The Court also stated that, based on the Constitution, the state must appoint proper representation if the defendant cannot afford to get one.

IMPLICATIONS: Yes, it gives an extension before giving any existence of serious criminal charge that needs to be appointed by counsel. This is a good thing.

Gitlow V ~~New~~ York

Facts:

A socialist, by the name of Benjamin Gitlow, was arrested for distributing copies of an essay called "Left Wing Manifesto" which entailed the calling for the making of socialism through strikes and any form of action. He was further convicted under a state criminal anarchy law, a punishment for trying to overthrow the government by force. Gitlow argued that since there was no action made from the manifesto, there shouldn't have been any charges made against him and that New York laws were violating his right to free speech.

Issue:

The question presented to the Supreme Court was if the New York law punishing the advocacy of overthrowing government by force was unconditional in regards to free speech clause in the First Amendment.

Argument:

Gitlow's side argued that no harm had come from his writings and no one had been influenced and that New York state law had violated his 14th amendment right that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States". The other side that any state had the right to prevent violence.

Decision:

It was decided that states can forbid speech and press if it has a tendency to result in action dangerous to the public.

Implication:

It meant to say rights to free speech aren't always protected and the effects of that where people were more carefully to what they said and what they printed

Landmark Case: Good News Club vs. Milford Central School

FACTS: The Good News Club, a private Christian organization for children, looked to use Milford Central School as a meeting place after school. They were denied by the school due to their religious affiliation. The activities included in the meetings (singing, memorizing scripture, etc.) made them a religious group instead of an organization solely teaching children about a religion. The club went up against the school in court, claiming that the decision violated their free speech rights under the first and fourteenth amendments.

ISSUE: Did Milford Central School violate the rights of the Good News Club? The Court is asked to determine if the Good News Club was constitutionally or unconstitutionally discriminated against.

Arguments: The rights of the Good News Club were/weren't violated by Milford Central School. The constitution provides freedoms that were nullified. Does the Establishment Clause justify this violation?

Decision: In a 6-3 vote, the Supreme Court held that the rights of the Good News Club were violated by Milford Central School. No Establishment Clause justifies the violation of the freedom of speech. Milford Central School violating the Good News Clubs rights went against the first amendment.

Implications: Schools and other institutions can't violate the constitution when prohibiting people and groups from using their facility. Even with different clauses in place, they are not protected from the constitution and cannot deprive anyone of their fundamental rights.

Gratz V. Bollinger

1. Gratz v. Bollinger, 539 U.S. 244, was a United States Supreme Court case regarding the University of Michigan undergraduate affirmative action admissions policy. In a 6-3 decision announced on June 23, 2003, Chief Justice Rehnquist, writing for the Court, ruled the University's point system's "predetermined point allocations" that awarded 20 points towards admission to underrepresented minorities "ensures that the diversity contributions of applicants cannot be individually assessed" and was therefore unconstitutional. The University of Michigan used a 150-point scale to rank applicants, with 100 points needed to guarantee admission. The University gave underrepresented ethnic groups, including African-Americans, Hispanics, and Native Americans, an automatic 20-point bonus towards their score, while a perfect SAT score was worth 12 points. The petitioners, Jennifer Gratz and Patrick Hamacher, both residents of Michigan, applied for admission to the University of Michigan's College of Literature.. Gratz applied for admission in the fall of 1995 and Hamacher in the fall of 1997. Both were denied admission to the university. Gratz and Hamacher were contacted by the Center for Individual Rights, which filed a lawsuit on their behalf in October 1997. The case was filed in the United States District Court for the Eastern District of Michigan against the University of Michigan, the LSA, James Duderstadt, and Lee Bollinger. Duderstadt was president of the university while Gratz's application was under consideration, and Bollinger while Hamacher's was under consideration. Their class-action lawsuit alleged "violations and threatened violations of the rights of the plaintiffs and the class they represent to equal protection of the laws under the Fourteenth Amendment... and for racial discrimination." Like *Grutter*, the case was heard in District Court, appealed to the Sixth Circuit Court of Appeals, and asked to be heard before the Supreme Court.

2. The Court was asked to determine whether or not this 20-point bonus rule was unconstitutional or consitutional. This was the question was whether or not the University was breaking the consitution by having this law at their university.

3/4. It has been argued by some that Jennifer Gratz lacked legal standing to bring this action. Gratz applied in 1995, three years before the University of Michigan adopted its points system. Gratz could not claim injury as a result of the points system, and thus, under traditional legal rules, Gratz lacked standing. Gratz chose not to attend the University of Michigan by declining the university's offer to be placed on a waiting list. Every Michigan student who agreed to go onto the waiting list in the spring of 1995 was admitted to the University of Michigan for the Fall 1995 semester. However, Gratz argues that she did fill out the paperwork for said waiting list, but the University claims it got lost. The Court's majority found that Gratz and co-plaintiff Hamacher had standing to seek declaratory and injunctive relief, relying on *Northeastern Fla. Chapter, Associated Gen. Contractors of America v. Jacksonville*, 508 U.S. 656 (1993). Here the "injury in fact" necessary to establish standing in the case was "the denial of equal treatment resulting from the imposition of the barrier, and not in the ultimate inability to obtain the benefit".

5. In the case, the Supreme Court ruled that the use of affirmative action in school admission is constitutional if it treats race as one factor among many, its purpose is to achieve a "diverse" class, and it does not substitute for individualized review of applicant, but is unconstitutional if it automatically increases an applicant's chances over others simply because of his or her race. The Court made clear that affirmative action programs are only constitutional if they consider race as one factor in an individualized evaluation, and only to achieve the goal of "class diversity."

Gregory v. Chicago (1969)

Facts: Peaceful civil rights demonstrators, protesting against segregation in Chicago schools were arrested and convicted for disorderly conduct when they failed to disperse on orders of the Chicago police, who anticipated civil disorder because of the bystanders' unruly conduct.

Issue: Were police right in arresting the protestors? Does this violate their First Amendment right to freedom of speech

Argument: The supreme court argued that the protestors should be prosecuted on the grounds of disorderly conducted. Due to the fact that they did not leave when told to do so by police. It can also be argued that the action taken by the police is in violation of the protester's First Amendment rights.

Decision: The court voted 9 to 0 in favor of Gregory. The rationale behind their decision was that the first amendment protected their protest. Since there was no evidence showing that the protestors were behaving disorderly, the police had no right to arrest them. All 9 of the justices were in the majority.

