

Major Supreme Court Decisions

Marbury v. Madison-Feb. 24, 1803-

The conflict between the president and the judiciary was brought to a head after Jefferson ordered Secretary of State Madison to withhold from William Marbury the signed and sealed commission of his appointment (3/2/01) by President Adams under the Judiciary Act of 1801 as justice of the peace of the District of Columbia. Marbury sued for a *writ of mandamus* compelling delivery of the commission. In dismissing Marbury's suit on the ground that the Court lacked jurisdiction, Chief Justice Marshall employed a strategy calculated to avoid an open struggle with the executive branch responsible for enforcement of the writ. The case is remembered, however, as the first occasion on which the high court held an Act of Congress unconstitutional: Marshall declared Section 13 of the Judiciary Act of 1789, empowering the court to issue such a writ, was contrary to the Constitution and therefore invalid. This is the first case in which the Supreme Court held a law of Congress void; it did not do so again until the *Dred Scott* decision *q.v.*

Fletcher v. Peck-1810-

Involved the claims arising under the Yazoo land frauds. The Georgia legislature, many of its members having been bribed by land speculators, granted large tracts along the Yazoo River to land companies (1795). The grant was rescinded by the succeeding legislature on the ground that its enactment had been attended by fraud and corruption. Chief Justice Marshall rendered the opinion for a unanimous court, upholding the original grant on the grounds that (1) it was not within the province of the court to inquire into the motives which actuated a legislature, and (2) the rescinding act impaired the obligation of contracts, Marshall ruling that the contract clause made no distinction between public and private contracts. This was the first time the court invalidated a state law as contrary to the Constitution.

Trustees of Dartmouth College v. Woodward-1819-

In 1816, the Republican-dominated New Hampshire legislature altered the royal charter (1769) of Dartmouth College under which the college had been established, and vested the administration of the institution in a board of trustees appointed by the state. The old board of trustees, asserting that the legislative act was unconstitutional because it impaired the obligation of contracts, sued William H. Woodward, secretary of the university, for the recovery of the seal, the charter and other documents. The state court upheld the action of the legislature, declaring that the body established under the Dartmouth Charter of 1769 was a public not a private corporation, and as such its charter was not a contract within the meaning of the Constitution. The case was appealed to the Supreme Court with Daniel Webster as counsel for the college. Chief Justice Marshall, for the court, held that a charter to a private corporation constituted a contract and was therefore protected under the contract clause of the Constitution against impairment by the state legislature and declared the New Hampshire law invalid. The decision appeared to place charters of existing private corporations outside the scope of control by the states that had chartered them. While it encouraged business growth, it also led to abuses of corporate privileges. Important modifications of the opinion were made in *Charles River Bridge* in 1837 and *Munn v. Illinois* in 1877, *q.v.*

McCulloch v. Maryland-1819-

During the postwar period of financial disorganization, state banks took advantage of popular feeling against the 2nd Bank of the U.S. to encourage legislation restricting its operations. A Maryland law provided that all banks not created by authority of the state were required to comply with restrictions concerning note issues or, in lieu of that, to pay an annual tax of \$15,000. When the Baltimore branch of the National Bank ignored these provisions on the ground that the act was unconstitutional, the cashier of the branch, James W. McCulloch, was sued by the state. The case was appealed to the Supreme Court. The leading 2 points immediately at issue were the constitutionality of the act of Congress establishing the

Bank, and the constitutionality of the tax imposed by the state legislature. Daniel Webster was among the counsel representing the Bank was William Pinckney. The opinion, delivered by Chief Justice Marshall for a unanimous court ranks among Marshall's most important pronouncements, and is commonly regarded as his most vigorous and detailed exposition of the Constitution. Drawing liberally from Hamilton's doctrine of implied powers, Marshall expounded the origin and nature of the federal union. The powers of the national government are derived from the people and are exercised directly on them. Although the national government is limited in its powers, it is supreme within its sphere of action; and a government must be equipped with suitable and effective means to execute the powers conferred on it. He then proceeded to state the doctrine of "loose construction" based on Hamilton's opinion (1791) on the constitutionality of the 1st Bank of the U.S. "Let the end be legitimate," declared Marshall, "let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional. The act incorporating the bank was therefor constitutional. As for the power of the Maryland legislature to tax a branch bank, Marshall declared that no state possessed that right, denying it on the ground that "the power to tax involves the power to destroy." The Maryland legislature had acted unconstitutionally. This was a very controversial, **nationalist** decision. The 1821 decision, *Cohens v. Virginia*, reinforced *McCulloch v. Maryland* by upholding the doctrine of **national supremacy** against a claim by Virginia that its statutes and even its own supreme court decisions were exempt from federal jurisdiction.

