

KEY SUPREME COURT CASES SINCE *DRED SCOTT*

YEAR	CASE	FACTS	HOLDING
1857	<i>Dred Scott v. Sanford</i>	Dred Scott was a slave taken from Missouri to Illinois (a free state) and then to a region of the Louisiana Territory that prohibited slavery (because it was north of the 1820 Compromise line). When his master died, Scott sued for his freedom, stating that residing in free territory for 10 years made him free.	<p>No African-American, free or slave, could be a citizen of the United States. And, under the Fifth Amendment's prohibition of taking property without due process of law, CONGRESS HAS NO RIGHT TO REGULATE SLAVERY IN TERRITORIES. Missouri Compromise (1820) thus unconstitutional.</p> <p>The decision was criticized throughout the North, which saw the Supreme Court (dominated by Southerners) in the grip of the "slave power."</p>
1873	<i>Slaughter-House Cases</i>	Did the 14th Amendment's protections (equal protection of the law) extend to STATE actions?	No. Most rights derived from STATE citizenship. The court basically ruled out civil rights protections for newly freed slaves.
1876	<i>U.S. v. Cruikshank</i>	What powers does the federal government have under the 14th Amendment to punish those who violate others' civil rights?	Another blow to any meaningful protection for African-Americans. The 14th amendment's prohibitions applied to <i>actions of a state</i> , not to <i>individuals</i> .
1877	<i>Munn v. Illinois</i>	Could the state regulate <u>railroad rates within its borders</u> ?	Yes. regulation did not impede interstate commerce and was "in the public interest." A victory for the Granger Movement.

1896	<i>Plessy v. Ferguson</i>	Was Louisiana's law mandating segregated rail cars constitutional?	Yes. The Equal Protection Clause of the 14th Amendment guarantees equal <i>treatment</i> ; facilities segregated by race, so long as they are equal, are constitutional, and if African-Americans see this as a "badge of inferiority," it is solely their interpretation.
1908	<i>Muller v. Oregon</i>	Could Oregon limit the working hours of women?	Yes. State has a compelling interest in safety of its citizens. VICTORY FOR THE BRANDEIS BRIEF (factual; sociological)
1919	<i>Schenck v. United States</i>	Can a pamphlet urging men to resist the draft in WWI be considered a crime under the Espionage Act of 1917?	Yes. Schenck's free speech rights are not absolute. If there is a CLEAR AND PRESENT DANGER that the speech might bring about harm, it can be suppressed. Holmes: No right to shout "fire!" in a crowded theater."
1935	<i>Schechter Poultry v. United States</i>	Separation of powers: can the Congress give certain legislative powers to the Executive Branch in New Deal legislation?	No. The Court struck down the centerpiece of the New Deal, the National Recovery Administration, stating that Congress could not give the president lawmaking powers.
1937	<i>National Labor Relations Board v. Jones & Laughlin Steel Corporation</i>	Could Congress regulate interstate commerce and labor relations under the Wagner Act, which established the National Labor Relations Board?	Yes. Court found that the steel production is part of the "flow of commerce." More important, THE SUPREME COURT BEGAN TO UPHOLD NEW DEAL LEGISLATION.

1944	<i>Korematsu v. United States</i>	Did the Executive Branch have the authority to remove and relocate Japanese-Americans on the West Coast during war?	Yes. Courts should not second-guess military decisions. The discrimination against a particular group was a "military imperative" and not "group punishment."
1951	<i>Dennis v. United States</i>	Does the First Amendment protect Communists who advocate overthrow of the U.S. government?	No. A court may weigh the seriousness of the "evil" (and consider its probability), and, if necessary, curtail free speech.
1957	<i>Yates v. United States</i>	Does the First Amendment protect Communists who <i>discuss</i> the overthrow of the U.S. government?	Yes. Yates was not planning any violent act; he was simply discussing the possibility of a communist revolt in the U.S. This decision, which basically overruled <i>Dennis</i> , was seen as "coddling" communists and drew much criticism.
1964	<i>Heart of Atlanta Motel v. U.S.</i>	Did Congress, in passing the Civil Rights Act of 1964, go beyond its powers to regulate interstate commerce by denying hotels and motels the right to choose their own customers?	No. The prohibition on race-based discrimination in the Civil Rights Act is "carefully limited to enterprises having a direct and substantial relation to the interstate flow of goods and people. . ." The Court therefore concluded that places of public accommodation had no "right" to select guests as they saw fit, free from governmental regulation.

1973	<i>Roe v. Wade</i>	Does a woman have a right to terminate a pregnancy during the first trimester?	Yes. Based on the "right to privacy" that is found (but not stated) in the First Amendment, a woman may have an abortion during the first three months of abortion (later-in-term abortions would be considered later). ONE OF THE MOST DIVISIVE RULINGS EVER.
1974	<i>United States v. Nixon</i>	Could the president of the U.S. claim "executive privilege," citing the need for confidentiality, and refuse to obey a court subpoena?	No. In a unanimous ruling, the Court found that the matter here involved evidence relating to possible criminal activity ("Watergate") and the privilege of the president under Article II is not absolute. SHORTLY AFTER DECISION, PRES. NIXON RESIGNED.
1978	<i>Regents of the University of California v. Bakke</i>	Could California use racial quotas in a state-funded medical school?	No. Explicit racial quotas NOT AN ACCEPTABLE FORM OF AFFIRMATIVE ACTION. A state may consider race as ONE factor in a decision-making process for admissions.
1989	<i>Texas v. Johnson</i>	Could Texas ban the burning of an American flag?	No. Burning the flag is "symbolic speech" protected by the First Amendment.
2003	<i>Lawrence v. Texas</i>	Are laws banning homosexual acts unconstitutional?	Yes. Restrictions on sex acts involving consenting adults violates Equal Protection Clause.