# Text 0:

**Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.**

1. Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
   The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.
2. Stoner v. California, 376 U.S. 483 (1964), is a United States Supreme Court decision involving the Fourth Amendment. It was a criminal case appealed from the California Courts of Appeal after the California Supreme Court denied review. The case extended the situations under which search warrants are required as they reversed a robbery conviction made on the basis of evidence obtained in violation of the holding.  
   The petitioner, Joey Stoner, had been arrested following a 1960 supermarket robbery in the Los Angeles area. Eyewitness accounts and evidence left at the scene led the police to a hotel elsewhere in the region where Stoner was staying. Two days later, detectives went to the hotel and, with the desk clerk's permission, searched the room and found further evidence linking him to the robbery. Stoner was arrested two days later in Nevada, and extradited. The evidence from the hotel room was used to convict him of the robbery at trial. Stoner unsuccessfully challenged the admissibility of the evidence at trial and on appeal, since police had lacked a warrant and relied on the clerk's permission. The appeals court held that the search was incident to arrest and thus permissible.  
   Writing for the Court, Justice Potter Stewart reaffirmed two previous holdings: The first, Agnello v. United States (1925) held such warrantless searches are constitutional only to the extent that they take place at the same time, and in the same place, as the arrest. Two other cases established that the hotel clerk's consent did not permit police to search the room without a warrant. "[A] guest in a hotel room is entitled to constitutional protection against unreasonable searches and seizures" Stewart wrote. "That protection would disappear if it were left to depend upon the unfettered discretion of an employee of the hotel." It did not matter that hotel staff might be permitted to enter the room as that was merely for the limited purpose of cleaning and maintenance. The only other opinion was Justice John Marshall Harlan II, who concurred in the holding but dissented from the disposition reversing the conviction. He would have left it to California's courts to decide whether the admission of the hotel-room evidence was harmless error, as the Court had done in similar circumstances in Fahy v. Connecticut.  
   The reaffirmation of the earlier rulings was necessitated by the Mapp v. Ohio decision a few years earlier, which extended the exclusionary rule under which unlawfully obtained evidence is inadmissible at trial, to the states as well as the federal government. It came at a time when the Warren Court was beginning to rethink and provide exceptions to the traditional Fourth Amendment doctrine that only those with a possessory or proprietary interest in what was searched had standing to challenge the constitutionality of the search. Several years later, in Katz v. United States, the Court abandoned that doctrine entirely in favor of the reasonable expectation of privacy test now in use.

# Text 1:

**Two Pesos, Inc. v. Taco Cabana, Inc., 505 U.S. 763 (1992), was a United States Supreme Court case where the Court held that Two Pesos, Inc. infringed upon the trademark of Taco Cabana, Inc. by copying the design of their restaurants. Writing for a majority of the court, Justice Byron White concluded that trade dress is inherently distinctive under the Lanham Act and that plaintiffs are not required to prove secondary meaning in suits to protect their trademark. The Court upheld an award of $3.7 million in damages, and Taco Cabana ultimately acquired all of Two Pesos' assets in 1993 for $22 million.**

1. Qualitex Co. v. Jacobson Products Co., Inc., 514 U.S. 159 (1995), was a United States Supreme Court case in which the Court held that a color could meet the legal requirements for trademark registration under the Lanham Act, provided that it has acquired secondary meaning in the market.
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 2:

**Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993), was a decision by the Supreme Court of the United States concerning whether the Free Speech Clause of the First Amendment was offended by a school district that refused to allow a church access to school premises to show films dealing with family and child-rearing issues faced by parents. In a unanimous decision, the court concluded that it was.**

1. Zorach v. Clauson, 343 U.S. 306 (1952), was a release time case in which the Supreme Court of the United States held that a school district to allow students to leave the public school for part of the day to receive off-site religious instruction did not violate the Establishment Clause of the First Amendment.
2. Bethel School District v. Fraser, 478 U.S. 675 (1986), was a landmark decision of the Supreme Court of the United States in which the Court upheld the suspension of a high school student who delivered a sexually suggestive speech at a school assembly. The case involved free speech in public schools.  
   On April 26, 1983, student Matthew Fraser was suspended from Bethel High School in Pierce County, Washington after he gave a speech including sexual innuendo while nominating a classmate for a student council position at a school assembly. Believing his speech to be inappropriate and vulgar, the school's administration suspended Fraser for three days and barred him from speaking at graduation. After unsuccessfully appealing his punishment through the school's grievance procedures, Fraser filed a lawsuit against the school board, claiming the suspension violated his right to free speech under the First Amendment to the U.S. Constitution.  
   The United States District Court and Ninth Circuit Court of Appeals both sided with Fraser. On appeal to the U.S. Supreme Court, a 7–2 majority held that his suspension did not violate the First Amendment. Writing for the majority, Chief Justice Warren Burger found that schools have the right to suppress student speech that is considered lewd or indecent, even if not obscene, in the interest of preserving a safe educational environment.

# Text 3:

**Graham v. Florida, 560 U.S. 48 (2010), was a decision by the Supreme Court of the United States holding that juvenile offenders cannot be sentenced to life imprisonment without parole for non-homicide offenses.  
In June 2012, in the related Miller v. Alabama, the Court ruled that mandatory sentences for life without parole for juvenile offenders, even in cases of murder, was cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.**

1. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 4:

**United States v. Wunderlich, 342 U.S. 98 (1951), was a case decided before the United States Supreme Court.**

1. Sacher v. United States, 343 U.S. 1 (1952), was a United States Supreme Court case in which the Court upheld the convictions of five attorneys for contempt of court.
2. Schmuck v. United States, 489 U.S. 705 (1989), is a United States Supreme Court decision on criminal law and procedure. By a 5–4 margin it upheld the mail fraud conviction of an Illinois man and resolved a conflict among the appellate circuits over which test to use to determine if a defendant was entitled to a jury instruction allowing conviction on a lesser included charge. Justice Harry Blackmun wrote for the majority; Antonin Scalia for the dissent.  
   The case had begun when Schmuck was prosecuted for having rolled back odometers for years on cars he sold to used-car dealers. He had been indicted for 12 counts of mail fraud, based on the vehicle title applications the dealers had then mailed to the state's Department of Transportation in order to resell the cars. Before his trial in the Western District of Wisconsin, he had been denied a motion to have the jury instructed that they could vote to convict him of tampering with the odometer, at the time a less serious offense, if they did not find him guilty of mail fraud.  
   He raised the issue after his conviction with the Seventh Circuit Court of Appeals, as well as the applicability of the mail-fraud statute to the dealers' applications. A panel rejected the latter argument but agreed that the jury should have been allowed to consider the lesser charge, reversing the conviction and remanding the case for a new trial. The government appealed that decision to an en banc panel of the circuit, which restored the conviction, holding that the odometer tampering was not "inherently related" to the mail fraud. Since other appellate circuits had preferred a different test for lesser included charges, Schmuck successfully petitioned the Supreme Court to hear the case.  
   Blackmun ruled for the government on both questions. Since Schmuck had enjoyed a continuing relationship with the dealers he sold to, and the cars could not be resold to a retail customer without titles obtained using false information, the dealers' applications were an essential element of his crime and thus constituted mail fraud. On the second question, Blackmun said the court should have considered whether the elements of odometer tampering were a subset of the elements of the mail fraud, and since that was not the case Schmuck had been properly denied the instruction. Scalia's dissent focused exclusively on the mail fraud issue. Since Schmuck had already received his payment for the altered vehicles, it did not matter what happened afterwards, a holding he found more consistent with the Court's earlier rulings on the subject.

# Text 5:

**Trammel v. United States, 445 U.S. 40 (1980), is a United States Supreme Court case involving the spousal privilege and its application in the law of evidence. In it, the Court held that the witness-spouse alone has a privilege to refuse to testify adversely; the witness may be neither compelled to testify nor foreclosed from testifying.  
In it, the court upheld the conviction of the Petitioner. Prior to presenting his case before the Supreme Court, the Petitioner was convicted of illegally smuggling heroin into the United States and conspiracy to import, based upon the testimony of his wife. The Petitioner then appealed, claiming that the admission of the adverse testimony of his wife, over his objection, contravened prior precedent and therefore constituted reversible error.  
The court rejected both traditional and contemporary justifications for the traditional scope of the privilege.  
In so ruling, the court held that a witness-spouse alone has a privilege to refuse to testify adversely; the witness may be neither compelled to testify nor foreclosed from testifying.**

1. Rummel v. Estelle, 445 U.S. 263 (1980), (sometimes erroneously cited as Rummel v. Estell) was a United States Supreme Court case in which the Court upheld a life sentence with the possibility of parole under Texas' three strikes law for a felony fraud crime, where the offense and the defendant's two prior offenses involved approximately $230 of fraudulent activity (worth $847 in 2023 dollars, or about four 40-hour weeks at the contemporary Texas minimum wage of $1.40/hour).
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 6:

**Boddie v. Connecticut, 401 U.S. 371 (1971), was a case before the United States Supreme Court.**

1. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.
2. Oyler v. Boles, 368 U.S. 448 (1962), was a case heard by the Supreme Court of the United States.

# Text 7:

**St. Mary's Honor Center v. Hicks, 509 U.S. 502 (1993), was a US labor law case before the United States Supreme Court on the burden of proof and the relevance of intent for race discrimination.**

1. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.
2. Saint Francis College v. al-Khazraji, 481 U.S. 604 (1987), is a United States labor law case decided by the United States Supreme Court.

# Text 8:

**Polar Tankers, Inc. v. City of Valdez, 557 U.S. 1 (2009), was a decision by the Supreme Court of the United States involving the tonnage clause of the United States Constitution.  
The City of Valdez in Alaska imposed a property tax that, in practice, applied only to large oil tankers. Polar Tankers, a ConocoPhillips subsidiary, sued, arguing that the tax violated the Tonnage Clause of the Constitution, which forbids a state, "without the Consent of Congress, [to] lay any Duty of Tonnage."  
The Supreme Court agreed with Polar Tankers. The court noted that the original meaning of the clause was as a term of art for a tax imposed that varies with "the internal cubic capacity of a vessel," but emphasized that a consistent line of cases had read the clause broadly, "forbidding a State to do that indirectly which she is forbidden ... to do directly." Those cases, the court concluded, stood for the proposition that the tonnage clause's prohibition reaches any taxes or duties on a ship, "whether a fixed sum upon its whole tonnage, or a sum to be ascertained by comparing the amount of tonnage with the rate of duty[,] ... regardless of [the tax or duty's] name or form ... which operate to impose a charge for the privilege of entering, trading in, or lying in a port."  
With this premise in mind, the court concluded that because Valdez taxes "ships and to no other property at all[,] ... in order to obtain revenue for general city purposes[, this was] ... the kind of tax that the Tonnage Clause forbids Valdez to impose without the consent of Congress, consent that Valdez lacks."**

1. Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
   The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
   After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
   Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
   Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
   Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."
2. Exxon Corp. v. Governor of Maryland, 437 U.S. 117 (1978), was a case in which the Supreme Court of the United States upheld a Maryland law prohibiting oil producers and refiners from operating service stations within its borders. The challengers, including Exxon, claimed that the law violated the Dormant Commerce Clause. Justice Stevens wrote for the majority, which disagreed with Exxon et al.: "Since Maryland's entire gasoline supply flows in interstate commerce and since there are no local producers or refiners, such claims of disparate treatment between interstate and local commerce would be meritless." Exxon challenged the Maryland statute in Circuit Court which ruled the statute invalid. The Maryland Court of Appeals reversed the ruling.

# Text 9:

**Williamson v. Mazda Motor of America, Inc., 562 U.S. 323 (2011), was a decision by the Supreme Court of the United States, in which the Court unanimously held that Federal Motor Vehicle Safety Standard 208, promulgated by the National Highway Traffic Safety Administration, does not federally preempt state tort lawsuits against auto manufacturers from injuries caused by a defective lack of certain types of seat belts.  
The case arose when Thanh Williamson died in a 2002 auto accident from seat-belt related injuries. Williamson's family filed suit against Mazda Motor of America in California state court, claiming a defective design leading to a wrongful death. However, the California trial court dismissed the suit on the pleadings, agreeing with Mazda that the action was preempted by federal law, and the California Court of Appeal affirmed the dismissal. The California Supreme Court declined to review the case, but the U.S. Supreme Court accepted the Williamson's petition for certiorari.  
In a unanimous decision handed down on February 23, 2011, the Court unanimously (8-0, with Justice Elena Kagan not taking part in this case) reversed the California courts and held that federal preemption does not apply. Justice Stephen Breyer wrote the decision of the court. Justice Sonia Sotomayor wrote a concurring opinion, and Justice Clarence Thomas wrote an opinion concurring in the judgment.**

1. Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29 (1983), commonly known in U.S. administrative law as State Farm, is a United States Supreme Court decision concerning regulations requiring passive restraints in cars. Decided in 1983, one year before Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., the Court found that the National Highway Traffic Safety Administration had not provided a "reasoned analysis" for rescinding regulations that required either airbags or automatic seat belts in new cars.  
   It held that the arbitrary and capricious standard for reviewing agency action to enact regulations also applied to changing regulations. It held the rescinding the standard was arbitrary and capricious because the NHTSA did not provide evidence for the decision for two reasons: 1) The agency did not consider alternatives like requiring all cars to have airbags 2) The agency did not provide any evidence for its findings that automatic seat belts would not increase seat belt usage, even though the record evidence included surveys of drivers showing that seat belt usage more than doubled over manual seat belts.  
   The case is noteworthy not only for its effects on car safety but also in clarifying the Court's approach to reviewing agency actions under the Administrative Procedure Act.
2. Williamson v. Lee Optical Co., 348 U.S. 483 (1955), was a case in which the Supreme Court of the United States held that state laws regulating business are subject to only rational basis review and that the Court need not contemplate all possible reasons for legislation.

# Text 10:

**United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954), is a landmark United States Supreme Court case, in administrative law, in which the Court held that administrative agencies in the Federal Government are obliged to follow their own regulations, policies and procedures. Under the Accardi doctrine, named after this case, federal agencies which do not follow their own regulations or procedures run the risk of having their actions invalidated if challenged in court.  
The Accardi doctrine was later strengthened in Service v. Dulles 354 US 363 (1957) and Vitarelli v. Seaton, 359 US 535 (1959)   
Due to a ruling in United States v. Fausto, the doctrine generally does not apply to Federal employment decisions that are covered by the Civil Service Reform Act of 1978.**

1. United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950), was a United States Supreme Court case that notably ruled that the executive and legislative branches have the inherent power to exclude immigrants from the United States, that courts lack jurisdiction regarding the deportation of individuals within the United States unless it is explicitly stated in law, and that the Constitution does not grant aliens any protections when trying to enter the United States. In a four-to-three decision, this case firmly demonstrates the plenary powers of Congress and the Executive Branch, as it is one of the first cases that bars the judicial review of executive or legislative orders of exclusion in most circumstances.
2. Agostini v. Felton, 521 U.S. 203 (1997), is a landmark decision of the Supreme Court of the United States. In this case, the Court overruled its decision in Aguilar v. Felton (1985), now finding that it was not a violation of the Establishment Clause of the First Amendment for a state-sponsored education initiative to allow public school teachers to instruct at religious schools, so long as the material was secular and neutral in nature and no "excessive entanglement" between government and religion was apparent. This case is noteworthy in a broader sense as a sign of evolving judicial standards surrounding the First Amendment, and the changes that have occurred in modern Establishment Clause jurisprudence.

# Text 11:

**Alexander v. Gardner-Denver Co., 415 U.S. 36 (1974), is a US labor law case, concerning arbitration with collective agreements for labor rights.**

1. Garner v. Teamsters Local 776, 346 U.S. 485 (1953), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.

# Text 12:

**Cort v. Ash, 422 U.S. 66 (1975), was a case in which Justice William J. Brennan writing for a unanimous United States Supreme Court articulated a four factor test for federal courts to apply when deciding whether the implication doctrine allows a cause of action to be inferred from a federal statute that does not clearly state a civil remedy.  
The Cort criteria were applied by some lower federal courts as a restrictive standard to test applications of the implication doctrine, including a 7th Circuit decision, later reversed by the Supreme Court, which held no private right of action exists under Title IX to challenge a denial of admission to medical school as gender-based discrimination.**

1. Skinner v. Switzer, 562 U.S. 521 (2011), is a decision by the U.S. Supreme Court regarding the route through which a prisoner may obtain biological DNA material for testing to challenge his conviction; whether through a civil rights suit or a habeas corpus petition. A majority of the Court held that the civil rights path was the appropriate path.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 13:

**United States v. Adams, 383 U.S. 39 (1966), is a United States Supreme Court decision in the area of patent law. This case was later cited in KSR v. Teleflex as an example of a case satisfying the requirement for non-obviousness of a combination of known elements. It also features one of the great stories of patent litigation lore, with Adams's attorney utilizing an innovative and unique method of non-oral advocacy at oral argument in front of the Supreme Court.**

1. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.
2. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).

# Text 14:

**New York v. Quarles, 467 U.S. 649 (1984), was a decision by the United States Supreme Court regarding the public safety exception to the normal Fifth Amendment requirements of the Miranda warning.**

1. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 15:

**United States v. Montgomery Country Board of Education, 395 U.S. 225 (1969), was a case heard before the United States Supreme Court concerning the integration of public schools in Montgomery County, Alabama.**

1. Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969), was a United States Supreme Court case in which the Court ordered immediate desegregation of public schools in the American South. It followed 15 years of delays to integrate by most Southern school boards after the Court's ruling in Brown v. Board of Education (1954) that segregated public schools were unconstitutional.
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 16:

**Tennessee v. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."  
It was found that the use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.: 563–7  Legal scholars have expressed support for this decision stating that the decision had "a strong effect on police behavior" and specifically that it can "influence police use of deadly force."**

1. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.
2. Scott v. Harris, 550 U.S. 372 (2007), was a decision by the Supreme Court of the United States involving a lawsuit against a sheriff's deputy brought by a motorist who was paralyzed after the officer ran his eluding vehicle off the road during a high-speed car chase. The driver contended that this action was an unreasonable seizure under the Fourth Amendment. The case also involved the question of whether a police officer's qualified immunity shielded him from suit under Section 1983. On April 30, 2007, in an 8–1 decision, the court sided with police and ruled that a "police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death." In a rare occurrence, the court accepted the presentation of video evidence of the high-speed pursuit. Such procedure is quite uncommon in the Supreme Court and was viewed as part of an interesting relationship between the Supreme Court and technology. The video had a strong effect on the Court's decision and is viewed as a major factor in how the court made its decision. The author of the opinion, Justice Antonin Scalia, in a first-time occurrence ever, posted the video of the car chase online (for access to the video, see external links below).  
   Justice John Paul Stevens, the lone dissenter, argued that the videotape evidence was not decisive, as the majority claimed it to be, and that a jury should determine if deadly force was justified. He stated a jury should be used, instead of the case "being decided by a group of elderly appellate judges," a reference to himself and his colleagues on the court (this sentence is not in the text of the dissent, but he pronounced it while reading the opinion at bench).  
   Three law professors created an experiment based on the video, showing it to over a thousand subjects and then asking them whether they thought the use of deadly force was reasonable. The study found "[a] fairly substantial majority did interpret the facts the way the Court did. But members of various subcommunities did not." The study and the disagreement over the reasonableness of the use of deadly force was reported in the Harvard Law Review.

# Text 17:

**Duncan v. Louisiana, 391 U.S. 145 (1968), was a significant United States Supreme Court decision which incorporated the Sixth Amendment right to a jury trial and applied it to the states.**

1. Burch v. Louisiana, 441 U.S. 130 (1979), was a case decided by the United States Supreme Court that invalidated a Louisiana statute allowing a conviction upon a nonunanimous verdict from a jury of six for a petty offense. The statute allowed for conviction if only five jurors agreed, and this was held to be a violation of the Sixth Amendment.
2. Pointer v. Texas, 380 U.S. 400 (1965), was a decision by the United States Supreme Court involving the application of the right of to confront accusers in state court proceedings. The Sixth Amendment in the Bill of Rights states that, in criminal prosecutions, the defendant has a right "...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor..." In this case, a person arrested in Texas for robbery was deprived of the ability to cross-examine a witness when the lower court allowed the introduction of a transcript of that witness's earlier testimony at a preliminary proceeding instead of compelling attendance by the witness at trial.

# Text 18:

**Tampa Electric Co. v. Nashville Coal Co., 365 U.S. 320 (1961), the Tampa Electric case, was a 1961 decision of the Supreme Court that, together with United States v. Philadelphia National Bank, clarified the legal test for determining whether requirements contracts "may substantially lessen competition" or "tend to create a monopoly" for purposes of section 3 of the Clayton Antitrust Act.**

1. United States v. Philadelphia National Bank, 374 U.S. 321 (1963), also called the Philadelphia Bank case, was a 1963 decision of the United States Supreme Court that held Section 7 of the Clayton Act, as amended in 1950, applied to bank mergers. It was the first case in which the Supreme Court considered the application of antitrust laws to the commercial banking industry. In addition to holding the statute applicable to bank mergers, the Court established a presumption that mergers that covered at least 30 percent of the relevant market were presumptively unlawful.
2. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.

# Text 19:

**Frisbie v. Collins, 342 U.S. 519 (1952), is a decision by the United States Supreme Court, holding that kidnapping of a defendant by State authorities for the purpose of taking a suspect from one jurisdiction to another for criminal trial, is constitutional. The defendant was tried in Michigan after being abducted by Michigan authorities in Chicago, Illinois. The case relied upon Ker v. Illinois (1886). The Ker–Frisbie doctrine, continues to be used to uphold convictions based on illegal arrests.**

1. United States v. Alvarez-Machain, 504 U.S. 655 (1992), was a United States Supreme Court case in which the Court held that the respondent's forcible abduction from a foreign country, despite the existence of an extradition treaty with said country, does not prohibit him from being tried before a U.S. court for violations of American criminal laws. The ruling reconfirmed the Ker-Frisbie Doctrine, established in Ker v. Illinois (1886) and Frisbie v. Collins (1952), which generally permits the prosecution of criminal defendants regardless of whether their presence was obtained in accordance with an applicable extradition treaty.
2. Frisby v. Schultz, 487 U.S. 474 (1988), was a case in which the Supreme Court of the United States upheld the ordinance by the town of Brookfield, Wisconsin, preventing protest outside of a residential home. In a 6–3 decision, the Court ruled that the First Amendment rights to freedom of assembly and speech was not facially violated. The majority opinion, written by Justice Sandra Day O'Connor, concluded that the ordinance was constitutionally valid because it was narrowly tailored to meet a "substantial and justifiable" interest in the state; left open "ample alternative channels of communication"; and was content-neutral.

