

AP U.S. HISTORY: IMPORTANT SUPREME COURT CASES

Marbury v. Madison (1803): Marbury v. Madison was one of the landmark cases in the history of the U.S. Supreme Court. President John Adams appointed William Marbury as a justice of the peace for the District of Columbia on March 2, 1801. Thomas Jefferson, who became president two days later, ordered Secretary of State James Madison not to deliver the appointment papers. Marbury sued for a writ of mandamus to get the papers delivered. Chief Justice John Marshall, who wrote the decision decided against Marbury. However, the important part of Marshall's decision was his statement that the Judiciary Act of 1789 empowering the court to issue a writ of mandamus was contrary to the Constitution and therefore null and void. This was the first time the Supreme Court assumed the power to declare a law unconstitutional. Judicial review was born.

Fletcher v. Peck (1810): The Georgia legislature had given large land grants along the Yazoo River to private land speculators in 1795. Because of fraud surrounding the grants, the next Georgia legislature rescinded them. The original grantees sued for the land and the case was brought to the Supreme Court. In the decision, Chief Justice John Marshall held that the original grants were valid contracts which could not be rescinded since all contracts were guaranteed under the Constitution (Article 1, Section 10, Clause 1). The second Georgia law rescinding the land grants was therefore unconstitutional. This was the first instance in which the Supreme Court assumed the right to declare a state law unconstitutional.

McCulloch v. Maryland (1819): In this landmark case McCulloch, cashier of the Baltimore branch of the Bank of the United States, refused to pay a \$15,000 tax levied on the bank by the state of Maryland. The question at issue was the right of a state to tax an agency established by the national government. In his decision, Chief Justice John Marshall stated that Congress had the power to charter the bank, which was constitutional under the implied powers of Congress. In addition he held that states could not tax a federal agency because this would make it possible for states to hinder the legitimate functions of the national government and could even force the agency out of business. "The power to tax," wrote Marshall, "involves the power to destroy." The Maryland tax was therefore constitutional.

Dartmouth College v. Woodward (1819): In this case Supreme Court Chief Justice John Marshall held that the state of New Hampshire acted illegally when it changed the provisions of the Dartmouth College charter to make the school a state institution without the consent of the college. A charter was held to be a contract guaranteed under the Constitution.

Gibbons v. Ogden (1824): The state of New York had given Robert R. Livingston and Robert Fulton a monopoly to run steamboats on the Hudson River. Chief Justice John Marshall held that the Hudson River, since it touched two states, affected interstate commerce, which, broadly interpreted, included every kind of intercourse between states.

Under the U. S. Constitution, only Congress, not the states, had the power to regulate interstate commerce.

Worcester v. Georgia (1832): John Marshall ruled that the Indian nation was a distinct political community in which “the laws of Georgia can have no force” and into which Georgians could not enter without permission or treaty privilege.

Cherokee Nation v. Georgia (1832): Chief Justice John Marshall ruled that under the U.S. Constitution an Indian tribe was neither a foreign nation nor a state and therefore had no standing in federal courts. However, the Indians still had an unquestioned right to their land and could lose title only by voluntarily giving it up.

Charles River Bridge v. Warren Bridge (1837): In 1785 the Massachusetts legislature chartered the Charles River Bridge Company. In 1791 the company’s charter was extended for 70 years. In return for assuming the risk of building the bridge between Boston and Charlestown, the owners were permitted to collect tolls. In 1828 the legislature chartered another company to build a second bridge, the Warren Bridge, across the Charles River. This company was given the right to collect tolls for six years, after which the bridge would be turned over to the state and be toll free. The Charles River Bridge Company sued the Warren Bridge Company using the precedent set in *Dartmouth College v. Woodward* that a charter was an inviolable contract. Roger B. Taney, Marshall’s successor as chief justice, speaking for the Court majority, noted that “the original charter did not confer the privilege of monopoly and therefore exclusivity could not be implied.” The court supported economic expansion and individual economic opportunity by saying that charter grants should be interpreted narrowly and that ambiguities would be decided in favor of the public interest. (Norton, *A People and A Nation*, p. 253)