Gibbons v. Ogden-1824-

Involved a monopoly granted by the New York legislature (1808) for the operation of steamboats in state waters. Aaron Ogden, successor to the exclusive right granted to Robert Fulton and Robert R. Livingston, sued Thomas Gibbons (who operated under the federal license) to restrain him from engaging in steam navigation between New York and New Jersey. The court invalidated the New York grant. The opinion of Chief Justice Marshall was the first broad construction of the nature and scope of congressional power under the commerce clause. Rejecting a narrow definition of commerce as "traffic" or simple exchange, Marshall construed it as embracing "every species of commercial intercourse," including navigation and other agencies of commerce. While he conceded that the regulation of wholly intrastate commerce was reserved to the state, he asserted that congressional power to regulate interstate and foreign commerce "does not stop at the jurisdictional lines of the several states." This curb on state authority, coming at a time when many states had granted similar monopoly privileges, freed transportation from state restraints.

Cherokee Nation v. Georgia & Worcester v. Georgia-1831 and 1832-

Under a series of treaties (1791 *et. seq.*) concluded with the U.S., the Cherokee inhabiting the state of Georgia were recognized as a nation with their own laws and customs. However, Georgia settlers encroached upon the Cherokees as well as the neighboring Creek. Alabama and Mississippi also violated the treaties with the Choctaw and the Chickasaw. In 1828, Georgia pronounced the laws of the Cherokee null and void as of 6/1/30. After gold was discovered on the Cherokee lands in July 1829, the Cherokee sought relief from the Supreme Court. In *Cherokee Nation v. Georgia*, Marshall found that the injunction sought against Georgia had to be denied because the court lacked jurisdiction since the Cherokee were a "domestic dependent" nation rather than a foreign state within the meaning of the Constitution. An 1830 Georgia law ordered white residents in Cherokee country to secure a license from the governor and take an oath of allegiance to the state. Sam'l Worcester a New England missionary refused to obey the law and was sentenced to hard labor. On appeal to the Supreme Court, Marshall held that the Indian nations were capable of making treaties, that under the Constitution treaties were the supreme law of the land and that the national government had exclusive jurisdiction in the Cherokee territory and any attempt to extend state law into those territories was unconstitutional.

Charles River Bridge v. Warren Bridge-1837-

The Massachusetts legislature authorized (1785) the Charles River Bridge Co. to construct and operate a toll bridge over the Charles River, and in 1792 extended the charter for 70 years. The grant did not confer exclusive privileges. The charter of the Warren Bridge (1828) provided that the structure (built a short distance from the Charles Bridge) should be turned over to the state upon the recovery of construction costs. The Charles River Bridge Co. brought suit for an injunction on the ground that the erection of the

Warren Bridge constituted an impairment of the obligation of contracts. Rejecting the doctrine of vested rights invoked by the Charles River counsel, Chief Justice Taney ruled that the competing bridge was no such impairment, that a legislative charter must be construed narrowly, that no implied rights could be claimed beyond the specific terms of a grant, and that ambiguous clauses must operate against the corporation in favor of the public. Taney's first pronouncement on a constitutional issue, the decision substantially modified Marshall's earlier contract doctrines.

Dred Scott v. Sandford-1857-

Dred Scott, a Negro slave and the household servant of Dr. John Emerson, an army surgeon, was taken (1834) by his master from St. Louis, Mo., to Rock Island, Ill. (where slavery had been forbidden by the Ordinance of 1787), and later to Ft. Snelling, in Wisconsin Territory (where slavery was prohibited by the Missouri Compromise). Scott remained on free soil during most of the period 1834-38. In 1846, Scott sued for his liberty in the Missouri courts, holding that he had become free because of his stay in a free state and a free territory. A lower court's judgment in favor of Scott was overruled (1852) by the state supreme court which had previously ruled that under such circumstances a slave became free upon his return to Missouri. The case was maneuvered into the federal district court of the U.S. Scott's nominal owner at the time was Emerson's heir, a John Sanford--whose name was misspelled on official reports. The case revolved around three issues:

- 1) was Scott a citizen of the state of Missouri and thus entitled to sue in the federal courts?
- 2) was Scott's temporary stay on free soil enough to give him title to freedom that was still valid upon his return to the slave state of Missouri?
- 3) was the Missouri Compromise constitutional as far as its prohibition of slavery in Wisconsin?

