

Landmark Decisions of the United States Supreme Court

1803 *Marbury v. Madison*

First Supreme Court decision to declare an act of Congress unconstitutional; established the Court's power of "judicial review." President John Adams's last-minute appointment to William Marbury as a federal judge was rejected by newly-elected President Thomas Jefferson, when the papers arrived after his inaugural. Marbury sued to get his judgeship, to force Secretary of State James Madison to give him his job. Power to force President to give such commissions was granted by Judiciary Act of 1789. The Court's ruling:

- Marbury did have a right to his job, since his commission had been legally signed and approved
- However, Supreme Court could not order Madison to deliver the papers giving him his judgeship, since the Constitution did not give that power to the Court
- Congress could not give Court this power by passing a law, so that part of the Judiciary Act of 1789 was unconstitutional

Result: because the Supreme Court was asked to rule in this dispute, it gained the power of "**judicial review**" – **to declare acts of government (local, state or national) to be invalid – unconstitutional – because they violate the Constitution** (Marbury did not get his judgeship).

1819 *McCulloch v. Maryland*

Allowed a broad interpretation of the Constitution in determining the implied powers. Maryland wanted to tax a branch of the Bank of the United States, but the bank's cashier, McCulloch, refused to pay the state tax. Maryland convicted McCulloch of evading the tax, he appealed his case to the Supreme Court. The Court's ruling:

- the justices supported McCulloch's action and dismissed the charges against him
- Chief Justice John Marshall criticized those who believed in the strict construction of the Constitution
- the federal government had the power to establish a national bank
- Congress's powers to control the nation's money supply and collect taxes implied the power to create a bank (officially recognized the broad notion of implied powers)

"The power to tax involves the power to destroy" (Marshall); states are not allowed under the Constitution to destroy the national government, therefore they cannot tax a branch of the Bank of the U.S.

1824 *Gibbons v. Ogden*

Federal laws take priority over state laws in regulating commerce. Aaron Ogden, the plaintiff, had purchased an interest in the monopoly to operate steamboats that New York state had granted to Robert Fulton and Robert Livingston. Ogden brought suit in New York against Thomas Gibbons, the defendant, for operating a rival steamboat service between New York City and the New Jersey ports. Gibbons lost his case and appealed to the U.S. Supreme Court. The Court's ruling:

- the New York monopoly was an unconstitutional interference with the power of Congress over interstate commerce
- established that the Constitution defines *federal power* to regulate commerce and no part of such power can be exercised by a *state*
- further established the supremacy of the national government over the states

1857 *Dred Scott v. Sanford*

Scott, a slave, sued for his freedom, arguing that since his master traveled with him to "free" territories, he should have been released. The Court's ruling:

- blacks, whether free or slave, could not become citizens because they were not considered citizens by Const.
- Missouri Compromise's ban against slavery in newly-gained territories was unconstitutional
- Slavery was a matter of state law, could not be decided by Congress / President

Result: increased tensions between North & South, outraged public opinion and the Court lost "legitimacy" in the public mind.

1877 *Munn v. Illinois*

The states may regulate privately owned businesses in the interest of the public. Munn, a partner in a Chicago warehouse firm, had been found guilty by an Illinois court of violating the state laws providing for the fixing of maximum charges for storage of grain. He appealed, contending that the fixing of maximum rates constituted a taking of property without due process of law. The Court's ruling:

- the regulations on business practices were upheld as constitutional
- established as constitutional the principle of public regulation of private businesses involved in serving the public interest

1896 *Plessy v. Ferguson*

Homer Plessy, who was 1/8th black, challenged Louisiana "Jim Crow" law requiring blacks & whites to ride in separate coaches on trains (his was a "test case" challenging all such laws). Plessy's attorney argued the 14th Amendment guaranteed equal protection and due process under the law. The Court's ruling:

- segregation under state law was constitutional as long as public facilities provided for blacks and whites were "equal"
- any discrimination existed only in the mind of the black community

Result: the precedent of "separate but equal" protected states' segregation laws for the next 60 years

1919 *Schenck v. United States*

During World War I, Charles T. Schenck produced a pamphlet maintaining that the military draft was illegal, and was convicted under the Espionage Act of attempting to cause insubordination in the military and to obstruct recruiting. Schenck maintained that, under the First Amendment, he had the right to this freedom of speech. The Court's ruling:

- rejected the argument that the pamphlet was protected by the First Amendment to the U.S. Constitution
- stated that speech may be suppressed if it creates a **clear and present danger** to the people of the U.S.

1944 *Korematsu v. United States*

This case centered around Fred Korematsu, who was arrested and convicted for not reporting to an assembly center for Americans of Japanese ancestry in May, 1942. Korematsu argued that his civil rights had been violated, that the re-location program was not based on a reasonable fear of sabotage and/or espionage during wartime – that it was based on discrimination against a particular racial group, and thus was unconstitutional. The Court's ruling:

- sustained the legality of the exclusion order and found against Fred Korematsu
- upheld the night-time curfews for Japanese Americans "as an exercise of the power of the government to take steps necessary to prevent espionage and sabotage in an area threatened by Japanese attack..."

