Landmark Supreme Court Cases

“The Most Influential Cases of All Time”

Rationale

One of the most challenging sections of the AP Government and Politics: United States exam for many students tends to be the Supreme Court and Civil Rights/Liberties section of the test. There is so much content in this area that we could justify an entire semester, but a lot of the AP Government community saves it for the very end. This unit is your opportunity to help not only yourself, but your classmates create study materials that will help you excel on this part of the test.

Secondly, understanding the true effects of a Supreme Court decision shows an understanding of the entire legislative process. Using this as a final project will show me that you have mastered most if not all of the concepts we have covered throughout the semester.

**Selection**

I have spent several hours/days combing websites and a thorough collection of books asking what might be the “most influential” Supreme Court decisions of all time. As a result of my research, I have created a list of 60+ cases that are up for grabs that analyze a wide variety of topics. You may use only the Supreme Court cases from my list, and your case will be assigned through the result of a random draw from a hat. You may trade with a neighbor, but only if I am notified of the trade, and once class has ended, all topics are FINAL.

Products

By the end of this assignment students will have created/completed the following:

* A one-two page case brief (format on attached pages).
* A three-four page summary of the impact of this Supreme Court case and examples of how you think the College Board could use this case on the AP test, or why it is important to understand in the context of the government and your rights.
  + Or you have the ability to create something in your eyes that is the equivalent of a 3-4 page paper like a podcast, video etc.

Due Dates

There will be two due dates during this process, so I can ensure that you are setting yourself up for success at the end of the semester.

* Due Date #1: Tuesday, December 10th---Case Brief Due
* Due Date #2: Tuesday, December 17th---Papers Due

Each day your assignment is late, you will be deducted one letter grade. I don’t care if you are “sick” or excused on the dates above, if you are not here to participate or turn something in, you will lose points. Thus, email, edmodo, or have a friend turn your assignments in to me on/before the assigned date.

**Case Brief Requirements**

**See attached template/sample.**

**Total Points possible for the brief: 50**

**Impact Statement Requirements**

**Brevity will not be your friend for this section.**

**First, you should be able to explain the impact of your decision in plain language. Why is it important, was the impact of the decision positive or negative?**

**Second, give me examples of how you think your case could be used by the College Board on the AP exam, give me sample multiple choice questions, FRQ questions etc.**

**Total points possible for the impact statement: 100 points**

**Ask questions, run ideas by me, BE AWESOME!**

**Some Useful Websites**

* [**www.oyez.com**](http://www.oyez.com) **(this is probably one of the best resources I have seen, I use this website a lot, and I am familiar with their writing, use it as a tool to help you and DO NOT use it to copy and paste for your summary).**
* [**www.landmarkcases.org**](http://www.landmarkcases.org)
* [**www.billofrightsinstitute.org/teach/freeresources/landmarksupremecourtcases/**](http://www.billofrightsinstitute.org/teach/freeresources/landmarksupremecourtcases/)
* [**www.law.cornell.edu/supct/cases/topic.htm**](http://www.law.cornell.edu/supct/cases/topic.htm)
* [**www.law.umkc.edu/faculty/projects/ftrials/conlaw/home.html**](http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/home.html)
* [**www.sunnylandsclassroom.com**](http://www.sunnylandsclassroom.com)
* [**www.annenberginstitute.com**](http://www.annenberginstitute.com)

**Finally, if you have any questions, want me to investigate drafts throughout the process, I would love to help you ensure you hit a home run for me and your classmates!**

***Brown v. Board of Education of Topeka***

**May 17, 1954**

**United States Supreme Court**

**AP Government-Fall 2011**

**Facts:**

**Black children had been denied admission to their community public schools which were only attended by white children under the State segregation laws in several places, including Topeka, Kansas where Brown resided.**

**The tangible factors that schools rely upon to function were equalized or are being equalized, although the plaintiffs argued they would never receive the same public education in the black schools. This was acknowledged through a lack in motivation and educational and mental development because of the constant inferiority imposed by segregation. The black students sought admission to the white schools.**

**Question:**

**Does the fourteenth amendment permit the “separate but equal” doctrine?**

**Were the educational environments of Brown and others equal to those of white students?**

**Holding:**

**The doctrine of “separate but equal” is unconstitutional under the Fourteenth Amendment’s equal protection clause.**

**Secondly, the plaintiffs (Brown et. al.) were ordered to gain admission to white public schools where they have been denied admission.**

