



Required SCOTUS Cases



Case	Facts & Holding
McCulloch v. Maryland (1819)	Established national supremacy; established implied powers; use of elastic clause; state unable to tax fed. Institution; John Marshall; "the power to tax involves the power to destroy." Constitutional clauses: supremacy clause ; elastic clause .
United States v. Lopez (1995)	The national government's power under the commerce clause does not permit it to regulate matters not directly related to interstate commerce (in this case, banning firearms in a school zone); this case reaffirmed state power, tilting power toward state instead of federal. Constitutional clauses: 10th amendment (reserved powers)
Engel v. Vitale (1962)	Prohibited state-sponsored recitation of prayer in public schools by virtue of 1st Amendment's establishment clause and the 14th Amendment's due process clause; Warren Court's judicial activism. This is an incorporation case.
Wisconsin v. Yoder (1972)	Compelling Amish students to attend school past the eighth grade violates the free exercise clause . This is an incorporation case based on the equal protection clause of the 14th amendment.
Tinker v. Des Moines (1969)	Public school students may wear armbands to class protesting against America's war in Vietnam when such display does not disrupt classes. Constitutional clauses: 1st amendment free speech ; 14th amendment equal protection clause. Armbands are " symbolic speech ."
New York Times v. US (1971)	Ruled that in order to exercise restraint, the Government must show sufficient evidence that the publication would cause a "grave and irreparable" danger. Establishes a "heavy presumption against prior restraint" even in cases involving national security (Pentagon Papers); in other words, the government cannot stop publication by the press except in very selective cases with a very high burden of proof of harm being caused by publication. Constitutional clause: 1st amendment (freedom of the press)
Schenck v. United States (1919)	A legal case in which it was ruled that government can limit free speech if the speech provokes a "clear and present danger" of substantive evils. This standard will later be replaced by the "imminent lawless action" test. Constitutional clauses: 1st amendment (speech)

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. This case incorporates the right to counsel (6th amendment) using the due process clause of the 14th amendment.
Roe v. Wade (1973)	Certain state criminal abortion laws violate the Due Process clause of the 14th Amendment, which protects against state action the (implied) right to privacy emanates from various clauses in the Bill of Rights including parts of the 1st, 4th, 5th and 9th amendments. "Penumbras" of rights. Abortion cannot be banned in the 1st trimester (1st 3 months), states can regulate the 2nd trimester, 3rd trimester - abortion is illegal except to save the life of the mother; extension of right to privacy to a woman's decision to have an abortion. Incorporation of privacy rights using the due process clause of the 14th amendment.
McDonald v. Chicago (2010)	The Second Amendment right to keep and bear arms for self-defense is applicable to the states; this uses the due process clause of the 14th amendment to incorporate the 2nd amendment. States can regulate ownership. Due process protects you from unfair treatment.
Brown v. Board of Education (1954)	Overrules Plessy v. Ferguson (no stare decisis). Racial segregation violates 14th Amendment Equal Protection Clause ("separate is inherently unequal")
Citizens United v. Federal Election Commission (2010)	Political spending by corporations, associations and labor unions is a form of protected speech under the First Amendment; led to formation of Super PACs. This decision overturned parts of the Bipartisan Campaign Reform Act (McCain-Feingold) that related to restrictions on "independent expenditures". Constitutional clauses: 1st amendment free speech clause
Baker v. Carr (1961)	Court-enforced redistricting based on the principle of "one-person-one-vote" ensured that urban constituencies were represented proportionally equal to rural area constituents. Constitutional clauses: Article 1, section 2 which sets up redistricting as a state power after each census; 14th amendment equal protection clause .
Shaw v. Reno (1993)	Legislative redistricting must be conscious of race and ensure compliance with the Voting Rights Act of 1965; Even when gerrymandering by race is for positive goals, it is subject to strict scrutiny to ensure equal protection (14th amendment). Race can be a factor in redistricting, but not the overriding factor.
Marbury v. Madison (1803)	Established the principle of judicial review empowering the Supreme Court to nullify an act of the legislative or executive branch that violates the Constitution. Constitutional clause: Article III (judicial branch); Article VI (supremacy clause)