# Text 20:

**Bellotti v. Baird, 428 U.S. 132 (1976), was a United States Supreme Court case in which the Court upheld a Massachusetts law requiring parental consent to a minor's abortion, under the provision that "if one or both of the [minor]'s parents refuse... consent, consent may be obtained by order of a judge... for good cause shown." The decision was unanimous, and the opinion of the Court was written by Harry Blackmun. The law in question "permits a minor capable of giving informed consent to obtain a court order allowing abortion without parental consultation, and further permits even a minor incapable of giving informed consent to obtain an abortion order without parental consultation where it is shown that abortion would be in her best interests."  
The case was initially titled as Baird v. Quinn (Baird et al. v. Quinn et al.) since that proceedings commenced, Robert H. Quinn was the attorney general of Massachusetts. He was replaced in 1975 by Francis X. Bellotti.**

1. Bellotti v. Baird, 443 U.S. 622 (1979), is a United States Supreme Court case that ruled 8-1 that teenagers do not have to secure parental consent to obtain an abortion.  
   The Court elaborated on its parental consent decision of 1976. It implies that states may be able to require a pregnant, unmarried minor to obtain parental consent to an abortion if the state law provides an alternative procedure to parental approval, such as letting the minor seek a state judge's approval instead. The plurality opinion declined to extend the full right to minors to seek and obtain an abortion, which was granted to adult women in Roe v. Wade. The Court rejected the extension to minors by placing emphasis on the especially vulnerable nature of children, their "inability to make critical decisions in an informed and mature manner; and the importance of the parental role in child rearing." Ironically, the plurality opinion allows a judge to determine that a pregnant minor is unable to make critical decisions regarding a fetus and must instead become a parent—thereby forcing the minor to make critical decisions regarding another child.  
   Consent must be obtained from the parent(s) for a minor to have a nonemergency abortion and the parent(s) must know about the judicial proceedings, unless no parent(s) are available. If the judge decides the minor is mature and making an informed and capable decision, he can still deny the abortion based on his own decision.  
   Justice Lewis F. Powell Jr., joined by Chief Justice Warren E. Burger, Justice Potter Stewart, and Justice William Rehnquist argued there are three reasons why children aren't like adults: the vulnerability of children, the lack of critical decision making, and reliance on parents guidance for their children upbringing.  
   Justice John P. Stevens, joined by Justice William J. Brennan Jr., Justice Thurgood Marshall, and Justice Harry Blackmun, concluded that the Massachusetts statute was unconstitutional because first it allows for the court to deny the abortion despite the courts decision on the minor's maturity. Second, consent was required in every case without giving the minor an option to an independent case to prove she was mature, leading to an 'absolute third-party veto'.  
   If a state requires a pregnant minor to obtain consent of one or both parents, another alternative option must be available for the minor to receive the abortion. The alternative process has four requirements: (1) the minor is permitted to demonstrate her maturity and informed decision making on having the abortion without parental consent, (2) if the minor does not prove maturity, she has the ability to convince the judge that the abortion would be the best decision for her (3) the minor must remain anonymous, and (4) the process must be expedited to ensure the abortion will be possible to obtain.  
   Justice Rehnquist concurred on stare decisis grounds while continuing to oppose the constitutional right to an abortion.
2. First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), is a U.S. constitutional law case which defined the free speech right of corporations for the first time. The United States Supreme Court held that corporations have a First Amendment right to make contributions to ballot initiative campaigns. The ruling came in response to a Massachusetts law that prohibited corporate donations in ballot initiatives unless the corporation's interests were directly involved.  
   In 1976 several corporations, including the First National Bank of Boston, were barred from contributing to a Massachusetts referendum regarding tax policy and subsequently sued. The case was successfully appealed to the Supreme Court, which heard oral arguments in November 1977. On April 26, 1978, the Court ruled 5–4 against the Massachusetts law.  
   As a result of the ruling, states could no longer impose specific regulations on donations from corporations in ballot initiative campaigns. While the Bellotti decision did not directly affect federal law, it has been cited by other Supreme Court cases such as McConnell v. FEC and Citizens United v. FEC.

# Text 21:

**North v. Russell, 427 U.S. 328 (1976), is a United States Supreme Court case which held that a non-lawyer jurist can constitutionally sit in a jail-carrying criminal case provided that the defendant has an opportunity through an appeal to obtain a second trial before a judge who is a lawyer.**

1. United States v. Russell, 411 U.S. 423 (1973), is a Supreme Court case dealing with the entrapment defense. The court split 5-4 and maintained the subjective theory that had first been adopted in Sorrells v. United States, 287 U.S. 435 (1932). Although an undercover federal agent had helped procure a key ingredient for an illegal methamphetamine manufacturing operation, and assisted in the process, the Court followed its earlier rulings on the subject and found that the defendant had a predisposition to make and sell illegal drugs whether he worked with the government or not.  
   Russell had admitted to that during his appeal, but he and his lawyers argued that the entrapment defense should focus entirely on what the federal operatives did and not his state of mind. They asked the Court to overrule two previous cases that had established this "subjective" test in favor of the "objective" one they advocated. It declined to do so. But Justice William Rehnquist pondered the possibility that what has become known as "outrageous government conduct" might force a judicial hand in an entrapment case regardless of any specific rights that had been or not been violated. While he backed away from it in a later opinion, his words have become a rallying point for advocates of the objective entrapment standard.
2. Gideon v. Wainwright, 372 U.S. 335 (1963), was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own. The case extended the right to counsel, which had been found under the Fifth and Sixth Amendments to impose requirements on the federal government, by imposing those requirements upon the states as well.  
   The Court reasoned that the assistance of counsel is "one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty", and that the Sixth Amendment serves as a warning that "if the constitutional safeguards it provides be lost, justice will not still be done."

# Text 22:

**Jones v. Harris Associates L.P., 559 U.S. 335 (2010), is a case decided by the United States Supreme Court in which investors claimed that the fees they paid to an investment advisor were too steep, violating the Investment Company Act of 1940.  
The case held that the court has the jurisdiction to regulate fees of investment advisers in the mutual fund industry under the Investment Company Act of 1940, when those fees are excessive, and in breach of fiduciary duty. It is notable from a law and economics perspective for the vigorous opinion in the Seventh Circuit Court of Appeal of Judge Frank Easterbrook and the powerful dissent of Richard Posner, regarding the necessity and market failure in respect of adviser fee regulation.**

1. Central Bank of Denver v. First Interstate Bank of Denver, 511 U.S. 164 (1994), was a decision by the United States Supreme Court, which held private plaintiffs may not maintain aiding and abetting suits under Securities Exchange Act § 10(b).  
   The majority opinion in the case established that liability did not extend to "aiders or abettors" that participate in misstatements or omissions in connection with the sale of securities. The Supreme Court held that "private civil liability under Rule 10b-5 does not extend to those who do not engage in a manipulative or deceptive practice but who aid and abet such a violation of 10(b)." This distinguished between the primary liability of violators of Rule 10b-5 and non-primary defendants, who had not directly deceived investors. This was a more literal reading than hitherto of Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b-5, which prohibit fraud or deceit in connection with the purchase or sale of securities.  
   The Supreme Court's ruling reversed a long history of court decisions and SEC enforcement actions where aiders and abettors, often banks, accountants, trustees, and attorneys, were found liable under Rule 10b-5. The case makes the distinction between primary violators, who directly misstate or omit material facts that are relied upon by investors, and aiders and abettors. According to the court: "A plaintiff must show reliance on the defendant's misstatement or omission to recover under 10b-5. Basic Inc. v. Levinson, supra, at 243. Were we to allow the aiding and abetting action proposed in this case, the defendant could be liable without any showing that the plaintiff relied upon the aider and abettor's statement or actions. . . .". When investors relied on such statements or actions, the court extends Rule 10b-5 liability to these secondary participants. The Court stated that "any person or entity, including a lawyer, accountant, or bank, who employs a manipulative device or makes a material misstatement (or omission) on which a purchaser or seller of securities relies may be liable as a primary violator under 10b-5. . .."
2. United States v. Harriss, 347 U.S. 612 (1954), was a U.S. Supreme Court case applied directly to the Regulation of Lobbying Act.

# Text 23:

**United States v. R. Enterprises, Inc., 498 U.S. 292 (1991), was a United States Supreme Court case in which the court held that the three prong test for the issuance of a subpoena in United States v. Nixon does not apply to subpoenas issued by a grand jury. The Court concluded by stating that when a grand jury subpoena is challenged on relevancy grounds, the motion to quash must be denied "unless the district court determines that there is no reasonable possibility that the materials sought will produce information relevant to the grand jury's investigation."**

1. Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.
2. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.

# Text 24:

**Durham v. United States, 401 U.S. 481 (1971), was a United States Supreme Court case in which the Court held that the death of a defendant pending a petition for certiorari before the Supreme Court on direct review of the criminal conviction will cause the Court to vacate the conviction. In a per curiam opinion, the Court wrote that "[t]he unanimity of the lower federal courts" in vacating criminal convictions when the defendant dies during direct review was "impressive" and accordingly vacated the original conviction.  
In a one-sentence dissent, Justice Marshall, joined by Chief Justice Burger and Justice Stewart, wrote that the Court should dismiss only the petition for writ of certiorari rather than the entire conviction, writing:  
  
MR. JUSTICE MARSHALL, whom THE CHIEF JUSTICE and MR. JUSTICE STEWART join, believes that the case should be disposed of as follows: The petitioner having died while his petition for certiorari was pending before this Court, we dismiss the petition as moot and direct the Court of Appeals to note this action on its records.  
Justice Blackmun wrote a separate dissenting opinion, noting that the petitioner had filed his petition out of time and that the Court should not dismiss a criminal conviction "which was unsuccessfully appealed throughout the entire appeal process to which the petitioner was entitled as of right".  
The Court's decision in this case and other abatement cases has been criticized for allowing convicted criminal defendants to escape the collateral consequences of their convictions, including restitution orders.  
The Court's decision in Durham was later overruled in Dove v. United States.**

1. United States v. Morgan, 346 U.S. 502 (1954), is a landmark decision by the United States Supreme Court which provides the writ of coram nobis as the proper application to request federal post-conviction judicial review for those who have completed the conviction's incarceration in order to challenge the validity of a federal criminal conviction.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 25:

**Holland v. Florida, 560 U.S. 631 (2010), was a United States Supreme Court case in which the Court held that the statute of limitations under the Antiterrorism and Effective Death Penalty Act is subject to equitable tolling in appropriate cases.**

1. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.
2. Enmund v. Florida, 458 U.S. 782 (1982), is a United States Supreme Court case. It was a 5–4 decision in which the United States Supreme Court applied its capital proportionality principle, to set aside the death penalty for the driver of a getaway car, in a robbery-murder of an elderly Floridian couple. The court ruled that the imposition of the death penalty under the felony murder rule when the defendant did not intentionally kill the victim constituted cruel and unusual punishment under the Eighth Amendment of the United States constitution.

# Text 26:

**Morgan v. Illinois, 504 U.S. 719 (1992), is a case decided by the United States Supreme Court. The case established the right of defendants to challenge for cause any juror that would automatically impose the death penalty in all capital cases.**

1. United States v. Morgan, 346 U.S. 502 (1954), is a landmark decision by the United States Supreme Court which provides the writ of coram nobis as the proper application to request federal post-conviction judicial review for those who have completed the conviction's incarceration in order to challenge the validity of a federal criminal conviction.
2. Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
   The Court said,  
     
   Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
   The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.

# Text 27:

**Pennsylvania v. Nelson, 350 U.S. 497 (1956), was a United States Supreme Court case that established a precedent for the preemption of United States Federal law over State laws. The case was argued November 15–16, 1955 and the decision was handed down April 2, 1956. The State of Pennsylvania tried to convict a man of sedition under a state law, but a Federal law existed on the same subject. The Court ruled that the Federal law, the Smith Act, overruled the state law, the Pennsylvania Sedition Act, even though the state law was created before the federal law. Nelson, who was convicted under the state law, was therefore mistried.**

1. Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18
2. One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693 (1965), was a Supreme Court of the United States case handed down in 1965. The Court ruled that civil forfeiture could not apply where the evidence used to invoke the forfeiture was obtained illegally.  
   Some police officers followed the suspect vehicle, and pulled over the car because it was "riding low". Without a warrant, they searched the trunk and found untaxed liquor. The car was seized, and the state also attempted to confiscate the automobile in question as a civil penalty. The Court ruled unanimously that the Fourth Amendment's protection against unreasonable searches and seizures, held applicable to the states by the Fourteenth Amendment, applies to civil actions by the states as well as criminal ones, noting that one could be subject to an even worse penalty in a civil proceeding, where the value of the items being forfeited might be more than the maximum possible fine in a criminal case.  
   The form of the styling of this case—the plaintiff being an object, rather than a legal person—is because this is a jurisdiction in rem (power over objects) case, rather than the more familiar in personam (over persons) case.

# Text 28:

**Kois v. Wisconsin, 408 U.S. 229 (1972), was a ruling by the U.S. Supreme Court in the case of the obscenity conviction of Milwaukee editor-publisher John Kois, whose underground newspaper Kaleidoscope had published two small photographs of pictures of nudes and a sexually-oriented poem entitled "Sex Poem" in 1968. The Supreme Court ruled that, in the context in which they appeared, the photographs were rationally related to a news article which they illustrated and were thus entitled to Fourteenth Amendment protection, and that the poem "bears some of the earmarks of an attempt at serious art" (whether successful or not), and thus was not obscene under the Roth v. United States test ("whether or not the 'dominant' theme of the material appeals to prurient interest"). In the words of the concurring opinion of Justice William O. Douglas, "In this case, the vague umbrella of obscenity laws was used in an attempt to run a radical newspaper out of business and to impose a two-year sentence and a $2,000 fine upon its publisher. If obscenity laws continue in this uneven and uncertain enforcement, then the vehicle has been found for the suppression of any unpopular tract. The guarantee of free expression will thus be diluted and in its stead public discourse will only embrace that which has the approval of five members of this Court."  
As alluded to in Justice Douglas' opinion, by this time Kaleidoscope had already been driven out of business.**

1. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 29:

**Hunter v. Erickson, 393 U.S. 385 (1969), was a United States Supreme Court case.  
The question in the case was "whether the City of Akron, Ohio, has denied [a black citizen] the equal protection of its laws by amending the city charter to prevent the city council from implementing any ordinance dealing with racial, religious, or ancestral discrimination in housing without the approval of the majority of the voters of Akron."  
The Court held an amendment of a city charter to discriminate against minorities, and constitute a real, substantial, and invidious denial of the equal protection of the laws under the Fourteenth Amendment.  
This amendment provided that an ordinance enacted by the city council would not be effective unless approved by a majority of the city voters at a regular or general election, and that any such ordinance in effect at the time of the charter amendment shall cease to be effective until approved by the voters, a fair housing ordinance having in fact been previously enacted by the city council; that ordinance dealt with racial, religious, or ancestral discrimination in housing.  
The amendment discriminated and violated the equal protection of the laws since, under the city's general system of enacting ordinances, an ordinance was effective a specified time after passage by the city council unless 10 percent of the voters petitioned for a referendum, and the amendment of the charter not only suspended the operation of the existing ordinance forbidding housing discrimination, but also made an explicit racial classification treating racial housing matters differently from other racial matters or other housing matters and made it more difficult to secure enactment of ordinances subject to the amendment, it being immaterial that the amendment drew no distinctions among racial and religious groups, since the amendment disadvantaged those who would benefit from laws barring racial, religious, or ancestral discriminations as against those who would bar other discriminations or who would otherwise regulate the real-estate market in their favor, and since the reality is that the law's impact falls on the minority and places special burdens on racial minorities within the governmental process.**

1. Moore v. City of East Cleveland, 431 U.S. 494 (1977), was a United States Supreme Court case in which the Court ruled that an East Cleveland, Ohio zoning ordinance that prohibited Inez Moore, a black grandmother, from living with her grandchild was unconstitutional. Writing for a plurality of the Court, Associate Justice Lewis F. Powell Jr. ruled that the East Cleveland zoning ordinance violated substantive due process because it intruded too far upon the "sanctity of the family." Justice John Paul Stevens wrote an opinion concurring in the judgment in which he agreed that the ordinance was unconstitutional, but he based his conclusion upon the theory that the ordinance intruded too far upon the Moore's ability to use her property "as she sees fit." Scholars have recognized Moore as one of several Supreme Court decisions that established "a constitutional right to family integrity."
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 30:

**United States v. Utah Construction & Mining Company, 384 U.S. 394 (1966), is a United States Supreme Court case in which the Court held that "(w)hen an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it which the parties have had an adequate opportunity to litigate, the courts have not hesitated to apply res judicata to enforce repose." Utah Construction established a two-part test to determine whether res judicata effect should be given to an administrative determination. First, the agency proceeding must be examined to determine whether the agency was "acting in a judicial capacity" and whether the parties had "an adequate opportunity to litigate" the issues before the agency. Second, the general rules of res judicata must be applied to the case. Not all administrative adjudications, and not all judicial determinations, are entitled to res judicata effect. For the principles of res judicata to apply, administrative determinations, like court judgments, must be valid, final and on the merits.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
2. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.

# Text 31:

**Kleindienst v. Mandel, 408 U.S. 753 (1972), was a decision by the United States Supreme Court, which held that the United States Attorney General has the right to refuse somebody's entry to the United States, as he has been empowered to do so in § 212(a)(28) of the Immigration and Nationality Act of 1952.  
This action was brought to compel Attorney General Richard Kleindienst to grant a temporary nonimmigrant visa to a Belgian journalist and Marxian theoretician whom the American plaintiff-appellees, Ernest Mandel et al., had invited to participate in academic conferences and discussions in the US. The alien had been found ineligible for admission under §§ 212(a)(28)(D) and (G)(v) of the Immigration and Nationality Act of 1952, barring those who advocate or publish "the economic, international, and governmental doctrines of world communism." Kleindienst had declined to waive ineligibility as he has the power to do under § 212(d) of the Act, basing his decision on unscheduled activities engaged in by the alien on a previous visit to the United States, when a waiver was granted.**

1. Vance v. Terrazas, 444 U.S. 252 (1980), was a United States Supreme Court decision that established that a United States citizen cannot have their citizenship taken away unless they have acted with an intent to give up that citizenship. The Supreme Court overturned portions of an act of Congress which had listed various actions and had said that the performance of any of these actions could be taken as conclusive, irrebuttable proof of intent to give up U.S. citizenship. However, the Court ruled that a person's intent to give up citizenship could be established through a standard of preponderance of evidence (i.e., more likely than not) — rejecting an argument that intent to relinquish citizenship could only be found on the basis of clear, convincing and unequivocal evidence.
2. Aptheker v. Secretary of State, 378 U.S. 500 (1964), was a landmark decision of the US Supreme Court on the right to travel and passport restrictions as they relate to Fifth Amendment due process rights and First Amendment free speech, freedom of assembly and freedom of association rights. It is the first case in which the US Supreme Court considered the constitutionality of personal restrictions on the right to travel abroad.  
   In Aptheker, the petitioner challenged Section 6 of the Subversive Activities Control Act of 1950, which made it a crime for any member of a Communist organization to attempt to use or obtain a passport.

# Text 32:

**Braunfeld v. Brown, 366 U.S. 599 (1961), was a landmark case on the issue of religious and economic liberty decided by the United States Supreme Court. In a 6–3 decision, the Court held that a Pennsylvania blue law forbidding the sale of various retail products on Sunday was not an unconstitutional interference with religion as described in the First Amendment to the United States Constitution.**

1. Brown v. Allen, 344 U.S. 443 (1953), is a landmark United States Supreme Court case about habeas corpus.
2. Kingsley Books, Inc. v. Brown, 354 U.S. 436 (1957), was a Supreme Court case that addressed issues of obscenity, free speech, and due process. The case stemmed from the confiscation and destruction of books from a New York City bookstore. The court's determination was that:   
     
   A state injunction against distribution of material designated as "obscene" does not violate freedom of speech and press protected by the First Amendment and the Due Process Clause of the Fourteenth Amendment.

# Text 33:

**California v. Hodari D., 499 U.S. 621 (1991), was a United States Supreme Court case where the Court held that a fleeing suspect is not "seized" under the terms of the Fourth Amendment unless the pursuing officers apply physical force to the suspect or the suspect submits to officers' demands to halt. Consequently, evidence that is discarded by a fleeing suspect prior to the point in time at which they are seized is not subject to the Fourth Amendment's exclusionary rule.**

1. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.
2. Horton v. California, 496 U.S. 128 (1990), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not prohibit the warrantless seizure of evidence which is in plain view. The discovery of the evidence does not have to be inadvertent, although that is a characteristic of most legitimate plain-view seizures. The opinion clarified the plain view doctrine of the Court's Fourth Amendment analysis.

# Text 34:

**J. D. B. v. North Carolina, 564 U.S. 261 (2011), was a case in which the Supreme Court of the United States held that age and mental status is relevant when determining police custody for Miranda purposes, overturning its prior ruling from seven years before. J. D. B. was a 13-year-old student enrolled in special education classes whom police had suspected of committing two robberies. A police investigator visited J. D. B. at school, where he was interrogated by the investigator, a uniformed police officer, and school officials. J. D. B. subsequently confessed to his crimes and was convicted. J. D. B. was not given a Miranda warning during the interrogation, nor an opportunity to contact his legal guardian.  
During the trial, attempts to suppress the statements given by J. D. B. because he was not given a Miranda warning were denied on the grounds that J. D. B. was not in police custody. J. D. B. appealed.  
The North Carolina Supreme Court held that the Supreme Court's ruling in Yarborough v. Alvarado barred them from determining whether or not he was in custody based on his age. The court determined that a reasonable adult would've felt free to leave; consequently, J. D. B. was not in custody. Thus the court affirmed the ruling of the trial court. J. D. B. appealed, and the U.S. Supreme Court granted certiorari.  
The U.S. Supreme Court argued that the age and mental status of an individual can take part in the psychological effect that he faces during police interaction. It's nearly exact to the reasoning of the 1970 Kentucky Supreme Court case of Allee v. Commonwealth, which held that the age and mental status of an individual is relevant in determining whether his statements are involuntary. Based on these reasons, the U.S. Supreme Court reversed the North Carolina Supreme Court and remanded for further proceedings. The North Carolina Supreme Court on remand then determined that J. D. B. was in custody, and remanded for further proceedings.**

1. North Carolina v. Alford, 400 U.S. 25 (1970), was a case in which the Supreme Court of the United States affirmed that there are no constitutional barriers in place to prevent a judge from accepting a guilty plea from a defendant who wants to plead guilty, while still protesting his innocence, under duress, as a detainee status. This type of plea has become known as an Alford plea, differing slightly from the nolo contendere plea in which the defendant agrees to being sentenced for the crime, but does not admit guilt. Alford died in prison in 1975.
2. Parker v. North Carolina, 397 U.S. 790 (1970), was a United States Supreme Court case in which the Court ruled that a plea agreement was valid even if the defendant entered into it in order to avoid the death penalty and even if his decision was based on a possibly mistaken belief on the part of the defendant and his lawyer that a confession the defendant had made would be admissible in court.

