

The Supreme Court

Land Mark Cases



Discrimination
Based On Race

Dred Scott v. Sandford (1857)



Dred Scott and his "owner" moved to a free state. Dred Scott sued for his freedom.



The Facts
are These:



The Supreme Court held:
Blacks, whether free or slaves, cannot be U.S. citizens.

Consequently, they cannot sue in federal courts. Also, slavery cannot be outlawed in the western territories before they access statehood.





In what way did this ruling contribute to the civil war?



This decision was voided by the subsequent Thirteenth and Fourteenth Amendments.

Plessy v. Ferguson, (1896)



Segregated facilities for blacks and whites are constitutional under the doctrine of separate but equal.



Overtured by:



What was the problem with separate but equal?

Brown v. Board of Education, (1952), (1955)



Segregated schools in the several states are unconstitutional and in violation of the 14th Amendment.



Found that "The "separate but equal" doctrine adopted in Plessy v. Ferguson, has no place in the field of public education



Has the problem of segregated schools been fixed? What about in Portland?

Korematsu v. United States, (1944)



120,000 American citizens of Japanese descent were interned (put into camps) and deprived of basic constitutional rights.



The Facts are These:

They had to sell houses, businesses, and belongings for 1/10 to 3/10 of their value. Based completely on race



first application
of the strict
scrutiny test.
This means that
it was a clear
violation of the
constitution

(Amendments 5, and 14 in
particular).



Yet the Supreme court held
that the need to protect
against espionage outweighed
Fred Korematsu's individual
rights



In what way was
Japanese
internment a
violation of
Amendments 5,
and 14 ?



Discrimination
Based On Sexual
Orientation

Lawrence v. Texas, (2003)



John Geddes Lawrence, and Tyron
Garner were alleged to have been
engaging in consensual anal sex in
Lawrence's apartment in the outskirts
of Houston.



The Facts
are These:

Sheriff's deputy Joseph Quinn entered the unlocked apartment, with his weapon drawn, arresting the two.

Quinn had received a false report of a "weapons disturbance" in their home filed by neighbor Robert Royce Eubanks.

Later it was found out that Eubanks, and Garner were romantically involved at the time of the arrest, and he later admitted that he was lying.



Lawrence and Garner were arrested, and charged with violating Texas's anti-sodomy statute, the Texas "Homosexual Conduct" law. (a Class C misdemeanor)



The case eventually arrived at the U.S. Supreme Court, 2002 where they held that:



The Texas law that prohibits homosexuals (only) from engaging in consensual sodomy in private is prohibited by Fourteenth Amendment due process clause as lacking a rational basis



*Birth Control
and Abortion*



Roe v. Wade, (1973)



In June 1969, Norma L. McCorvey discovered she was pregnant with her third child.

The Facts
are These:

She was advised by friends to assert that she had been raped, as she could then obtain a legal abortion

However, this scheme failed, as there was no police report
-She attempted to obtain an illegal abortion, but found the closed down by the police.

Eventually, she was referred to attorneys Linda Coffee and Sarah Weddington. Who filed on behalf of her (as Jane Roe) to have the law reversed



Struck down abortion laws restricting abortion prior to viability (3 months) as unconstitutional

prohibiting most restrictions in the first trimester and permitting only health-related restrictions in the second.





Norma Leah
McCorvey (AKA Jane Roe)
Later became a
Christian (1995) and
then a catholic and is
now vehemently
anti-abortion.



End of Life



Gonzales v.
Oregon, (2006)



In 1994 we approved measure
16 as a state. This was called
The Death With Dignity Act.

The Act legalized
physician-assisted suicide.



The Facts
are These:

In 1997 people tried to have it
repealed, but it was soundly
defeated (by 60%)

In 2001 Attorney general
Ashcroft said that physician-
assisted suicide was not a
legitimate medical purpose.

And that any
physician
administering
federally
controlled drugs
for that purpose
would be in
violation of the
Controlled
Substances Act.



This was appealed to the
supreme court under
Gonzalez (who replaced Ashcroft).

The Supreme court ruled 6-3:



The Controlled Substances Act
does not prevent physicians
prescribing drugs for the assisted
suicide of the terminally ill under
state (Oregon) law.



How is it that
the Attorney
General can
rule on state
measures?



Search and
seizure

Katz v. United States, (1967)



The Facts
are These:



Charles Katz
used a public
pay phone
booth to
transmit illegal
gambling
wagers from Los
Angeles to the
east coast.

Unbeknownst to Katz, the FBI was recording his conversations via an electronic eavesdropping device attached to the exterior of the phone booth.



The Supreme Court Held:

Evidence obtained by wiretapping a public phone booth without a warrant is not admissible in court, just as if a private phone line had been eavesdropped. He had a reasonable expectation of privacy

Vernonia School District 47J v. Acton, (1995)



The Facts are These:

In the mid-1980s, officials in the school district in Vernonia, noticed a rise in drug use among the students.

Discipline problems rose in frequency and severity. Student athletes were "the leaders of the drug culture."



The school district

- offered special classes,
- speakers, and
- presentations
- a specially trained dog to detect drugs,

But the problem continued

The district eventually adopted a drug testing plan.

-All student athletes would be required to be tested at the beginning of the season,

-10% of the athletes were selected randomly every week to provide a urine sample.

If a student's sample tested positive, they had to:

- 1) -go to counseling and
- 2) -six weekly drug tests *or*
- 3) -sitting out the remainder of that season and the following season.

The Supreme Court Held:

Schools may implement random drug testing upon students participating in school-sponsored athletics. This is not an unreasonable search

Georgia v. Randolph, (2006)



-Scott Randolph and his wife, Janet, separated in late May 2001.

-She left (with their son) to stay with her parents in Canada,

-In July, she returned to the house

The Facts are These:

-July 6, she complained to the police about a domestic dispute,

-She told the police that her husband had illegal drugs in the house

-The police acquired a warrant, based on a straw given to them by the wife and he was indeed arrested for having cocaine.

Police cannot conduct a warrantless search in a home where one occupant consents and the other objects. *The straw was acquired without a warrant.*



Federalism

Alfonso Lopez, Jr. was a 12th grade student at Edison High School in San Antonio, Texas. On March 10, 1992 he carried a concealed .38 caliber revolver, into the school.

The next day, he was charged with violation of the federal Gun-Free School Zones Act of 1990.

Lopez moved to dismiss the indictment on the ground that the Act was "unconstitutional as it is beyond the power of Congress to legislate control over our public schools."

Congress has power to regulate activities in and affecting commerce.

-Possession of a firearm
would lead to a violent crime.
-This will effect the economy.

...for a dispute unrelated to the
office of President (e.g. having
occurred before (s) he took
office), to be stayed until the end
of the President's term.

Such delay would deprive
plaintiffs, (and arguably the
defendant), of the Sixth
Amendment right to a speedy
trial.