

Landmark Supreme Court Cases

12.5.1. Understand the changing interpretations of the Bill of Rights over time, including interpretations of the basic freedoms (religion, speech, press, petition, and assembly) articulated in the First Amendment and the due process and equal-protection-of-the law clauses of the Fourteenth Amendment.

From the first days of the United States until today, the Supreme Court has been pivotal in interpreting our Constitution and shaping our republic. The following is a list of cases that have had an impact on our rights as citizens. Click on the case name for a more in-depth summary and full text of the opinions, when available.

RELIGIOUS LIBERTY: ESTABLISHMENT CLAUSE

Engel v. Vitale (1962)

The Court ruled that New York state could not require a state-composed prayer to begin the school day. Even such a non-denominational prayer as this one was unconstitutional government sponsorship of religion in violation of the Establishment Clause.

RELIGIOUS LIBERTY: FREE EXERCISE CLAUSE

Reynolds v. United States (1879)

The Court upheld the federal law against polygamy in Utah territory. Freedom of religion means “freedom to hold an opinion or belief, but not to take action in violation of social duties or subversive to good order.” Ruling otherwise would make religious beliefs “superior to the law of the land, and in effect permit every citizen to become a law unto himself. Government would exist in name only under such circumstances.”

Minersville v. Gobitis (1940)

The Court upheld a Pennsylvania flag-salute law, saying that “religious liberty must give way to political authority.” This was reversed in *West Virginia v. Barnette* on both free exercise and free speech grounds.

Wisconsin v. Yoder (1972)

The Court ruled that Amish adolescents could be exempt from a state law compelling school attendance for all 14- to 16-year-olds, since their religion required living apart from the world and worldly influence.

Goldman v. Weinberger (1986)

Upheld in this case were Air Force sanctions against a Jewish chaplain who wore a yarmulke(skull cap) on duty in defiance of regulations. The military’s interest in uniformity and discipline overcomes an individual’s free exercise rights.

Employment Division v. Smith (1990)

Oregon could deny unemployment benefits to someone dismissed from a job for smoking peyote during a religious ceremony. Peyote smoking was illegal, and the state could refuse benefits to anyone who lost a job because of illegal activity.

Church of the Lukumi Babalu Aye v. City of Hialeah (1993)

The Court found that laws passed by four Florida cities banning animal sacrifice were

targeted at the Santeria religion, which employs animal sacrifice in prayer, and as such the laws were unconstitutional.

FREEDOM OF SPEECH: GENERAL

Schenck v. United States (1919)

During World War I, Mr. Schenck mailed letters to draftees urging them to peacefully protest the draft, and he was charged with violating the Espionage and Sedition Acts. Justice Holmes wrote that the First Amendment did not protect Schenck since, during wartime, such free expression “would create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”

Gitlow v. New York (1925)

The Supreme Court applied protection of free speech to the states.

West Virginia State Board of Education v. Barnette (1943)

The Court ruled the West Virginia Board’s policy requiring students and teachers to recite the Pledge of Allegiance unconstitutional.

Tinker v. Des Moines (1969)

The Court ruled that students wearing black armbands to protest the Vietnam War was “pure speech,” or symbolic speech protected by the First Amendment. The principal’s right to forbid conduct that interfered with school discipline was outweighed by the students’ right to free expression.

Cohen v. California (1971)

A California statute prohibiting the display of offensive messages (such as “F*** the Draft” on a jacket) violated freedom of expression. “One man’s vulgarity is another’s lyric” protected against the fear of government “censorship of particular words as a convenient guise for banning the expression of unpopular views.”

Bethel School District v. Fraser (1986)

Suspension of a student for violation of a school’s “disruptive conduct rule” for a student government nomination speech full of “elaborate, graphic, and explicit sexual metaphor” did not violate his right to freedom of speech. The same latitude granted to an adult is not permitted to children in public schools because lessons of mature conduct cannot be learned if a school permits lewd, offensive speech or conduct. This would “undermine the school’s basic educational mission.”

Texas v. Johnson (1989)

The Court upheld flag burning as symbolic speech: “Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”

Virginia v. Black (2003)

The state may ban cross burning with intent to intimidate, but the cross burning act itself is insufficient evidence from which to infer intent so that provision was struck down.

FREEDOM OF THE PRESS

New York Times v. Sullivan (1964)

The First Amendment protected all statements about public officials unless the speaker

lies with the intent to defame. This overturned a judgment awarding damages to an Alabama police official after the Times ran a critical ad.

New York Times v. United States (1971)

In the Pentagon Papers case, the Court lifted a temporary injunction against publication of leaked information since such publication would not cause an “inevitable, direct and immediate” event imperiling the safety of American forces. Prior restraint was unjustified.

Hustler v. Falwell (1988)

The Court ruled that the First Amendment prohibits public figures from recovering damages for intentional infliction of emotional harm without showing that the publication contained a false statement of fact made with actual malice.