# Text 35:

**Federal Trade Commission v. Colgate-Palmolive Company, 380 U.S. 374 (1965), was a United States Supreme Court case.**

1. United States v. Parke, Davis & Co., 362 U.S. 29 (1960), was a 1960 decision of the United States Supreme Court limiting the so-called Colgate doctrine, which substantially insulates unilateral refusals to deal with price-cutters from the antitrust laws. The Parke, Davis & Co. case held that, when a company goes beyond "the limited dispensation" of Colgate by taking affirmative steps to induce adherence to its suggested prices, it puts together a combination among competitors to fix prices in violation of § 1 of the Sherman Act. In addition, the Court held that when a company abandons an illegal practice because it knows the US Government is investigating it and contemplating suit, it is an abuse of discretion for the trial court to hold the case that follows moot and dismiss it without granting relief sought against the illegal practice.
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 36:

**Wisconsin Department of Revenue v. William Wrigley Jr. Co., 505 U.S. 214 (1992), is a case decided by the United States Supreme Court regarding the application of state franchise taxes to out-of-state businesses.**

1. In National Bellas Hess v. Department of Revenue of Illinois, 386 U.S. 753 (1967), the Supreme Court ruled that a mail order reseller was not required to collect sales tax unless it had some physical contact with the state.
2. Wisconsin v. City of New York, 517 U.S. 1 (1996), was a United States Supreme Court case that held that under the Constitution's Census Clause, Congress is granted with the authority to conduct an "actual enumeration" of the American society, chiefly for the purpose of allocating congressional representation among the states.  
   Congress assigned the responsibility of conducting an "actual enumeration" of the American society to the Secretary of Commerce, who in the 1990 census, decided not to implement the statistical correction, better known as the post-enumeration survey (PES) to adjust an undercount in the initial population count.  
   Furthermore, following several citizens' groups, states, and cities, Wisconsin disputed the Secretary's decision not to use PES declaring that it resulted in an undercounting of certain identifiable minority groups.

# Text 37:

**National Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989), was a United States Supreme Court case involving the Fourth Amendment and its implication on drug testing programs. The majority of the Court upheld the drug testing program in the United States Customs Service.**

1. United States v. National Treasury Employees Union, 513 U.S. 454 (1995), was a United States Supreme Court case in which the Court held that Section 501(b) of the Ethics in Government Act of 1978 violates the First Amendment of the United States Constitution.
2. Skinner v. Railway Labor Executives Association, 489 U.S. 602 (1989), was the U.S. Supreme Court case that paved the way for random drug testing of public employees in "safety sensitive" positions.

# Text 38:

**Trbovich v. United Mine Workers, 404 U.S. 528 (1972), is a 6–1 decision of the Supreme Court of the United States in which the Court held that the Labor-Management Reporting and Disclosure Act of 1959 gave union members the right to intervene in enforcement proceedings brought by the United States Department of Labor in enforcement proceedings under the Act.**

1. Dunlop v. Bachowski, 421 U.S. 560 (1975), is a unanimous decision of the Supreme Court of the United States which held that the Labor-Management Reporting and Disclosure Act of 1959 gives federal courts jurisdiction to review decisions of the United States Department of Labor to proceed (or not) with prosecutions under the Act. In this case, there was a disputed election within the United Steelworkers. The Court declined to authorize a jury-type trial into the reasons for the department's decisions, and instead held that court may only review the department's rationales under the "arbitrary and capricious" test.
2. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.

# Text 39:

**United States v. X-Citement Video, Inc., 513 U.S. 64 (1994), was a federal criminal prosecution filed in the United States District Court for the Central District of California in Los Angeles against X-Citement Video and its owner, Rubin Gottesman, on three charges of trafficking in child pornography, specifically videos featuring the underaged Traci Lords. In 1989, a federal judge found Gottesman guilty and later sentenced him to one year in jail and a $100,000 fine.  
The defense challenged the constitutionality of certain sections of the federal laws against child pornography, claiming they were unconstitutionally vague. On appeal, the United States Court of Appeals for the Ninth Circuit agreed and reversed the district decision in 1992.  
The case was appealed again to the Supreme Court, which, in turn, by a 7-2 vote, reversed the ruling of the Ninth Circuit on November 29, 1994, because the relevant sections could be interpreted in a way that is constitutional.**

1. United States v. 12 200-ft. Reels of Film, 413 U.S. 123 (1973), was an in rem case decided by the United States Supreme Court that considered the question of whether the First Amendment required that citizens be allowed to import obscene material for their personal and private use at home, which was already held to be protected several years earlier. By a 5–4 margin, the Court held that it did not.  
   This case was very similar to United States v. Thirty-seven Photographs, a case the Court had heard two years earlier. It began when the films, and other visual and textual material with predominant explicit sexual content, were seized by customs agents from Paladini, a California man returning from Mexico. Federal law at the time prohibited the import of any material that might be judged to be obscene. Paladini challenged the forfeiture proceedings the government initiated, on the grounds that he intended the material for his personal use in the privacy of his own home, an activity the Court had ruled was protected under the First Amendment in Stanley v. Georgia. Thus, he argued, he had a right to obtain such material abroad for that purpose.  
   After a district court panel agreed with him and declared the statute unconstitutional, the case went to the Supreme Court directly. Its opinion was one of four obscenity cases handed down, along with Miller v. California, in which the Court announced a new standard of obscenity for the first time since Roth v. United States 17 years before. By a 5–4 margin, the Court held that the statute was constitutional, but it also ordered the district court to review the material under its new standard and consider whether it was still obscene.  
   Chief Justice Warren Burger wrote for the majority, reaffirming a similar holding in Thirty-seven Photographs that the right to possess something in one's home which might otherwise be unlawful outside of it did not give rise to a right to import it. William O. Douglas wrote a lengthy dissent, responding as much to the majority holding in Miller, arguing that history showed obscenity laws were not vigorously enforced at the time the Bill of Rights was adopted and thus could not be justified on traditionalist grounds. William Brennan wrote a shorter dissent, joined by the other two justices, calling the statute overbroad.
2. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984), also known as the "Betamax case", is a decision by the Supreme Court of the United States which ruled that the making of individual copies of complete television shows for purposes of time shifting does not constitute copyright infringement, but can instead be defended as fair use. The court also ruled that the manufacturers of home video recording devices, such as Betamax or other VCRs (referred to as VTRs in the case), cannot be liable for contributory infringement. The case was a boon to the home video market, as it created a legal safe harbor for the technology.  
   The broader legal consequence of the Supreme Court's decision was its establishment of a general test for determining whether a device with copying or recording capabilities ran afoul of copyright law. This test has created some interpretative challenges for courts when applying the precedent to more recent file sharing technologies available for use on home computers and over the Internet.

# Text 40:

**Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.**

1. Compco Corp. v. Day-Brite Lighting, Inc., 376 U.S. 234 (1964), was a United States Supreme Court decision that was a companion case to Sears, Roebuck & Co. v. Stiffel Co. that the Court decided on the same day. Like Sears, Compco held that state law that in effect duplicates the protections of the US patent law is pre-empted by federal law.
2. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).

# Text 41:

**Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."**

1. BP America Production Co. v. Burton, 549 U.S. 84 (2006), was a United States Supreme Court case about whether a statute of limitations on government actions for contract claims applies to actions by a federal administrative agency to recover royalties on federal oil and gas leases. After two members recused themselves, the court ruled unanimously that it does not apply, in an opinion by Justice Samuel Alito.
2. Chick Kam Choo v. Exxon Corp., 486 U.S. 140 (1988), was a United States Supreme Court case in which the Court held that a federal court's dismissal of a civil action on the ground that it should be heard in a foreign court, under the doctrine of forum non conveniens, does not preclude the plaintiff from filing the same action in a state court that applies different forum non conveniens rules.

# Text 42:

**United States v. Park, 421 U.S. 658 (1975), was a case in the Supreme Court of the United States which held the Chief Executive Officer of a company may be criminally liable for contaminating food in violation of the Federal Food, Drug, and Cosmetic Act.  
Sections 402 and 301 of the Act prohibited adulterating food held for sale in interstate commerce. Park was the CEO of Acme Markets, Inc. In 1971, the FDA notified Acme and Park that a 12-day inspection revealed insanitary conditions and vermin contamination.  
Park failed to comply with a mandate from the FDA, under the Federal Food, Drugs, and Cosmetics Act, to keep conditions within his warehouses legally sanitary.  
In the case, the Court found Park strictly liable for the unsanitary conditions that his company had created, arguing for strict liability under the rationale that the Federal Food, Drugs, and Cosmetics Act was a 'public welfare' statute. The Court concluded that as a welfare statute, the purpose was to prevent egregious social harm; therefore, the Defendant could be held strictly liable for the crime.  
The Court held that if someone were to willingly be in charge of a company, and therefore its problems, then he or she willingly accepts the consequences of any illegal practices that his or her company or organization is involved in. An exception is made if the problem is impossible to fix.**

1. United States v. Parke, Davis & Co., 362 U.S. 29 (1960), was a 1960 decision of the United States Supreme Court limiting the so-called Colgate doctrine, which substantially insulates unilateral refusals to deal with price-cutters from the antitrust laws. The Parke, Davis & Co. case held that, when a company goes beyond "the limited dispensation" of Colgate by taking affirmative steps to induce adherence to its suggested prices, it puts together a combination among competitors to fix prices in violation of § 1 of the Sherman Act. In addition, the Court held that when a company abandons an illegal practice because it knows the US Government is investigating it and contemplating suit, it is an abuse of discretion for the trial court to hold the case that follows moot and dismiss it without granting relief sought against the illegal practice.
2. Heckler v. Chaney, 470 U.S. 821 (1985), is a decision of the Supreme Court of the United States which held that a federal agency's decision to not take an enforcement action is presumptively unreviewable by the courts under section 701(a)(2) of the Administrative Procedure Act (APA). The case arose out of a group of death row inmates' petition to the Food and Drug Administration (FDA), seeking to have the agency thwart the state governments' plans to execute the inmates by lethal injection. The FDA declined to interfere, a decision the inmates appealed unsuccessfully to the District Court for the District of Columbia. On further review, the D.C. Circuit Court of Appeals held that the FDA's action was reviewable and that its denial was "arbitrary and capricious". The Supreme Court unanimously reversed the appeals court and declared in an 8–1 decision that agency nonenforcement decisions were presumptively unreviewable.  
   The case hinged on various interpretations of sections 706 and 701(a) of the APA. Section 706 makes agency actions reviewable and empowers courts to set them aside when they are found to be "arbitrary, capricious, [or] an abuse of discretion", while section 701(a) lists two exceptions to section 706, preventing review where it is prevented by another statute or "committed to agency discretion by law". These two exceptions, fairly similar in scope, raised questions for courts attempting to interpret them. In Citizens to Preserve Overton Park v. Volpe (1971), the court ruled that the section 701(a)(2) exemption applies only where "statutes are drawn in such broad terms that in a given case there is no law to apply" that might constrain the agency's discretion, a holding which provoked some criticism from lower courts and the wider legal community.  
   The D.C. Circuit Court of Appeals reacted to Overton Park by holding that practical considerations should be used in determining whether to grant review, rather than looking at the laws relevant to the agency in question – in Chaney, they did precisely this in overturning the district court. The Supreme Court overturned the appeals court's decision and upheld Overton Park's emphasis on statutory considerations, but the presumption of unreviewability it created in this case was largely based on practical factors rather than statutory factors. It reasoned that, in general, an agency's decision not to enforce does not easily lend itself to manageable standards of judicial review, likening such a decision to one a prosecutor might make. It highlighted, however, that the presumption of unreviewability can be rebutted where the plaintiffs provide a relevant statute ("law to apply") that limits the discretion of the agency.  
   Justice William J. Brennan Jr. concurred with the majority and emphasized that the court was not closing off all avenues of review for nonenforcement decisions. Justice Thurgood Marshall concurred in the judgment only, criticizing the majority's decision to create a presumption of unreviewability and instead arguing that the FDA's decision should have been held to be reviewable and upheld on the merits. Lower courts largely accepted the ruling, albeit with varying interpretations of scope; the wider legal community criticized the majority's rationale for a presumption of unreviewability while agreeing with the result immediately concerning the inmates.

# Text 43:

**Laird v. Tatum, 408 U.S. 1 (1972), was a case in which the United States Supreme Court dismissed for lack of ripeness a claim in which the plaintiff accused the U.S. Army of alleged unlawful "surveillance of lawful citizen's political activity." The appellant's specific nature of the harm caused by the surveillance was that it chilled the First Amendment rights of all citizens and undermined that right to express political dissent.**

1. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.
2. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.

# Text 44:

**Mistretta v. United States, 488 U.S. 361 (1989), is a case decided by the United States Supreme Court concerning the constitutionality of the United States Sentencing Commission.**

1. Pepper v. United States, 562 U.S. 476 (2011), is a 2011 decision by the Supreme Court of the United States concerning whether a United States District Court properly handled the sentencing of a former methamphetamine dealer. He was originally sentenced to 24 months in prison, far shorter than what federal guidelines generally specify for crimes of that nature. Prosecutors appealed the case to the United States Court of Appeals for the Eighth Circuit, which remanded the case back to the United States District Court for the Northern District of Iowa, which affirmed the original sentence after testimony relating the defendant's rehabilitation. The case was appealed to the Eighth Circuit again, and was again remanded. A different District Court judge gave him a 65-month sentence. The defendant then brought the case back to the Eighth Circuit, which confirmed the later ruling, and to then to the Supreme Court. Sonia Sotomayor wrote the opinion of the court, which ruled in favor of the defendant.
2. Stinson v. United States, 508 U.S. 36 (1993), is a decision of the United States Supreme Court that held Sentencing Commission guidelines may be cited as binding authority when courts issue sentences for criminal defendants.

# Text 45:

**Klor's, Inc. v. Broadway-Hale Stores, Inc., 359 U.S. 207 (1959), is a United States Supreme Court decision holding that a retail chain's persuasion of a number of suppliers not to deal with a competitive retailer was a per se illegal boycott – under a hub-and-spoke conspiracy theory.**

1. Pruneyard Shopping Center v. Robins, 447 U.S. 74 (1980), was a U.S. Supreme Court decision issued on June 9, 1980 which affirmed the decision of the California Supreme Court in a case that arose out of a free speech dispute between the Pruneyard Shopping Center in Campbell, California, and several local high school students (who wished to canvass signatures for a petition against United Nations General Assembly Resolution 3379).
2. United States v. Loew's Inc., 371 U.S. 38 (1962), was an antitrust case in which the Supreme Court of the United States held that block booking of movies—the offer of only a combined assortment of movies to an exhibitor—violates the Sherman Antitrust Act.  
   Besides its legal consequences, the court's decision affected economic theory, explaining product bundling as a form of price discrimination.

# Text 46:

**United States v. National Treasury Employees Union, 513 U.S. 454 (1995), was a United States Supreme Court case in which the Court held that Section 501(b) of the Ethics in Government Act of 1978 violates the First Amendment of the United States Constitution.**

1. National Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989), was a United States Supreme Court case involving the Fourth Amendment and its implication on drug testing programs. The majority of the Court upheld the drug testing program in the United States Customs Service.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 47:

**Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 U.S. 585 (1985), was a United States Supreme Court case that decided whether a dominant firm's unilateral refusal to deal with a competitor could establish a monopolization claim under Section 2 of the Sherman Act. The unanimous Supreme Court agreed with the 10th Circuit that terminating a pro-consumer joint venture without a legitimate business justification could constitute illegal monopolization. However, its decision created an exception to the general rule that firms can decide with whom to do business absent collusion, sparking significant controversy about the appropriate scope of this exception. In a subsequent case, Verizon Communications Inc. v. Law Offices of Curtis V. Trinko, LLP, Justice Scalia, writing for the majority, stated that Aspen Skiing is "at or near the outer boundary of § 2 liability." Although its holding has been narrowed, this case's relevance remains contested, especially in the context of refusals to license intellectual property.**

1. Spectrum Sports, Inc. v. McQuillan, 506 U.S. 447 (1993), was a case in which the Supreme Court of the United States rejected the assertion that attempted monopolization may be proven merely by demonstration of unfair or predatory conduct. Instead, conduct of a single firm could be held to be unlawful attempted monopolization only when it actually monopolized or dangerously threatened to do so. Thus, the Court rejected the conclusion that injury to competition could be presumed to follow from certain conduct. The causal link must be demonstrated.
2. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).

# Text 48:

**Lindh v. Murphy, 521 U.S. 320 (1997), was a United States Supreme Court case in which the Court held the Antiterrorism and Effective Death Penalty Act of 1996's amendments to Title 28, Section 2254 of the United States Code applies to cases filed after the Act's effective date. The amendments "do not apply to pending noncapital cases such as Lindh's."  
In his dissent, Chief Justice William Rehnquist argues that "in light of the whole of our retroactivity jurisprudence," pending cases should be subject to the Antiterrorism and Effective Death Penalty Act of 1996's amendments.**

1. Cupp v. Murphy, 412 U.S. 291 (1973), was a United States Supreme Court case in which the Court upheld a murder conviction notwithstanding a challenge that the evidence upon which guilt was based was obtained in violation of the Fourth and Fourteenth Amendments of the United States Constitution. The court held that in view of the station-house detention upon probable cause, the very limited intrusion of scraping the defendant's fingernails for blood and other material, undertaken to preserve highly evanescent evidence, did not violate the Fourth and Fourteenth Amendments.  
   Justice Stewart wrote for the majority. Based on this decision, it is permissible for police officers to conduct a limited search on a defendant when they believe that the defendant is likely to destroy evidence, provided that the search is limited to vindicating the purpose of preserving evidence.
2. Holland v. Florida, 560 U.S. 631 (2010), was a United States Supreme Court case in which the Court held that the statute of limitations under the Antiterrorism and Effective Death Penalty Act is subject to equitable tolling in appropriate cases.

# Text 49:

**Colorado v. Spring, 479 U.S. 564 (1987), was a United States Supreme Court case in which the Court held that a suspect's awareness of the crimes about which he may be questioned is not relevant to his waiver of his Fifth Amendment rights.**

1. Colorado v. Bertine, 479 U.S. 367 (1987), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the State from proving charges with the evidence discovered during an inventory search.  
   This case is controlled by the principles governing inventory searches of automobiles and of an arrestee's personal effects, as set forth in South Dakota v. Opperman, and Illinois v. Lafayette, rather than those governing searches of closed trunks and suitcases conducted solely for the purpose of investigating criminal conduct. United States v. Chadwick, and Arkansas v. Sanders, distinguished.
2. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.

# Text 50:

**Rakas v. Illinois, 439 U.S. 128 (1978), was a decision by the United States Supreme Court, in which the Court held that the "legitimately on the property" requirement of Jones v. United States, for challenging the legality of a police search, was too broad. The majority opinion by then-Associate Justice Rehnquist held that a defendant needs to show a "legitimate" expectation of privacy in the place searched in order to be eligible to challenge the search. For example, an overnight guest in a friend's apartment has such "standing".  
In the case at issue, the Court ruled that vehicular passengers in a car they did not own had no such legitimate expectation.**

1. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.
2. Ybarra v. Illinois was a decision of the U.S. Supreme Court which ruled that a warrant can not be used to search an unnamed individual unless the warrant mentions that unnamed parties are involved or exigent circumstances are shown to exist.

# Text 51:

**Delaware v. Prouse, 440 U.S. 648 (1979), was a United States Supreme Court case in which the Court held that police may not stop motorists without any reasonable suspicion to suspect crime or illegal activity to check their driver's license and auto registration.**

1. Franks v. Delaware, 438 U.S. 154 (1978), is a United States Supreme Court case dealing with defendants' rights to challenge evidence collected on the basis of a warrant granted on the basis of a false statement. The court held that where a warrant affidavit contains a statement, necessary to the finding of probable cause, that is demonstrated to be both false and included by an affiant knowingly and intentionally, or with reckless disregard for the truth, the warrant is not valid.
2. Whren v. United States, 517 U.S. 806 (1996), was a unanimous United States Supreme Court decision that "declared that any traffic offense committed by a driver was a legitimate legal basis for a stop."  
   In an opinion authored by Antonin Scalia, the court held that a search and seizure is not a violation of the Fourth Amendment in cases where the police officers have a "reasonable suspicion" that a traffic violation has occurred. The personal, or subjective, motives of an officer are not a factor in the Court's Fourth Amendment analysis of whether the cause for a stop is sufficient. The standard for reasonable suspicion is purely an objective one.  
   A major concern with this case's ruling is that police conducting traffic stops may racially profile the stopped persons. Similar to the controversy around New York City's Stop and Frisk program, some believe that the ruling in Whren will lead to an increase in racial profiling towards young African American males.

# Text 52:

**Harper & Row v. Nation Enterprises, 471 U.S. 539 (1985), was a United States Supreme Court decision in which public interest in learning about a historical figure's impressions of a historic event was held not to be sufficient to show fair use of material otherwise protected by copyright. Defendant, The Nation, had summarized and quoted substantially from A Time to Heal, President Gerald Ford's forthcoming memoir of his decision to pardon former president Richard Nixon. When Harper & Row, who held the rights to A Time to Heal, brought suit, The Nation asserted that its use of the book was protected under the doctrine of fair use, because of the great public interest in a historical figure's account of a historic incident. The Court rejected this argument holding that the right of first publication was important enough to find in favor of Harper.**

1. Time, Inc. v. Hill, 385 U.S. 374 (1967), is a United States Supreme Court case involving issues of privacy in balance with the First Amendment to the United States Constitution and principles of freedom of speech. The Court held 6–3 that the latter requires that merely negligent intrusions into the former by the media not be civilly actionable. It expanded that principle from its landmark defamation holding in New York Times v. Sullivan.  
   The Hill family had sued after Life implied in a blurb that the upcoming film adaptation of The Desperate Hours was based on the real-life incident where they were held hostage in their home by escaped convicts. It was accompanied by a photo of the Hills' house in a suburb of Philadelphia, from which they had moved shortly afterwards due to the lingering psychological effects of the episode. In fact, the plot of the novel and a successful play based on it were, while inspired by the Hills' experience, unrelated to it.  
   Former Vice President Richard M. Nixon argued the Hills' case before the Court.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 53:

**United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.**

1. Nixon v. General Services Administration, 433 U.S 425 (1977), is a landmark court case concerning the principle of presidential privilege and whether the public is allowed to view a President's “confidential documents”. The Presidential Recordings and Materials Preservation Act, signed into law by President Gerald Ford in 1974, ordered that the Administrator of the General Services Administration obtain President Richard Nixon’s presidential papers and tape recordings. In addition, the Act further ordered that government archivists seize these materials. These archivists would preserve the material deemed historic and return to former President Nixon the materials deemed private. Furthermore, this Act stated that material that was preserved could be used in judicial hearings and proceedings. Immediately after this Act was enacted, Richard Nixon filed a lawsuit in a federal district court claiming that the Act violated the principle of separation of powers, the principle of presidential privilege, Nixon's personal privacy, his First Amendment right of association, and further asserted that it amounted to a constitutionally prohibited Bill of Attainder.
2. Nixon v. United States, 506 U.S. 224 (1993), was a United States Supreme Court decision that determined that a question of whether the Senate had properly tried an impeachment was political in nature and could not be resolved in the courts if there was no applicable judicial standard.

# Text 54:

**Rostker v. Goldberg, 453 U.S. 57 (1981), is a decision of the Supreme Court of the United States holding that the practice of requiring only men to register for the draft was constitutional. After extensive hearings, floor debate and committee sessions on the matter, the United States Congress reauthorized the law, as it had previously been, to apply to men only. Several attorneys, including Robert L. Goldberg, subsequently challenged the Act as gender distinction. In a 6–3 decision, the Supreme Court upheld the Act, holding that its gender distinction was not a violation of the equal protection component of the Due Process Clause of the Fifth Amendment.**

1. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.

