

## SUPREME COURT CASES

- Marbury v. Madison* (1803, Marshall). The court established its role as the arbiter of the constitutionality of federal laws, the principle is known as judicial review (see also Federalist Papers, 78).
- Fletcher v. Peck* (1810, Marshall). The decision stems from the Yazoo land cases, 1803, and upholds the sanctity of contracts.
- McCulloch v. Maryland* (1819, Marshall). The Court ruled that states cannot tax the federal government, i.e. the Bank of the United States; the phrase “the power to tax is the power to destroy”; confirmed the constitutionality of the Bank of the United States; declared “the states have no power, by taxation or otherwise, to retard, impede, burden, or in any manner control, the operations of the constitutional laws enacted by congress to carry into execution the powers vested in the general government.”
- Dartmouth College v. Woodward* (1819, Marshall). New Hampshire had attempted to take over Dartmouth College by revising its colonial charter. The Court ruled that the charter was protected under the contract clause of the U. S. Constitution; upholds the sanctity of contracts.
- Gibbons v. Ogden* (1824, Marshall). Clarified the commerce clause and affirmed Congressional power over interstate commerce.
- Johnson v. McIntosh* (1823, Marshall). Established that Indian tribes had rights to tribal lands that preceded all other American law; only the federal government could take land from the tribes.
- Cherokee Nation v. Georgia* (1831, Marshall). “The conditions of the Indians in relation to the United States is perhaps unlike that of any two people in existence,” Chief Justice John Marshall wrote, “their relation to the United States resembles that of a ward to his guardian. . . (they were a) domestic dependent nation.” Established a “trust relationship” with the tribes directly under federal authority.
- Worcester v. Georgia* (1832, Marshall). Established tribal autonomy within their boundaries, i.e. the tribes were “distinct political communities, having territorial boundaries within which their authority is exclusive.”
- Charles River Bridge v. Warren Bridge* (1837, Taney). The interests of the community are more important than the interests of business; the supremacy of society's interest over private interest.
- Commonwealth v. Hunt* (1842). Declared that labor unions were lawful organizations and that the strike was a lawful weapon.
- Scott v. Sanford* (1857, Taney). Speaking for a widely divided court, Chief Justice Taney ruled that Dred Scott was not a citizen and had no standing in court; Scott's residence in a free state and territory had not made him free since he returned to Missouri; Congress had no power to prohibit slavery in a territory (based on the 5th Amendment right of a person to be secure from seizure of property), thus voiding the Missouri Compromise of 1820.
- Ex parte Milligan* (1866). Ruled that a civilian cannot be tried in military courts while civil courts are available.

*Civil Rights Cases of 1883*. (A single decision on a group of cases with similar legal problems).  
Legalized segregation with regard to private property.

*Wabash, St. Louis, and Pacific Railway Co. v. Illinois* (1886). Declared state-passed Granger laws that regulated interstate commerce unconstitutional.

*Chicago, Milwaukee and St. Paul Railroad Co. v. Minnesota* (1890). Found that Granger law regulations were violations of the 5th Amendment right to property.

*Pollock v. The Farmers' Loan and Trust Co.* (1895). Declared the income tax under the Wilson-Gorman Tariff to be unconstitutional.

*U. S. v. E. C. Knight Co.* (1895). Due to a narrow interpretation of the Sherman Anti-Trust Act, the Court undermined the authority of the federal government to act against monopolies.

*Plessy v. Ferguson* (1896). Legalized segregation in publicly owned facilities on the basis of "separate but equal."

"Insular Cases" / *Downes v. Bidwell* (1901). Confirmed the right of the federal government to place tariffs on goods entering the U. S. From U. S. Territories on the grounds that "the Constitution does not follow the flag."

*Northern Securities Co. v. U. S.* (1904). Re-established the authority of the federal government to fight monopolies under the Sherman Anti-Trust Act.

*Lochner v. New York* (1905). Declared unconstitutional a New York act limiting the working hours of bakers due to a denial of the 14th Amendment rights.

*Muller v. Oregon* (1908). First case to use the "Brandeis brief"; recognized a 10-hour work day for women laundry workers on the grounds of health and community concerns.

*Hammer v. Dagenhart* (1918). Declared the Keating-Owen Act (a child labor act) unconstitutional on the grounds that it was an invasion of state authority.

*Schenck v. U. S.* (1919). Unanimously upheld the Espionage Act of 1917 which declared that people who interfered with the war effort were subject to imprisonment; declared that the 1st Amendment right to freedom of speech was not absolute; free speech could be limited if its exercise presented a "clear and present danger."

*Adkins v. Children's Hospital* (1923). Declared unconstitutional a minimum wage law for women on the grounds that it denied women freedom of contract.

*Schechter v. U. S.* (1936). Sometimes called "the sick chicken case." Unanimously declared the National Industrial Recovery Act (NIRA) unconstitutional on three grounds: that the act delegated legislative power to the executive; that there was a lack of constitutional authority for such legislation; and that it sought to regulate businesses that were wholly intrastate in character.

*Korematsu v. U. S.* (1941). The court upheld the constitutionality of detention camps for Japanese-Americans during World War 2.

*Ex parte Endo* (1944). The court forbade the internment of Japanese-Americans born in the U. S.

(Nisei).

*Brown v. Board of Education of Topeka, Kansas* (1954, Warren). Unanimous decision declaring “separate but equal” unconstitutional.

*Gideon v. Wainwright* (1963). Extends to the defendant the right of counsel in all state and federal criminal trials regardless of their ability to pay.

*Escobedo v. Illinois* (1964). Ruled that a defendant must be allowed access to a lawyer *before* questioning by police.

*Griswold v. Connecticut* (1965). Ruled that “that specific guarantees in the Bill of Rights have *penumbras*, formed by emanations from those guarantees that help give them life and substance. Various guarantees create zones of privacy.” This decision defining a “right of privacy” based on the “emanations from” specific rights mentioned in the Constitution provided the intellectual and legal basis for “rights” asserted in the later *Roe v. Wade* decision.

*Miranda v. Arizona* (1966). The court ruled that those subjected to in-custody interrogation be advised of their constitutional right to an attorney and their right to remain silent.

*Roe v. Wade* (1973). The court legalized abortion by ruling that state laws could not restrict it during the first three months of pregnancy. Based on 4th Amendment rights of a person to be secure in their persons.

*U. S. v. Richard Nixon* (1974). The court rejected Richard Nixon’s claim to an absolutely unqualified privilege against any judicial process.

*Bakke v. Regents of the University of California* (1978). Ambiguous ruling by a badly divided court that dealt with affirmative action programs that used race as a basis of selecting participants. The court general upheld affirmative action, but with a 4/4/1 split, it was a very weak decision.