Hazelwood School District v. Kuhlmeier (1988)

Removal by a principal of articles from a school newspaper produced as part of a journalism class is “reasonably related to legitimate pedagogical concerns.” A school does not need to tolerate speech inconsistent with its basic educational goal; because the paper was part of the school curriculum rather than a forum of public expression, the school reserved the right to censor or edit.

FREEDOM OF ASSEMBLY/ASSOCIATION

Dejonge v. Oregon (1937)

This extended to the states the federal protection of the right of peaceful assembly for lawful discussion.

Edwards v. South Carolina (1963)

This upheld the right of persons to demonstrate peacefully on public property. The state can not “make criminal the peaceful expression of unpopular views.” The convictions of students arrested for peaceful demonstrations against segregation were overturned.

Village of Skokie vs. National Socialist Party (1978)

The Court ruled that the National Socialist (Nazi) Party could not be prohibited from marching peacefully, simply because of the content of their message.

Rotary International v. Rotary Club of Duarte (1987)

California state law requiring Rotary Clubs to admit women to membership is constitutional and does not violate “expressive association.” Any small infringement of members’ rights is “justified by the State’s compelling interest in eliminating discrimination against women and assuring them equal access to public accommodations.”

Schenck v. Pro-Choice Network of Western New York (1997)

The Court overturned a fifteen-foot “floating buffer” around patients leaving or entering an abortion clinic; “fixed buffers” were permitted since they protected the government’s interest in public safety.

Boy Scouts of America v. Dale (2000)

Forcing the Boy Scouts to admit a homosexual as a scout leader would violate the private organization’s right of freedom of association. Forced inclusion of an unwanted person infringes on the group’s rights if that person’s presence affects the group’s ability to advocate its viewpoints; this is the right of “expressive association.”

RIGHT TO BEAR ARMS

United States v. Cruikshank (1876)

The Supreme Court recognized the right of the people to keep and bear arms. They concurred that the right predated the Constitution and the Bill of Rights. They ruled that the right to bear arms was not dependent on the Constitution for its existence; consequently, the Second Amendment only forbade the Congress, not the states, from "infringing" on the acknowledged right to bear arms.

Presser v. Illinois (1886)

In a case dealing with public military drilling by private organizations, the Supreme Court suggested that the Second Amendment applies to the states through the Fourteenth Amendment.

Lewis v. United States (1980)

This case determined whether part of a 1968 law that prohibits the possession of firearms by convicted felons violated the Second Amendment. The Court acknowledged that among the rights denied convicted felons was the right to bear arms.

United States v. Verdugo-Urquidez (1990)

The Supreme Court unanimously ruled that the phrase "the people" means the same in the Second Amendment as it does in the First, Fourth, and Ninth Amendments as well as in the Preamble. The reference to "the people" means all citizens and legal aliens while in the United States.

CITIZEN JURIES

Strauder v. West Virginia (1880)

The Court ruled that no citizen might be excluded from a jury pool because of race.

Smith v. State of Texas (1941)

Racial discrimination in jury selection violates the Constitution.

Hernandez v. Texas (1954)

The Court ruled that no citizen might be excluded from a jury pool because of national origin.

Duncan v. Louisiana (1968)

Duncan was accused of simple assault and tried and convicted without a jury. The Court gave him a new trial, emphasizing the role of the jury in preventing government oppression.

Taylor v. Louisiana (1975)

No citizen might be excluded from a jury pool on account of her gender.

Batson v. Kentucky (1986), Powers v. Ohio (1991)

The Court found that the Equal Protection clause of the Fourteenth Amendment prohibited attorneys from using peremptory challenges to strike prospective jurors solely on the basis of race.

J.E.B. v. Alabama (1994)

The Equal Protection clause of the Fourteenth Amendment prohibits attorneys from using peremptory challenges to strike prospective jurors solely on the basis of gender.

CRIMINAL PROCEDURE AND SEARCHES

Powell v. Alabama (1932)

The Court ruled that indigent members of society (in this case, the Scottsboro Boys), when charged with a capital crime, must be given competent counsel at the expense of the public.

Bartkus v. Illinois (1959)

The Court ruled that prosecutions in state and federal courts for the same act are not violations of due process and double jeopardy protections; persons may be tried twice for the same crimes, once in federal court and once in state court.

Mapp v. Ohio (1961)

All evidence obtained by searches and seizures in violation of the Constitution is inadmissible in court; this is the "exclusionary rule."

Robinson v. California (1962)

A California law imprisoning those with "illness" of drug addiction was a cruel and unusual punishment in violation of the Eighth Amendment. The law punished people because of their "status" of addiction and was not aimed at the purchase, sale, or possession of illegal drugs.

Gideon v. Wainwright (1963)

The Supreme Court overturned *Betts v. Brady* and required that any indigent person accused of a felony must be given an attorney at the public's expense.

Escobedo v. Illinois (1964)

The Court extended the "exclusionary rule" to include any confessions obtained by unconstitutional means. Once questioning reaches past a stage of "general inquiry," the suspect has the right to have an attorney present.