# Text 55:

**McNeil v. Wisconsin, 501 U.S. 171 (1991), held that the right to counsel secured by the Sixth Amendment and the right to counsel protected by Miranda v. Arizona are separate and distinct, such that invoking one does not implicitly invoke the other.**

1. Brewer v. Williams, 430 U.S. 387 (1977), is a decision by the United States Supreme Court that clarifies what constitutes "waiver" of the right to counsel for the purposes of the Sixth Amendment. Under Miranda v. Arizona, evidence obtained by police during interrogation of a suspect before he has been read his Miranda rights is inadmissible. Here, however, the defendant had been indicted in court and had asserted his desire to have counsel, thus his Sixth Amendment right to counsel had attached. At issue was whether a voluntary admission of incriminating facts in response to police statements made while the defendant was in custody and outside the presence of his lawyer constituted a waiver of this right to counsel.
2. Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
   This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.

# Text 56:

**Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.**

1. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.
2. Afroyim v. Rusk, 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States, which ruled that citizens of the United States may not be deprived of their citizenship involuntarily. The U.S. government had attempted to revoke the citizenship of Beys Afroyim, a man born in Poland, because he had cast a vote in an Israeli election after becoming a naturalized U.S. citizen. The Supreme Court decided that Afroyim's right to retain his citizenship was guaranteed by the Citizenship Clause of the Fourteenth Amendment to the Constitution. In so doing, the Court struck down a federal law mandating loss of U.S. citizenship for voting in a foreign election—thereby overruling one of its own precedents, Perez v. Brownell (1958), in which it had upheld loss of citizenship under similar circumstances less than a decade earlier.  
   The Afroyim decision opened the way for a wider acceptance of dual (or multiple) citizenship in United States law. The Bancroft Treaties—a series of agreements between the United States and other nations which had sought to limit dual citizenship following naturalization—were eventually abandoned after the Carter administration concluded that Afroyim and other Supreme Court decisions had rendered them unenforceable.  
   The impact of Afroyim v. Rusk was narrowed by a later case, Rogers v. Bellei (1971), in which the Court determined that the Fourteenth Amendment safeguarded citizenship only when a person was born or naturalized in the United States, and that Congress retained authority to regulate the citizenship status of a person who was born outside the United States to an American parent. However, the specific law at issue in Rogers v. Bellei—a requirement for a minimum period of U.S. residence that Bellei had failed to satisfy—was repealed by Congress in 1978. As a consequence of revised policies adopted in 1990 by the United States Department of State, it is now (in the words of one expert) "virtually impossible to lose American citizenship without formally and expressly renouncing it."

# Text 57:

**Dickinson v. United States, 346 U.S. 389 (1953), was a case in which the Supreme Court of the United States held there was no basis for denying a petitioner's (a Jehovah's Witness) claim to ministerial exemption from military service, and his conviction for refusing to submit to his local board's induction order was reversed.**

1. Simmons v. United States, 348 U.S. 397 (1955), was a case in which the Supreme Court of the United States ruled that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.
2. Gonzales v. United States, 348 U.S. 407 (1955), was a case in which the Supreme Court of the United States held that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.

# Text 58:

**Copperweld Corp. v. Independence Tube Corp., 467 U.S. 752 (1984), is a major US antitrust law case decided by the Supreme Court concerning the Pittsburgh firm Copperweld Corporation and the Chicago firm Independence Tube. It held that a parent company is incapable of conspiring with its wholly owned subsidiary for purposes of Section 1 of the Sherman Act because they cannot be considered separate economic entities.  
Section 1 of the Sherman Act states that "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal." However, for a condition of conspiracy to exist, there must be at least two parties involved. Copperweld held that separate incorporation was not enough to render a parent and its subsidiary capable of conspiring, since forcibly the economic interests of a wholly owned subsidiary must be those of its parent. It does not apply to partially owned subsidiaries.**

1. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).
2. Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), was a decision of the Supreme Court of the United States involving antitrust law and civil procedure. Authored by Justice David Souter, it established that parallel conduct, absent evidence of agreement, is insufficient to sustain an antitrust action under Section 1 of the Sherman Act. It also heightened the pleading requirement for federal civil cases by requiring for plaintiffs to include enough facts in their complaint to make it plausible, not merely possible or conceivable, that they will be able to prove facts to support their claims. The latter change in the law has been met with a great deal of controversy in legal circles, as evidenced by the dissenting opinion from Justice John Paul Stevens.

# Text 59:

**New York Times Co. v. Sullivan, 376 U.S. 254 (1964), was a landmark U.S. Supreme Court decision ruling that the freedom of speech protections in the First Amendment to the U.S. Constitution restrict the ability of public officials to sue for defamation. The decision held that if a plaintiff in a defamation lawsuit is a public official or candidate for public office, then not only must they prove the normal elements of defamation—publication of a false defamatory statement to a third party—they must also prove that the statement was made with "actual malice", meaning the defendant either knew the statement was false or recklessly disregarded whether it might be false. New York Times Co. v. Sullivan is frequently ranked as one of the greatest Supreme Court decisions of the modern era.  
The underlying case began in 1960, when The New York Times published a full-page advertisement by supporters of Martin Luther King Jr. that criticized the police in Montgomery, Alabama, for their treatment of civil rights movement protesters. The ad had several inaccuracies regarding facts such as the number of times King had been arrested during the protests, what song the protesters had sung, and whether students had been expelled for participating. Based on the inaccuracies, Montgomery police commissioner L. B. Sullivan sued the Times for defamation in the local Alabama county court. After the judge ruled that the advertisement's inaccuracies were defamatory per se, the jury returned a verdict in favor of Sullivan and awarded him $500,000 in damages. The Times appealed first to the Supreme Court of Alabama, which affirmed the verdict, and then to the U.S. Supreme Court, which agreed to hear the case.  
In March 1964, the Court issued a 9–0 decision holding that the Alabama court's verdict violated the First Amendment. The Court reasoned that defending the principle of wide-open debate will inevitably include "vehement, caustic, and...unpleasantly sharp attacks on government and public officials." The Supreme Court's decision, and its adoption of the actual malice standard, reduced the financial exposure from potential defamation claims and frustrated efforts by public officials to use these claims to suppress political criticism. The Supreme Court has since extended Sullivan's higher legal standard for defamation to all "public figures". This has made it extremely difficult for a public figure to win a defamation lawsuit in the United States.**

1. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.
2. Time, Inc. v. Firestone, 424 U.S. 448 (1976), was a U.S. Supreme Court case concerning defamation suits against public figures.

# Text 60:

**Roberts v. United States Jaycees, 468 U.S. 609 (1984), was a decision of the Supreme Court of the United States overturning the United States Court of Appeals for the Eighth Circuit's application of a Minnesota antidiscrimination law. The case established what was at the time the prevailing framework for analyzing claims of associative freedom, holding that the Minneapolis branch of the United States Jaycees could not bar women from becoming voting members.**

1. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.
2. Gonzales v. United States, 348 U.S. 407 (1955), was a case in which the Supreme Court of the United States held that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.

# Text 61:

**Nixon v. United States, 506 U.S. 224 (1993), was a United States Supreme Court decision that determined that a question of whether the Senate had properly tried an impeachment was political in nature and could not be resolved in the courts if there was no applicable judicial standard.**

1. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.
2. Nixon v. Fitzgerald, 457 U.S. 731 (1982), was a United States Supreme Court decision written by Justice Lewis Powell dealing with presidential immunity from civil liability for actions taken while in office. The Court found that a president "is entitled to absolute immunity from damages liability predicated on his official acts."

# Text 62:

**Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), was a decision of the Supreme Court of the United States regarding campaign finance regulations. The majority opinion authored by Thurgood Marshall held that the Michigan Campaign Finance Act, which burdened political speech by prohibiting corporations from using treasury money to make independent expenditures to support or oppose candidates in elections, was appropriately justified by a compelling state interest so as to overcome a First Amendment challenge. The court also found no Fourteenth Amendment violation, stating that Congress could treat press corporations and nonpress corporations differently without violating the Equal Protection Clause. Upholding the restriction on corporate political speech, The Court stated that "Corporate wealth can unfairly influence elections"; however, the Michigan law still allowed the corporation to make such expenditures from a segregated fund.**

1. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.
2. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".

# Text 63:

**Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009), was a United States Supreme Court case about the former crown lands of the Hawaiian monarchy, and whether the state's right to sell them was restricted by the 1993 Apology Resolution. The Court, in an opinion by Justice Samuel Alito, ruled unanimously that the state had the power to sell the lands free of encumbrances.**

1. Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984), was a case in which the United States Supreme Court held that a state could use eminent domain to take land that was overwhelmingly concentrated in the hands of private landowners and redistribute it to the wider population of private residents.
2. Hawaii v. Standard Oil Co. of Cal., 405 U.S. 251 (1972), was a decision by the United States Supreme Court which held that Section 4 of the Clayton Antitrust Act does not authorize a U.S. state to sue for damages for an injury to its general economy allegedly attributable to a violation of the United States antitrust law.

# Text 64:

**Twentieth Century Music Corp v. Aiken, 422 U.S. 151 (1975), was an important decision of the United States Supreme Court, out of the Third Circuit, that questioned whether the reception of a copyrighted song on a radio broadcast constitutes a copyright violation if the copyright owner has only licensed the broadcaster to "perform the composition publicly for profit".**

1. Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994), was a United States Supreme Court copyright law case that established that a commercial parody can qualify as fair use. This case established that the fact that money is made by a work does not make it impossible for fair use to apply; it is merely one of the components of a fair use analysis.
2. Broadcast Music Inc. v. Columbia Broadcasting System Inc., 441 U.S. 1 (1979), was an important antitrust case decided by the Supreme Court of the United States. It examined a complaint brought by CBS affiliates that the method in which broadcast companies determine fees for the issuance of blanket licenses (the permission to use a set of copyrighted media materials) was a violation of the Sherman Antitrust Act. The Supreme Court ruled that the issuance of blanket licenses was not a violation of the act, holding that the nature of blanket licenses did not arise to price fixing.

# Text 65:

**Boggs v. Boggs, 520 U.S. 833 (1997), was a United States Supreme Court case in which the Court held that a spouse that is not a participant in an ERISA account cannot will part or all of it before distribution of the pension plan.**

1. Lockheed Corp. v. Spink, 517 U.S. 882 (1996), is a US labor law case, concerning occupational pensions.
2. Nationwide Mutual Insurance Co. v. Darden, 503 U.S. 318 (1992), is a US labor law case, concerning the scope of protection for employees, under the Employee Retirement Income Security Act of 1974 (ERISA). The Court held that principles of agency were relevant to interpreting the concept of "employee".

# Text 66:

**White Mountain Apache Tribe v. Bracker, 448 U.S. 136 (1980), was a case in which the Supreme Court of the United States holding that Arizona's taxes that were assessed against a non-Indian contractor that was working exclusively for an Indian tribe on that tribe's reservation were preempted by federal law.**

1. Merrion v. Jicarilla Apache Tribe, 455 U.S. 130 (1982), was a case in which the Supreme Court of the United States holding that an Indian tribe has the authority to impose taxes on non-Indians that are conducting business on the reservation as an inherent power under their tribal sovereignty.
2. Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.

# Text 67:

**Berger v. New York, 388 U.S. 41 (1967), was a United States Supreme Court decision invalidating a New York law under the Fourth Amendment, because the statute authorized electronic eavesdropping without required procedural safeguards.**

1. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.
2. Ontario v. Quon, 560 U.S. 746 (2010), is a United States Supreme Court case concerning the extent to which the right to privacy applies to electronic communications in a government workplace. It was an appeal by the city of Ontario, California, from a Ninth Circuit decision holding that it had violated the Fourth Amendment rights of two of its police officers when it disciplined them following an audit of pager text messages that discovered many of those messages were personal in nature, some sexually explicit. The Court unanimously held that the audit was work-related and thus did not violate the Fourth Amendment's protections against unreasonable search and seizure.  
   Ontario police sergeant Jeff Quon, along with other officers and those they were exchanging messages with, had sued the city, their superiors and the pager service provider in federal court. They had alleged a violation of not only their constitutional rights but federal telecommunications privacy laws. Their defense was that a superior officer had promised the pager messages themselves would not be audited if the officers reimbursed the city for fees it incurred when they exceeded a monthly character limit.  
   Justice Anthony Kennedy wrote the majority opinion signed by seven of his fellow justices. It decided the case purely on the reasonableness of the pager audit, explicitly refusing to consider "far-reaching issues" it raised on the grounds that modern communications technology and its role in society was still evolving. He nevertheless discussed those issues at some length in explaining why the Court chose not to rule on them, in addition to responding, for argument's sake, more directly to issues raised by the respondents. John Paul Stevens wrote a separate concurring opinion, as did Antonin Scalia, who would have used a different test he had proposed in an earlier case to reach the same result.  
   Outside commentators mostly praised the justices for this display of restraint, but Scalia criticized it harshly in his concurrence, calling it vague. He considered his fellow justices in "disregard of duty" for their refusal to address the Fourth Amendment issues. A month after the court handed down its decision, an appellate court in Georgia similarly criticized it for "a marked lack of clarity" as it narrowed an earlier ruling to remove a finding that there was no expectation of privacy in the contents of email. An article in The New York Times later summarized this criticism, and its "faux unanimity", as emblematic of what some judges and lawyers have found an increasingly frustrating trend in Roberts Court opinions.

# Text 68:

**Smith v. United States, 508 U.S. 223 (1993), is a United States Supreme Court case that held that the exchange of a gun for drugs constituted "use" of the firearm for purposes of a federal statute imposing penalties for "use" of a firearm "during and in relation to" a drug trafficking crime.  
In Watson v. United States, 128 S.Ct. 697 (2007) the court later decided that a transaction in the opposite direction does not violate the same statute (i.e., Smith holds that one "uses" a gun by giving it in exchange for drugs, but Watson holds that one does not "use" a gun by receiving it in exchange for drugs).**

1. Bailey v. United States, 516 U.S. 137 (1995), was a United States Supreme Court case in which the Court interpreted a frequently used section of the federal criminal code. At the time of the decision, 18 U.S.C. § 924(c) imposed a mandatory, consecutive five-year prison term on anyone who "during and in relation to any... drug trafficking crime... uses a firearm." The lower court had sustained the defendants' convictions, defining "use" in such a way as to mean little more than mere possession. The Supreme Court ruled instead that "use" means "active employment" of a firearm, and sent the cases back to the lower court for further proceedings. As a result of the Court's decision in Bailey, Congress amended the statute to expressly include possession of a firearm as requiring the additional five-year prison term.
2. Dean v. United States, 556 U.S. 568 (2009), was a decision by the United States Supreme Court upholding a 10-year penalty for the discharge of a firearm during the commission of any violent or drug trafficking crime, against a bank robber whose gun went off accidentally.

# Text 69:

**Safford Unified School District v. Redding, 557 U.S. 364 (2009), was a case in which the Supreme Court of the United States held that a strip search of a middle school student by school officials violated the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures.  
On October 8, 2003, the assistant principal of Safford Middle School in Safford, Arizona, informed 13-year-old Savana Redding that another student had accused her of distributing prescription-strength ibuprofen, which was disallowed without prior permission by school rules. Redding denied this accusation, and after a search of her belongings did not reveal any pills, school officials instructed her to remove her outer clothing and pull out her bra and underpants, which also did not reveal any pills.  
Redding's mother sued the Safford Unified School District and the school officials who searched her daughter, arguing that they had violated the Fourth Amendment. On June 25, 2009, in an 8–1 decision authored by Justice David Souter, the Supreme Court held that the search failed to meet the "reasonable suspicion" standard for searches of students in a school setting established by the Court in New Jersey v. T. L. O. (1985), stating that the school lacked reasons to suspect either that the drugs presented a danger or that they were concealed in her underwear. However, the Court also found that because there was sufficient doubt as to whether the law was clearly established at the time of the search, the school officials were shielded from liability by qualified immunity.  
The case garnered nationwide interest and sparked debates over the extent to which school officials should enforce zero-tolerance policies in schools. Justice Ruth Bader Ginsburg was the only female justice at the time and discussed the case in an interview while a decision was still pending; observers have described Ginsburg's role in the case as emphasizing the need for more diversity on the Supreme Court.**

1. New Jersey v. T. L. O., 469 U.S. 325 (1985), is a landmark decision by the Supreme Court of the United States which established the standards by which a public school official can search a student in a school environment without a search warrant, and to what extent.  
   The case centered around a student at Piscataway High School in Middlesex County, New Jersey, known then only by her initials T. L. O., who was searched for contraband after she was caught smoking in a school bathroom. She was sent to the principal's office, where the assistant vice principal searched her purse and found marijuana, drug paraphernalia, and documentation of drug sales. She was suspended from the school and charged by police for the paraphernalia found in the search, but fought the charges on the basis that the search of her purse violated the Fourth Amendment's prohibition against unreasonable search and seizure.  
   The New Jersey Superior Court affirmed the constitutionality of the search, but the Supreme Court of New Jersey reversed, holding that the search of her purse was unreasonable. On appeal to the U.S. Supreme Court, the Court held that the Fourth Amendment applies to searches conducted by school officials in a school setting. However, school officials do not need to have probable cause nor obtain a warrant before searching a student. Instead, in order for a search to be justified, school officials must have "reasonable suspicion" that the student has violated either the law or school rules. In a 6–3 decision delivered by Justice Byron White, the Court ruled that the school's search of T. L. O.'s purse was constitutional, setting a new precedent for school searches and student privacy.
2. Bethel School District v. Fraser, 478 U.S. 675 (1986), was a landmark decision of the Supreme Court of the United States in which the Court upheld the suspension of a high school student who delivered a sexually suggestive speech at a school assembly. The case involved free speech in public schools.  
   On April 26, 1983, student Matthew Fraser was suspended from Bethel High School in Pierce County, Washington after he gave a speech including sexual innuendo while nominating a classmate for a student council position at a school assembly. Believing his speech to be inappropriate and vulgar, the school's administration suspended Fraser for three days and barred him from speaking at graduation. After unsuccessfully appealing his punishment through the school's grievance procedures, Fraser filed a lawsuit against the school board, claiming the suspension violated his right to free speech under the First Amendment to the U.S. Constitution.  
   The United States District Court and Ninth Circuit Court of Appeals both sided with Fraser. On appeal to the U.S. Supreme Court, a 7–2 majority held that his suspension did not violate the First Amendment. Writing for the majority, Chief Justice Warren Burger found that schools have the right to suppress student speech that is considered lewd or indecent, even if not obscene, in the interest of preserving a safe educational environment.

# Text 70:

**Fuentes v. Shevin, 407 U.S. 67 (1972), was a case decided by the Supreme Court of the United States wherein petitioners challenged the constitutionality of the Uniform Commercial Code provisions of two states, Florida and Pennsylvania, which allowed for the summary seizure of a person's goods or chattels under a writ of replevin. The statutes were challenged under the Fourteenth Amendment. The Court held that the statutes acted as deprivations of plaintiff's property without due process.  
The Court noted that seizure without notice and the opportunity for a hearing is acceptable only under limited circumstances:  
  
The seizure is necessary for an important public or government interest,  
There is a need for prompt action, and  
The seizure is initiated by an agent of the government.  
These exceptions would apply (for example) when property is tainted food, misbranded drugs or unpaid taxes needed to fund a war.**

1. Philadelphia Newspapers v. Hepps, 475 U.S. 767 (1986), is a United States Supreme Court case decided April 21, 1986.
2. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.

# Text 71:

**Adderley v. Florida, 385 U.S. 39 (1966), was a United States Supreme Court case regarding whether arrests for protesting in front of a jail were constitutional.**

1. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.
2. Enmund v. Florida, 458 U.S. 782 (1982), is a United States Supreme Court case. It was a 5–4 decision in which the United States Supreme Court applied its capital proportionality principle, to set aside the death penalty for the driver of a getaway car, in a robbery-murder of an elderly Floridian couple. The court ruled that the imposition of the death penalty under the felony murder rule when the defendant did not intentionally kill the victim constituted cruel and unusual punishment under the Eighth Amendment of the United States constitution.

# Text 72:

**Sable Communications of California v. Federal Communications Commission, 492 U.S. 115 (1989), was a United States Supreme Court case involving the definition of "indecent material" and whether it is protected under the First Amendment to the United States Constitution. The Court invalidated part of a federal law that prohibited "dial-a-porn" telephone messaging services by making it a crime to transmit commercial telephone messages that were either "obscene" or "indecent".**

1. Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978), was a landmark decision of the United States Supreme Court that upheld the ability of the Federal Communications Commission (FCC) to regulate indecent content sent over the broadcast airwaves.
2. Federal Communications Commission v. AT&T Inc., 562 U.S. 397 (2011), was a United States Supreme Court case on aspects of corporate personhood. It held that the exemption from Freedom of Information Act disclosure requirements for law enforcement records which "could reasonably be expected to constitute an unwarranted invasion of personal privacy" does not protect information related to corporate privacy.

# Text 73:

**Terry v. Adams, 345 U.S. 461 (1953), was a United States Supreme Court decision that held white-only pre-primary elections to be unconstitutional. It was the last in a series of court cases addressing the system of white primaries designed to disenfranchise African-American voters in the southern United States.  
In the first of these cases, Nixon v. Herndon (1927), Lawrence Aaron Nixon, a black physician, sued for damages under federal civil rights laws after being denied a ballot in a Democratic party primary election on the basis of race. The Court found in his favor on the basis of the Fourteenth Amendment, which guarantees equal protection under the law, while not discussing his Fifteenth Amendment claim. After Texas amended its statute to authorize the political party's state executive committee to set voting qualifications, Nixon sued again; in Nixon v. Condon (1932), the Court again found in his favor on the basis of the Fourteenth Amendment. Following this decision, the Democratic Party's state convention instituted a rule that only whites could vote in its primary elections; the Court unanimously upheld this rule as constitutional in Grovey v. Townsend (1935), distinguishing the discrimination by a private organization from that of the state in the previous primary cases.  
The Court reversed course, however, with Smith v. Allwright (1944), another of the Texas primary cases. In United States v. Classic (1941), the Court had ruled that primary elections were an essential part of the electoral process, opening Grovey to review. Under this reasoning, the Court found that denying non-white voters a ballot in primary elections was a violation of the Fifteenth Amendment, overturning Grovey.  
Terry v. Adams formed the last of these cases. The petitioners, qualified black voters in Fort Bend County including John Terry, Charlie Roberts, Willie Melton, and Arizona Fleming, sued an organization known as the Jaybird Democratic Association, which since 1889 had organized white-only pre-elections for county offices; the winners of these pre-elections invariably won the subsequent official elections. The Court found for the plaintiffs but reached no majority opinion. Justices Hugo Black, William O. Douglas, and Harold H. Burton found that an election that effectively excluded black voters violated the Fifteenth Amendment, while Tom C. Clark, Stanley F. Reed, and Robert H. Jackson found in a concurring opinion that the Jaybirds effectively formed an auxiliary of the Democratic Party, bringing the case within the scope of Smith v. Allwright. Justice Sherman Minton dissented.**

1. Rogers v. Lodge, 458 U.S. 613 (1982), was a United States Supreme Court case in which the Court held that an at-large election system for a large rural county with a large black population violated the Equal Protection Clause.
2. Gomillion v. Lightfoot, 364 U.S. 339 (1960), was a landmark decision of the Supreme Court of the United States that found an electoral district with boundaries created to disenfranchise African Americans violated the Fifteenth Amendment.