Each justice handed down a separate opinion, with Taney's cited as that of the majority.

As to item #1: Scott, and hence all Negro slaves and their descendants, was not a citizen of the U.S. or the state of Missouri and thus not entitled to sue in a federal court--the justices were divided on the issue of Negroes as citizens--so the Supreme Court has no jurisdiction.

As to item #2: Scott's temporary residence in free territory did not make him free since this question was decided by the state in which he resided when he brought suit (Missouri)

As to item #3: The Missouri Compromise was unconstitutional on the ground that under the 5th Amendment Congress was prohibited from depriving persons of their property without due process of law. Dissenting, Justices McLean and Curtis maintained that free Negroes were citizens of the U.S. and that congress was constitutionally empowered (Art. IV, Sect. 3) to regulate slavery in the territories. This is the first case since *Marbury* (1803) to strike down a federal law.

Ex Parte Merryman-1861-

Involved military suspension of the privilege of the writ of habeas corpus, authorized in exceptional instances by President Lincoln. John Merryman, a Baltimore secessionist, arrested by military authority, successfully petitioned Chief Justice Taney (sitting as a circuit judge) for a writ of habeas corpus. That writ was rejected by the military commander. Taney who cited the commander for contempt filed an opinion denying that the executive had the power to suspend the writ, holding such power to be vested in Congress and condemning the suspension of constitutional rights by military order. Lincoln justified his course in his message to Congress.

Ex Parte Milligan-1866-

Involved the trial and conviction of civilians by the military commission at Indianapolis, unanimously held that military commission authorized by the president to be void and released Milligan. A majority held that neither Congress nor the President had legal power to institute a military commission to try civilians in areas remote from the actual theater of war, stating that the Constitution "is a law for rules and people equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances." Four of the justices argued in an opinion by Chief Justice Chase that Congress could have authorized the military commission under the war powers.

Slaughterhouse Cases-1873-

The first judicial pronouncement on the 14th Amendment. A monopoly grant of the Louisiana legislature was contested as a violation of the privileges and immunities clause of that amendment. By a 5-4 decision, the court upheld the grant. For the majority, Justice Miller distinguished between state and national citizenship. Only the rights deriving from federal citizenship were protected by the 14th Amendment, and those rights were narrowly defined. This interpretation placed the great body of rights under the protection of the state governments.

Granger Cases-1877-

Munn v. Illinois: This case involved an Illinois law (1873) fixing maximum rates for grain storage. Chief Justice Waite, for the court, upheld the law as a legitimate expression of the state's police power in regulating business affected with ". . . a public interest." He declared that the appeal was "to the polls, not to the courts," and denied that the due process clause was substantively violated or that state regulation of intrastate commerce impaired Congress's unilateral control over interstate commerce.

Civil Rights Cases-1883-

5 cases in which Negroes had been refused equal accommodations or privileges, allegedly in defiance of the 1875 Civil Rights Act. That act was declared invalid for protecting social rather than political rights. The court held that the 14th Amendment prohibited invasion **by the states** of civil rights, but did not protect the invasion of civil rights **by individuals** unaided by state authority. This ruling virtually ended 80 years of federal attempts to protect the Negro against discrimination by private individuals.

Ku Klux Klan Cases-1884-

Ex Parte Yarbrough upheld Congress's power to punish as a crime against federal law private interference with the right of an American citizen to vote in a federal election. Such a right is dependent on the Constitution and laws of the U.S. and not exclusively on state law.

Wabash, St. Louis & Pacific R.R. Co. v. Illinois-1886-

Involved the validity of an Illinois statute prohibiting long-short haul clauses in transportation contracts. The court invalidated the law as an infringement on Congress's exclusive control over interstate commerce. The decision gravely weakened the ruling in the *Granger Cases* (*q.v.*) and created a "twilight zone" where neither the states nor the federal government could operate.