1954 *Brown v. Board of Education of Topeka, Kansas*

Linda Brown was refused admission to her neighborhood "white" elementary school because the Topeka school district followed rules that segregated the races in different schools. A "test case" taken on by the NAACP attorneys, they charged that (in this case and several others) segregated schools violated the equal protection clause of the 14th Amendment. The Court's ruling:

- the justices unanimously supported the Brown family
- the Court overturned their decision in Plessy v. Ferguson that had okayed "separate but equal" public facilities
- the justices concluded that "in the field of public education the doctrine of 'separate but equal' has no place... separate educational facilities are inherently unequal."

Result: segregation in public education is declared unconstitutional, but enforcement of this decision comes slowly and at a high social cost.

1962 *Engel v. Vitale*

Public schools cannot require students to recite prayers. In New York, the state Board of Regents had prepared a "non-denominational" prayer for use in the public schools, trying to avoid anything that might offend one particular religious group or another. But in one school district a group of parents challenged the prayer as "contrary to the beliefs, religions, or religious practices of both themselves and their children." The state's highest court upheld the use of the prayer, on the grounds that state law did not force any student to join in the prayer over a parent's objections. The parents appealed. The Court's ruling:

- the Establishment Clause of the First Amendment rests upon the belief that "a union of government and religion tends to destroy government and degrade religion."

1963 *Gideon v. Wainwright*

States must provide free legal counsel to defendants accused of felonies who cannot afford a lawyer. Gideon and his attorneys argued that the exercise of constitutional rights ought not to depend on a person's wealth or education. Clarence Earl Gideon, denied a court-appointed attorney during his trial, was convicted of felony burglary and sentenced to five years in prison. He wrote his own appeal to the Florida Supreme Court and later the U.S. Supreme Court, arguing that the trial court's refusal to appoint counsel for him denied him rights "guaranteed by the Constitution and the Bill of Rights by the United States Government." The Court's ruling:

- appointment of counsel for an indigent criminal defendant was "a fundamental right, essential to a fair trial"

- "reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him"
- "the right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours"

1964 1964 *Reynolds v. Sims*

Seats in the U.S. House of Representatives and in both houses of state legislatures must be apportioned on the basis of "one person, one vote." Numerous states had allowed an imbalance in the population of legislative districts to occur, usually resulting in urban (often ethnic minority) residents being under-represented in Congress and state legislatures. In his written opinion for the majority, Chief Justice Earl Warren wrote:

"The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

1964 *Escobedo v. Illinois*

An accused person has a right to counsel when being questioned by police, as well as at a trial. Danny Escobedo was arrested in connection with a murder and brought to the police station. He repeatedly asked to see his lawyer, but was never allowed out of the interrogation room. His lawyer even went so far as to come to the police station in search of him, but was denied access. Escobedo then confessed while under interrogation to firing the shot that killed the victim. As a result, he was soon convicted. Escobedo appealed to the Supreme Court and it overturned the conviction. The Court's ruling:

- extended the "exclusionary rule" to illegal confessions and ruled that Escobedo's confession should not have been allowed in as evidence
- held that "individuals have the right to an attorney when an investigation is no longer a general inquiry...but has begun to focus on a particular suspect..."
- "when a suspect has been taken into custody...the suspect has requested...his lawyer, and the police have not... warned him of his right to remain silent, the accused has been denied...counsel in violation of the Sixth Amendment."

1966 *Miranda v. Arizona*

Accused persons must be informed of their rights to remain silent and to have a lawyer before they are questioned. Ernesto Miranda was arrested in Phoenix and taken directly to the police station. A victim of rape and kidnapping identified him as the perpetrator. The police then brought Miranda into the interrogation room, questioned him for two hours, and received a signed confession. The police had never advised Miranda of his right to an attorney or the fact that anything he said could be used against him in a court of law. The Court's ruling:

- "the defendant's confession was inadmissible because he was not in any way [informed] of his right to council nor was his privilege against self-incrimination effectively protected in any other manner."

1973 *Roe v. Wade*

Legalized abortion in the first trimester of pregnancy. The decision, based on the right of privacy, struck down dozens of state anti-abortion statutes. It was based on two cases, that of an unmarried woman from Texas, where abortion was illegal unless the mother's life was at risk, and that of a poor, married mother of three from Georgia, where state law required permission for an abortion from a panel of doctors and hospital officials. While establishing the right to an abortion, this decision:

- gave states the right to intervene in the second and third trimesters of pregnancy to protect the woman and the "potential" life of the unborn child.

1978 *Regents of the University of California v. Bakke*

Allan Bakke had twice been rejected by the medical school at UC Davis, even though he had a higher grade point average than a number of minority candidates who were admitted. Bakke sued the University system, claiming "reverse discrimination." As a result of the decision, Bakke was admitted to the medical school and graduated in 1992. The Court's ruling:

- race could be one of the factors considered in choosing a diverse student body in university admissions decisions
- the use of *quotas* in such affirmative action programs was not permissible