**Judgment:**

**9-0 in favor of Brown.**

**Rationale:**

**The court found that the doctrines of separate but equal educational facilities “are inherently unequal.” Thus, no manner of equalized segregation could ever reach the demand imposed by the Equal Protection Clause of the Fourteenth Amendment. Education had changed so substantially in the time since the Fourteenth Amendment was passed that its prior interpretation in Plessy v. Ferguson is no longer valid. Further, Segregation has inherent inequalities for children, and these inherent inequalities have detrimental effects of the black children of segregated schools limiting the long term abilities as citizens. This is what the Fourteenth Amendment sought to prohibit, and does in the case, therefore the plaintiffs and all other children should not be denied admission to a public school simply on the basis of race. Having reached this conclusion for public education, the court then extended the reach of the prohibition of separate but equal to all aspects of society. Thus, the court directly overturned the Supreme Court case of Plessy v. Ferguson which sanctioned the doctrine as constitutional in 1896.**

**Dissenting Opinion:**

**None**

***Name of Supreme Court Case***

**Date Case was Decided**

**Court Case was Decided In**

**AP Government-Fall 2012**

**Facts:**

**A. Identify the relationship/status of the parties (Note: Do not merely refer to the parties as the plaintiff/defendant or appellant/appellee; be sure to also include more descriptive generic terms to identify the relationship/status at issue, e.g., buyer/seller, employer/employee, landlord/tenant, etc.)**

**B. Identify legally relevant facts, that is, those facts that tend to prove or disprove an issue before the court. The relevant facts tell what happened before the parties entered the judicial system.**

**Question:**

**What questions/issues is/are the court being asked to rule/act on?**

**Holding:**

**This is a statement of law that is the court’s answer to the issue.**

**Judgment:**

**Describe how the court decided, number of votes, and who votes were allocated towards.**

**Rationale:**

**What explanation is offered by the Majority opinion for their decision? Your rationale is a 1-2 paragraph summary of the court’s decision.**

**Dissenting Opinion:**

**Here is where you will post explanations written by the dissent (if it exists) as to why they did not vote with the majority of the court.**

**Powers of the Government-9**

* ***Chisholm v. Georgia* (1793) – This is the first Supreme Court decision, it found that states are subject to the jurisdiction of the Supreme Court.**
* ***Ware v. Hyilton* (1796) -- The Supreme Court can determine the Constitutionality of State laws.**
* [***Marbury v. Madison* (1803)**](http://library.thinkquest.org/11572/cc/cases/marbury.html)**-- The Supreme Court's keystone power of Judicial Review was established by this case.**
* [***McCulloch v. Maryland* (1819)**](http://library.thinkquest.org/11572/cc/cases/mcculloch.html)**-- A conflict arose between a state government and the Federal government, with the state government being declared subordinate to the Federal government where laws conflict.**
* [***Gibbons v. Ogden* (1824)**](http://library.thinkquest.org/11572/cc/cases/gibbons.html)**-- In this case the Supreme Court gave a wide definition to Congress' power to "regulate commerce... among the several states."**
* ***Youngstown Sheet & Tube Co. v. Sawyer* (1952) -- The President does not have the authority to issue an executive order to seize an industry to prevent strikes etc.**
* [***United States v. Nixon* (1974)**](http://library.thinkquest.org/11572/cc/cases/us.html)**-- The President's "Executive Priviledge" was limited by this case.**
* ***Dickerson v. USA* (2000) --  The Supreme Court ruled that Congress could not pass a law that would contradict a Supreme Court ruling. They cited Marburyv. Madison, as the source of their power. Judicial Review gave the Supreme Court final say on an act’s constitutionality. Justices writing in dissent called the ruling the “ . . . Pyramid of judicial arrogance.”**
* ***Kelo v. City of New London* (2005) --  the city's taking of private property to sell for private development qualified as a "public use" within the meaning of the takings clause.**