Implications: This decision has resulted in a more clear view of the first amendment and its meaning and applications to court cases.

Grutter v. Bollinger (2002) – Race basis for Michigan’s Law School Applicants

FACTS: Ms. Grutter was a white Michigan resident with a 3.8 GPA and 161 LSAT score (The average score being 150). In 1996, she applied to the University of Michigan Law School. She was rejected. She alleged that the primary reason she was rejected was because she was white and that applicants belonging to certain minority groups had a greater chance of admission than students with equal credentials from disfavored racial groups. Ms Grutter alleged that the school discriminated against her on the basis of race in violation of the 14th amendment, Title VI of the Civil Rights Act of 1964, and 42 U.S.C. § 1981.

ISSUE: The Supreme was asked to either side with the District Court, who decided that the law school’s use of race as an admissions factor was unlawful, or the Sixth Circuit’s decision, which was to reverse the District Court’s decision based on a Supreme Court case that dealt with the topic of race classifications benefiting minorities in university admissions in the case The Regents of the University of California v. Bakke (1978). The Constitutional Question was about the 14th amendment and whether the use of race in admissions was constitutional or not as a racial quota was unconstitutional but considering race in admissions was not according to the judges on this case.

ARGUMENTS: The Equal Protections clause provides that “No State shall...deny to any person within its jurisdiction the equal protection of the laws.” The Supreme Court found that the Michigan law School’s admissions program, designed to reach the goal of attaining a “critical mass” of underrepresented minority students by using race as a “plus factor” in admissions to promote student body diversity met the requirements of the Equal Protections clause.

DECISION: The Supreme Court upheld the Sixth Circuit’s reversal of the District Court decision, therefore upholding the University’s admissions policy.

IMPLICATIONS: Some research has suggested that this decision led to a decrease in diversity in graduate programs. Some institutions of higher education have since increased their diversity efforts while others have retreated from policies that dealt with race in the admissions process. The decision also sparked a similar debate on race as a basis of employment.

Hammer v. Dagenhart

FACTS: The Keating-Owen Act of 1916 banned the sale of products across state lines from factories that employed children under the age of 14, or where children 14 to 16 worked more than 8 hours a day, worked nights, or worked more than 60 hours a week. Roland Dagenhart, from Charlotte, North Carolina, worked in a cotton mill with his two sons. The mill refused to let his 14 year old son to work because of the Keating-Owen Act. Dagenhart sued, saying the Keating-Owen Act was unconstitutional on the grounds that the law was not in regulation to commerce, the Tenth Amendment left the decision of child labor laws up to the states, and the Fifth Amendment protected his right to have his children work.

ISSUE: Does Congress have the power to regulate the commerce of goods manufactured by children in factories?

ARGUMENTS: The majority said that congress does not have the power to regulate commerce of goods made by children, the Keating-Owen Act is unconstitutional. The dissenting opinion is that Congress is completely within its rights to regulate interstate commerce.

DECISION: The court ruled that, though Congress does have the right to regulate interstate commerce, the manufacture of goods is not considered commerce.

IMPLICATIONS: The Hammer v. Dagenhart decision was a step backwards in the progression of child labor laws. Everyone was working to ban child labor, or at least create strict rules. This was one of the many steps that eventually led to the rules and ban on child labor.

3/13/2017

Westerville City Schools Mail - Landmark Court Case



Brady, James <bradyj@westerville.k12.oh.us>

Landmark Court Case

1 message

Mon, Mar 13, 2017 at 8:05 AM

Shelby Gambill <shelbygambill2017@yahoo.com>
To: James Brady <bradyj@westerville.k12.oh.us>

Hi Mr. Brady, my printer is currently down at my house so I couldn't print out my Landmark Court Case assignment, but I plan on printing it out today at school. Thanks!

Shelby Gambill
Per. 2
Landmark Case Assignment
9 Mar. 2017

Jones v. Mayer

In Supreme Court Case 392 U.S. 409, Joseph Lee Jones v. Alfred H. Mayer Company
The petitioner, Joseph Lee Jones, attempted to purchase a home from the Alfred H. Mayer Company, but was refused solely on the grounds that the petitioner was black.

The case was first taken to the United States Court of Appeals for the Eighth Circuit, where it then passed on to the Supreme Court.

The case was argued through April 1, 1968 and April 2, 1968, and was decided in a seven to two majority vote favoring Jones on June 17, 1968.

The Court ruled that the Alfred H. Mayer Company violated 42 U.S.C. Section 1982, which ensures equal protection to all citizens conducting real estate transactions. This law was a part of the enabling clause of the 13th Amendment. The Court held that Congress can regulate the sale of private property to prevent racial discrimination.

Sent from Yahoo Mail for iPhone

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Katz vs. United States

By Julian Slate

FACTS: In the *Katz vs. United States* court case in 1967, Federal agents had suspicion to believe that Katz had been transmitting gambling information over the phone from Los Angeles to other out of state clients. Hence, the agents attached an eavesdropping device to the outside of a public phone booth that Katz had continuously used. As they were able to decipher his phone conversations, they convicted Katz on eight-counts of illegal transmission of wagering information from Los Angeles to Boston and Miami.

ARGUMENTS: When he appealed, Katz challenged his conviction arguing that the recordings could not be used as evidence against him. The Court of Appeals, however, rejected his point, noting the absence of a physical intrusion into the phone booth itself.

ISSUE: The justices' main dilemma was that of finding out if the Fourth Amendment had been violated by the federal agents involved. And to ultimately determine whether the protection against unreasonable searches and seizures should require the police to obtain a search warrant in order to wiretap a public pay phone.

DECISION: As a result, the Court ruled in Katz favor, ruling that his privacy had been violated, and that regardless of no actual physical intrusion into the phone booth he used, he was entitled to his Fourth Amendment right of protection for his own conversations.

IMPLICATIONS: In consequence, the 4th Amendment today includes protection of privacy against "unreasonable seizures and searches" to electronic wiretaps.

Korematsu Vs. United States

FACTS: During World War Two, Presidential Executive order 9066 authorized the military to exclude citizens of Japanese ancestry from areas deemed critical to national defense and potentially vulnerable to espionage. The petitioner's name was Fred Toyosaburo Korematsu, and the respondent was the United States.

ISSUE: Did the President and Congress overstep the bounds of the war powers by institutionalizing the exclusion and restricting the rights of Americans of Japanese descent?

