

## Supreme Court Cases to Know

**Marshall Court (1801 – 1835):** John Marshall delivered the majority opinions in a number of critical decisions in these formative years, all of which served to strengthen the power of the federal government and restrict the powers of state governments (REA).

**Marbury v. Madison (1803):** was the first instance in which a law passed by Congress was declared unconstitutional. The decision greatly expanded the power of the Court by establishing its right to overturn acts of Congress (judicial review), a power not explicitly granted by the Constitution. Initially the case involved Secretary of State James Madison, who refused to seat four judicial appointees although they had been confirmed by the Senate. (Info please) For the first time, the Supreme Court declares an act of Congress unconstitutional, declaring, “A law repugnant to the Constitution is void.” The court does not strike down another federal law until the Dred Scott decision in 1857. (Gilder Lehrman Institute)

**Fletcher v. Peck (1810):** contracts and state laws. First case to declare a state law void. A corrupt Georgia legislature sold land to speculators for bribes, but new legislature could not rescind sale because it was a contract. The contract clause of the Constitution overrode the state law.

**Dartmouth v. Woodward (1819):** contracts and state laws. The Supreme Court declares that a charter to a private corporation is a contract and that a state government cannot impair a contract by unilateral action. (Gilder Lehrman Institute)

**McCulloch v. Maryland (1819):** the elastic clause and federal-state relations.

The Supreme Court upholds the constitutionality of the Bank of the United States and endorses a loose interpretation of the constitution. “Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the constitution, are constitutional” (Gilder Lehrman Institute).

McCulloch v. Maryland upheld the right of Congress to create a Bank of the United States, ruling that it was a power implied but not enumerated by the Constitution. The case is significant because it advanced the doctrine of implied powers, or a loose construction of the Constitution. The Court, Chief Justice John Marshall wrote, would sanction laws reflecting “the letter and spirit” of the Constitution. (Info please)

Marshall wrote that “the power to tax is the power to destroy”—meaning that if he allowed Maryland to tax the bank they could conceivably tax it out of existence. Since Marshall agreed that the elastic clause gave the federal government the right to create a national bank, he declared the tax unconstitutional.

**Gibbons v. Ogden (1824):** federal control of interstate commerce. The Supreme Court invalidates a monopoly granted by New York State for the operation of steamboats on state waters on the grounds that it conflicts with congressional power under the Constitution’s commerce clause. The court establishes the principle that when federal and state laws conflict, federal law is supreme (Gilder Lehrman Institute). The decision also broadened the application of the commerce clause to not only include goods crossing state lines, but people and services as well.

**Cherokee Nation v. Georgia (1831); Worcester v. Georgia (1832):** state laws, treaties, and Indians. In the first case, the Supreme Court refuses to issue an injunction against the state of Georgia after it declared the laws of the Cherokee nation null and void. But the court ruled that it lacks jurisdiction because the Cherokee comprise a “domestic dependent” nation rather than a foreign state (Gilder Lehrman Institute). In the second case Marshall ruled that the laws of Georgia had no force within the territorial boundaries of the Cherokee Nation. President Jackson, no admirer of Marshall, reportedly said, “John Marshall has made his decision, now let him enforce it.” Jackson effectively ignored this decision in the “Trail of Tears” episode.

**Charles River Bridge v. Warren Bridge (1837):** contracts and the community’s rights. The Charles River Bridge Company contended that under a charter granted by the Massachusetts legislature, it had a right to be free from competition. The Supreme Court ruled that rights granted in a legislative charter should be construed narrowly and any

imposed upon those unfamiliar with American law. Congress must determine which procedural rights applied in unincorporated territories. The Constitution did not follow the flag (ARCO).

**Northern Securities Co. v. United States (1904):** antitrust laws. Upheld a government suit against a railroad holding company, ruling that an illegal combination in restraint of interstate commerce violated the Sherman Anti-Trust Act (Gilder Lehrman Institute). 1<sup>st</sup> trust broken up by Roosevelt.

