

The Judicial Branch: Historical Trends of the U.S. Supreme Court

1787-1865 (Founding to Civil War)	1865-1937 (Civil War to Great Depression)	1938-2005 (Depression to Rehnquist Court)
<p><u>Notable Chief Justices:</u></p> <p>**John Jay (1789-1795) **John Marshall (1801-1835) **Roger Brooke Taney (1836-1864)</p>	<p><u>Notable Chief Justices:</u></p> <p>**Salmon Chase (1864-1873) William H. Taft (1921-1930) **Charles Evans Hughes (1930-1941)</p>	<p><u>Notable Chief Justices:</u></p> <p>**Charles Evans Hughes (1930-1941) **Earl Warren (1953-1969) **Warren Burger (1969-1986) **William Rehnquist (1986-2005)</p>
<p><u>Issues & Controversies:</u></p> <ul style="list-style-type: none"> • Relationship between the nation and state • Established concepts of judicial review and national supremacy • Nation building- established legitimacy of the federal government • <u>Marshall:</u> increase in the power of the federal government over the states. Increased federal role in promoting growth. • <u>Taney:</u> chipped away at federal power relative to the states. Taney did not further expand national power but upheld the Marshall doctrine. Helped shape the balance of power between the federal government and the states. 	<p><u>Issues & Controversies:</u></p> <ul style="list-style-type: none"> • Relationship between government and big business. Regulation of business and the economy • Child labor laws, minimum wage laws • 12 New Deal laws struck down (unconstitutional) • FDR's court packing plan rejected- replacement of justices over 70 years old • Court decisions inconsistent as work load increased, the result of industrialization and growth of the federal government • Civil War Amendments and Reconstruction-- Conflict over the 14th Amendment 	<p><u>Issues & Controversies:</u></p> <ul style="list-style-type: none"> • Relationship between personal liberty and social equality and the conflict between the two. • World War I and the Red Scare; Congressional reapportionment • "Devolution Revolution" and federalism • <u>Warren Court:</u> altered traditional doctrines- criminal defendants rights, libel, religion • <u>Burger Court:</u> largely left the Warren court in tact. Leaned conservative. Focus on sexual discrimination and abortion rights. • <u>Rehnquist Court:</u> tightened access to the courts; no cameras
<p><u>Important Supreme Court Cases:</u></p> <ul style="list-style-type: none"> • <i>Marbury v. Madison:</i> judicial review – power to declare laws unconstitutional • <i>McCulloch v. Maryland:</i> national supremacy and clarifying the "necessary and proper" clause • <i>Gibbons v. Ogden:</i> interstate commerce and the commerce clause • <i>Dred Scott v. Sanford:</i> "once a slave, always a slave" which repealed the Missouri Compromise of 1820. 	<p><u>Important Supreme Court Cases:</u></p> <ul style="list-style-type: none"> • <i>Plessy v. Ferguson:</i> "separate but equal"; legalized segregation • <i>Lochner v. New York:</i> right to free contract vs. government control • <i>Schenck v. United States:</i> clear and present danger- limits on free speech (Espionage Act of 1917) • <i>Munn v. Illinois:</i> regulation of big business • <i>Schechter Poultry v. U.S.:</i> test of New Deal programs— violation of separation of powers in excess of Congressional power under the commerce clause 	<p><u>Important Supreme Court Cases:</u></p> <ul style="list-style-type: none"> • <i>Korematsu v. United States:</i> Japanese internment camps during WWII were legal. • <i>Brown v. Board of Education:</i> outlawed segregation which overturned Plessy decision • <i>Miranda v. Arizona:</i> rights before arrest • <i>Gideon v. Wainwright:</i> right to counsel; attorney • <i>Roe v. Wade:</i> abortion legalized= subject to states • <i>Baker v. Carr:</i> redrawing of Congressional districts- "one man, one vote" decision • <i>Bush v. Gore:</i> 2000 presidential election