ARGUMENTS: It was argued by Justice Black that compulsory exclusion, though constitutionally suspect, is justified during circumstances of "Emergency and peril." The minority opinion, delivered vociferously from the mouth of Justice Jackson, claimed that Korematsu did nothing other than residing in the present state that he was a citizen of, where he had lived all his life. Ultimately, Jackson did relent to the idea that the military would likely keep the power to arrest during times of war.

DECISION: The Supreme Court decided 6-3 in favor of United States, by majority opinion under Justice Black

IMPLICATIONS: The decision in Korematsu vs. United States has largely never been overturned, and there has only been one notable Supreme Court case that has gone against the precedent of "Rigid Scrutiny", and that is the 2003 Grutter vs. Bollinger case dealing with racial discrimination and affirmative action. Justice Jackson's dissent, however, reminds us of the pickle that the court is often put into when violation of constitutional rights are claimed.

Lemon v. Kurtzman

FACTS: Pennsylvania and Rhode Island adopted statutes in 1968 and 1969 that spent public tax money on non-secular schools. The Pennsylvania statute provided funding for non-public elementary and secondary school teachers' salaries, textbooks, and instructional materials for secular subjects. The Rhode Island statute paid for 15% of teachers' annual salaries. The Pennsylvania case was dismissed but the Rhode Island one advanced to the supreme court where it was to be decided if the statute violated the First Amendment.

ISSUE: Do statutes that provide state funding for non-public, non-secular schools violate the Establishment Clause of the First Amendment?

ARGUMENTS: The statute doesn't allow for a separation of church and state. The statute helps ensure minimum secular education requirements were being met in the non-public schools.

DECISION: The use of public tax money in religious schools too closely intertwined church and state and did violate the First Amendment. Also, In order for a statute to be constitutional it must pass a 3 prong test: The statute must have a secular legislative purpose, its principal or primary effect must be one that neither promotes nor inhibits religion, and it must not foster "excessive government entanglement with religion."

IMPLICATIONS: Tax money couldn't be spent on non-secular schools. Separation of church and state persists to this day.

"Lemon v. Kurtzman." *Oyez*, <https://www.oyez.org/cases/1970/89>. Accessed 1 Mar. 2017.

Loving v. Virginia

Dominic Harris

FACTS: A white man, Richard Loving, and a black woman, Mildred Jeter, were married in Washington D.C. The Lovings returned to Virginia and were charged with violating a law there, which banned interracial marriage. They were found guilty and charged with a year of prison.

ISSUE: The SCOTUS has to decide on whether or not the couple being imprisoned for this, is unconstitutional. Did this sentence defy the 14th amendment constitutionally.

ARGUMENTS: The court agreed unanimously that laws like the one in Virginia, were complete scrutiny towards people. They thought the Virginia law, had no purpose being put into place as it defies the Equal Protection Clause of the 14th amendment. The court argued and agreed, that who the person marries, can not and shall not be prevented by the state, as the state has no power to do so.

DECISION: The SCOTUS unanimously, overturned the previous law in Virginia and made it so that the state's can't interfere with marriages based on colour, as it violates the 14th amendment.

IMPLICATIONS: The after effects of this case, allows people of regardless of colour or what state they are from, to be married without the states being able to stop them or interfere. This allows more people to get married regardless of colours and helps prevent people from being scared to openly admit their inter-racial relationships, as they can no longer be imprisoned or violating the law.

Mapp v. Ohio (1961)

FACTS: Dollree Mapp was suspected of hiding a fugitive in her house. There was no admission in the court proceeding of a search warrant and no evidence that one was used. While searching Mapp's house, the police found lewd and obscene books and pictures which violates Ohio's Revised Code. These possessions were then used against Mapp in court. The state court found the evidence admissible in court despite its being illegally obtained. Mapp appealed the case to the Supreme Court.

ISSUE: Reexamine the Wolf v. Colorado case. Is illegally obtained (violating the fourth amendment) evidence usable in court? Does this violate the fourth and/or fourteenth amendment(s)?

ARGUMENTS: The unlawful seizure of evidence violates the rights of Mapp as laid out in the Constitution (fourth and fourteenth amendments) and therefore is not valid in federal courts. Such evidence used in state courts is equally inadmissible so as to follow the same criteria as the federal courts.

DECISION: The state court's decision was reversed. Evidence obtained through illegal search and seizure is inadmissible in court.

IMPLICATIONS: Unlawfully seized possessions can't be used as evidence in any level of court for any accused person(s).

Marbury v. Madison

FACTS: This case served a great purpose in Supreme Court history. This was the first case that challenged the United States government with this idea of judicial review which is the power of the federal courts to void acts of Congress in conflict with the Constitution. This was between William Marbury and James Madison and was led by Chief Justice John Marshall. Marbury was appointed a justice of the peace for District of Columbia in the final hours of Adams's presidency. Jefferson ordered Madison not to deliver the commission of Marbury, who was appointed by John Adams. Marbury later sought mandamus in the Supreme Court, requiring James Madison to deliver his commission.

ISSUE: The Supreme Court is being asked to notion the act of judicial review through this case. The Constitutional question that was involved was whether Congress could expand the original jurisdiction of the Supreme Court. Also another question that occurred was whether Marbury is entitled to mandamus from the Supreme Court.

ARGUMENT: John Marshall argues that acts of Congress in conflict with the Constitution are not laws and are therefore non-binding to the courts, and that the first judiciary responsibility is to uphold the Constitution.

DECISION: The Supreme Court decided that Marbury did have a right to his commission after all. They decided that the judiciary act of 1789 was unconstitutional. They decided to dismiss the want for a jurisdiction.

IMPLICATIONS: The implications that this court case holds is the strengthening of the judicial branch of government along with giving the Supreme Court judicial review. This court case allowed the courts to declare anything passed by Congress unconstitutional.

McConnell v. FEC (2003)

FACTS: Around a year's time earlier Senator Russ Feingold and Senator John McCain worked together to pass the Bipartisan Campaign Reform Act (BCRA) AKA: The McCain-Feingold Act. This piece of legislation placed restrictions on soft money donated directly to the political parties of their choice which played a role on how campaign ads were/are financed.

ISSUE: Was it legal for restrictions to be placed on soft money used? Do restrictions on soft money donations to campaigns violate free speech?

ARGUMENT: The supreme court argued that in essence, soft money is used for a vast amount of things. Soft Money can be used for get out to vote drives, registering voters, and donating money for ads or media. The court believed that soft money was being used for more things than just television ads.