Reagan v. Farmer's Loan and Trust Co.-1894-

Upheld the right of the courts to review the fixing of rates by a Texas commission, acting under state law. Justice Brewer declared: "It has always been a part of the judicial function to determine whether the act of one party . . . operates to divest another party of any rights of person or property." Compare to *Wabash*.

U.S. v. E.C. Knight-1895-

Involved the first judicial interpretation of the Sherman Antitrust Act. The government charged defendant with a near monopoly of sugar refining. In an 8-1 decision against the government, Chief Justice Fuller, for the majority, drew a sharp line between commerce and manufacturing. "Commerce succeeds to manufacture," he asserted, "and is not a part of it." The Sherman Act was held inapplicable to intrastate manufacturing combinations. The effect of the decision was to impair seriously enforcement of the anti-trust laws, and to place most monopolies beyond the reach of federal control.

Income Tax Cases-1895-

Pollack v. Farmers' Loan and Trust Co. These cases involved the validity of the federal income tax clauses of the Wilson-Gorman Tariff Act (1894). In the first case, the Court declared invalid the part of the tax statute imposing a tax on income from realty and municipal bonds. Such a tax, according to the court was a direct tax and must be levied by apportionment among the states. Later the entire idea of taxing any personal property was invalidated as constitutionally prohibited direct taxes. As a result, the 16th Amendment was adopted to enable the federal government to enact income tax laws.

In Re Debs-1895-

The 1894 Pullman strike resulted in an injunction under the Sherman Antitrust Act against the union

leaders Eugene Debs, president of the American Railways Union, was cited for contempt in violating that injunction, and sued out a writ of habeas corpus in the Supreme Court. The writ was denied. The Court rested its judgment not on the Sherman Act, but on the broader ground that the relations of the federal government to interstate commerce and the transportation of the mails authorized the use of the injunction to prevent forcible obstruction.

Plessy v. Ferguson-1896-

Upheld a Louisiana law requiring segregated railroad facilities. As long as equality of accommodations existed, the court held, segregation did not constitute discrimination, and the Negro was not deprived of equal protection under the 14th Amendment. Essentially the nail in the coffin of the civil rights movement until *Brown v. Board of Education of Topeka, q.v.*

Insular Cases-1901-

De Lima v. Bidwell. The Court ruled that Puerto Rico ceased to be a foreign country at the formal close of the Spanish-American War. Thus, duties could not be levied upon goods imported from Puerto Rico without congressional authority. *Dooley v. U.S.* held that U.S. goods shipped to Puerto Rico were free of duty. But *Downes v. Bidwell* asserted the principle that the Constitution did not automatically and immediately apply to the people of an annexed territory, nor did it confer upon them all the privileges of U.S. citizenship, but that it was for Congress specifically to extend such constitutional provisions as it saw fit. "The Constitution does not follow the flag."

Northwest Securities Co. v. U.S.-1904-

Rejuvenated the Sherman Antitrust Act and upheld (5-4) the government in its suit against the railroad holding company. The majority held that stock transactions constituting illegal combination (whether reasonable or unreasonable) in restraint of interstate commerce came within the scope of the Sherman Act. Justice Holmes, in dissent, pleaded for "the rule of reason."

Swift v. U.S.-1905-

Upheld unanimously the government's antitrust prosecution of the "Beef Trust." For the court, Justice Holmes expounded the "stream of commerce" concept according to which certain local business agreements are regarded as integral parts of interstate commerce.

Muller v. Oregon-1908-

Upheld an Oregon law limiting maximum working hours of women and denied that it impaired the liberty of contract guaranteed by the 14th Amendment. Notable was the use by Louis D. Brandeis, counsel for the state of a brief (Brandeis Brief) which amassed statistical, historical, sociological and economic data to support his contentions, rather than traditional legal arguments.

Hammer v. Dagenhart-1918-

The Keating-Owen Child Labor Act (1916) forbade interstate shipment of products of child labor. The court split 5-4 on the issue of mutually restrictive areas of federal-state operations. Justice Day, for the majority, declared the act invalid as a regulation of local labor conditions rather than commerce. Holmes's dissent upheld Congress's right to regulate interstate commerce in unqualified terms, including the power to prohibit. *Bailey v. Drexel Furniture Co.* in 1922, involved the second Child Labor Act (1919), which levied prohibitive taxes upon the products of child labor in interstate commerce. Chief Justice Taft spoke for the majority of the court in holding the law invalid on much the same grounds as in the Hammer decision.