# Text 74:

**United States v. Cecil Price, et al., also known as the Mississippi Burning trial or Mississippi Burning case, was a criminal trial where the United States charged a group of 18 men with conspiring in a Ku Klux Klan plot to murder three young civil rights workers (Michael Schwerner, James Chaney, and Andrew Goodman) in Philadelphia, Mississippi on June 21, 1964 during Freedom Summer. The trial, conducted in Meridian, Mississippi with U.S. District Court Judge W. Harold Cox presiding, resulted in convictions of 7 of the 18 defendants. Another defendant, James Edward Jordan, pleaded guilty and testified for the prosecution.**

1. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.
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# Text 75:

**Jenkins v. Anderson, 447 U.S. 231 (1980), is a United States Supreme Court case regarding the Fifth Amendment right against self-incrimination.**

1. Haynes v. United States, 390 U.S. 85 (1968), was a United States Supreme Court decision interpreting the Fifth Amendment to the United States Constitution's self-incrimination clause. Haynes extended the Fifth Amendment protections elucidated in Marchetti v. United States.
2. Kastigar v. United States, 406 U.S. 441 (1972), was a United States Supreme Court decision that ruled on the issue of whether the government's grant of immunity from prosecution can compel a witness to testify over an assertion of the Fifth Amendment privilege against self-incrimination.  
   In a 5-2 decision (Justices Brennan and Rehnquist took no part in the consideration of the case), the Court held that the government can overcome a claim of Fifth Amendment privilege by granting a witness "use and derivative use" immunity in exchange for his testimony.

# Text 76:

**Arizona Public Service Co. v. Snead, 441 U.S. 141 (1979), was a United States Supreme Court case in which the Court held that a New Mexico tax on the generation of electricity was invalid under the Supremacy Clause of the United States Constitution. Snead was the director of the New Mexico Taxation and Revenue Department.**

1. McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973), was a case in which the Supreme Court of the United States holding that Arizona has no jurisdiction to impose a tax on the income of Navajo Indians residing on the Navajo Reservation if their income is wholly derived from reservation sources.
2. Commonwealth Edison Co. v. Montana, 453 U.S. 609 (1981), is a 6-to-3 ruling by the Supreme Court of the United States that held that a severance tax in Montana does not violate the Commerce Clause or the Supremacy Clause of the United States Constitution.

# Text 77:

**Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978), was a landmark case in the area of federal Indian law involving issues of great importance to the meaning of tribal sovereignty in the contemporary United States. The Supreme Court sustained a law passed by the governing body of the Santa Clara Pueblo that explicitly discriminated on the basis of sex. In so doing, the Court advanced a theory of tribal sovereignty that weighed the interests of tribes sufficient to justify a law that, had it been passed by a state legislature or Congress, would have almost certainly been struck down as a violation of equal protection.  
Along with the watershed cases, United States v. Wheeler and Oliphant v. Suquamish Indian Tribe, Santa Clara completed the trilogy of seminal Indian law cases to come down in the 1978 term.**

1. Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), is a United States Supreme Court case deciding that Indian tribal courts have no criminal jurisdiction over non-Indians. The case was decided on March 6, 1978 with a 6–2 majority. The court opinion was written by William Rehnquist, and a dissenting opinion was written by Thurgood Marshall, who was joined by Chief Justice Warren Burger. Justice William J. Brennan did not participate in the decision.  
   Congress partially abrogated the Supreme Court's decision by enacting the Violence Against Women Reauthorization Act of 2013, which recognizes the criminal jurisdiction of tribes over non-Indian perpetrators of domestic violence that occur in Indian Country when the victim is Indian.
2. United States v. Wheeler, 435 U.S. 313 (1978), was a United States Supreme Court case in which the Court held the Double Jeopardy Clause does not bar the federal prosecution of a Native American (Indian) who has already been prosecuted by the tribe.

# Text 78:

**Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.**

1. Montejo v. Louisiana, 556 U.S. 778 (2009), is a 5–4 decision by the United States Supreme Court that overruled the Court's decision in Michigan v. Jackson. The case concerned the validity of a defendant's waiver of his right to counsel during a police interrogation. In reversing Jackson, the Court said such a waiver was valid.
2. McNeil v. Wisconsin, 501 U.S. 171 (1991), held that the right to counsel secured by the Sixth Amendment and the right to counsel protected by Miranda v. Arizona are separate and distinct, such that invoking one does not implicitly invoke the other.

# Text 79:

**United States v. Alfonso D. Lopez, Jr., 514 U.S. 549 (1995), was a landmark case of the United States Supreme Court that struck down the Gun-Free School Zones Act of 1990 (GFSZA) as it was outside of Congress's power to regulate interstate commerce. It was the first case since 1937 in which the Court held that Congress had exceeded its power under the Commerce Clause.  
The case arose from a San Antonio high school student's challenge to the GFSZA, which banned possession of handguns within 1,000 feet (300 meters) of a school. In a majority decision joined by four other justices, Chief Justice William Rehnquist held that Lopez' possession of the gun was not economic activity and its scope was not sufficiently cabined, and so was outside the broad reach of the Commerce Clause. After the Lopez decision, the GFSZA was amended to specifically only apply to guns that had been moved via interstate or foreign commerce.  
Though it did not reverse any past ruling about the meaning of the Commerce Clause, Lopez raised serious questions as to how far the Court might be willing to go in curbing Congress' commerce powers. This decision was a slight return to the original commerce clause precedent set in Gibbons v. Ogden in which Justice Marshall held that federal law may control state law only when necessary to effectively exercise an enumerated power, and it may not otherwise deny the states' authority to govern in the same area. The Court would later further limit congressional powers under the Commerce Clause in United States v. Morrison (2000).**

1. Goss v. Lopez, 419 U.S. 565 (1975), was a US Supreme Court case. It held that a public school must conduct a hearing before subjecting a student to suspension. Also, a suspension without a hearing violates the Due Process Clause of the Fourteenth Amendment of the US Constitution.
2. San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973), was a case in which the Supreme Court of the United States held that San Antonio Independent School District's financing system, which was based on local property taxes, was not a violation of the Fourteenth Amendment's equal protection clause.  
   The majority opinion, reversing the District Court, stated that the appellees did not sufficiently prove a textual basis, within the U.S. Constitution, supporting the principle that education is a fundamental right. Urging that the school financing system led to wealth-based discrimination, the plaintiffs had argued that the fundamental right to education should be applied to the States, through the Fourteenth Amendment. The Court found that there was no such fundamental right and that the unequal school financing system was not subject to strict scrutiny.

# Text 80:

**Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".**

1. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.
2. FEC v. National Conservative PAC, 470 U.S. 480 (1985), was a decision by the Supreme Court of the United States striking down expenditure prohibitions of the Federal Election Campaign Act of 1971 (FECA), which regulates the fundraising and spending in political campaigns. The FECA is the primary law that places regulations on campaign financing by limiting the amount that may be contributed. The Act established that no independent political action committee may contribute more than $1,000 to any given presidential candidate in support of a campaign.  
   A political action committee is an organization that oversees contributions made by members for an electoral candidate. The committee then donates the funding to campaign for or against a candidate.  
   The Democratic Party of the United States and the Federal Election Commission (FEC) accused the National Conservative Political Action Committee (NCPAC) of violating the Federal Election Campaign Act in 1975. The defendants were accused of violating the expenditure limit implemented by the FECA, with the assertion that the independent contribution was in violation of the Act. The NCPAC expressed concern that the FECA violated the First Amendment.  
   In response, The Federal Election Commission claimed that the limitation of expenditures held by the FECA was not a violation of the First Amendment. The FEC said that because it is important to protect the integrity of the Government, as well as to uphold the public's perception of integrity, the limitation was necessary and still complied with the First Amendment. The FEC believed private financing could tarnish the protection of integrity and the public's perception. The Commission also believed the FECA would not hinder individual expression, and that ample room was left to freely express oneself under the Act.  
   Justice William H. Rehnquist concluded in the majority opinion that an attempt to limit spending in support of a presidential candidate, regardless of financial numerical amount, is still an attempt to regulate the First Amendment and the freedom of association, and is therefore unconstitutional.

# Text 81:

**Florence County School Dist. Four v. Carter, 510 U.S. 7 (1993), was a case in which the Supreme Court of the United States held that, in certain circumstances, a court may order that parents be reimbursed for unilaterally withdrawing disabled children from schools that do not comply with the Individuals with Disabilities Education Act.**

1. Forest Grove School District v. T. A., 557 U.S. 230 (2009), is a case in which the United States Supreme Court held that the Individuals with Disabilities Education Act (IDEA) authorizes reimbursement for private special education services when a public school fails to provide a "free appropriate public education" (FAPE) and the private school placement is appropriate, regardless of whether the child previously received special education services through the public school.
2. Norwood v. Harrison, 413 U.S. 455 (1973), is a United States Supreme Court decision in which the court held that a state cannot provide aid to a private school which discriminates on the basis of race.

# Text 82:

**Dunlop v. Bachowski, 421 U.S. 560 (1975), is a unanimous decision of the Supreme Court of the United States which held that the Labor-Management Reporting and Disclosure Act of 1959 gives federal courts jurisdiction to review decisions of the United States Department of Labor to proceed (or not) with prosecutions under the Act. In this case, there was a disputed election within the United Steelworkers. The Court declined to authorize a jury-type trial into the reasons for the department's decisions, and instead held that court may only review the department's rationales under the "arbitrary and capricious" test.**

1. Trbovich v. United Mine Workers, 404 U.S. 528 (1972), is a 6–1 decision of the Supreme Court of the United States in which the Court held that the Labor-Management Reporting and Disclosure Act of 1959 gave union members the right to intervene in enforcement proceedings brought by the United States Department of Labor in enforcement proceedings under the Act.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 83:

**United States v. Guest, 383 U.S. 745 (1966), was a landmark decision of the US Supreme Court authored by Justice Potter Stewart, in which the court extended the protection of the 14th Amendment to citizens who suffer rights deprivations at the hands of private conspiracies, where there is minimal state participation in the conspiracy. The Court also held that there is a Constitutional right to travel from state to state.  
While the majority avoided the question of whether Congress, by appropriate legislation, has the power to punish private conspiracies, Justice Clark, writing in concurrence, asserted that "there now can be no doubt that the specific language of §5 empowers the Congress to enact laws punishing all conspiracies - with or without state action - that interfere with 14th Amendment rights." Justice Hugo Black and Justice Abe Fortas joined Clark's concurrence.**

1. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.
2. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").

# Text 84:

**Celotex Corp. v. Catrett, 477 U.S. 317 (1986), was a case decided by the United States Supreme Court. Written by Associate Justice William Rehnquist, the decision of the Court held that a party moving for summary judgment need show only that the opposing party lacks evidence sufficient to support its case. A broader version of that doctrine was later formally added to the Federal Rules of Civil Procedure.  
Celotex was one of a "trilogy" of U.S. Supreme Court decisions on summary judgment issued in 1986, the other two being Anderson v. Liberty Lobby and Matsushita Electric Industrial Co. v. Zenith Radio Corp.. Within 20 years these three became the most-cited Supreme Court decisions in the U.S. federal court system.**

1. Adickes v. S. H. Kress & Co., 398 U.S. 144 (1970), was a United States Supreme Court case where the majority ruling, written by Justice Harlan, asserted that the burden of showing a lack of factual controversy rests upon the party asserting the summary judgment. It was later challenged by Celotex Corp. v. Catrett (1986), but the case was not officially overruled. While the issue before the Supreme Court was a fairly technical matter, the subject matter regarded the violation of white teacher Sandra Adickes' civil rights in the segregated South, after being refused service at a restaurant because she wished to eat with her black students.
2. Phillips Petroleum Co. v. Shutts, 472 U.S. 797 (1985), was a conflict of laws case decided by the United States Supreme Court.

# Text 85:

**Oregon Department of Fish and Wildlife v. Klamath Indian Tribe, 473 U.S. 753 (1985), was a case appealed to the US Supreme Court by the Oregon Department of Fish and Wildlife. The Supreme Court reversed the previous decisions in the District Court and the Court of Appeals stating that the exclusive right to hunt, fish, and gather roots, berries, and seeds on the lands reserved to the Klamath Tribe by the 1864 Treaty was not intended to survive as a special right to be free of state regulation in the ceded lands that were outside the reservation after the 1901 Agreement.**

1. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.
2. Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990), is a United States Supreme Court case that held that the state could deny unemployment benefits to a person fired for violating a state prohibition on the use of peyote even though the use of the drug was part of a religious ritual. Although states have the power to accommodate otherwise illegal acts performed in pursuit of religious beliefs, they are not required to do so.

# Text 86:

**Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio, 471 U.S. 626 (1985), was a United States Supreme Court case in which the Court held that states can require an advertiser to disclose certain information without violating the advertiser's First Amendment free speech protections as long as the disclosure requirements are reasonably related to the State's interest in preventing deception of consumers. The decision effected identified that some commercial speech may have weaker First Amendment free speech protections than non-commercial speech and that states can compel such commercial speech to protect their interests; future cases have relied on the "Zauderer standard" to determine the constitutionality of state laws that compel commercial speech as long as the information to be disclosed is "purely factual and uncontroversial".**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), is a case in which the Supreme Court of the United States held that an Ohio statute prohibiting anonymous campaign literature is unconstitutional because it violates the First Amendment to the U.S. Constitution, which protects the freedom of speech. In a 7–2 decision authored by Justice John Paul Stevens, the Court found that the First Amendment protects the decision of an author to remain anonymous.  
   On April 27, 1988, Margaret McIntyre stood outside of a middle school in Westerville, Ohio, and passed out anonymous leaflets that opposed a proposed school district tax levy. The Ohio Elections Commission fined McIntyre $100 for violating a state law that prohibited the distribution of any kind of political or campaign literature that does not have the name and address of the person responsible for its contents. With the help of the American Civil Liberties Union, McIntyre appealed the fine in court. The county court reversed the fine, holding that because McIntyre did not attempt to mislead the public, the Ohio statute was unconstitutional as it applied to her actions. However, the state court of appeals reinstated the fine, referring to a 1922 decision by the Ohio Supreme Court as precedent, and the Ohio Supreme Court affirmed.  
   The U.S. Supreme Court reversed the Ohio Supreme Court on April 19, 1995. As precedent, the Court referred to its decision in Talley v. California (1960), in which the Court found a similar law prohibiting anonymous leafletting unconstitutional, as well as the role of anonymous political literature throughout history, one example being The Federalist Papers. The Court's majority opinion emphasized the importance of anonymous speech, describing it as "not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent". The effect of the Court's opinion on anonymous speech has been analyzed in the contexts of television and radio advertisements, campaign finance, and the Internet.

# Text 87:

**Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.**

1. Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.
2. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.

# Text 88:

**Ohio Civil Rights Commission v. Dayton Christian Schools, Inc., 477 U.S. 619 (1986), reversed a lower court's decision and stated that the lower court should not have heard the case until after the Ohio Civil Rights Commission had concluded their investigation. The commission argued that the non-renewal and firing constituted unlawful sex discrimination, while the school argued that this was an ecclesiastical matter not suitable for review by civil authorities.**

1. Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.
2. McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), is a case in which the Supreme Court of the United States held that an Ohio statute prohibiting anonymous campaign literature is unconstitutional because it violates the First Amendment to the U.S. Constitution, which protects the freedom of speech. In a 7–2 decision authored by Justice John Paul Stevens, the Court found that the First Amendment protects the decision of an author to remain anonymous.  
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# Text 89:

**Eli Lilly and Company v. Medtronic, Inc., 496 U.S. 661 (1990), is a United States Supreme Court case related to patent infringement in the medical device industry. It held that 35 U.S.C. § 271(e)(1) of United States patent law exempted premarketing activity conducted to gain approval of a device under the Federal Food, Drug, and Cosmetic Act from a finding of infringement.**

1. Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996), is a United States Supreme Court case dealing with the scope of federal preemption.  
   It was later limited by Riegel v. Medtronic, Inc.
2. MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007), was a decision by the Supreme Court of the United States involving patent law. It arose from a lawsuit filed by MedImmune which challenged one of the Cabilly patents issued to Genentech. One of the central issues was whether a licensee retained the right to challenge a licensed patent, or whether this right was forfeited upon signing of the license agreement. The case related indirectly to past debate over whether the US should change to a first to file patent system - in 2011, President Obama signed the Leahy-Smith America Invents Act, which shifted the United States to a first-inventor-to-file patent system.

# Text 90:

**Lau v. Nichols, 414 U.S. 563 (1974), was a United States Supreme Court case in which the Court unanimously decided that the lack of supplemental language instruction in public school for students with limited English proficiency violated the Civil Rights Act of 1964. The court held that since non-English speakers were denied a meaningful education, the disparate impact caused by the school policy violated Title VI of the Civil Rights Act of 1964 and the case was remanded to the District Court "for the fashioning of appropriate relief".**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Horne v. Flores, 557 U.S. 433 (2009), is a case in which the United States Supreme Court remanded the case to determine whether Arizona's general education funding budget supports Equal Educational Opportunities Act of 1974 (EEOA)-compliant English Language Learner (ELL) programming.

# Text 91:

**Waters v. Churchill, 511 U.S. 661 (1994), is a United States Supreme Court case concerning the First Amendment rights of public employees in the workplace. By a 7–2 margin the justices held that it was not necessary to determine what a nurse at a public hospital had actually said while criticizing a supervisor's staffing practices to coworkers, as long as the hospital had formed a reasonable belief as to the content of her remarks and reasonably believed that they could be disruptive to its operations. They vacated a Seventh Circuit Court of Appeals ruling in her favor, and ordered the case remanded to district court to determine instead if the nurse had been fired for the speech or other reasons, per the Court's ruling two decades prior in Mt. Healthy City School District Board of Education v. Doyle.  
The case had first been brought by Cheryl Churchill, a nurse in the obstetrics ward at McDonough District Hospital, operated by the city of Macomb, Illinois. During a dinner break one night in early 1987, she had been talking with another nurse who was considering transferring to obstetrics. In that conversation she made statements critical of cross-training practices recently implemented by the hospital's nursing supervisor, Cindy Waters, and referred to personal issues between the two. Another nurse who overheard the conversation believed Churchill's comments about Waters had dissuaded her interlocutor from the transfer, and reported it to Waters. After an investigation in which Churchill alleged she was never asked about what she had said, she was fired.  
There were four separate opinions. Sandra Day O'Connor wrote for a four-justice plurality that the government has a lower obligation to respect constitutional rights when it acts as employer rather than as the sovereign. Accordingly, in that situation it should not be required to meet a due process standard greater than the reasonableness of its own finding of fact. David Souter added a short concurring opinion qualifying the plurality, which he said was in fact a majority, with his insistence that in such cases the government must demonstrate that its understanding of what the employee said was not only a reasonable belief but a truthful one. Antonin Scalia concurred as well, but harshly criticized O'Connor's opinion. He read it as requiring a procedural handling of every possible adverse personnel action where First Amendment rights might be implicated, providing "more questions than answers". John Paul Stevens' dissent argued that the First Amendment required that the lower court determine exactly what Churchill had said before ruling on whether it was protected.  
Outside commentators have also been critical of the decision, since it might discourage whistleblowers. In addition to echoing Stevens' concerns, they have seen it as abandoning any concern for the truth, imposing a heavy burden on a plaintiff, relying on an overly narrow conception of the public's interest, and possibly discouraging people from entering public service. The decision resulted in a lower court changing its ruling in a high-profile case involving controversial academic Leonard Jeffries.**

1. Connick v. Myers, 461 U.S. 138 (1983), is a United States Supreme Court decision concerning the First Amendment rights of public employees who speak on matters of possible public concern within the workplace context. It was first brought by Sheila Myers, an Orleans Parish, Louisiana, assistant district attorney (ADA). She had been fired by her superior, District Attorney Harry Connick Sr., when, after receiving a transfer she had fiercely resisted in private conversations with him and his chief assistant district attorney, she distributed a questionnaire to her fellow prosecutors asking about their experience with Connick's management practices. At trial, Judge Jack Gordon of the Eastern District of Louisiana found the firing had been motivated by the questionnaire and was thus an infringement on her right to speak out on matters of public concern as a public employee. After the Fifth Circuit affirmed the verdict, Connick appealed to the Supreme Court.  
   The justices reversed the lower courts by a 5–4 margin. Justice Byron White wrote for the majority that most of the matters Myers' questionnaire had touched on were of personal, not public, concern and that the action had damaged the harmonious relations necessary for the efficient operation of the district attorney's office. William Brennan argued in dissent that the majority's application of precedent was flawed. He argued that all the matters in the questionnaire were of public concern, and feared a chilling effect on speech by public employees about such matters would result.  
   The case was the first in a line considering the right of public employees to speak contemporaneously with their employment that had started with Pickering v. Board of Education (1968) fifteen years earlier in which the Court sided with the employee. It introduced the test of whether the employee's speech had been on matters of public concern to the balancing of employer and employee interest prescribed in the earlier case. The two would guide the Court's interpretation of later cases such as Rankin v. McPherson (1987). In the 1990s and 2000s, Waters v. Churchill (1994) and Garcetti v. Ceballos (2006), the latter with some similarities to the circumstances of Connick, would further clarify the Court's holding.
2. O'Connor v. Ortega, 480 U.S. 709 (1987), is a United States Supreme Court decision on the Fourth Amendment rights of government employees with regard to administrative searches in the workplace, during investigations by supervisors for violations of employee policy rather than by law enforcement for criminal offenses. It was brought by Magno Ortega, a doctor at a California state hospital after his supervisors found allegedly inculpatory evidence in his office while he was on administrative leave pending an investigation of alleged misconduct. Some of what they uncovered was later used to impeach a witness who testified on his behalf at the hearing where he unsuccessfully appealed his dismissal.  
   Although lower courts had considered the issue, it was the first time the Supreme Court had. By a 5-4 margin, the Court ruled that public employees retain their Fourth Amendment rights. Justice Sandra Day O'Connor's plurality opinion established an "operating realities" test for future courts to consider when public employees challenged searches during investigations, reflecting the lower reasonable suspicion standard the government had to meet as an employer. That did not establish binding precedent, since Antonin Scalia argued in a separate concurring opinion that her standard was too vague, and that the same searches which would be reasonable for a private employer were proper when conducted by their public counterparts. Harry Blackmun wrote for four dissenting justices that the search was clearly an investigatory one and thus a breach of the doctor's privacy.  
   Since it could not decide how to apply that standard to Ortega's case as the record at that time did not establish whether the entry into Ortega's office had been for search purposes or not, the majority remanded the case to the district court. Eleven more years of litigation followed. At some points during it Ortega had to represent himself, and the Court itself had taken the unusual step of inviting Joel Klein to argue Ortega's case before them. It went back and forth between the district and appellate courts twice. Ortega finally prevailed after a jury trial in the late 1990s, and the Ninth Circuit denied Ortega's superiors their appeal.  
   Despite the two different standards resulting from the split five-justice majority, lower courts have generally followed O'Connor's "operational realities" test in future cases involving actual searches. Observers thought the justices might resolve the conflict the next time a similar case of public employees alleging a search violated their Fourth Amendment rights came before it. When it did, in 2010's Ontario v. Quon, they declined to do so, leaving the matter open for yet another future Court.