DECISION: In a 5 to 4 decision, the supreme court upheld the constitutionality of the McCain-Feingold Act. The court believed that the restriction on soft money dealt more with soft money which was being used in cases of getting voters registered rather than going to TV ads. The restriction that McConnell accused the FEC of was very minimal.

IMPLICATIONS: This court ruling (up until the Citizens United court case) gave a basic understanding of how soft money can affect our political process as well as our first amendment.

Grayson Horn

In the court case of McDonald v Chicago, the court case ultimately ruled upon the question of whether or not the second amendment applies to the individual states. In the case the judge ultimately ruled that it does apply to the individual states. They ruled that it fell under the the fourteenth amendment under the due process clause. This case closely corresponded with the DC v Heller, in ruling on mainly the possession of handguns. McDonald filed his argument referring to the second amendment and citing that the restriction of his ability to purchase handguns was unreasonable, and sought to have his right protected. There were some dissenting opinions such as justice Stevens and Breyers, who agreed that the individual right to own a firearm was not 'fundamental'. Although there were dissenting opinions, the majority held that it was indeed a protected right, and predictably Scalia ruled with the belief that it was indeed protected. Although the case was in favor of the second amendment, its protection it offered was limited. Its protection was strictly limited to the banning of handguns in specific lawful cases, but did not expand much further beyond that specific right. While a successful ruling for the second amendment, this was only a small case in the argument of gun rights. The decision in this court case similarly modeled that of Heller v DC, in which a similar case was fought.

Citation: <https://www.supremecourt.gov/opinions/09pdf/08-1521.pdf>

Citation: <https://www.law.cornell.edu/supct/cert/08-1521>

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Morse v. Frederick

Morse v. Frederick, or "Bong Hits 4 Jesus" case, was decided in mid-2007. What happened was that at a school-supervised event, Joseph Frederick held up a banner that said "Bong Hits 4 Jesus" which was interpreted as a promotion of illegal drug use. Principal Deborah Morse took the banner away and suspended him from school. Frederick sued under 42 U.S.C 1983, saying that his First Amendment right was being taken away. The District Court ruled in favor of Morse, but the U.S. Court of Appeals for the Ninth Circuit reversed and cited Tinker v. Des Moines Independent Community School District. They said that the rule is that the First Amendment extends to student speech except in the case of a disturbance. Frederick was punished for his message and not for a disturbance, so they took it to the Supreme Court. The conclusion was in favor of Morse 5-4 ruling that school officials can prohibit students from promoting illegal drug use. The majority opinion was Chief Justice John Roberts alongside Justices Scalia, Kennedy, Thomas, and Alito. The Justices had differing reasons for why they agreed, making the ruling a concurring opinion.

This case is very constitutionally relevant because it makes the First Amendment more specific. It also allows schools to punish students for what they say, which is still debated 10 years after this case. Students now give up their rights when they enter the school door. The school and officials basically replace the students' parents during school hours. This case is important because it helped to define schools and students' rights in the First Amendment.

Near v. Minnesota (1931)- Freedom of press

FACTS: Near v. Minnesota was a controversial landmark case dealing with prior restraint and freedom of the press in the early 1930's. J. M. Near, one of the main contenders of the case was a journalist for *The Saturday Press* in Minneapolis, in which he made comments on "jewish gangs" taking over the city, which to many seemed anti-Semitic. In the paper, he also attacked many of the city's major officials including the police chief and mayor of failing to rid of the crimes taking place. This ended up resulting in a court case when one of the accused filed a complaint under the Public Nuisance Law of 1925, also known as the "Minnesota Gag Law". It provided permanent authoritative warnings against those who created a "public nuisance," by publishing, selling, or distributing a "malicious, scandalous and defamatory newspaper.", in which Olson believed Near did.

ISSUE: The Supreme Court was asked to make a decision on whether or not freedom of the press was being violated by the Public Nuisance Law of 1925. The freedom of the press, in definition, is the right to circulate opinions in print without censorship by the government. Americans enjoy freedom of the press under the First Amendment to the Constitution. The Supreme Court was torn over the decision of being forced to side with censorship or to side with Near and his anti-Semitic views, which neither were attractive choices.

ARGUMENTS: The Supreme Court uses the Fourteenth Amendment to justify their beliefs, which they believe incorporates the freedom of the press and applies it to all of the states. Some main arguments included the fact that Near's article was not made up of factual evidence, so that it should be censored, but that was also combatted again with the argument of freedom of the press and non-censorship of the media. Some members were afraid of the press abusing the power they have with freedom of the press, which is why they established these special circumstances to keep things in order while also satying true to the Constitution

DECISION: The consensus came out to be by the Supreme Court that the law violated the freedom of the press. In other words, they decided that censorship was unconstitutional except for some special circumstances. One of these special circumstances would be in time of war, as the media should be careful as to what they say/print to avoid major panic throughout the states.

IMPLICATIONS: The effects of the decision of the Supreme Court basically gives the mass media and other organizations more power over what they are able to say. They can now increase the amount of controversial content they produce with less worry now that Near was able to publish controversial topics of Semitism in the newspaper while using the freedom of the press, which was violated with the Public Nuisance Law of 1925. Also, the Court eventually ended one of the last few outlets to censor the press under the *New York Times Co. v. Sullivan*.

FACTS: At a high school in New Jersey, two girls were caught smoking cigarettes in the women's bathroom during school hours by an administrator. They were taken to the principal's office where one girl admitted to smoking, while the other, who is referred to as T.L.O., denied it. The principle then searched the girl's purse where he found marijuana in her possession that she had been selling at school. T.L.O was taken to the police station and confessed selling marijuana.

ISSUES: The Supreme Court was asked to decide if the evidence found in the girl's purse was usable to determine her guilty or innocent. The Constitutional question was if her Fourth Amendment rights of unreasonable searches and seizures were being violated when the school searched through her purse and found the marijuana was valid.

ARGUMENTS: The primary arguments advanced by the Supreme Court were if there was enough evidence for the search through her purse to be a reasonable act, and if the marijuana found by the principle after the search is valid evidence to use in the case of her conviction.

DECISION: The decision made by the Supreme Court was that the search of the girl's belongings by the school was reasonable and did not violate her Fourth Amendment rights. Because the school administrators had substantial evidence that the girl most likely had more cigarettes in her purse, it was a reasonable act to search her belongings, and because marijuana was found, she could be charged for that.

IMPLICATIONS: The decision has been used in many cases that have allowed the use of metal detectors and searches in schools. The court has also extended the use of searches in airport scannings and highway checkpoints.