**1st Amendment Cases-15**

* ***John Peter Zenger Trial* (1735) –Zenger was a printer, publisher, editor and journalist whose indictment, trial and acquittal on sedition and libel charges was an important contributing factor to the development of the freedom of the press in America.  Although this court case occurred during the colonial period of American history, it remains one of the landmark cases in our nation’s legal history.**
* ***Anderson v. Dunn* (1821) – Congress has the power to challenge nonmembers with contempt of Congress.**
* [***Schenck v. United States* (1919)**](http://library.thinkquest.org/11572/cc/cases/schenck.html)**-- "Clear and Present Danger" was established in this case as an acceptable reason for the limiting of free expression.**
* [***NAACP v. Alabama* (1958)**](http://library.thinkquest.org/11572/cc/cases/naacp.html)**-- Freedom of association (the right to assemble in groups) was protected here.**
* [***Abington School District v. Schempp* (1963)**](http://library.thinkquest.org/11572/cc/cases/abington.html)**-- Prayer in classrooms was determined to be in violation of the First Amendment.**
* ***Tinker v. DesMoines* (1969) --A prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments.**
* ***Brandenburg v. Ohio* (1969) -- 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."**
* ***New York Times v.* *United States* (1971) -- the vague word "security" should not be used "to abrogate the fundamental law embodied in the First Amendment."**
* ***Branzburg v.* *Hayes* (1972) -- The Court found that requiring reporters to disclose confidential information to grand juries served a "compelling" and "paramount" state interest and did not violate the First Amendment.**
* ***New York Times v.* *Sullivan* and *Abernathy v. Sullivan* (1964) -- The Court held that the First Amendment protects the publication of all statements, even false ones, about the conduct of public officials except when statements are made with actual malice.**
* ***Buckley v.* *Valeo* (1976) – First, restrictions on individual contributions to political campaigns and candidates did not violate the First Amendment. Second, the limitation on expenditures by candidates from their own personal or family resources, and the limitation on total campaign expenditures did violate the First Amendment.**
* [***Hustler v. Falwell***](http://www.oyez.org/cases/1980-1989/1987/1987_86_1278)**(1988) -- Ruled the First Amendment prohibits public figures from recovering damages for intentional infliction of emotional harm, without showing the publication contained a false statement of fact made with actual malice.**
* ***Texas v. Johnson* (1989) -- The fact that an audience takes offense to certain ideas or expression (in this case, Flag Burning), the Court found, does not justify prohibitions of speech.**
* ***Boy Scouts of America v. Dale* (2000) – Private groups have the right to selectively exclude individuals from their membership based on any charachteristic they choose.**
* ***Citizens United v. Federal Elections Commission* (2010) – corporations ought to have the same First Amendment rights as individuals to engage in "political speech."**

**Second Amendment Cases-3**

* [***United States v. Cruikshank***](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=92&invol=542)**(1876) -- In this case, the Supreme Court recognized the right of the people to keep and bear arms.**
* ***District of Colombia v. Heller* (2008) --the Second Amendment *does* protect an individual's right to possess a firearm unconnected with service in a militia.**
* [***McDonald v. Chicago***](http://www.oyez.org/cases/2000-2009/2009/2009_08_1521)**(2010) - -oral for the very first time, the Court ruled that the personal possession of firearms is a fundamental constitutional right, throwing out seventy years of precedents and tossing aside all pretense of stare decisis and pushing hard for conservative judicial activism.**

**Cases dealing with Racial Issues-6**

* [***Dred Scott v. Sanford* (1857)**](http://library.thinkquest.org/11572/cc/cases/dred_scott.html)**-- Slaves were classified as property. This case fueled the flames that began the Civil War.**
* [***Plessy v. Ferguson* (1896)**](http://library.thinkquest.org/11572/cc/cases/plessy.html)**-- This famous case laid the groundwork for the "separate but equal doctrine" that limited the rights of minorities for decades.**
* ***Loving v. Virginia* (1967) --the Supreme Court decided in their favor, ruling unanimously that such laws forbidding interracial marriages violated the Constitution's equal-protection clause.**
* [***Regents of the University of California at Davis v. Bakke* (1978)**](http://library.thinkquest.org/11572/cc/cases/regents.html)**-- Affirmative action was dealt a blow by this case.**
* ***Griggs v. Duke Power Co.* (1971) – Testing/requirements that are not directed or intended to measure an employee's ability to learn or perform a particular job or category of jobs violate the Civil Rights Act.**
* ***Grutter v. Bollinger and Gratz v.* Bollinger (2003) --the University of Michigan's use of racial preferences in undergraduate admissions violate[s] the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964**