Dred Scott v. Sanford (1857): Dred Scott, a slave, was taken by his master from Missouri, a slave state, to Illinois, a free state, and then back to Missouri. Scott claimed his stay in Illinois made him a free man. Chief Justice Roger B. Taney, in this decision, stated that blacks were property, that they did not become free when taken into a free state, and that the Missouri Compromise, which had prohibited slavery in part of the Louisiana Territory, was therefore unconstitutional. By this decision, slavery became legal in all U.S. territories.

Ex parte Milligan (1866): In 1864 L.P. Milligan was tried by a military commission in Indiana and convicted of conspiracy. He was sentenced to die for his part in a plot to release and arm rebel prisoners and march them into Missouri and Kentucky to cooperate in an invasion of Indiana. President Andrew Johnson commuted Milligan’s sentence to life in prison. Milligan, nevertheless, came to the Supreme Court to challenge the trial and conviction. In the case of *Ex parte Milligan*, the Court unanimously ordered Milligan’s release, holding that the president had no power to require civilians to be tried by military courts in an area where regular courts continued to function. Justice Davis, Lincoln’s own nominee to the Court, wrote the opinion, condemning Lincoln’s use of military tribunals in

areas where the civil courts remained open. The Court, however, divided 5-4 on whether Congress had the power to authorize military trials in such circumstances. The decision established that martial law must be confined to "the theater of active military operations."

Munn v. Illinois (1877): In this Granger case, the Supreme Court upheld an Illinois statute fixing maximum prices grain elevators could charge farmers for the short term storage of grain before it was shipped to processors. The commerce clause of the Constitution was not violated since the operation of grain elevators was primarily an intrastate commerce enterprise.

Civil Rights Cases (1883): In these cases the justices ruled that while states could not deny blacks their civil rights, the court was powerless to stop individuals from discriminating against them. These cases invalidated the Civil Rights Act of 1875.

Wabash RR v. Illinois (1886): In this Granger case the Supreme Court decided that an Illinois law prohibiting rate discrimination by railroads for long and short hauls was unconstitutional because it infringed on the exclusive right of Congress to regulate interstate commerce.

In Re Debs (1895): In this case the Supreme Court denied a writ of habeas corpus to Eugene V. Debs, president of the American Railway Union, after he was cited for contempt for violating an injunction against the Pullman Strike. The court said that the strike interfered with the federal responsibility to transport the mails and its authority over interstate commerce.

U.S. v. E.C. Knight Co. (1895): Acting under the Sherman Anti-Trust Act (1890), the U.S. prosecuted the American Sugar Refining Company as a monopoly. The Supreme Court held that sugar refining, of itself, was manufacturing, not interstate commerce, and therefore not subject to interstate regulation.

Pollock v. Farmers' Loan and Trust Co. (1895): The first income tax in U.S. history was passed by Congress during the Civil War and repealed after the war. In 1894 the Wilson-Gorman Tariff Act was passed. One of its provisions levied a 2% tax on incomes over \$4000 per year. The income tax section of the Wilson-Gorman Tariff was declared unconstitutional by the Supreme Court in *Pollock v. Farmers' Loan and Trust Co.* because it violated the constitutional provision that direct taxes be based solely on the size of the population. In 1913 Amendment 16, the income tax amendment, was ratified. It gave Congress the right to tax income without regard to the size of the population.

Plessy v. Ferguson (1896): Throughout the period following Reconstruction, segregation by custom became prevalent throughout the South. One by one southern states began to enact laws that provided for racial segregation of blacks and whites in schools, railroads, parks and other public places. States also began to pass laws to disenfranchise blacks. In *Plessy v. Ferguson* the Supreme Court declared that such segregation was legal provided that "equal" facilities were provided.

Holden v. Hardy (1896): The Supreme Court upheld a law regulating the working hours of miners because their work was so dangerous that overly long hours would increase the threat of injury.