New York Times v. Sullivan

FACTS: Sullivan, an elected official in Alabama, sued in 1964, alleging that statements made in an advertisement in the *New York Times* were libellous. (The *Times* was sued, along with the four reverends who placed the ad.) There were false statements contained in that ad about alleged actions committed by police officers toward civil rights demonstration participants and leaders. In Alabama court, according to the law, Sullivan did not have to prove he had been harmed, and was awarded \$500,000.

ISSUE: Did Alabama's libel laws (by not requiring damages to be proven, and by dismissing the ad as lies simply because it had errors) infringe on the First Amendment rights to freedom of speech and of press?

ARGUMENTS: The Fourteenth Amendment states, "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," and Alabama's court and laws did just that by infringing on the First Amendment in their decision. Even though this was an ad, First Amendment protections still apply, as denying these rights would "shackle the First Amendment" (Justice Brennan). Free political discussion must be allowed for the good of the people. Justice Brennan said, "debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

DECISION: The court unanimously ruled in favor of the *New York Times*, reversing the Alabama Supreme Court's decision, holding that "actual malice" must be proven for States to award damages to public officials in defamation cases. The statement must be made with knowledge that it is false or made in reckless disregard of its truthfulness. The First Amendment protects all statements that are published about public officials' actions, even if they are false, unless they are made with actual malice.

IMPLICATIONS: This case has been used constantly in the past 50+ years as a tool to decide upon issues of free speech. As Forbes said, "The case has been integral to forging rules for access to ... speech as well as the free speech rights of just about anyone you care to list." The findings of this case were held in such cases as *St. Amant v. Thompson* and *Ocala Star Banner v. Damron*. Similar findings were held in the Ohio Supreme Court case, *Fuchs v. Scripps Howard Broadcasting*. False statements about public officials must be made in bad faith in order to be defamatory. This gives press leeway.

John Whitesmith

New York Times Co. v. United States

FACTS : President Nixon sued the New York Times to stop them from publishing the Pentagon Papers, a collection of documents detailing U.S. activities in Vietnam. Nixon cited the need for prior restraint to protect national security.

ISSUE: The Supreme Court was asked to decide if the government's reasoning for censorship overcame 1st amendment rights against freedom of the press.

ARGUMENTS : Justices that ruled with the New York Times used several points to back up their ruling. Chief Justice Black's opinion claimed that the First Amendment protected publications against all types of government censorship, especially publications critical of the government. Under his logic, no information could be restrained even if it threatened national security. Other justice either agreed with Black's interpretation or claimed the government did not do enough to prove that prior restraint was necessary. Justices siding with the Nixon administration believed the press was obligated to collaborate with the government when releasing sensitive wartime information. They wrote that the press should have the responsibility of analyzing documents for sensitive information before publication.

DECISION : The Supreme Court ruled with the New York Times ~~Nine~~^{Six} to Three.

IMPLICATIONS : The specific nature of New York Times Co. v. United States means it never set a strong precedent. However, the case did re-establish the enduring value of the First Amendment, even in times where free speech could hurt foreign affairs. The press retained their independence from the government. Prior restraint was upheld as a form of censorship that can very rarely be implemented.

23 24

Obergefell vs Hodges

Facts: diversity class lawsuit by several same-sex couples against their state's ban on recognizing their out of state marriages. Argued that this violated the equal protection clause of the 14th amendment.

Issue: does the equal protection clause include same-sex marriage

Argument by plaintiff- used the case of Henry v Hodges to say that the ruling and reasoning from it should apply to marriage as well as adoption.

Argument by defendant- believed that this matter should not be settled by the courts but by the legislature.

Ruled in favor of Obergefell.

This meant that states would have to recognize same-sex marriages from other state

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Jordan S.

Planned Parenthood v. Casey(1992)- Abortion

- 1.What happened in the case was among the new provisions, the law required informed consent and a 24 hour waiting period prior to the procedure. A minor seeking an abortion required the consent of one parent. A married woman seeking an abortion had to show that she told her husband of her intention to abort the fetus. The provisions were challenged by several abortion clinics and physicians.
- 2.The Supreme Court was asked to decide that the states may regulate abortions so as to protect the health of the mother and the life of the fetus, and may outlaw abortions of "viable" fetuses. The Constitutional question is can a state require women who want an abortion to obtain informed consent, wait 24 hours, and, if minors, obtain parental consent, without violating their right to abortions as guaranteed by Roe v. Wade.
- 3.The primary arguments advanced by the supreme court to reach its decision is should the Court abandon strict scrutiny, as urged by the Commonwealth and the Solicitor, not only might Pennsylvania's egregious intrusions on privacy stand and a century of this Court's privacy decisions may also be dismantled.
- 4.It was a 5 to 4 decision, the Court reaffirmed Roe, but it upheld most of the Pennsylvania provisions. The justices put a new standard to determine the validity of laws restricting abortions. It asks whether a state abortion regulation has the purpose or effect of imposing an "undue burden," which is defined as a "substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability." 5.The effects is the new constitutional standard weakens the legal protections previously afforded women and physicians in the 1973 case, Roe v Wade.

Plessy V. Ferguson (1896)

Facts: The law in Louisiana had been passed that required railroad companies to create segregated rail cars for blacks and whites. Many people were angered by this law stating that it violated the 13th and 14th Amendments. An activist group got Homer Plessy to sit in the Whites Only Car and was quickly arrested for doing so. Both the local and Louisiana Supreme Court upheld that separate but equal was Constitutional and violated nothing. Shortly after, the case was taken to the Supreme Court and looked over.

Issues: The Court was asked to decide if separate but equal was constitutional or not and if it violated any other rulings.

Arguments: Plessy's side argued that the Louisiana laws violated the 13th and 14th amendment that gave everyone equal rights under the process of law. Meanwhile Ferguson argued that the Massachusetts Supreme Court ruled that if segregated schools were constitutional then railcars could be as well.

Decision: The Supreme Court ruled in a 7 to 1 vote against Plessy in the terms that the law did not violate the 14th amendment because the railcars were kept "equal" and that the justices found no difference in the quality of either white or black cars.

Implications: The implications of the ruling led to a nationwide spread of segregation and racism. It would not be until 1954 with Brown v. Board of Education that the ruling would be overturned. The ruling of Plessy v. Ferguson led to a continuation of Jim Crow laws and racism in the United States

Printz v. United States

FACTS: The Brady Handgun Violence Prevention Act established a required background check given to those who purchased handguns. Petitioners, Jay Printz and Richard Mack challenged the constitutionality of the given Brady Bill. In the district courts located in both Montana and Arizona, the bill was voted unconstitutional as it required a person to undergo a background check. However, the courts did decide that an optional background check was in fact, constitutional and was able to remain apart of the law. The Supreme Court granted certiorari along with the deciding court case of Mack v. United States.