**Cases dealing with Sex/Gender/Sexuality Issues-8**

* [***Griswold v. Connecticut* (1965)**](http://library.thinkquest.org/11572/cc/cases/griswold.html)**-- Marital privacy (specifically, the use of contraceptives) was protected by this case.**
* [***Roe v. Wade* (1973)**](http://library.thinkquest.org/11572/cc/cases/roe.html)**-- In this highly controversial case the Supreme Court laid down what states can and cannot control in regards to abortions.**
* ***Craig v. Boren* (1976) -- Did an Oklahoma statute violate the Fourteenth Amendment's Equal Protection Clause by establishing different drinking ages for men and women?**
* ***Bowers v. Hardwick* (1986) -- Does the Constitution confer a fundamental right upon homosexuals to engage in consensual sodomy, thereby invalidating the laws of many states which make such conduct illegal?**
* ***Planned Parenthood v. Casey* (1992) -- 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?**
* ***Romer v. Evans* (1996) -- Did Amendment 2 of Colorado's State Constitution, forbidding the extension of official protections to those who suffer discrimination due to their sexual orientation, violate the Fourteenth Amendment's Equal Protection Clause?**
* ***United States v. Virginia* (1996) -- Does Virginia's creation of a women's-only academy, as a comparable program to a male-only academy, satisfy the Fourteenth Amendment's Equal Protection Clause?**
* ***Lawrence v. Texas* (2003)-- Did the criminal convictions of John Lawrence and Tyron Garner under the Texas "Homosexual Conduct" law, which criminalizes sexual intimacy by same-sex couples, but not identical behavior by different-sex couples, violate the Fourteenth Amendment guarantee of equal protection of laws? Did their criminal convictions for adult consensual sexual intimacy in the home violate their vital interests in liberty and privacy protected by the Due Process Clause of the Fourteenth Amendment? Should Bowers v. Hardwick (1986) be overruled?**

**Cases dealing with Children-5**

* [***In Re Gault* (1967)**](http://library.thinkquest.org/11572/cc/cases/gault.html)**-- Children were granted some of the rights in criminal cases protected by the Bill of Rights.**
* ***New Jersey v. T.L.O.* (1985) -- T.L.O. was a fourteen-year-old girl accused of smoking in the girls' bathroom of her high school. A principal at the school questioned her and searched her purse, yielding a bag of marijuana and other drug paraphernalia. Did the search violate the Fourth and Fourteenth Amendments?**
* [***Hazelwood v. Kuhlmeier***](http://www.oyez.org/cases/1980-1989/1987/1987_86_836)**(1988) --Did a high school principal's deletion of the articles from the school newspaper violate the students' rights under the First Amendment?**
* [***Vernonia School District v. Acton***](http://www.oyez.org/cases/1990-1999/1994/1994_94_590)**(1995) --Does random drug testing of high school athletes violate the reasonable search and seizure clause of the Fourth Amendment?**
* [***Board of Education v. Earls***](http://www.oyez.org/cases/2000-2009/2001/2001_01_332)**(2002) -- Was the Student Activities Drug Testing Policy, adopted by the Tecumseh, Oklahoma School District,, which required all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?**

**Cases dealing with Legal Rights/Rights of the Accused-5**

* [***Gitlow v. New York* (1925)**](http://library.thinkquest.org/11572/cc/cases/gitlow.html)**-- The Supreme court began in this case to identify the rights that were protected by the Due Process clause of the Fourteenth Amendment.**
* [***Powell v. Alabama* (1932)**](http://library.thinkquest.org/11572/cc/cases/powell.html)**-- The Supreme Court ruled here that the right to counsel was required by law in death penalty trials.**
* [***Mapp v. Ohio* (1961)**](http://library.thinkquest.org/11572/cc/cases/mapp.html)**-- The exclusionary rule was applied to state and local criminal prosecutions.**
* [***Gideon v. Wainwright* (1963)**](http://library.thinkquest.org/11572/cc/cases/gideon.html)**-- Free legal counsel was established in this case to be necessary in case the defendent in any criminal case cannot afford it.**
* [***Miranda v. Arizona* (1966)**](http://library.thinkquest.org/11572/cc/cases/miranda.html)**-- The rights of the accused were upheld by this ruling.**