# Text 92:

**Adickes v. S. H. Kress & Co., 398 U.S. 144 (1970), was a United States Supreme Court case where the majority ruling, written by Justice Harlan, asserted that the burden of showing a lack of factual controversy rests upon the party asserting the summary judgment. It was later challenged by Celotex Corp. v. Catrett (1986), but the case was not officially overruled. While the issue before the Supreme Court was a fairly technical matter, the subject matter regarded the violation of white teacher Sandra Adickes' civil rights in the segregated South, after being refused service at a restaurant because she wished to eat with her black students.**

1. Celotex Corp. v. Catrett, 477 U.S. 317 (1986), was a case decided by the United States Supreme Court. Written by Associate Justice William Rehnquist, the decision of the Court held that a party moving for summary judgment need show only that the opposing party lacks evidence sufficient to support its case. A broader version of that doctrine was later formally added to the Federal Rules of Civil Procedure.  
   Celotex was one of a "trilogy" of U.S. Supreme Court decisions on summary judgment issued in 1986, the other two being Anderson v. Liberty Lobby and Matsushita Electric Industrial Co. v. Zenith Radio Corp.. Within 20 years these three became the most-cited Supreme Court decisions in the U.S. federal court system.
2. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.

# Text 93:

**Santobello v. New York, 404 U.S. 257 (1971), is a United States Supreme Court case in which the Court ruled that the sentence of the defendant should be vacated because the plea agreement specified that the prosecutor would not recommend a sentence, but the prosecutor breached the agreement by recommending the maximum sentence.**

1. Spano v. New York, 360 U.S. 315 (1959), represented the Supreme Court's movement away from the amorphous voluntariness standard for determining whether police violated due process standards when eliciting confessions and towards the modern rule in Miranda v. Arizona. In Spano, the Court focused less on factors such as meals provided to the accused and more on whether the accused had access to legal counsel.
2. Dunaway v. New York, 442 U.S. 200 (1979), was a United States Supreme Court case that held a subsequent Miranda warning is not sufficient to cure the taint of an unlawful arrest, when the unlawful arrest led to a coerced confession.

# Text 94:

**Gillette v. United States, 401 U.S. 437 (1971), is a decision from the Supreme Court of the United States, adding constraints on the terms of conscientious objection resulting from draftees in the Selective Service.**

1. United States v. Sisson, 399 U.S. 267 (1970), was a legal case decided by the United States Supreme Court in 1970. The case is related to Selective Service law.  
   In this case, the jury recorded a verdict of guilt, but the judge then ordered an acquittal. The government appealed, but the Supreme Court held that the government had no power to appeal a verdict of acquittal, no matter how wrong the legal basis was for the acquittal.  
   Sisson was "the first important case won by a selective conscientious objector", a person who asserted that they were not opposed to serving in a war generally, but objected to serving in a specific war which they believed to be immoral.
2. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.

# Text 95:

**Gideon v. Wainwright, 372 U.S. 335 (1963), was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own. The case extended the right to counsel, which had been found under the Fifth and Sixth Amendments to impose requirements on the federal government, by imposing those requirements upon the states as well.  
The Court reasoned that the assistance of counsel is "one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty", and that the Sixth Amendment serves as a warning that "if the constitutional safeguards it provides be lost, justice will not still be done."**

1. Argersinger v. Hamlin, 407 U.S. 25 (1972), is a United States Supreme Court decision holding that the accused cannot be subjected to actual imprisonment unless provided with counsel. Gideon v. Wainwright made the right to counsel provided in the Sixth Amendment applicable to the states through the Fourteenth Amendment.
2. Brewer v. Williams, 430 U.S. 387 (1977), is a decision by the United States Supreme Court that clarifies what constitutes "waiver" of the right to counsel for the purposes of the Sixth Amendment. Under Miranda v. Arizona, evidence obtained by police during interrogation of a suspect before he has been read his Miranda rights is inadmissible. Here, however, the defendant had been indicted in court and had asserted his desire to have counsel, thus his Sixth Amendment right to counsel had attached. At issue was whether a voluntary admission of incriminating facts in response to police statements made while the defendant was in custody and outside the presence of his lawyer constituted a waiver of this right to counsel.

# Text 96:

**Watts v. Indiana, 338 U.S. 49 (1949), was a United States Supreme Court case in which the court ruled that the use of a confession obtained through rigorous interrogation methods by Law Enforcement violates the Fourteenth Amendment.  
In his concurrence/dissent, Justice Robert Jackson famously opined, "To bring in a lawyer means a real peril to solution of the crime because, under our adversary system, he deems that his sole duty is to protect his client—guilty or innocent—and that, in such a capacity, he owes no duty whatever to help society solve its crime problem. Under this conception of criminal procedure, any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances."  
In this case, a defendant was subjected to rigorous interrogation methods, including being forced to sleep on the floor, resulting in a confession to having committed murder. The Supreme Court ruled that the confession was involuntary and reversed his conviction.  
Thurgood Marshall represented the defendant, Robert A. Watts, in Watts v. Indiana.**

1. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 97:

**Aikens v. California, 406 U.S. 813 (1972), was a decision of the United States Supreme Court where a petitioner (in the U.S. Supreme Court, the plaintiff (Aikens) is called the petitioner and the defendant (the State of California) is called the respondent) was appealing his conviction and death sentence. After oral argument had been made on the case, but before the court decided on it, the Supreme Court of California in People v. Anderson, declared the death penalty unconstitutional under the state constitution. This made his appeal unnecessary because the decision in Anderson  
  
declared capital punishment in California unconstitutional under Art. 1, 6, of the state constitution... The California Supreme Court declared in the Anderson case that its decision was fully retroactive and stated that any prisoner currently under sentence of death could petition a superior court to modify its judgment. [Aikens] thus no longer faces a realistic threat of execution... [emphasis added]  
The Supreme Court would decide later that year, in Furman v. Georgia, that the Death Penalty was under certain circumstances unconstitutional. Aikens was originally one of four cases that were selected along with Furman, but when the Anderson case was decided by the California Supreme Court, Aikens became moot.**

1. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.
2. Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
   The Court said,  
     
   Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
   The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.

# Text 98:

**City of Richmond v. United States, 422 U.S. 358 (1975), was a case that upheld Richmond, Virginia's annexation of land from surrounding counties.**

1. City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989), was a case in which the United States Supreme Court held that the minority set-aside program of Richmond, Virginia, which gave preference to minority business enterprises (MBE) in the awarding of municipal contracts, was unconstitutional under the Equal Protection Clause. The Court found that the city failed to identify both the need for remedial action and that other non-discriminatory remedies would be insufficient.  
   Croson involved a minority set-aside program in the awarding of municipal contracts. Richmond, with a black population of just over 50 percent, had set a 30 percent goal in the awarding of city construction contracts, based on its findings that local, state, and national patterns of discrimination had resulted in all but complete lack of access for minority-owned businesses. The evidence that was introduced included: a statistical study indicating that, although the city's population was 50% black, only 0.67% of its prime construction contracts had been awarded to minority businesses in recent years; figures establishing that a variety of local contractors' associations had virtually no MBE members; the city's counsel's conclusion that the Plan was constitutional under Fullilove v. Klutznick, 448 U.S. 448; and the statements of Plan proponents indicating that there had been widespread racial discrimination in the local, state, and national construction industries. Pursuant to the Plan, the city adopted rules requiring individualized consideration of each bid or request for a waiver of the 30% set-aside, and providing that a waiver could be granted only upon proof that sufficient qualified MBE's were unavailable or unwilling to participate The Supreme Court stated:  
     
   We, therefore, hold that the city has failed to demonstrate a compelling interest in apportioning public contracting opportunities on the basis of race. To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for "remedial relief" for every disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. [Citing Regents of the University of California v. Bakke]. Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury is thought to exceed some arbitrary level of tolerability then would be entitled to preferential classification. We think such a result would be contrary to both the letter and the spirit of a constitutional provision whose central command is equality.
2. Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980), is a United States Supreme Court case involving issues of privacy in correspondence with the First Amendment to the United States Constitution, the freedom of the press, the Sixth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. After a murder case ended in three mistrials, the judge closed the fourth trial to the public and the press. On appeal, the Supreme Court ruled the closing to be in violation of the First Amendment and Fourteenth Amendment asserting that the First Amendment implicitly guarantees the press access to public trials.

# Text 99:

**Califano v. Webster, 430 U.S. 313 (1977), was a case before the United States Supreme Court that was decided per curiam.**

1. Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.
2. Califano v. Yamasaki, 442 U.S. 682 (1979), was a United States Supreme Court case in which the Court decided an issue of Federal statutory hearing rights.  
   Under section 204(a)(1) of the Social Security Act, the Secretary of the Department of Health, Education, and Welfare was allowed to make recoupments of erroneous overpayments of old age, survivors' or disability benefits by deducting from future payments. Section 204(b) allowed the Secretary to preclude the recoupment if the disability recipient was without fault and adjustments or recovery would "defeat the purposes" of the Act or "be against equity and good conscience."  
   Under the Department's procedures, after a recipient was notified of the ex parte determination that an overpayment had been made, the recipient could file a written request either seeking reconsideration of that determination or asking the Secretary to waive recovery in accordance with 204(b). The recoupment would start if the agency's decision on the request went against the recipient, and an oral hearing would be granted only if the recipient continued to object to recoupment.  
   A number of beneficiaries challenged the Department's procedure under the due process clause of the Fifth Amendment to the US Constitution.  
   In an opinion written by Justice Blackmun, the court held that because individual rights were at stake, the procedures did not satisfy the requirements of due process.

# Text 100:

**United States v. Freed, 401 U.S. 601 (1971), was a United States Supreme Court case in which the Court held the National Firearms Act's registration requirements do not violate the Fifth Amendment to the United States Constitution. Additionally, the Court held that the Act's restrictions against a person's "receiv[ing] or possess[ing] a firearm which is not registered to him," did not require the recipient to have the specific intent to possess an unregistered firearm. Consequently, the Court ruled that the buyer of unregistered hand grenades was subject to criminal liability, despite a lack of a requirement that the defendant have had a "specific intent or knowledge that the hand grenades were unregistered."**

1. District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
   Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
   On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.
2. United States v. Hayes, 555 U.S. 415 (2009), is a United States Supreme Court case interpreting Section 921(a)(33)(A) of the federal Gun Control Act of 1968, as amended in 1996. The Court held that a domestic relationship is not necessarily a defining element of the predicate offense to support a conviction for possession of a firearm by a person previously convicted of a misdemeanor crime of domestic violence.

# Text 101:

**United States v. Kahriger, 345 U.S. 22 (1953), was a United States Supreme Court ruling that held certain provisions of the Revenue Act of 1951 were constitutional, in particular sections related to an occupational tax on persons involved in gambling.  
The Supreme Court ruled that the Congressional purpose of penalizing intrastate gambling under the guise of imposing a tax did not violate the Constitution by infringing the police power reserved to the states. The Court stated: "Unless there are [penalty] provisions extraneous to any tax need, courts are without authority to limit the exercise of the taxing power."  
The Supreme Court also ruled that the 1951 Revenue Act did not violate the Fifth Amendment privilege against self-incrimination. However, this holding was later overruled by the Court in Marchetti v. United States.**

1. Kastigar v. United States, 406 U.S. 441 (1972), was a United States Supreme Court decision that ruled on the issue of whether the government's grant of immunity from prosecution can compel a witness to testify over an assertion of the Fifth Amendment privilege against self-incrimination.  
   In a 5-2 decision (Justices Brennan and Rehnquist took no part in the consideration of the case), the Court held that the government can overcome a claim of Fifth Amendment privilege by granting a witness "use and derivative use" immunity in exchange for his testimony.
2. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.

# Text 102:

**Stewart Organization, Inc. v. Ricoh Corp., 487 U.S. 22 (1988), is a United States Supreme Court case in which the Court further refined the test for determining whether federal courts sitting in diversity must apply state law as opposed to federal law under the Erie doctrine. The question in Stewart was whether the federal venue transfer statute, 28 U.S.C. § 1404(a), occupied the field or whether Alabama law's unfavorable stance towards forum-selection clauses should instead be applied. The Court held that the federal statute governed the District Court's decision whether to give effect to the forum-selection clause.**

1. Stewart v. Abend, 495 U.S. 207 (1990), was a United States Supreme Court decision holding that a successor copyright owner (one who obtains ownership later on, such as the heirs of a copyright owner who dies) has the exclusive right to permit the creation and exploitation of derivative works, regardless of potentially conflicting agreements by prior copyright holders.
2. Hertz Corp. v. Friend, 559 U.S. 77 (2010), was a United States Supreme Court case in which the Court supported the "nerve center" test for determining corporate citizenship in the context of the diversity jurisdiction statute, 28 U.S.C. § 1332. Hertz Corp believed that the case brought forward could not be tried in California jurisdiction and therefore hoped a case in a California court would be thrown out. However, the state court ruled that there was California jurisdiction that was appropriate and re-established the importance of the "place of operations" test for firms. The Supreme Court overruled but cautioned that the corporate headquarters will not be considered the principal place of business if it is not the actual center of direction, control, and coordination, such as if it were “simply an office where the corporation holds its board meetings."

# Text 103:

**Quantity of Books v. Kansas, 378 U.S. 205 (1964), is an in rem United States Supreme Court decision on First Amendment questions relating to the forfeiture of obscene material. By a 7–2 margin, the Court held that a seizure of the books was unconstitutional, since no hearing had been held on whether the books were obscene, and it reversed a Kansas Supreme Court decision that upheld the seizure.  
The case arose several years earlier when police in Junction City, Kansas raided an adult bookstore. The state's Attorney General, William M. Ferguson, had previously filed an information with the county court listing 51 titles published by Nightstand Books as allegedly obscene; at the bookstore, 31 of those titles found, and 1,175 books were seized. These procedures were believed to be in keeping with the Supreme Court's recent Marcus v. Search Warrant decision, which held that some sort of judicial review was necessary to determine if seized material was obscene prior to seizure.  
Justice William Brennan wrote for a four-justice plurality that considered the case strictly on procedural grounds, without reaching the question of the books' obscenity. It could, he said, operate as a form of prior restraint. In one of two separate concurrences, Justice Hugo Black reaffirmed his earlier blanket opposition to all legal suppression of obscenity, in which he was joined by William O. Douglas. Justice Potter Stewart said that the books in question were not hardcore pornography, which was the only material that he could consider holding to be unprotected by the First Amendment in Quantity of Books's companion case, Jacobellis v. Ohio (where he had also defined it with his oft-quoted line "I know it when I see it").  
In dissent, Justice John Marshall Harlan II wrote for himself and Tom Clark in faulting Brennan's application of the precedents he relied on. He also disputed whether the procedure was truly prior restraint, since it did not review the material prior to publication. The Court, he concluded, was unfairly denying Kansas the full range of legal tools it might otherwise have had to pursue if it had decided it was an important state interest.**

1. Marcus v. Search Warrant, 367 U.S. 717 (1961), full title Marcus v. Search Warrant of Property at 104 East Tenth Street, Kansas City, Missouri, is an in rem case decided by the United States Supreme Court on the seizure of obscene materials. The Court unanimously overturned a Missouri Supreme Court decision upholding the forfeiture of hundreds of magazines confiscated from a Kansas City wholesaler. It held that both Missouri's procedures for the seizure of allegedly obscene material and the execution of the warrant itself violated the Fourth and Fourteenth amendments' prohibitions on search and seizure without due process. Those violations, in turn, threatened the rights protected by the First Amendment.  
   The case had begun in 1957, when the Kansas City Police Department vice squad raided the warehouse of a local news distributor and five newsstands. Officers seized dozens of publications, far beyond those which had started the investigation, since the search warrants were not specific. Less than half of the seized titles were ultimately found obscene and ordered to be burned.  
   Justice William Brennan wrote for the Court. He found the officers' conduct similar to that which had inspired the Founding Fathers to write the Fourth Amendment. He added that the Missouri Supreme Court had incorrectly applied an earlier Court holding in sustaining the forfeiture. The result was a system that operated as an effective prior restraint. Hugo Black, in a concurring opinion, joined by William O. Douglas restated his conviction that the Fourteenth Amendment applies all the rights protected by the Constitution to the states.  
   Marcus broke ground in holding that First Amendment interests required an additional layer of procedure than other instances of seizure. It would figure prominently in later obscenity cases involving seizures, including one called Quantity of Books v. Kansas, that explicitly tried to take its holding into account. After the Court settled on a definition of obscenity in the early 1970s, it continued to hear other cases on the issues first addressed in Marcus.
2. Kingsley Books, Inc. v. Brown, 354 U.S. 436 (1957), was a Supreme Court case that addressed issues of obscenity, free speech, and due process. The case stemmed from the confiscation and destruction of books from a New York City bookstore. The court's determination was that:   
     
   A state injunction against distribution of material designated as "obscene" does not violate freedom of speech and press protected by the First Amendment and the Due Process Clause of the Fourteenth Amendment.

# Text 104:

**Serbian Orthodox Diocese v. Milivojevich, 426 U.S. 696 (1976), is a United States Supreme Court case in which the Court held that the judicial determination of the Illinois Supreme Court violated the First Amendment and Fourteenth Amendments. In matters of dispute within hierarchal religious organizations, the Establishment Clause precludes intervention by civil courts regarding internal disputes of church governance. Per the Establishment Clause, decisions imposed by hierarchal religious organizations are binding in civil courts.**

1. Agostini v. Felton, 521 U.S. 203 (1997), is a landmark decision of the Supreme Court of the United States. In this case, the Court overruled its decision in Aguilar v. Felton (1985), now finding that it was not a violation of the Establishment Clause of the First Amendment for a state-sponsored education initiative to allow public school teachers to instruct at religious schools, so long as the material was secular and neutral in nature and no "excessive entanglement" between government and religion was apparent. This case is noteworthy in a broader sense as a sign of evolving judicial standards surrounding the First Amendment, and the changes that have occurred in modern Establishment Clause jurisprudence.
2. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.

# Text 105:

**Department of Treasury, Bureau of Alcohol, Tobacco and Firearms v. Galioto, 477 U.S. 556 (1986), was a United States Supreme Court case.**

1. McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."
2. Dean v. United States, 556 U.S. 568 (2009), was a decision by the United States Supreme Court upholding a 10-year penalty for the discharge of a firearm during the commission of any violent or drug trafficking crime, against a bank robber whose gun went off accidentally.

# Text 106:

**Train v. City of New York, 420 U.S. 35 (1975), was a statutory interpretation case in the Supreme Court of the United States. Although one commentator characterizes the case's implications as meaning "[t]he president cannot frustrate the will of Congress by killing a program through impoundment," the Court majority itself made no categorical constitutional pronouncement about impoundment power but focused on the statute's language and legislative history. The words "Constitution," "separation of powers," "separated powers" appear nowhere in the 8-justice majority opinion. The Court's opinion approaches the case as a question of statutory interpretation, albeit one with implications for the American system of checks and balances.  
In this case, President Richard Nixon was of the view that the administration was not obligated to disburse all funds allocated by Congress to states seeking federal monetary assistance under the Federal Water Pollution Control Act Amendments of 1972 and ordered the impoundment of substantial amounts of environmental protection funds for a program he vetoed, and which had been overridden by Congress. Russell E. Train, the administrator of the EPA at the time, complied with the order. Several prospective recipients of the funds (which were intended to subsidize construction of municipal sewers and water treatment works), including the city of New York and several other municipalities, promptly sued, seeking judgment that the administrator was obligated to disburse full amounts authorized and an order directing him to make those allotments.  
In interpreting the statute and its key terms "sums" (not all sums) and "not to exceed," the Court declined to interpret the statute as a congressional grant of discretion to the President to order the impoundment of substantial amounts of environmental protection funds for a program in these circumstances. The Court's review of the statute's legislative history revealed no intention to grant impoundment authority.  
The case arose from facts which pre-date the Congressional Budget and Impoundment Control Act of 1974, though the case was argued after the passing of the 1974 Act. The case showed that the presidential power of impoundment, even without the 1974 Act, was limited by a fair reading of the words Congress chose in its appropriation act. The President is required to carry out the full objectives or scope of programs for which budget authority is provided by the United States Congress. In this case, the President could not order the impoundment of substantial amounts of environmental protection funds for a program he had vetoed, and which Congress had overridden. This finding closed a potential loophole in the Act.**

1. United States v. Riverside Bayview, 474 U.S. 121 (1985), was a United States Supreme Court case challenging the scope of federal regulatory powers over waterways as pertaining to the definition of "waters of the United States" as written in the Clean Water Act of 1972. The Court ruled unanimously that the government does have the power to control intrastate wetlands as waters of the United States. This ruling was effectively revised in Rapanos v. United States (2006), in which the Court adopted a very narrow interpretation of "navigable waters."
2. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.

# Text 107:

**Tison v. Arizona, 481 U.S. 137 (1987), is a United States Supreme Court case in which the Court qualified the rule it set forth in Enmund v. Florida (1982). Just as in Enmund, in Tison the Court applied the proportionality principle to conclude that the death penalty was an appropriate punishment for a felony murderer who was a major participant in the underlying felony and exhibited a reckless indifference to human life.**

1. Enmund v. Florida, 458 U.S. 782 (1982), is a United States Supreme Court case. It was a 5–4 decision in which the United States Supreme Court applied its capital proportionality principle, to set aside the death penalty for the driver of a getaway car, in a robbery-murder of an elderly Floridian couple. The court ruled that the imposition of the death penalty under the felony murder rule when the defendant did not intentionally kill the victim constituted cruel and unusual punishment under the Eighth Amendment of the United States constitution.
2. Schad v. Arizona, 501 U.S. 624 (1991), is a United States Supreme Court decision that explained which charges need to be explained to the jury in trials for felony murders.

# Text 108:

**Goldman v. Weinberger, 475 U.S. 503 (1986), was a United States Supreme Court case in which a Jewish Air Force officer was denied the right to wear a yarmulke when in uniform on the grounds that the Free Exercise Clause applies less strictly to the military than to ordinary citizens.**

1. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. Schacht v. United States, 398 U.S. 58 (1970), was a United States Supreme Court case, which ruled that actors could wear accurate military uniforms—regardless of the production's portrayal of the military—on First Amendment grounds.

# Text 109:

**Bonito Boats, Inc. v. Thunder Craft Boats, Inc., 489 U.S. 141 (1989), is a decision of the United States Supreme Court holding a state anti-plug molding law preempted because it partially duplicated and therefore interfered with the balance Congress had struck by federal patent law. The decision reaffirmed the Supreme Court's earlier decision in Sears, Roebuck & Co. v. Stiffel Co. (1964), which held a state unfair competition law preempted on the same ground.**

1. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.
2. Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959), is a United States Supreme Court case in which the Court held that the Illinois law requiring trucks to have unique mudguards was unconstitutional under the Commerce clause.