ISSUE: The question presented in this case is, whether the Brady Bill of requiring law enforcement to conduct a required background check on handgun purchasers is in violation of the Constitution.

ARGUMENTS: Due to the fact that there is no specific text, in the Constitution, that clearly states whether this case to be unlawful, the courts were obligated to seek historical practice and structure to ultimately determine the case unconstitutional. Looking back, the CLEOs found that Congress enacted a requirement for a state's legislature to implement federal law. This law makes the Constitution to be originally understood to impose that state governments were required to practice federal law. However, some historical laws show no evidence of the assumption that the federal government could command a state's legislative power.

DECISION: Ultimately the court concludes that the Federal government cannot require the state to administer federal programs. The federal government understood that the Brady Bill was not making a state obligated to create policy and compelling a state to perform discrete actions does not defeat the purpose of the federal government as it functions to direct the state executives, thus the use of dual sovereignty. After the decision, those acting upon the Brady Bill would then find it necessary to give persons who they feel are ineligible to receive handguns, written statements of those determining reasons.

IMPLICATIONS: These provisions only affect those who are selling firearms, as they may feel vulnerable in a situation in which someone is unsuited for the use of a handgun, and the firearm purchaser as they may be questioned on their eligibility of purchase.

Reed v. Reed

FACTS: The Idaho Probate Code stated that males must be preferred to females when appointing administrators of estates. Sally and Cecil Reed both sought to be the administrator of their deceased son's estate. Cecil was appointed (under the Probate Code), and Sally challenged the Probate Code in court.

ISSUE: The Supreme Court was asked to decide whether the Idaho Probate Code violated the Fourteenth Amendment's Equal Protection Clause.

ARGUMENTS: The Court argued that giving a mandatory preference of either sex over the other instead of going through hearings is arbitrary legislation.

DECISION: This mandatory preference in the Idaho Probate Code violated the Equal Protection Clause in the Fourteenth Amendment.

IMPLICATIONS: This case provides the basis for similar situations in which a man is "preferred" over a woman which also violate the Equal Protection Clause in the Fourteenth Amendment. The Court scrutinizes any alike cases of sexual discrimination, which violate the same laws.

Landmark Court Case by Meg Foster

The landmark case of *Roe v Wade* was a challenge to a Texas statute that made it a crime to perform an abortion unless a woman's life was at stake. The case was filed by "Jane Roe," an unmarried woman who wanted to safely and legally end her pregnancy. In *Roe Vs. Wade*, the US Supreme Court decided for the first time that a person's constitutional right to privacy was broad enough to include a woman's right to terminate a pregnancy. To reach its decision in this case, the Supreme Court went through decades of case law that established that the government cannot interfere with certain personal decisions about procreation, marriage, and other aspects of family life. In one such case, *Griswold Vs. Connecticut*, a case appealing the criminal conviction of the executive director of the Planned Parenthood League of Connecticut, the Supreme Court found that a state statute making it a crime to use birth control violated married couple's right to privacy. The primary issue being asked of the court in *Roe Vs. Wade* is if the right to privacy outlined in the Constitution of the United States includes the right for a woman to choose what she wants to do with a pregnancy. In this case, the supreme court argued for the first time that the Constitutional right to privacy is broad enough to include a woman's right to abortion. The court reached its decision on January 22, 1973. At the time the decision was made, nearly all states outlawed abortion except to save a woman's life or for limited reasons such as preserving the woman's health, or instances of rape, incest, or major fetal health issues. *Roe Vs. Wade* rendered these laws unconstitutional, making abortion services vastly safer and more accessible to women throughout the country. *Rove Vs. Wade* made abortion safe for all women and has driven abortion death rates from 17% down to just 0.05%. Without this case, it would limit how a woman can safely care for her body.

Jordy Vergara

#59. Shaw v. Reno

Facts: The issue was that the state of North Carolina had divided its districts by what it seemed to be a racial division, residents of North Carolina then decided to do something about it and they took legal action against it but they failed to achieve their goal so they decided to appeal to the the Supreme Court.

Issue: The claim was that North Carolina had Gerrymandered a district and this violates the fourteenth amendment.

Arguments: Judges were able to see that this gerrymandering pointed to separate districts by race and there wasn't really enough evidence to prove that the districts were not divided based on race.

Decision: Judges decided that since there was not enough evidence to prove that the gerrymandering was not racially related and everything seemed to point that this gerrymandering was indeed based on race, they decided to overturn the previous ruling.

Implications: The state of North Carolina attempted to gerrymander districts again and it kind of made it easier for the judges to make a decision the second time.



Brady, James <bradyj@westerville.k12.oh.us>

Supreme Court case

1 message

Mon, Mar 13, 2017 at 8:17 AM

STEELE, WILLIAM <298107@studentswcohs.org>

To: James Brady <bradyj@wcohs.org>

Sheppard v. Maxwell. Will Steele

FACTS: Sam Sheppard was a doctor who was charged with murdering his pregnant wife. His testimony involved a struggle with a "bushy-haired" man, or one who was indiscernible. After Sheppard woke up, he found his wife dead. When the police came, the coroner suspected Sam of killing his wife and publicized any failures to cooperate. He was also never allowed any legal aid. Many articles were published stating Sam as the murderer.

ISSUE: Did the biased media coverage in any way interfere with Sam's trial? To what extent would the media need to go to interfere with the 5th amendment?

ARGUMENTS: The media commonly had access to the courtroom in almost all areas, and published newspapers commonly read by the jury which were incredibly biased. The Judge did almost nothing to stop any media interference. While the media is a median which will call out any mistrials, etc, the media itself was clearly biased against Sheppard, and that trials aren't supposed to be decided via popular opinion.

DECISION: The court ruled 8-1 that Sheppard wasn't given a fair trial, and was given a retrial.

IMPLICATIONS: This was a major step in the opposite direction of the popularity the media received in their "muckraking" era, instead opting that the media shouldn't overstep its role as a watchdog, rather than "dictating" what the government does with its influence.

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Terry v. Ohio

Jordyn Kneice

FACTS: Three men were searched and frisked by a police officer on a street corner who suspected that they were “casing a job”. On the three men, the police officer found a pistol and a revolver on two of the three. The two armed men were charged with carrying concealed weapons.