Miranda v. Arizona (1966)

Since the police had not informed Mr. Miranda of his constitutional right to keep silent, his rights were violated and conviction was set aside.

Terry v. Ohio (1968)

The Court found that a "stop and frisk" is a "search and seizure" under the Fourth Amendment and, under certain circumstances, is a reasonable crime prevention practice. Seized evidence may be admissible.

Furman v. Georgia (1972)

The imposition and carrying out of the death penalty was held to constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments because it was done in "an arbitrary, discriminatory, and capricious manner."

Gregg v. Georgia (1976)

Georgia's law imposing the death penalty under very specific circumstances and guidelines is held constitutional. The death penalty "does not invariably violate the Constitution." The judicious and careful use of the penalty was justified in that it met contemporary standards of society, served a deterrent or retributive purpose, and was not arbitrarily applied.

Ingraham v. Wright (1977)

Corporal punishment in schools is not prohibited under the Eighth Amendment as cruel and unusual.

Nix v. Williams (1984)

The Court found that if police learn of evidence by unconstitutional means, they may still introduce it at trial if they can prove that they would have found the evidence anyway through constitutional means. There is an “inevitable discovery” exception to the Exclusionary Rule.

New Jersey v. T.L.O. (1985)

The Fourth Amendment ban on unreasonable searches applies to those conducted by public school officials as well as by law enforcement personnel; however, the Court used a less strict standard of “reasonable suspicion” to conclude that the search of a student’s purse by public school officials did not violate the Fourth and Fourteenth Amendments.

Vernonia v. Acton (1995)

Students must submit to random drug testing in order to participate in interscholastic athletics; the policy is “reasonable and hence constitutional.” Students in a school environment “have a lesser expectation of privacy than members of the population generally.” The reasonableness was determined by “balancing the intrusion” against the “promotion of legitimate government interests.”

Knowles v. Iowa (1998)

Police searches of vehicles on routine traffic stops are an “unreasonable search and seizure.”

Wyoming v. Houghton (1999)

Police may search the belongings of all passengers in a car when lawfully seeking evidence against the driver.

Dickerson v. United States (2000)

The Supreme Court ruled that Congress could not pass a law that would contradict a Supreme Court ruling. They cited *Marbury v. Madison* (1803) as the source of their power. Judicial Review gave the Court the final say on an act’s constitutionality. Justices writing in dissent called the ruling the “Pyramid of judicial arrogance.”

Board of Education of Pottawatomie County v. Earls (2002)

School district requirements of drug tests for all students participating in any extra-curricular activities were upheld by the Court. The testing is a “reasonable means of furthering the School District’s important interest in preventing and deterring drug use among its schoolchildren.”

PERSONAL LIBERTY

Kent v. Dulles (1958)

The Court ruled that “freedom to travel is, indeed, an important aspect of the citizen’s ‘liberty.’”

Griswold v. Connecticut (1965)

In stating a “right to privacy,” the Court determined that a married couple’s decision to use birth control was a personal decision and not subject to government regulation.

Loving v. Virginia (1967)

Virginia’s antimiscegenation law banning inter-racial marriages was declared an unconstitutional violation of the Equal Protection Clause because it had no legitimate purpose “independent of invidious racial discrimination.”

Roe v. Wade (1973)

The Court found that “the right of personal privacy includes the abortion decision.”

Washington v. Glucksberg (1997)

The Court held that the right to physician-assisted suicide did not exist in the Constitution and that state prohibitions were constitutional.

Boy Scouts of America v. Dale (2000)

Forcing the Boy Scouts to admit a homosexual as a scout leader would violate the private organization’s right of freedom of association. Forced inclusion of an unwanted person infringes on the group’s rights if that person’s presence affects the group’s ability to advocate its viewpoints; this is a right of “expressive association.”

Owasso Independent School District v. Falvo (2001)

Peer grading of student papers was upheld by the Court as this does not violate the Family Education Rights and Privacy Act.

Smith v. Doe (2003)

The Court upheld Alaska’s Sex Offender Registration Act as a civil sanction in the interest of public safety; therefore, the enforcement of the law does not violate the Ex Post Facto clause of the Constitution.

FEDERALISM

Hammer v. Dagenhart (1918)

The Court ruled that under the Tenth Amendment, only the states and not the federal government could regulate child labor (on the grounds that manufacturing is not commerce and not subject to federal regulation).

South Dakota v. Dole (1987)

A federal law that would withhold 5 percent of a state’s highway funds if it did not raise its minimum drinking age to 21 was ruled constitutional. The Court believed it was passed in the interest of the “general good” and by “reasonable means.”

INCORPORATION

Quincy Railways v. Chicago (1897)

The Court ruled that the state of Illinois acted unconstitutionally when it took property without paying just compensation. The Court ruled that Illinois had violated Quincy’s Fourteenth Amendment right to due process. The Court never actually said Illinois had to abide by the Fifth Amendment’s just compensation clause, but by using the Fourteenth Amendment to apply part of the Bill of Rights to a state action, the Court opened the door for similar protection of other provisions.