**Supreme Court Cheat Sheet**

***The Power of the Court***

*Marbury v. Madison* (1803) – established the power of judicial review

*Dred Scott v. Sanford* (1857) – African Americans are not citizen, they are held as property

***Church and State***

*Engel v. Vitale* (1962) – cited establishment clause to rule that there should not be prayer in school

*Epperson v. Arkansas* (1968) – Scopes monkey trial revisited – cited establishment clause stating that you cannot ban the teaching of evolution

*Van Order v. Perry/McCreary Co KY v. ACLU KY* (2005) – the purpose, effect and context of religious displays need to be taken into context regarding Constitutionality (i.e. Ten Commandments.

***Rights of the Accused***

*Gideon v. Wainwright* (1963) – 6th Amendment, right to counsel if you are accused of a crime

*Miranda v. AZ* (1966) – 5th Amendment, must be read Miranda rights

***Diversity & Discrimination***

*Brown v. Board* (1954) – end of legalized segregation in public schools – overturned Plessy v. Ferguson (separate but equal) – violation of 14th Amendment

*Gratz v. Bollinger/Grutter v. Bollinger* (2003) – affirmative action – you cannot assign a point system to applicants, but you can consider race on a case-by-case basis

*Boy Scouts v. Dale* (2000) – allowed the discrimination of gay scout leaders in direct violation of antidiscrimination statutes

***Playing Politics***

*Buckley v. Valeo* (1976) – campaign finance reform – most of this overturned accept for the creation of the Federal Elections Commission (FEC) – McCain Feingold, Citizens United

*Bush v. Gore* (2000) – recount, equal protection cause cited due to a difference in voting and counting practices problematic – lots of criticism of justices and voting their politics

***Right to Privacy***

*Griswold v. Connecticut* (1965) – overturned contraception law – established a constitutional right to privacy – penumbras (inferences) formed by emanations of the Bill of Rights

 1. Said – precedent of privacy in other cases

 2. Did – win for those that think that the Constitution should be broadly construed

*Roe v. Wade* (1973) – abortion – Court refused to rule on personhood – right to privacy issue

*Washington v. Glucksberg* (1997) – the Right to Die – due process clause does not prevent government from regulating all conceivable liberties – states can enact laws for assisted suicide, very few have ex. Oregon Death with Dignity

***Government & Business***

*West Coast Hotel v. Parish* (1937) – Federal government to regulate labor “switch in time that saved nine” – 9 justices (FDR wanted to pass law expanding this number to pass New Deal labor reforms, i.e. minimum wage) a last minute change of heart with one justice prevented this.

*Heart of Atlanta Hotel v. US/Katzenbach v. McClung* (1964) – (Commerce clause – the power to regulate commerce, historical this was very broadly construed) – case a reaction to Civil Rights Act of 1964 they lost and the Court found that Congress could fight discrimination, Court based decision on broad interpretation of the Commerce Clause and proved that there was little beyond Congress’ reach

*Burlington Industries v. Ellerth* (1998) – Sexual harassment case, business have a “vicarious liability” and need to ensure that they are not creating a “hostile work environment” – as a result, employers must proactively train about sexual harassment policies

*Standard Oil v. US* (1911) – eliminated monopolies and price fixing – antitrust law

*Kelo v. City of New London* (2005) – Eminent domain case – extended right beyond public use to public purpose – able to seize land based on economic rejuvenation plan that would benefit the entire city

*Monroe v. Pape* (1961) – Right to sue public officials who break laws – citizens are able to sue local government in federal court

***Limiting Power of Presidency***

*Youngstown Sheet & Tube Co. v. Sawyer* (1952) – during the Korean War, Truman attempted to seize steel companies to avoid a potential strike – Court ruled against Truman and stated that a state of war did not give the President a blank check, The Steel Seizure Case gives ammunition against Presidential power

*US v. Nixon* (1974) – Watergate and Nixon refuses to hand over tapes citing “executive privilege” Court ruled against Nixon and stated that the President can only invoke executive privilege in cases of national security

***Free Speech, Expression & Press***

*Brandenberg v. Ohio* (1969) – KKK leader challenged criminal syndicalism (statute that makes it a crime to speak out against government) – he cited his 1st amendment right to free speech – Court found that they were not fighting words – established right to be repugnant

*Miller v. California* (1973) – obscenity ruling in the past “I know it when I see it” – this case resulted in 3 prong test to determine obscenity:

 1. whether the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest.

 2. whether the work depicts or describe, in a patently offensive way, sexual conduct specifically defined by the applicable state law

 3. whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value

*Texas v. Johnson* (1989) – Flag burning – Court found that you may not prohibit the expression of an idea, even if you find it to be offensive

*New York Times Co. v. Sullivan* (1964) – Defamation in newspaper, either libel (written) or slander (spoken) – false statements about public officials made in good faith (or without malice) is protected – if you can show a “reckless disregard” then it is not

*New York Times Co. v. US* (1971) – Pentagon Papers (look into how we got involved in Vietnam War) published in NYT – “prior restraints of speech” the Nixon administration had a heavy burden to show justification of why this should not be published and they lost

***Technology***

*MGM Studios Inc. v. Grokster, Ltd.* (2005) – Grokster was a software sharing program that was held to be violating copyright law – Court held that Grokster induced customers to copy – decision of whether or not products are used for primarily lawful purposes or not

*Kyllo v. US* (2001) – Does the 4th Amendment protect you from the government “searching” your house using new technology without a warrant? - the Court found that it is a violation of privacy and that they must have a warrant to search

*US v. American Library Association* (2003) – libraries must have filtering software to receive federal funding – ALA contended that it violated rights of adults – the Court held that the protection of children using library computer supersedes the rights of adults