**Cases dealing with Voting/Political Process-2**

* [***Wesberry v. Sanders* (1964)**](http://library.thinkquest.org/11572/cc/cases/wesberry.html)**-- The Supreme Court declared here that each person's vote carries equal measure.**
* [***Harper v. Virginia Board of Elections* (1966)**](http://library.thinkquest.org/11572/cc/cases/harper.html)**-- Poll taxes were made illegal for state elections, as they violated the Equal Protection clause of the Fourteenth Amendment.**

**Cases dealing with Military/Times of War-5**

* ***Ex Parte Milligan* (1865) – Military tribunals cannot try civilians and Martial law cannot exist where civil courts are still operating.**
* ***Korematsu v. United States* (1944) -- legal restrictions on the rights of a single racial group will always be “suspect” and that “courts must subject them to the most rigid scrutiny.” However, they are not necessarily unconstitutional... But when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger.”**
* ***Hamdi v. Rumsfeld* (2004) -- The Court recognized the power of the**[**government**](http://en.wikipedia.org/wiki/Government)**to detain**[**enemy combatants**](http://en.wikipedia.org/wiki/Enemy_combatant)**, but ruled that detainees who are U.S. citizens must have the ability to challenge their enemy combatant status before an impartial judge.**
* ***Rasul v.* Bush (2004) -- Do United States courts have jurisdiction to consider legal appeals filed on behalf of foreign citizens held by the United States military in Guantanamo Bay Naval Base, Cuba?**
* ***Hamdan v. Rumsfeld* (2006) -- the Bush administration did not have authority to set up these military commissions to try Guantanamo Bay detainees without congressional authorization, because they did not comply with the**[**Uniform Code of Military Justice**](http://en.wikipedia.org/wiki/Uniform_Code_of_Military_Justice)**and the Geneva Convention**

**Right to Die Cases-4**

* [***Cruzan v. Director, Missouri Dept. of Health***](http://www.oyez.org/cases/1980-1989/1989/1989_88_1503) **(1990) -- Did the Due Process Clause of the Fourteenth Amendment permit Cruzan's parents to refuse life-sustaining treatment on their vegetated daughter's behalf?**
* [***Vacco v. Quill***](http://www.oyez.org/cases/1990-1999/1996/1996_95_1858)**(1997) --Did New York's ban on physician-assisted suicide violate the Fourteenth Amendment's Equal Protection Clause by allowing competent terminally ill adults to withdraw their own lifesaving treatment, but denying the same right to patients who could not withdraw their own treatment and could only hope that a physician would do so for them?**
* [***Washington v. Glucksberg***](http://www.oyez.org/cases/1990-1999/1996/1996_96_110)**(1997) -- Did Washington's ban on physician assisted-suicide violate the Fourteenth Amendment's Due Process Clause by denying competent terminally ill adults the liberty to choose death over life?**
* [***Gonzales v. Oregon***](http://www.oyez.org/cases/2000-2009/2005/2005_04_623)**(2006) --Did the Controlled Substances Act authorize the attorney general to ban the use of controlled substances for physician-assisted suicide in Oregon?**

**Capital Punishment Cases-4**

* [***Furman v. Georgia***](http://www.oyez.org/oyez/resource/case/131/)**(1972) --Does the imposition and carrying out of the death penalty in these cases – Furman v. Georgia, Jackson v. Georgia and Branch v. Texas - constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?**
* [***Gregg v. Georgia***](http://www.oyez.org/cases/1970-1979/1975/1975_74_6257)**(1976) -- Is the imposition of the death sentence prohibited under the Eighth and Fourteenth Amendments as "cruel and unusual" punishment?**
* [***Penry v. Johnson***](http://www.oyez.org/cases/2000-2009/2000/2000_00_6677) **(2001) -- Was a Texas trial court's supplemental instruction on mitigating evidence of mental retardation under the state's "special circumstances" for sentencing in capital murder cases to a jury constitutionally adequate? Does the admission into evidence of statements from a psychiatric report based on an uncounseled interview with the defendant violate the Fifth Amendment's privilege against self-incrimination?**
* [***Roper v. Simmons***](http://www.oyez.org/cases/2000-2009/2004/2004_03_633) **(2005) -- Does the execution of minors violate the prohibition of "cruel and unusual punishment" found in the Eighth Amendment and applied to the states through the incorporation doctrine of the 14th Amendment?**