**Lochner v. New York (1905):** due process and state regulatory power. The Supreme Court struck down a state law setting a 10-hour day for bakery workers because it interfered with the protection of liberty guaranteed by the 14th Amendment. This decision barred states from interfering with an employee's right to contract with an employer (Gilder Lehrman Institute).

**Muller v. Oregon (1908):** due process and state regulatory power. The court upheld an Oregon law setting maximum hours for women workers. The state's attorney, Louis Brandeis, submitted the "Brandeis Brief," which included statistical, sociological, and economic data as well as legal arguments (Gilder Lehrman Institute) demonstrating the harmful effects of excess labor on women in particular.

**Standard Oil of N.J. v. United States (1911):** antitrust laws. The Supreme Court ordered the breakup of the oil giant as a monopoly in violation of the Sherman Anti-Trust Act of 1890. The court adopts the "rule of reason"—that a business combination was illegal only when it was engaged in unreasonable restraint of trade. The Court held that the Sherman Anti-Trust Act "should be construed in the light of reason, and as so construed, it prohibits all contracts and combinations which amount to an unreasonable or undue restraint of trade in interstate commerce" (Gilder Lehrman Institute). In this case as well as in *U.S. v. American Tobacco Co.* (1911) and *U.S. v. U.S. Steel Corp.* (1920), the court differentiated between a "good" trust and a "bad" trust, putting into interpretation a widespread popular view that bigness was not synonymous with badness, and that large corporations were part of modern society (ARCO).

**Schenck v. United States (1919):** radicals and the 1<sup>st</sup> Amendment. The court ruled unanimously that the World War I Espionage Act did not violate the 1st Amendment's protection of free speech and free press, ruling that anti-war pamphlets encouraged resistance to the military draft and establishing the "clear and present danger" test (Gilder Lehrman Institute). Oliver Wendell Holmes famously described limits on free speech by saying "you cannot falsely shout 'fire' in a crowded theater."

**Schechter Poultry Corp. v. United States (1935):** constitutionality of New Deal programs. The court unanimously invalidated the National Industrial Recovery Act on the grounds that it delegated excessive authority to the president and regulated businesses that operated wholly within individual states (Gilder Lehrman Institute). Referred to as the "Sick Chicken Case."

**Korematsu v. United States (1943):** war powers and civilians. By a 6-3 vote, the court upheld the relocation and internment of Japanese Americans (Gilder Lehrman Institute).

**Warren Court (1953 – 1969):** Appointed as Chief Justice in 1953, Earl Warren was nominated by Eisenhower as a conservative, but rather led the court toward judicial activism. The Warren court handed down many significant cases affecting individual rights, including sexual freedom, rights of criminals, religion, and civil and political rights.

**Brown v. Board of Education (1954):** blacks, education and the equal protection clause. The Supreme Court unanimously ruled that segregation in public schools was unconstitutional, overturning the 1896 *Plessy v. Ferguson* decision that allowed for "separate but equal" facilities for blacks and whites. A unanimous court held that segregation stamped a badge of inferiority on military children and hindered their development no matter how equal the facilities. "We conclude that in the field of public education the doctrine of 'separate but equal' has no place." Linda Brown was denied admission to a school simply because she was African American. She had to walk a mile through a railroad switchyard to get to her all-black elementary school., even though there was a school just seven blocks from her home (Gilder Lehrman Institute).

**Bakke v. Board of Regents (1978):** reverse discrimination. In a 5-4 decision, the court imposed limitations on affirmative action to ensure that providing greater opportunities for minorities did not come at the expense of the rights of the majority. In other words, affirmative action was unfair if it led to reverse discrimination. The case involved the University of Calif., Davis, Medical School and Allan Bakke, a white applicant who was rejected twice even though there were minority applicants admitted with significantly lower scores than his. A closely divided Court ruled that while race was a legitimate factor in school admissions, the use of rigid quotas was not permissible (Infoplease).

**New Jersey v. T.L.O. (1985):** Ruled that juveniles have the right to the same protection as adults against illegal search and seizure. More clearly defined what constituted a legal search and seizure.