Cummins v. County Board of Education (1899): In deciding this case, the U.S. Supreme Court officially applied the “separate but equal doctrine” to public schools. As a result of this decision and Plessy v. Ferguson, segregation laws known as Jim Crow laws, piled up throughout the South.

Northern Securities Case (1904): Together with James J. Hill, J.P. Morgan formed the Northern Securities Corporation during a financial battle with Edward H. Harriman for control of the railroads in the Pacific Northwest. The Supreme Court ordered this holding company dissolved in 1904.

Lochner v. New York (1905): A New York State law fixing maximum working hours for bakers was declared unconstitutional by the U.S. Supreme Court. The court held the law exceeded the police powers of the state and interfered with the individual’s right to freedom of contract under Amendment 14.

Muller v. Oregon (1908): In this case the court set aside the Lochner argument and upheld an Oregon law limiting working hours for women to ten a day. The court asserted that labor legislation was necessary because a woman’s health “becomes an object of public interest and care in order to preserve the strength and vigor of the race.”

Hammer v. Dagenhart (1918): The Supreme Court declared the Keating-Owen Child Labor Law unconstitutional. Keating-Owen had prohibited the shipment in interstate commerce of products made with child labor.

Abrahms v. U.S. (1919): This U.S. Supreme Court decision upheld the constitutionality of the Sedition Act (1918) which made it a crime to speak disloyally of the U.S. government or interfere with the war effort. Justice Oliver Wendell Holmes, Jr. dissented in the decision, holding that the Sedition Act was a violation of freedom of speech guaranteed under the First Amendment to the Constitution.

Schenck v. U.S. (1919): Under the Espionage Act of 1917 persons who interfered with the war effort by making speeches or writing articles encouraging violating of draft laws were subject to imprisonment. Justice Oliver Wendell Holmes, Jr. sustained the constitutionality of the Espionage Act on the grounds that freedom of speech and press may be limited when there is a “**clear and present danger**” to the nation.

Bailey v. Drexel Furniture Co. (1922): In this case the U.S. Supreme court ruled the 1919 Child Labor Tax law unconstitutional because it was an improper attempt by Congress to penalize employers using child labor. The court stated that the tax imposed

by the Child Labor Tax law (an excise tax of 10% on the net profits of a company which employed children) was actually a penalty in disguise.

Adkins v. Children's Hospital (1923): In 1918 Congress passed a law establishing a minimum wage scale for women working in Washington, D.C. The Supreme Court held the law unconstitutional because it violated Amendment 5 of the Constitution that prohibited the federal government from passing any law that deprived a person of "life, liberty, or property without due process of law." In this case the court reversed its own ruling in *Muller v. Oregon* which had declared women to be deserving of special protection in the workplace. The court reasoned that because women now had the vote they were legal equals of men and no longer needed to be protected. Justice Oliver Wendell Holmes (1841-1935) who dissented in the *Adkins* case, said: "It would need more than the Nineteenth Amendment to convince me that there are no differences between men and women, or that legislation cannot take those differences into account."

Schechter v. U.S. (1935): Also known as the *Schechter Poultry* case and the "Sick Chicken Case." The *Schechter Poultry* Company violated the code for the industry established under the National Industrial Recovery Act of 1933. The U.S. Supreme Court declared the NIRA unconstitutional because it gave excessive legislative powers, such as the writing of industrial codes of fair competition, to the executive branch of government. In addition, these codes regulated intrastate as well as interstate industries.

Korematsu v. U.S. (1944): The Court, with three justices dissenting, approved the removal of the Japanese from the West Coast. In 1982 the government's special commission on Wartime Relocation and Internment of Civilians had recommended compensating the victims of this policy. Because of "race prejudice, war hysteria and a failure of political leadership," the commission concluded, the government had committed "a grave injustice" to more than 110,000 people. In 1983, Fred Korematsu heard a federal judge rule that he and all detainees had been the victim of "unsubstantiated facts, distortions and misrepresentations of at least one military commander whose views were affected by racism."