ISSUE: Was the search and seizure a violation of the men’s fourth amendment right, or did the officer who conducted the frisking have the right to do so? The Supreme Court was asked to decide if the officer had the right to frisk the men on the street corner under his assumption of suspicious behavior.

ARGUMENTS: The primary argument that made the court’s decision was that the officer had the right to search the men in order to protect himself based upon the suspicious behavior of the individuals.

DECISION: The Supreme Court ruled that the officer did have the right to search and frisk the men’s outer clothing.

IMPLICATIONS: The effects of this ruling is that officers are allowed to search individuals out of suspicion of criminal activity. The ruling gives police officers more power under the law.

Delaney Stephens
AP Government
Period 2
3/8/17

Court Case: Texas v. Johnson

FACTS: Gregory Johnson was charged with the violation of destroying a respected object (burning an American flag) which was a law in Texas at the time. He was eventually convicted and sentenced to one year in prison, as well as a \$2000 dollar fine. However, the court eventually overturned his conviction, on the basis that the state of Texas could not punish him for burning the flag, since the first amendment protected his right to do so.

ISSUE: After much deliberation, Texas had asked the court of the United States to listen to the case, and come to a final decision. The question at hand was whether or not the action of burning the flag was a threat to breach the peace, and unity within the US, and its citizens. The other question was also whether or not Johnson's conviction and sentencing really went against the first amendment, which protects what he did, labeling it as a form of symbolic speech.

ARGUMENTS: The court argued that the first amendment didn't protect his actions, since the burning of the flag isn't considered a spoken act, which is what the amendment protects. Many people clapped back at that, saying that the protection of the first amendment doesn't end at spoken, or even written word.

DECISIONS: On the argument that the burning of the flag breached the peace, the court found no disturbance of that peace, nor was there a threat for a disturbance to occur, as an outcome of his actions. The court also overturned Texas' claim that burning of the flag is punishable, resulting in the conviction and sentencing of Gregory Johnson to be overturned.

IMPLICATIONS: After this case came to a close, Congress made a law in 1989, which became known as the Flag Protection Act, which made it a federal crime to burn or destroy the American flag. However this law was quickly struck down by the same majority justices that helped make the decision on the Texas v. Johnson case. Since then there has been attempts to re introduce a Flag Discrimination Amendment, which usually makes it through the House of Representatives but always gets struck down by the Senate.

United States v. Eichman(1990)

FACTS: In 1989 the Flag Protection Act was passed which made it illegal to burn an American flag except for proper disposal of a worn or soiled flag. Eichman set fire to an American flag on the steps of the Capitol building protesting the government's domestic and foreign policy.

ISSUE: Did the Act violate freedom of expression protected by the First Amendment?

ARGUMENTS: The government argued that Eichman violated the Flag Protection Act by burning the flag. The Act was put into place to protect the American flag as a symbol of the nation and the freedom it represents. However, what led them to their decision was that the Act stated that it was legal to burn the flag for a disposal ceremony, but illegal to set it ablaze for political protest.

DECISION: The Supreme Court in a decision of 5-to-4, struck down the Flag Protection Act stating that it was unconstitutional because it violated the freedom of free expression in the first amendment.

IMPLICATIONS: This decision can and did lead to more people setting the American flag on fire as a form of protest. Now instead of a constitutional issue, because that was settled in this case, the issue with many Americans is whether or not burning the flag is moral. To many this act is deeply offensive.

Trinity Roach
AP US Gov

United States v. Nixon

FACTS: This case was the culmination of the Watergate Scandal in which the Democratic Party headquarters in the Watergate building complex in Washington D.C. was burgled by five men who attempted to place hidden telephonic devices in the building to record exchanges between members of the democratic party and gain inside information to the election strategy, as well as dig up dirt of George McGovern; the Democratic candidate for president, so that President Nixon would be reelected. This case is specifically about the subpoena that special prosecutor Leon Jaworski obtained demanding the release of tapes recorded on the President's personal telephone in the oval office. Nixon complied to the case, releasing *edited* versions of the tapes, removing the most incriminating evidence from them. The ninth justice on the Supreme Court was not allowed to judge in this case because he was nominated by Nixon, therefore having bias.

ISSUE: The Supreme Court was asked to decide whether the presidential tapes be released to the public or not. The plaintiff argued that the president was given executive privilege and therefore was exempt from surrendering the tapes.

ARGUMENTS: The court argued that the fifth amendment stated that "No person shall be held to answer... without due process of law".

DECISION: The Supreme court decided unanimously that it was capable of resolving this dispute, believing that Nixon and his attorney used executive privilege much too broadly and decided that on a subject of serious wrong doing such as this that it didn't apply. Executive privilege may not be invoked to deny court access to evidence needed in a criminal investigation

IMPLICATIONS: The president has certain privileges but hiding evidence is not one. The decision reinforced the founders idea of separation of powers.

United States vs. Weber

Julian Malone

Facts: The United Steelworkers of America went through an affirmative action-based training program to increase the amount of black skilled craft workers. Half of the eligible positions in the training program were reserved for blacks. A white man named Brian Weber was passed over for the program. Weber claimed that he was the victim of reverse discrimination. This was involved with the employment agreement between the steelworker's union and steel plant.

Issue: The Supreme Court is asked to decide whether the United States violated Title VII of the 1964 Civil Rights Act prohibiting discrimination on the basis of race? And the constitutional question is whether this act is fair/appropriate or not.

Arguments: The argument advanced by the supreme court to why the decision was made, the reason is evident from the legislative record. It's stated in the Title VII that the situation could not have been enacted into law without substantial support from legislators in both Houses who traditionally resisted federal regulation of private business.

Decision: The federal and lower courts supported Weber's claim that the Civil Rights Act of 1964 banned all forms of racial discrimination in employment whether the race, blacks or whites. However; The decision was the first Supreme Court ruling to address the issue of affirmative action in employment. Affirmative action programs were not in violation of Title VII of the Civil Rights Act as long as private parties entered into such programs voluntarily and on a temporary basis. The ruling encouraged private employers to experiment with affirmative action plans to open job opportunities for minorities.

Implications: The effects on the decision of the United States vs Weber case is an important step into the transformation of the "American Dream" of equal opportunity for all individuals no matter the race.

V.L. vs E.L.

FACTS: V.L. and E. L. were a same-sex couple from Alabama. V. L. adopted E. L.'s biological child and later while getting a divorce E.L. refused to let V. L. see the child. E. L. decided to take her case to the state's courts in order to gain parental rights. Alabama agreed with V. L. and gave E. L. no rights to see the child.