# Text 110:

**United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.**

1. Almeida-Sanchez v. United States, 413 U.S. 266 (1973), was a United States Supreme Court case holding that the search of an automobile by the United States Border Patrol without a warrant or probable cause violates the Fourth Amendment. The vehicle was stopped and searched for illegal aliens twenty-five miles (40 km) from the Mexican border. The Court approached the search from four views: automobile search, administrative inspection, heavily regulated industry inspection, and border search. As to the validity of the search under the automobile exception, the Court found no justification for the search under the Carroll doctrine because there was no probable cause. As to the validity of the search under various administrative inspection doctrines, the Court found that the officers lacked an area warrant. As to the validity of the heavily regulated industry inspection, the Court found that the doctrine is not applicable to traveling on a state highway. As to the validity of a border search, the Court found that the site of the stop and the entirety of the road on which the stop occurred was too far from the border to be considered a border search.
2. United States v. Martinez-Fuerte, 428 U.S. 543 (1976), was a decision of the United States Supreme Court that allowed the United States Border Patrol to set up permanent or fixed checkpoints on public highways leading to or away from the Mexican border and that the checkpoints are not a violation of the Fourth Amendment.

# Text 111:

**Gottschalk v. Benson, 409 U.S. 63 (1972), was a United States Supreme Court case in which the Court ruled that a process claim directed to a numerical algorithm, as such, was not patentable because "the patent would wholly pre-empt the mathematical formula and in practical effect would be a patent on the algorithm itself." That would be tantamount to allowing a patent on an abstract idea, contrary to precedent dating back to the middle of the 19th century. The ruling stated "Direct attempts to patent programs have been rejected [and] indirect attempts to obtain patents and avoid the rejection ... have confused the issue further and should not be permitted." The case was argued on October 16, 1972, and was decided November 20, 1972.**

1. Parker v. Flook, 437 U.S. 584 (1978), was a 1978 United States Supreme Court decision that ruled that an invention that departs from the prior art only in its use of a mathematical algorithm is patent eligible only if there is some other "inventive concept in its application." The algorithm itself must be considered as if it were part of the prior art, and the claim must be considered as a whole. The exact quotation from the majority opinion is:  
   "Respondent’s process is unpatentable under §101, not because it contains a mathematical algorithm as one component, but because once that algorithm is assumed to be within the prior art, the application, considered as a whole, contains no patentable invention." "The fact that the algorithm may not have actually been known previously and that, when taken in combination with other claim elements, it might produce an invention that is novel  
   and nonobvious, plays no part in the analysis."  
   The case was argued on April 25, 1978 and was decided June 22, 1978. This case is the second member of the Supreme Court's patent-eligibility trilogy.
2. Bilski v. Kappos, 561 U.S. 593 (2010), was a case decided by the Supreme Court of the United States holding that the machine-or-transformation test is not the sole test for determining the patent eligibility of a process, but rather "a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101." In so doing, the Supreme Court affirmed the rejection of an application for a patent on a method of hedging losses in one segment of the energy industry by making investments in other segments of that industry, on the basis that the abstract investment strategy set forth in the application was not patentable subject matter.

# Text 112:

**Railway Labor Executives' Association v. Gibbons, 455 U.S. 457 (1982), was a U.S. Supreme Court case that affirmed distinction between the Commerce Clause and Bankruptcy Clause of the Enumerated powers, and held that legislation passed by Congress regarding bankruptcy must respect the uniformity requirement by not targeting a specific company.**

1. Union Pacific Railroad v. Brotherhood of Locomotive Engineers, 558 U.S. 67 (2009), was a United States Supreme Court decision on labor disputes.
2. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.

# Text 113:

**Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.**

1. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.
2. Afroyim v. Rusk, 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States, which ruled that citizens of the United States may not be deprived of their citizenship involuntarily. The U.S. government had attempted to revoke the citizenship of Beys Afroyim, a man born in Poland, because he had cast a vote in an Israeli election after becoming a naturalized U.S. citizen. The Supreme Court decided that Afroyim's right to retain his citizenship was guaranteed by the Citizenship Clause of the Fourteenth Amendment to the Constitution. In so doing, the Court struck down a federal law mandating loss of U.S. citizenship for voting in a foreign election—thereby overruling one of its own precedents, Perez v. Brownell (1958), in which it had upheld loss of citizenship under similar circumstances less than a decade earlier.  
   The Afroyim decision opened the way for a wider acceptance of dual (or multiple) citizenship in United States law. The Bancroft Treaties—a series of agreements between the United States and other nations which had sought to limit dual citizenship following naturalization—were eventually abandoned after the Carter administration concluded that Afroyim and other Supreme Court decisions had rendered them unenforceable.  
   The impact of Afroyim v. Rusk was narrowed by a later case, Rogers v. Bellei (1971), in which the Court determined that the Fourteenth Amendment safeguarded citizenship only when a person was born or naturalized in the United States, and that Congress retained authority to regulate the citizenship status of a person who was born outside the United States to an American parent. However, the specific law at issue in Rogers v. Bellei—a requirement for a minimum period of U.S. residence that Bellei had failed to satisfy—was repealed by Congress in 1978. As a consequence of revised policies adopted in 1990 by the United States Department of State, it is now (in the words of one expert) "virtually impossible to lose American citizenship without formally and expressly renouncing it."

# Text 114:

**Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. United States v. Wade, 388 U.S. 218 (1967), was a case decided by the Supreme Court of the United States that held that a criminal defendant has a Sixth Amendment right to counsel at a lineup held after indictment.

# Text 115:

**Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.**

1. United States v. Singer Mfg. Co., 374 U.S. 174 (1963), was a 1963 decision of the Supreme Court, holding that the defendant Singer violated the antitrust laws by conspiring with two European competitors to exclude Japanese sewing machine competition from the US market. Singer effectuated the conspiracy by agreeing with the two European competitors to broaden US patent rights and concentrate them under Sanger's control in order to more effectively exclude the Japanese firms. A further aspect of the conspiracy was to fraudulently procure a US patent and use it as an exclusionary tool. This was the first Supreme Court decision holding that exclusionary use of a fraudulently procured patent could be an element supporting an antitrust claim.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 116:

**Smith v. Texas, 550 U.S. 297 (2007), was a United States Supreme Court case about a challenge to a Texas death penalty court procedure. Justice Anthony Kennedy wrote the opinion of the Court, holding 5-4 that the Texas procedure was improper. Justice Samuel Alito wrote a dissent.**

1. Smith v. Spisak, 558 U.S. 139 (2010), was a United States Supreme Court decision on the applicability of the Antiterrorism and Effective Death Penalty Act of 1996. It further examined issues of previous court decisions on jury instructions and the effectiveness of counsel.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 117:

**Karcher v. Daggett, 462 U.S. 725 (1983), was a United States Supreme Court case involving the legality of redistricting, and possibly gerrymandering, in the state of New Jersey.**

1. Karcher v. May, 484 U.S. 72 (1987), was a school prayer case in which the Supreme Court of the United States held that the former presiding officers of the New Jersey legislature did not have Article III standing to appeal a case, as that standing had passed on to their legislative successors.
2. Davis v. Bandemer, 478 U.S. 109 (1986), is a case in which the United States Supreme Court held that claims of partisan gerrymandering were justiciable, but failed to agree on a clear standard for the judicial review of the class of claims of a political nature to which such cases belong. The decision was later limited with respect to many of the elements directly involving issues of redistricting and political gerrymandering, but was somewhat broadened with respect to less significant ancillary procedural issues. Democrats had won 51.9% of the votes, but only 43/100 seats. Democrats sued on basis of one man, one vote, however, California Democrats supported the Indiana GOP's plan.  
   The National Republican Committee filed an amicus brief in support of the Indiana Democrats, Democrats in the California house and senate filed briefs supporting the Republican redistricting plan.

# Text 118:

**BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996), was a United States Supreme Court case limiting punitive damages under the Due Process Clause of the Fourteenth Amendment.**

1. Honda Motor Company v. Oberg, 512 U.S. 415 (1994), was a United States Supreme Court case in which the Court held that an amendment to the Oregon state constitution disallowing judicial review of the size of punitive damages was a violation of due process.
2. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.

# Text 119:

**Rankin v. McPherson, 483 U.S. 378 (1987), is a major decision of the Supreme Court of the United States concerning the First Amendment, specifically whether the protection of the First Amendment extends to government employees who make extremely critical remarks about the President. The Court ruled that, while direct threats on the President's life would not be protected speech, a comment — even an unpopular or seemingly extreme one — made on a matter of public interest and spoken by a government employee with no policymaking function and a job with little public interaction, would be protected.**

1. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".
2. Waters v. Churchill, 511 U.S. 661 (1994), is a United States Supreme Court case concerning the First Amendment rights of public employees in the workplace. By a 7–2 margin the justices held that it was not necessary to determine what a nurse at a public hospital had actually said while criticizing a supervisor's staffing practices to coworkers, as long as the hospital had formed a reasonable belief as to the content of her remarks and reasonably believed that they could be disruptive to its operations. They vacated a Seventh Circuit Court of Appeals ruling in her favor, and ordered the case remanded to district court to determine instead if the nurse had been fired for the speech or other reasons, per the Court's ruling two decades prior in Mt. Healthy City School District Board of Education v. Doyle.  
   The case had first been brought by Cheryl Churchill, a nurse in the obstetrics ward at McDonough District Hospital, operated by the city of Macomb, Illinois. During a dinner break one night in early 1987, she had been talking with another nurse who was considering transferring to obstetrics. In that conversation she made statements critical of cross-training practices recently implemented by the hospital's nursing supervisor, Cindy Waters, and referred to personal issues between the two. Another nurse who overheard the conversation believed Churchill's comments about Waters had dissuaded her interlocutor from the transfer, and reported it to Waters. After an investigation in which Churchill alleged she was never asked about what she had said, she was fired.  
   There were four separate opinions. Sandra Day O'Connor wrote for a four-justice plurality that the government has a lower obligation to respect constitutional rights when it acts as employer rather than as the sovereign. Accordingly, in that situation it should not be required to meet a due process standard greater than the reasonableness of its own finding of fact. David Souter added a short concurring opinion qualifying the plurality, which he said was in fact a majority, with his insistence that in such cases the government must demonstrate that its understanding of what the employee said was not only a reasonable belief but a truthful one. Antonin Scalia concurred as well, but harshly criticized O'Connor's opinion. He read it as requiring a procedural handling of every possible adverse personnel action where First Amendment rights might be implicated, providing "more questions than answers". John Paul Stevens' dissent argued that the First Amendment required that the lower court determine exactly what Churchill had said before ruling on whether it was protected.  
   Outside commentators have also been critical of the decision, since it might discourage whistleblowers. In addition to echoing Stevens' concerns, they have seen it as abandoning any concern for the truth, imposing a heavy burden on a plaintiff, relying on an overly narrow conception of the public's interest, and possibly discouraging people from entering public service. The decision resulted in a lower court changing its ruling in a high-profile case involving controversial academic Leonard Jeffries.

# Text 120:

**Dothard v. Rawlinson, 433 U.S. 321 (1977), was the first United States Supreme Court case in which the bona fide occupational qualifications (BFOQ) defense was used.**

1. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.
2. United States v. Wise, 370 U.S. 405 (1962), was a case in which the Supreme Court of the United States held that corporate officers acting in their duties could be subject to sanctions under the Sherman Antitrust Act.

# Text 121:

**Linmark Associates, Inc. v. Township of Willingboro, 431 U.S. 85 (1977), was a case in which the Supreme Court of the United States found that an ordinance prohibiting the posting of "for sale" and "sold" signs on real estate within the town violated the First Amendment to the United States Constitution protections for commercial speech.**

1. Flagg Bros., Inc. v. Brooks, 436 U.S. 149 (1978), was a case decided by the Supreme Court of the United States wherein the constitutionality of New York's Uniform Commercial Code provision, which allows a warehouse to enforce a lien upon repossessed goods by selling said goods, was challenged under the Fourteenth Amendment. The Court held that the state-allowed re-sale provision did not constitute state action, and thus, the plaintiff did not possess a colorable federal due process claim.
2. City of Ladue v. Gilleo, 512 U.S. 43 (1994), was a free speech decision of the Supreme Court of the United States. It was a case challenging the legality of a city ordinance restricting the placement of signs in the yards of residents of Ladue, Missouri.

# Text 122:

**Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123 (1951), was a United States Supreme Court case that held that groups could sue to challenge their inclusion on the Attorney General's List of Subversive Organizations. The decision was fractured on its reasoning, with each of the Justices in the majority writing separate opinions.**

1. Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 515 U.S. 557 (1995), was a landmark decision of the US Supreme Court regarding free speech rights, specifically the rights of groups to determine what message their activities convey to the public. The Court ruled that private organizations, even if they were planning on and had permits for a public demonstration, were permitted to exclude groups if those groups presented a message contrary to the one the organizing group wanted to convey. Addressing the specific issues of the case, the Court found that private citizens organizing a public demonstration may not be compelled by the state to include groups who impart a message the organizers do not want to be presented by their demonstration, even if the intent of the state was to prevent discrimination.
2. Gunn v. University Committee to End the War in Viet Nam, 399 U.S. 383 (1970), is a United States Supreme Court case in which the Court that since the District Court has issued neither an injunction nor an order granting or denying one, Supreme Court has no jurisdiction under 28 U.S.C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions.

# Text 123:

**Leland v. Oregon, 343 U.S. 790 (1952), was a United States Supreme Court case in which the Court upheld the constitutionality of placing the burden of persuasion on the defendant when they argue an insanity defense in a criminal trial. This differed from previous federal common law established in Davis v. United States, in which the court held that if the defense raised an insanity defense, the prosecution must prove sanity beyond a reasonable doubt, but Davis was not a United States constitutional ruling, so only limited federal cases, but not state cases.: 17  Oregon had a very high burden on defense, that insanity be proved beyond a reasonable doubt.: 17  At that time, twenty other states also placed the burden of persuasion on the defense for an insanity defense.: 17   
The defendant was convicted of killing a fifteen-year-old girl in Multnomah County. After being arrested for auto theft, the defendant asked for a homicide officer, verbally confessed to the murder, took the police to the scene of the crime, and signed a written confession. After being indicted, he then spoke to a lawyer for the first time. At trial, a jury convicted him and recommended the death penalty.  
Oregon law required the defendant required proof of insanity beyond a reasonable doubt. The case claimed that the "statute in effect requires a defendant pleading insanity to establish his innocence by disproving beyond a reasonable doubt elements of the crime necessary to a verdict of guilty, and that the statute is therefore violative of that due process of law secured by the Fourteenth Amendment."**

1. Apodaca v. Oregon, 406 U.S. 404 (1972), was a United States Supreme Court case in which the Court held that state juries may convict a defendant by a less-than-unanimous verdict in a felony criminal case. The four-justice plurality opinion of the court, written by Justice White, affirmed the judgment of the Oregon Court of Appeals and held that there was no constitutional right to a unanimous verdict. Although federal law requires federal juries to reach criminal verdicts unanimously, the Court held Oregon's practice did not violate the Sixth Amendment right to trial by jury and so allowed it to continue. In Johnson v. Louisiana, a case decided on the same day, the Court held that Louisiana's similar practice of allowing criminal convictions by a jury vote of 9–3 did not violate due process or equal protection under the Fourteenth Amendment.  
   Justice Powell, in his concurring opinion, argued that there was a constitutional right to a unanimous jury in the Sixth Amendment, but that the Fourteenth Amendment's Due Process Clause does not incorporate that right as applied to the states. This case is part of a line of cases interpreting if and how the Sixth Amendment is applied against the states through the Fourteenth Amendment for the purposes of incorporation doctrine, although the division of opinions prevented a clear-cut answer to that question in this case.  
   Apodaca v. Oregon was overruled by Ramos v. Louisiana (2020).
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 124:

**Texas Monthly v. Bullock, 489 U.S. 1 (1989), was a case brought before the US Supreme Court in November 1988. The case (initiated by the publishers of Texas Monthly, a well-known general-interest magazine in Texas) was to test the legality of a Texas statute that exempted religious publications from paying state sales tax.  
The Court, in a 6–3 decision lacking a majority, overturned an appellate court's decision that the exemption was constitutional and remanded the case.**

1. Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), was a decision of the Supreme Court of the United States regarding campaign finance regulations. The majority opinion authored by Thurgood Marshall held that the Michigan Campaign Finance Act, which burdened political speech by prohibiting corporations from using treasury money to make independent expenditures to support or oppose candidates in elections, was appropriately justified by a compelling state interest so as to overcome a First Amendment challenge. The court also found no Fourteenth Amendment violation, stating that Congress could treat press corporations and nonpress corporations differently without violating the Equal Protection Clause. Upholding the restriction on corporate political speech, The Court stated that "Corporate wealth can unfairly influence elections"; however, the Michigan law still allowed the corporation to make such expenditures from a segregated fund.
2. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.

# Text 125:

**Enmund v. Florida, 458 U.S. 782 (1982), is a United States Supreme Court case. It was a 5–4 decision in which the United States Supreme Court applied its capital proportionality principle, to set aside the death penalty for the driver of a getaway car, in a robbery-murder of an elderly Floridian couple. The court ruled that the imposition of the death penalty under the felony murder rule when the defendant did not intentionally kill the victim constituted cruel and unusual punishment under the Eighth Amendment of the United States constitution.**

1. Tison v. Arizona, 481 U.S. 137 (1987), is a United States Supreme Court case in which the Court qualified the rule it set forth in Enmund v. Florida (1982). Just as in Enmund, in Tison the Court applied the proportionality principle to conclude that the death penalty was an appropriate punishment for a felony murderer who was a major participant in the underlying felony and exhibited a reckless indifference to human life.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 126:

**Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.**

1. Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), was a landmark United States Supreme Court decision on compensation for regulatory takings. Penn Central sued New York City after the New York City Landmark Preservation Commission denied its bid to build a large office building on top of Grand Central Terminal. The Supreme Court ruled in the city's favor.
2. Railway Labor Executives' Association v. Gibbons, 455 U.S. 457 (1982), was a U.S. Supreme Court case that affirmed distinction between the Commerce Clause and Bankruptcy Clause of the Enumerated powers, and held that legislation passed by Congress regarding bankruptcy must respect the uniformity requirement by not targeting a specific company.

# Text 127:

**Banco Nacional de Cuba v. Sabbatino, 376 U.S. 398 (1964), was a United States Supreme Court case that determined that the policy of United States federal courts would be to honor the Act of State Doctrine, which dictates that the propriety of decisions of other countries relating to their internal affairs would not be questioned in the courts of the United States.**

1. Cuomo v. Clearing House Association, L.L.C., 557 U.S. 519 (2009), was a case decided by the United States Supreme Court. In a 5–4 decision, the court determined that a federal banking regulation did not pre-empt the ability of states to enforce their own fair-lending laws. The Court determined that the Office of the Comptroller of the Currency is the sole regulator of national banks but it does not have the authority under the National Bank Act to pre-empt state law enforcement against national banks.  
   The case came out of an interpretation of the US Treasury Department's Office of the Comptroller of the Currency which had blocked an investigation by New York into lending practices. The OCC claimed that the 1864 National Bank Act bars states from enforcing their own laws against national banks.  
   Justice Scalia stated in the opinion that while the OCC has "visitorial powers," the right to examine the affairs of a corporation, that does not mean that it has the exclusive right to enforcement. "A sovereign's 'visitorial powers' and its power to enforce the law are two different things. Contrary to what the [OCC's] regulation says, the National Bank Act pre-empts only the former." Scalia noted that states "have always enforced their general laws against national banks—and have enforced their banking-related laws against national banks for at least 85 years."  
   The case is notable for the justices composing the 5-4 majority, which included the liberal justices (John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer) along with the conservative Scalia, who authored the opinion. Justice Clarence Thomas, joined by Justices Samuel Alito, Anthony Kennedy, and Chief Justice John Roberts, wrote a dissent.  
   The case is further notable for the suggested relationship of this OCC decision to the financial crisis of 2007–2010.
2. United States v. Philadelphia National Bank, 374 U.S. 321 (1963), also called the Philadelphia Bank case, was a 1963 decision of the United States Supreme Court that held Section 7 of the Clayton Act, as amended in 1950, applied to bank mergers. It was the first case in which the Supreme Court considered the application of antitrust laws to the commercial banking industry. In addition to holding the statute applicable to bank mergers, the Court established a presumption that mergers that covered at least 30 percent of the relevant market were presumptively unlawful.

# Text 128:

**West Lynn Creamery, Inc. v. Healy, 512 U.S. 186 (1994), was a United States Supreme Court case.**

1. Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456 (1981), was a United States Supreme Court case which found no violation of the equal protection or commerce clauses in a Minnesota state statute banning retail sale of milk in plastic nonreturnable, nonrefillable containers, but permitting such sale in other nonreturnable, nonrefillable containers.
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 129:

**Flemming v. Nestor, 363 U.S. 603 (1960), was a United States Supreme Court case in which the Court upheld the constitutionality of Section 1104 of the 1935 Social Security Act. In this Section, Congress reserved to itself the power to amend and revise the schedule of benefits. The Court rejected that Social Security is a system of 'accrued property rights' and held that those who pay into the system have no contractual right to receive what they have paid into it.**

1. Lyng v. Castillo, 477 U.S. 635 (1986), reversed a lower court's decision that the change in the statutory definition of a household violated the appellee's due process rights. The program rules for food stamps were changed in 1981 and 1982 which changed the definitions of households. The Supreme Court of the United States ruled that the District Court erred in using heightened scrutiny to analyze the validity of the household definition.  
   Earlier, the Supreme Court ruled in Department of Agriculture v. Moreno (1973) that a provision of the Food Stamp Act of 1971 was unconstitutional because a household, if an unrelated individual lived in it, would have its benefits reduced or eliminated.
2. Mathews v. Eldridge, 424 U.S. 319 (1976), is a case in which the United States Supreme Court held that individuals have a statutorily granted property right in Social Security benefits, and the termination of such benefits implicates due process but does not require a pre-termination hearing. The case is significant in the development of American administrative law.

# Text 130:

**Rhode Island v. Innis, 446 U.S. 291 (1980), is a decision by the United States Supreme Court that clarifies what constitutes "interrogation" for the purposes of Miranda warnings. Under Miranda v. Arizona, police are forbidden from interrogating a suspect once he has asserted his right to counsel under the Sixth Amendment. In Innis, the court held that interrogation is not just direct questioning but also its "functional equivalent"; namely, "any words or actions on the part of the police ... that the police should know are reasonably likely to elicit an incriminating response."**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 131:

**Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.**

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2. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.