Dennis et al. v. U.S. (1951): The Smith Act passed in 1940 made it a crime to teach or advocate the overthrow of the U.S. government by force or violence. It also required the fingerprinting and registration of all aliens. In 1947 eleven American Communist Party members were successfully prosecuted and jailed under this act. In *Dennis et al. v. U.S.* the Supreme Court upheld the constitutionality of the Smith Act.

Youngstown Sheet and Tube Co. v. Sawyer (1952): This case arose when a nationwide strike of steelworkers threatened to shut down the industry at the height of the Korean War. (Steel production was needed for the war effort. To avert the strike President Truman ordered the secretary of commerce to seize the steel mills and keep them running. The Supreme Court held that the president must relinquish control of the mills because he had exceeded his constitutional authority. The Court ruled that the president's position as commander in chief did not justify his action. Only Congress could "nationalize" an

industry. If Congress did this then the president, in executing the law, would be authorized to seize and operate the mills.

Brown v. Board of Education of Topeka, Kansas (1954): In this decision the court reversed the decision in *Plessy v. Ferguson* and held that “separate but equal” facilities constituted illegal segregation and were a violation of the “equal protection of the laws” for all citizens guaranteed under the Fourteenth Amendment.

Gideon v. Wainwright (1963): The Supreme Court ruled for the first time that all accused persons in **state as well as federal criminal trials** be supplied with a lawyer if they cannot afford one. This was a major broadening of the U.S. Bill of Rights.

Miranda v. Arizona (1966): In this decision the Supreme Court protected the rights of the accused. The court said that police are required by the Fifth Amendment to read suspects their rights before questioning. A confession would be presumed to be involuntary unless the person in custody had been informed of the right to remain silent, to have an attorney present during questioning, and to have an attorney provided free of charge if the person could not afford one. In time this ruling was extended to mean that a person has a right to a lawyer when he is involved in a police lineup and when he is questioned by a psychiatrist to determine whether he is competent to stand trial.

New York Times v. United States (1971): In June of 1971 the *New York Times* began to publish the *Pentagon Papers*, a top secret study of United States decisions in the Vietnam War. Daniel Ellsberg, a former Defense Department official working for the RAND Corporation had leaked the heavily documented report to the *New York Times*. This report revealed that American leaders had frequently lied to the American people about the conduct of the war in Vietnam. President Richard Nixon secured an injunction to prevent publication, but the Supreme Court overturned the order. The Supreme Court upheld the right of freedom of the press and said that the government could not stop the printing of the *Pentagon Papers*. There was, however, considerable disagreement on the Court with four dissenting justices voting to halt publication temporarily to allow the president to show that the documents jeopardized the war effort.

Roe v. Wade (1973): The Supreme Court struck down state laws that made abortion a crime. Ruling that such laws violated a woman’s right of privacy, it held that the Constitution protected a woman’s decision about whether to end her pregnancy. Only in the last three months of pregnancy could a state absolutely bar abortion; otherwise, the state’s power to regulate abortion was either nonexistent or subordinate to the issue of maternal health.

United States v. Nixon (1974): The Special Prosecutor in the Watergate hearings filed a motion to subpoena President Nixon’s tapes and documents relating to conversations and meetings between the President and others. The President refused to comply, claiming “executive privilege.” The Supreme Court ruled that unless important military or

diplomatic secrets affecting national security were involved, the need to insure a fair trial outweighs the doctrine of executive privilege.

Bakke v. University of California (1978): In this 5-4 ruling the Supreme Court outlawed quotas and ordered that Alan Bakke be admitted to medical school. But the court also upheld the principle of affirmative action, explaining that race or ethnicity could be counted as a plus in an applicant's file as long as it did "not insulate the individual from comparison with other candidates."

Website for Supreme Court Cases: The Gilder Lehrman Institute of American History
http://www.gliah.uh.edu/supreme_court