

Landmark Supreme Court Cases – Categorized

Early expansion of federal government power

- 1803, **Marbury v. Madison** – established 'judicial review' = Court's power to rule existing laws unconstitutional
1819, **McCulloch v. Maryland** – flexible construction of Constitution, gave national gov't broad powers over states, feds have right to establish national bank (implied) through commerce clause (enumerated)
1824, **Gibbons v. Ogden** – Congressional control over navigation – steamboats on shared waterways - commerce

Civil Liberties...

1st Amendment – Speech/Expression

- 1919, **Schenck v. U.S.** – 'clear & present danger' test, Schenck mailed circulars in opposition to draft in violation of Espionage Act, Act ruled constitutional
*1925, **Gitlow v. N.Y.** – Incorporated freedom of speech to states ["Get low"] but N.Y. law upheld which banned attempt to overthrow gov't., 'dangerous tendency' test
1943, **West Virginia Board of Education v. Barnette** – Jehovah's Witness ruled did not have to salute flag in school
1951, **Dennis v. U.S.** – Smith Act (1940) which outlawed advocating overthrow of gov't upheld, Communists arrested, overturned in '57...*Yates, Scales, Noto v. U.S.*
1968, **United States v. O'Brien** – Court ruled burning draft card in protest of war not protected as 'symbolic speech'
1969, **Brandenburg v. Ohio** – cannot limit inflammatory speech (KKK) unless it causes 'imminent lawless action'
1969, **Tinker v. Des Moines** – students' rights upheld by ruling suspension of student wearing a black armband in protest of war unconstitutional, schools must prove students are disrupting learning environment
1976, **Buckley v. Valeo** – spending a 'buck' on campaigns – the Federal Election Commission's limits on independent expenditures ruled unconstitutional, committees not formally connected to campaigns free to express themselves through \$ contributions
1984, **Texas v. Johnson** – flag burner at RNC in Dallas convicted in violating TX flag desecration law, law ruled unconstitutional, flag burning = protected 'symbolic speech'
1986, **Bethel School District v. Fraser** – vulgar student speech given at school ruled disruptive, schools may suspend for using 'vulgar and offensive' language
1990, **U.S. v. Eichman** – Congress enacted law banning flag burning after *Texas v. Johnson* ruling, Court again ruled flag burning protected expression
1997, **Reno v. ACLU** – free speech applied to internet, Communications Decency Act unconstitutional which banned transmitting material deemed 'indecent to minors', regarded as too vague & restricting

1st Amendment – Press

- *1931, **Near v. Minnesota** – MN law banning publication in advance, prior restraint, gag order, unconstitutional – cannot censor newspaper before publication
1957, **Roth v. U.S.** – obscenity ruled not protected speech
1964, **New York Times v. Sullivan** – state libel law, defamation of public officials character (M.L. King Jr.), unconstitutional, rule made it difficult to libel public official unless statement made is with "actual malice"
1971, **New York Times Co. v. U.S.** – publicizing Pentagon Papers (history of Vietnam War) okayed by Court, Nixon White House agents burglarized office of a psychiatrist, a former gov't worker who leaked the Papers
1973, **Miller v. California** – ad sent through the mail sparked this litigation which allowed local communities to set standards involving obscenity, established "Miller Test" which helps judges deal w/ sexual conduct & press
1978, **Zurcher v. Stanford Daily** – warranted searches of newsrooms constitutional, resulted in 1980 law prohibiting search of press unless involved in crime or it is a life-threatening situation
1988, **Hazelwood School District v. Kuhlmeier** – School administrators CAN censor publications
2000, **U.S. v. Playboy Entertainment Group** – Communications Decency Act of '96 failed to use least restrictive blockage of sexual-oriented programming between 10pm-6am

1st Amendment – Religion: Free Exercise & Establishment Clauses

- 1943, **West Virginia Board of Education v. Barnette** – Jehovah's Witness ruled did not have to salute flag in school
1947, **Everson v. Board of Education** – New Jersey law, which allowed parents to be reimbursed for bus fares regardless if students sent to public or parochial schools, constitutional
1962, **Engel v. Vitale** – official school prayer unconstitutional, secular victory
1983, **Lemon v. Kurtzman** – excessive entanglement, certain direct aid to parochial schools ruled unconstitutional, 'Lemon Test' resulted = determines if practice violates church & state
1989, **County of Allegheny v. ACLU (American Civil Liberties Union)** – public holiday displays must be inclusive