ISSUE: If this was a straight couple would the courts have granted parental rights, or is it because the child is adopted?

ARGUMENTS: Many argue that the sexual identities and sexuality shouldn't stop a parent from having the right to have a relationship with their child. Other say that because the adoptive parent wasn't the biological parent they have no right to the child. If the child has already been adopted then how does the adoptive parent have no rights? The biological parent has already agreed to share the responsibilities of being a parent.

DECISION: In the end the Supreme Court sided with V. L. and agreed that she had every right to have visitations with the child at hand.

IMPLICATIONS: This was a great moment in history for the rights of same-sex couples when it comes to adoption and it pushed progress forward with LGBT Rights.

Wallace vs. Jaffree

FACTS: In May 1982, Ishmael Jaffree challenged the constitutionality of a 1981 Alabama Statute which ultimately authorized a whole minute of silence during the public school day for the students to participate in "meditation or voluntary prayer," on behalf of his three children. Jaffree claimed that his children's three teachers continued to lead their classes in prayer despite his repeated requests for them to stop.

ISSUE: The Supreme Court was asked to decide whether or not the Alabama statute was a violation of the rights and freedoms established in the first amendment.

ARGUMENTS: The court argued that, according to *Lemon v. Kurtzman*, in order to be ruled constitutional, the statute would have to serve secular legislative purpose. Second, must be neutral to religion. Lastly, the statute must not express, "an excessive government entanglement with religion." If the statute does not have secular purpose it is automatically unconstitutional despite its relations with the second and third conditions. The court found that according to the "Lemon Test" the statute did NOT serve a secular purpose and instead singularly supported enforcing school prayer.

DECISION: Ultimately, the Supreme Court decided that the 1981 Alabama Statute was, for the reasons above, unconstitutional.

IMPLICATIONS: This Supreme Court decision meant that public schools could not longer designate time during their designated hours for school-wide religious worship of any kind. It removed religious practice from public schools altogether in order to protect the first amendment rights of all citizens of the United States, no matter their religious beliefs (or lack thereof).

West Virginia State Board of Education vs. Barnette (1943)

FACTS: On January 9th, 1942, the Board of Education adopted a resolution ordering that the salute to the flag become a "regular part of the program of activities in the public schools," that all teachers and students shall be required to participate in the salute honoring the Nation represented by the Flag; provided, however, that refusal to salute the Flag shall be regarded as an Act of Insubordination, and shall be dealt with accordingly. The Respondent Barnette, is a Jehovah witness who refused to pledge allegiance to the United States flag while in public school. According to the West Virginia Board of Education, the respondent was expelled and charged with juvenile delinquency.

ISSUE: The Supreme Court is asked to decide if pupils in public school should be forced to copy the words respecting our nation or not. The constitutional question is should students in public schools give up their freedom of speech, religion and First Amendment to please the school's rule.

ARGUMENTS: Oral arguments were held on March 11, 1943, and the ruling was issued on June 14. The state's principal argument was that Barnette raised no substantial federal question because Gobitis settled the constitutional questions raised by the flag-salute expulsions. The state's brief quoted extensively from Justice Frankfurter's Gobitis opinion. Given the clear indications that at least five justices were ready to lay aside the Gobitis precedent, there was little else the state's lawyers could do. Hayden Covington answered the state's appeal, he included a fiery attack on the Court's Gobitis opinion, especially rejecting Justice Frankfurter's deference to legislative policymaking authority. Such deference, he argued, allowed the legislature to define its own powers. He emphasized the nationwide persecution of Jehovah's Witnesses that had followed Gobitis and concluded with a long list of law journal and newspaper articles that criticized the decision.

DECISION: The Court held, in a 6-to-3 decision delivered by Justice Jackson, that it was unconstitutional for public schools to compel students to salute the flag. It thus overruled its decision in *Minersville School District v. Gobitis*, finding that the flag salute was "a form of utterance" and "a primitive but effective means of communicating ideas." "Compulsory unification of opinion," the Court wrote, was doomed to failure and was antithetical to the values set forth in the First Amendment.

IMPLICATIONS: The effects of the decision is that the First Amendment is being used in the correct way. What could of been the effects of the decision is that students would continue to get expelled and eventually public schools would not be a thing anymore and every kid would be tutored at home or online.

Wolf vs. Colorado 1949

CAROLINE
Edwards

Facts

Julius A. Wolf, Charles H. Fulton, and Betty Fulton were charged with conspiracy to perform an abortion. Wolf alleged that his Fourth Amendment constitutional right to be free from illegal searches and seizures had been violated and that any evidence found should be invalid in trial as a matter of due process.

Issue

The issue was that evidence obtained through illegal search and seizure should have been disregarded in the case.

Arguments

The Court argued that while the exclusion of the evidence may have been a good way to avoid unreasonable searches, other methods could be equally effective and would meet the standards of the Due Process Clause.

Decision

In a 6-to-3 decision, the Court decided that the 14th Amendment did not subject criminal justice in the states to specific limitations and that illegally obtained evidence did not have to be excluded from trials in all cases. Unlike the requirements and restrictions placed by the Bill of Rights upon federal authorities, the 14th Amendment did not limit criminal justice in the states.

Implications

This case brought about the issue of whether certain laws could be circumstantial or altered and whether the state's rights applied the same.

Mikayla Pugh

Per. 3

Zorach V. Clauson

Facts:

After the Supreme Court's decision on McCollum V. Board of Education, New York City began a program where students in public schools were allowed to be dismissed from classroom activities for certain periods of time for religious purposes. New York's "release time" program was upheld by the New York Court of Appeals.

Issue: Did the New York program violate the Establishment Clause of the First Amendment with its "release time" allowances?

Arguments:

The case argued if it was constitutional to allow students to take time out of their education for religious practice that took place outside of school. There is a suggestion that the system involves the coercion to get public school students into religious classrooms.

Decision: It was decided on April 28th, 1952, in a 6-to-3 decision that the "release time" program didn't constitute the establishment of religion or interfere with the free exercise of religion. The court noted that public schools were not to be used for religious instruction and that "no student was forced to go to the religious classroom"

Implications: Because of this case and many cases like it, the separation of education and religion has become a heavily debated topic. There are many rules about the allowances of breaks being named after religious holidays or religious songs being sung. There are precautions that schools must take to respect every religion while not interrupting the education to do so.

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