Schenck v. U.S.-1919-

For a unanimous court, Justice Holmes upheld the wartime Espionage Act as not violating the 1st Amendment. Applying the "clear and present danger" test, Holmes found that Schenck's pamphlets encouraged real resistance to the draft, that free speech is always under restraint, especially in time of war.

Schechter v. U.S.-1935-

The "sick chicken case" unanimously invalidated the NIRA on 3 grounds-Chief Justice Hughes

- 1- the excessive delegation of legislative power to the executive
- 2-the lack of constitutional authority for such legislation
- 3-the regulation of business wholly intrastate in character

U.S. v. Butler-1936-

Invalidated the AAA on the ground that the processing tax in issue was not really a tax but part of a system for regulating agricultural production and not within the purview of the welfare clause. Dissent by Justice Stone attacked this trend toward judicial legislation. Congress responded by revising the law in the Soil Conservation Act (1936) and the Second AAA (1938)

New Deal Cases-1937-

During the struggle over President Roosevelt's court reorganization plan the court upheld a series of important New Deal measures:

West Coast Hotel Co. v. Farris-upheld the minimum wage

NLRB v. Jones and Laughlin Steel Corp.-broadened the definition of "stream of commerce"

Steward Machine Co. v. Davis-upheld the Social Security Act, both the tax and the federal presence, and the old-age and benefit provisions.

Civil Liberties Cases-1937-43

Defined the Bill of Rights freedoms: revised the definitions of sedition, saying that a "clear and present danger" could not be found in speech at an orderly meeting; peaceful picketing, peaceful assembly; freedom to disseminate religious literature and solicit funds for religious ends without a license or a tax.

Korematsu v. U.S.-1944-

Upheld the exclusion of Japanese from the West Coast. The dissenters termed the relocation program unconstitutional. In *Ex Parte Endo*, 1944, however, it was held that the War Relocation Authority could not detain a person whose loyalty had been established.

Brown v. Board of Education of Topeka-1954-

Reversed *Plessy v. Ferguson* with its "separate but equal" doctrine. In *McLaurin v. Okla. State Regents* (1950) and *Sweatt v. Painter* (1950), the court had struck down state laws for the higher or professional education of Negroes as failing to meet the requirements of equality. In *Brown*-involving elementary education-the court under Earl Warren held unanimously that segregation in public education was a denial of the equal protection of the laws. The court in 1955, directed the lower courts to admit Negroes to public schools on a racially nondiscriminatory basis "with all deliberate speed." Reactions ranged from compliance in some border states to hostile gestures toward the court. On 1/16/56, the Alabama Senate passed a "nullification" resolution and Virginia adopted an "interposition" resolution asserting the right of the state to "interpose its sovereignty" against decisions of the court. On 3/11/56, 19 senators and 81 representatives issued a "Southern Manifesto" declaring their purpose to use "all lawful means" to reverse the desegregation decision. *Cooper v. Aaron* (1958) held that no scheme of racial discrimination against Negro children in school attendance can stand the test of the 14th Amendment if "there is state participation through any arrangement, funds or property."

Criminal Cases-1961-72

Extended coverage of the 14th Amendment to include:

- 1-Federal Exclusionary Rule-evidence secured by state officers through unreasonable search and seizures-*Mapp v. Ohio* -(1961)
- 2-Right to court appointed counsel in state felony prosecution of indigent defendant-*Gideon v. Wainwright*.- (1963)
- 3-5th Amendment protection against compelled self-incrimination-*Malloy v. Hogan* -(1964)

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4-statements obtained by police when a suspect is in custody are inadmissible as evidence unless the suspect prior to interrogation is clearly informed

- a) of his right to remain silent
- b) that anything he says may be used against him
- c) of his right to consult with an attorney and
- d) of his right, if indigent, to a lawyer appointed for him. *Miranda v. Arizona* -(1966)

Roe v. Wade-1973-

Struck down state abortion laws as a violation of privacy in the woman's decision as to whether or not to terminate her pregnancy. According to Justice Blackmun's decision, government interference with abortion was unconstitutional during the first 3 months of pregnancy; during the next 3 months the state may regulate to the extent that bears reasonable relation to protection of maternal health; in the last 3 months, the state could bar abortions.