# Text 132:

**United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989), was a case before the United States Supreme Court.**

1. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), is a decision by the Supreme Court of the United States involving the Freedom of Information Act. The Supreme Court ruled that Henry Kissinger was not required under the Act to turn over transcripts of phone conversations he made as an adviser to President Richard Nixon.  
   By a 5–2 margin, the court overturned the decisions of two lower Federal courts and decided that Kissinger's removal of the transcripts from the State Department removed the documents from the purview of the Freedom of Information Act. In his opinion for the majority, Associate Justice William H. Rehnquist noted that once the documents had been withdrawn, "the agency has neither the custody or control necessary to enable it to withhold."  
   Kissinger had removed thousands of pages of the phone transcripts in the waning days of his term as Secretary of State. The documents were first stored at Nelson Rockefeller's Kykuit estate in Westchester County, New York and were later given to the Library of Congress. In a decision affirmed by the United States Court of Appeals, the United States District Court ruled that Kissinger had "wrongfully removed" the documents and ordered the Library of Congress to return the papers to the State Department so that they could be processed for disclosure.  
   The Supreme Court confirmed the decisions of the lower courts that Kissinger's transcripts when he was Richard Nixon's national security advisor did not fall under the purview of the Freedom of Information Act, nor would it apply to any other members of a President's executive office staff. The only documents that were legitimately covered by the request would have been from his term as Secretary of State from September 1973 to January 1977.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 133:

**Industrial Union Department v. American Petroleum Institute (also known as the Benzene Case), 448 U.S. 607 (1980), was a case decided by the Supreme Court of the United States. This case represented a challenge to the OSHA practice of regulating carcinogens by setting the exposure limit "at the lowest technologically feasible level that will not impair the viability of the industries regulated." OSHA selected that standard because it believed that (1) it could not determine a safe exposure level and that (2) the authorizing statute did not require it to quantify such a level. The AFL Industrial Union Department served as the petitioner; the American Petroleum Institute was the respondent. A plurality on the Court, led by Justice Stevens, wrote that the authorizing statute did indeed require OSHA to demonstrate a significant risk of harm (albeit not with mathematical certainty) in order to justify setting a particular exposure level.  
Perhaps more important than the specific holding of the case, the Court noted in dicta that if the government's interpretation of the authorizing statute had been correct, it might violate the nondelegation doctrine. This line of reasoning may represent the "high-water mark" of recent attempts to revive the doctrine.**

1. Skinner v. Railway Labor Executives Association, 489 U.S. 602 (1989), was the U.S. Supreme Court case that paved the way for random drug testing of public employees in "safety sensitive" positions.
2. Robinson v. Shell Oil Company, 519 U.S. 337 (1997), is US labor law case in the United States Supreme Court in which the Court unanimously held that under federal law, U.S. employers must not engage in workplace discrimination such as writing bad job references, or otherwise retaliating against former employees as a punishment for filing job discrimination complaints.

# Text 134:

**Tanner v. United States, 483 U.S. 107 (1987), was a United States Supreme Court case in which the Court held that juror testimony could not be used to discredit or overturn a jury verdict, even if the jury had been consuming copious amounts of alcohol, marijuana, and cocaine throughout the course of the trial.**

1. Leary v. United States, 395 U.S. 6 (1969), is a U.S. Supreme Court case dealing with the constitutionality of the Marihuana Tax Act of 1937. Timothy Leary, a professor and activist, was arrested for the possession of marijuana in violation of the Marihuana Tax Act. Leary challenged the act on the ground that the act required self-incrimination, which violated the Fifth Amendment. The unanimous opinion of the court was penned by Justice John Marshall Harlan II and declared the Marihuana Tax Act unconstitutional. Thus, Leary's conviction was overturned. Congress responded shortly thereafter by replacing the Marihuana Tax Act with the newly written Controlled Substances Act while continuing the prohibition of certain drugs in the United States.
2. Beck v. Alabama, 447 U.S. 625 (1980), was a United States Supreme Court case in which the Court held that a jury must be allowed to consider lesser included offenses, not just capital offense or acquittal.

# Text 135:

**United States v. Florida East Coast Railway Co., 410 U.S. 224 (1973), was a case decided by the United States Supreme Court.  
Due to a chronic freight car shortage, Congress had enlarged the scope of the Interstate Commerce Commission's authority to prescribe per diem rate charges for the use of one company's freight car by another, thus giving an incentive to each company to use the cars more efficiently or to acquire more freight cars. The Commission, in passing the regulation, had allowed railroads 60 days to file statements of position on the matter. The Commission had said: "that any party requesting oral hearing shall set forth with specificity the need therefore and the evidence to be adduced." Several railroads filed statements requesting oral hearings, but the Commission did not hold further hearings and overruled the requests.  
Two railroad companies brought an action in the Middle District of Florida to set aside the per diem rates that had been established because they had only been allowed to make written submissions during "hearings" for the proposed rule and not oral arguments. The District Court found that the Interstate Commerce Act required that the Interstate Commerce Commission act in accordance with Administrative Procedure Act, 5 U.S.C. Sec. 556(d), which required that parties would not be "prejudiced" by an agency's decision to receive all submissions of evidence in written form.  
The Supreme Court reversed the District Court's decision. Justice Rehnquist delivered the opinion, explaining that Section 1(14)(a) of the Interstate Commerce Act which had enlarged the Commission's authority to pass regulations "after hearing" was not a requirement that the ICC allow oral arguments in its rulemaking proceedings and that the hearing requirement had been met.  
The Court distinguished between administrative rulemaking and administrative adjudications. Since there had been no effort to single out a particular railroad, the court found the agency's action was of a basically legislative type judgment as opposed to an adjudication which could entail due process hearing rights.  
The Court referred to its decision in Bi-Metallic Investment Co. v. State Board of Equalization in which it held that no hearing at all was constitutionally required prior to a decision by state tax officers in Colorado to increase the valuation of all taxable property in Denver by a substantial amount.  
Justice Douglas joined by Justice Stewart dissented finding that the Railroads had not been afforded hearings guaranteed by Section 1(14)(a) of the Interstate Commerce Act and 5 U.S.C. Sections 553, 556, and 557.**

1. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.
2. Railway Labor Executives' Association v. Gibbons, 455 U.S. 457 (1982), was a U.S. Supreme Court case that affirmed distinction between the Commerce Clause and Bankruptcy Clause of the Enumerated powers, and held that legislation passed by Congress regarding bankruptcy must respect the uniformity requirement by not targeting a specific company.

# Text 136:

**North Carolina v. Alford, 400 U.S. 25 (1970), was a case in which the Supreme Court of the United States affirmed that there are no constitutional barriers in place to prevent a judge from accepting a guilty plea from a defendant who wants to plead guilty, while still protesting his innocence, under duress, as a detainee status. This type of plea has become known as an Alford plea, differing slightly from the nolo contendere plea in which the defendant agrees to being sentenced for the crime, but does not admit guilt. Alford died in prison in 1975.**

1. Parker v. North Carolina, 397 U.S. 790 (1970), was a United States Supreme Court case in which the Court ruled that a plea agreement was valid even if the defendant entered into it in order to avoid the death penalty and even if his decision was based on a possibly mistaken belief on the part of the defendant and his lawyer that a confession the defendant had made would be admissible in court.
2. Klopfer v. North Carolina, 386 U.S. 213 (1967), was a decision by the United States Supreme Court involving the application of the Speedy Trial Clause of the United States Constitution in state court proceedings. The Sixth Amendment in the Bill of Rights states that in criminal prosecutions "...the accused shall enjoy the right to a speedy trial" In this case, a defendant was tried for trespassing and the initial jury could not reach a verdict. The prosecutor neither dismissed nor reinstated the case but used an unusual procedure to leave it open, potentially indefinitely. Klopfer argued that this denied him his right to a speedy trial. In deciding in his favor, the Supreme Court incorporated the speedy trial protections of the Sixth Amendment against the states.

# Text 137:

**Chick Kam Choo v. Exxon Corp., 486 U.S. 140 (1988), was a United States Supreme Court case in which the Court held that a federal court's dismissal of a civil action on the ground that it should be heard in a foreign court, under the doctrine of forum non conveniens, does not preclude the plaintiff from filing the same action in a state court that applies different forum non conveniens rules.**

1. Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
   The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
   After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
   Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
   Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
   Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."
2. Exxon Corp. v. Governor of Maryland, 437 U.S. 117 (1978), was a case in which the Supreme Court of the United States upheld a Maryland law prohibiting oil producers and refiners from operating service stations within its borders. The challengers, including Exxon, claimed that the law violated the Dormant Commerce Clause. Justice Stevens wrote for the majority, which disagreed with Exxon et al.: "Since Maryland's entire gasoline supply flows in interstate commerce and since there are no local producers or refiners, such claims of disparate treatment between interstate and local commerce would be meritless." Exxon challenged the Maryland statute in Circuit Court which ruled the statute invalid. The Maryland Court of Appeals reversed the ruling.

# Text 138:

**Stone v. Graham, 449 U.S. 39 (1980), was a court case in which the Supreme Court of the United States ruled that a Kentucky statute was unconstitutional and in violation of the Establishment Clause of the First Amendment, because it lacked a nonreligious, legislative purpose. The statute required the posting of a copy of the Ten Commandments on the wall of each public classroom in the state. The copies of the Ten Commandments were purchased with private funding, but the Court ruled that because they were being placed in public classrooms they were in violation of the First Amendment.**

1. Stone v. Powell, 428 U.S. 465 (1976), was decision of the Supreme Court of the United States that limited which claims of Fourth Amendment violations could be made by state prisoners in habeas corpus petitions in federal courts. Specifically, a claim that the exclusionary rule had been broken would be barred if state courts had already given it a full and fair hearing. The decision combined two cases that were argued before the Supreme Court on the same day with similar issues, one filed by Lloyd Powell (convicted of murder in California) and the other, titled Wolff v. Rice, filed by David Rice (convicted of murder in Nebraska).
2. Gravel v. United States, 408 U.S. 606 (1972), was a case regarding the protections offered by the Speech or Debate Clause of the United States Constitution. In the case, the Supreme Court of the United States held that the privileges and immunities of the Constitution's Speech or Debate Clause enjoyed by members of Congress also extend to Congressional aides, but not to activity outside the legislative process.

# Text 139:

**Hernandez v. Texas, 347 U.S. 475 (1954), was a landmark case, "the first and only Mexican-American civil-rights case heard and decided by the United States Supreme Court during the post-World War II period." In a unanimous ruling, the court held that Mexican Americans and all other nationality groups in the United States have equal protection under the 14th Amendment of the U.S. Constitution. The ruling was written by Chief Justice Earl Warren. This was the first case in which Mexican-American lawyers had appeared before the Supreme Court.**

1. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.
2. Brown v. Texas, 443 U.S. 47 (1979), was a United States Supreme Court case in which the Court determined that the defendant's arrest in El Paso, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment. It is an important case for Stop and Identify statutes in the United States.  
   The decision was written by Chief Justice Warren Burger and unanimously supported by the other justices. His summary of the factual elements of the case includes the following:  
     
   Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area with a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation "looked suspicious and we had never seen that subject in that area before." The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer "who has lawfully stopped him and requested the information."  
   The finding held that:  
     
   The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable."  
   While the application of the relevant Texas law was held unconstitutional in the case, the constitutional status of the law itself was not addressed.  
   The statute in question, Tex. Penal Code § 38.02(a) has since been revised to only make it a crime to refuse to identify oneself after being lawfully arrested.

# Text 140:

**Patterson v. New York, 432 U.S. 197 (1977), was a legal case heard by the Supreme Court of the United States that stated that the Due Process Clause Fourteenth Amendment did not prevent the burdening of a defendant to prove the affirmative defense of extreme emotional disturbance as defined by law in the state of New York.  
The court found that the State of New York had reclassified provocation ("extreme emotional disturbance") as an excuse (an affirmative defense requiring proof by preponderance of the evidence), rather than mens rea, which the prosecution had to prove beyond a reasonable doubt, as was the situation in Mullaney v. Wilbur (1975).: 18**

1. Mullaney v. Wilbur, 421 U.S. 684 (1975), is a criminal case in which a unanimous court struck down a state statute requiring a defendant to prove the defense of provocation to downgrade a murder conviction to manslaughter.: 17  Previous common law, such as in Commonwealth v. York (1845), allowed such burden on the defense.: 17   
   Maine's statute defined murder as unlawfully killing with malice, with malice defined as deliberate and unprovoked cruelty, and added that killings were presumed to be unprovoked unless the defense proved provocation by a preponderance of the evidence.: 17  Justice Powell delivered the opinion for the court that provocation was a crucial part of the charge in that it determined "the degree of culpability attaching to the criminal homicide".: 17   
   States were able to circumvent this decision by careful wording, as in Patterson v. New York, in which provocation, or "extreme emotional disturbance", was classified as an allowable defense excuse, not as a listed element.: 17
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 141:

**Chambers v. United States, 555 U.S. 122 (2009), was a case in which the Supreme Court of the United States held that failing to report for incarceration does not qualify as a "violent felony" for the purposes of the Armed Career Criminal Act.**

1. Chambers v. Mississippi, 410 U.S. 284 (1973), was a United States Supreme Court case in which the Court held that a state may not enforce its rules of evidence, such as rules excluding hearsay, in a fashion that disallows a criminal defendant from presenting reliable exculpatory evidence and thus denies the defendant a fair trial.
2. James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.

# Text 142:

**Hamilton v. Alabama, 376 U.S. 650 (1964), is a United States Supreme Court case in which the court held that an African American woman, Mary Hamilton, was entitled to the same courteous forms of address customarily reserved solely for whites in the Southern United States, and that calling a black person by their first name in a formal context was "a form of racial discrimination".**

1. Hamilton v. Alabama, 368 U.S. 52 (1961), was a case heard by the Supreme Court of the United States. Hamilton was charged in an Alabama court with breaking and entering a dwelling at night with intent to ravish, and had pleaded not guilty. He had then been convicted and sentenced to death. The Court ruled unanimously that the absence of counsel at the time of his arraignment violated Hamilton's due process rights under the Fourteenth Amendment.
2. National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.

# Text 143:

**Paul v. Davis, 424 U.S. 693 (1976), is a United States Supreme Court case in which a sharply divided Court held that the plaintiff, whom the local police chief had named an "active shoplifter," suffered no deprivation of liberty resulting from injury to his reputation. In the case, the court broke from precedents and restricted the definition of the constitutional right to privacy "to matters relating to 'marriage procreation, contraception, family relationships, and child rearing and education".**

1. Washington v. Davis, 426 U.S. 229 (1976), was a United States Supreme Court case that established that laws that have a racially discriminatory effect but were not adopted to advance a racially discriminatory purpose are valid under the U.S. Constitution.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 144:

**Wyeth v. Levine, 555 U.S. 555 (2009), is a United States Supreme Court case holding that Federal regulatory approval of a medication does not shield the manufacturer from liability under state law.**

1. Bruesewitz v. Wyeth LLC, 562 U.S. 223 (2011), is a United States Supreme Court case that decided whether a section of the Vaccine Act of 1986 preempts all vaccine design defect claims against vaccine manufacturers.
2. Eli Lilly and Company v. Medtronic, Inc., 496 U.S. 661 (1990), is a United States Supreme Court case related to patent infringement in the medical device industry. It held that 35 U.S.C. § 271(e)(1) of United States patent law exempted premarketing activity conducted to gain approval of a device under the Federal Food, Drug, and Cosmetic Act from a finding of infringement.

# Text 145:

**In re Oliver, 333 U.S. 257 (1948), was a decision by the United States Supreme Court involving the application of the right of due process in state court proceedings. The Sixth Amendment in the Bill of Rights states that criminal prosecutions require the defendant "... to be informed of the nature and cause of the accusation...and to have the Assistance of Counsel for his defence." In this case, a witness in a Michigan grand jury hearing was convicted and sentenced to jail without either notice or attorney assistance.**

1. Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
   This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.
2. Oliver v. United States, 466 U.S. 170 (1984), is a United States Supreme Court decision relating to the open fields doctrine limiting the Fourth Amendment to the United States Constitution.

# Text 146:

**United States v. Dixon, 509 U.S. 688 (1993), was a decision of the United States Supreme Court concerning double jeopardy. The case overruled Grady v. Corbin (1990) and revived the traditional Blockburger standard. The case held that subsequent convictions for offenses that contained the same elements were violative of the Double Jeopardy Clause.**

1. Grady v. Corbin, 495 U.S. 508 (1990), was a United States Supreme Court decision holding that: "the Double Jeopardy Clause bars a subsequent prosecution if, to establish an essential element of an offense charged in that prosecution, the government will prove conduct that constitutes an offense for which the defendant has already been prosecuted."
2. United States v. Felix, 503 U.S. 378 (1992), was a decision by the United States Supreme Court, which held that "a[n]…offense and a conspiracy to commit that offense are not the same offense for double jeopardy purposes." The Supreme Court rejected the Tenth Circuit's reversal of Felix's conviction, finding that the Court of Appeals read the holding in Grady v. Corbin (1990) too broadly.

# Text 147:

**Commissioner v. First Security Bank of Utah, N.A., 405 U.S. 394 (1972), was a Supreme Court case holding that a bank prohibited from doing insurance business did not need to include in gross income the insurance commissions on credit life insurance that the bank referred to an unrelated insurance company. The case syllabus says that "no share of premium received by life insurance company on business referred to it by commonly controlled national banks could be attributed to banks, and holding company did not utilize its control over banks and insurance company to distort their true net incomes, although banks encouraged lenders to take out insurance and referred them to insurance company, where federal banking laws would have prohibited banks from receiving share in premiums."**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 148:

**Commissioner v. Kowalski, 434 U.S. 77 (1977), is a decision of the United States Supreme Court relating to taxation of meals furnished by an employer. In this case, the Court interpreted Internal Revenue Code §119(a)-(b)(4) and (d) and Treas. Reg. §1.119-1.  
Most notably, the Court held that:  
  
§119 was intended to exclude meals received "in kind," and so does not exclude cash reimbursements for meals like the one in question.**

1. Hernandez v. Commissioner, 490 U.S. 680 (1989), is a decision of the United States Supreme Court relating to the Internal Revenue Code § 170 charitable contribution deduction.
2. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.

# Text 149:

**Bouie v. City of Columbia, 378 U.S. 347 (1964), was a case in which the US Supreme Court held that due process prohibits retroactive application of any judicial construction of a criminal statute that is unexpected and indefensible by reference to the law that has been expressed prior to the conduct in issue. The holding is based on the Fourteenth Amendment prohibition by the Due Process Clause of ex post facto laws.**

1. Barr v. City of Columbia, 378 U.S. 146 (1964), is a United States Supreme Court decision that reversed the breach of peace and criminal trespass convictions of five African Americans who were refused service at a lunch counter of a department store. The Court held that there was insufficient evidence to support the breach of peace convictions, and reversed the criminal trespass convictions for the reasons stated in another case that was decided that same day, Bouie v. City of Columbia, which held that the retroactive application of an expanded construction of a criminal statute was barred by due process of ex post facto laws.
2. Napue v. Illinois, 360 U.S. 264 (1959), was a United States Supreme Court case in which the Court held that the knowing use of false testimony by a prosecutor in a criminal case violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, even if the testimony affects only the credibility of the witness and does not directly relate to the innocence or guilt of the defendant.

# Text 150:

**Carey v. Musladin, 549 U.S. 70 (2006), is a United States Supreme Court case involving the standard for when a federal court can grant habeas corpus relief to overturn a criminal conviction based on the state court's misapplication of established federal law. At issue was whether a criminal defendant's constitutional right to a fair trial was violated when relatives of the alleged victim were permitted to sit in the courtroom as spectators during the trial, wearing buttons that displayed the victim's image.  
The Supreme Court ruled that the state court did not unreasonably apply clearly established federal law when it upheld the conviction. The Court's prior rulings on when courtroom practices prejudiced the right to a fair trial were limited to state-sponsored conduct, and had consequently left it an open question regarding the conduct of spectators.**

1. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.
2. Herrera v. Collins, 506 U.S. 390 (1993), was a case in which the Supreme Court of the United States ruled by 6 votes to 3 that a claim of actual innocence does not entitle a petitioner to federal habeas corpus relief by way of the Eighth Amendment's ban on cruel and unusual punishment.

# Text 151:

**Thor Power Tool Company v. Commissioner, 439 U.S. 522 (1979), was a United States Supreme Court case in which the Court upheld IRS regulations limiting how taxpayers could write down inventory.  
Thor manufactured equipment using multiple parts that it produced. It capitalized the costs of these parts when produced. When it had inventories of parts in excess of production needs, the company's accounting practice was to write down those inventories, taking a loss based on management judgment.  
However, IRS regulations accepted this "lower of cost or market" method for tax purposes only if the taxpayer could demonstrate a reduced market price, or the goods were defective or "subnormal". It did not permit companies to write down goods simply because they were not selling them.  
In court, the company argued that its deduction for loss should be allowed for tax purposes because it was permitted for accounting purposes. But the Court upheld the IRS regulations, saying, "There is no presumption that an inventory practice conformable to 'generally accepted accounting principles' is valid for tax purposes. Such a presumption is insupportable in light of the statute, this Court's past decisions, and the differing objectives of tax and financial accounting."**

1. Minneapolis Star Tribune Company v. Commissioner, 460 U.S. 575 (1983), was an opinion of the Supreme Court of the United States authored by Justice Sandra Day O'Connor overturning a use tax on paper and ink in excess of $100,000 consumed in any calendar year. The Minneapolis Star Tribune initially paid the tax and sued for a refund.
2. McDonough Power Equipment, Inc. v. Greenwood, 464 U.S. 548 (1984), was a case decided by the Supreme Court of the United States that established a standard for challenging a verdict based on inaccurate answers given by prospective jurors during voir dire.

# Text 152:

**Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 661 (1974), is a landmark decision by the United States Supreme Court concerning aboriginal title in the United States. The original suit in this matter was the first modern-day Native American land claim litigated in the federal court system rather than before the Indian Claims Commission. It was also the first to go to final judgement.  
The Supreme Court held that there is federal subject-matter jurisdiction for possessory land claims brought by Indian tribes based upon aboriginal title, the Nonintercourse Act, and Indian treaties. In delivering the opinion of the Court, Associate Justice Byron White wrote that jurisdiction for such suits arose both from 28 U.S.C. § 1331, conferring jurisdiction for cases arising under the Constitution, laws, or treaties of the United States and 28 U.S.C. § 1362, conferring similar jurisdiction to cases brought by Indian tribes regardless of the amount in controversy.  
The case is often referred to as Oneida I because it is the first of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It was followed by County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985), rejecting all of the affirmative defenses raised by the counties in the same action, and City of Sherrill v. Oneida Indian Nation of New York (Sherrill) (2005), rejecting the tribe's attempt in a later lawsuit to reassert tribal sovereignty over parcels of land reacquired by the tribe in fee simple.**

1. County of Oneida v. Oneida Indian Nation of New York State, 470 U.S. 226 (1985), was a landmark United States Supreme Court case concerning aboriginal title in the United States. The case, sometimes referred to as Oneida II, was "the first Indian land claim case won on the basis of the Nonintercourse Act."  
   The Supreme Court held that Indian tribes have a common law cause of action for possessory land claims based upon aboriginal title, that the Nonintercourse Act did not preempt that cause of action, and that the cause of action was not barred by a statute of limitations, abatement, implicit federal ratification, or nonjusticiability. Four dissenting justices would have held for the counties on the defense of laches, a question which the majority did not reach, but expressed doubts about.  
   Furthermore, the Court held that, due to the Eleventh Amendment, federal courts could not exercise ancillary jurisdiction over cross-claims by counties against states. Although only two other justices agreed with the entirety of Justice Powell's majority opinion, Brennan and Marshall agreed with Parts I-IV and VI (the Oneida's claims against the counties) and Burger, White, and Rehnquist agreed with Part V (the counties claims against the state), thus forging separate majorities.  
   The case is often referred to as Oneida II because it is the second of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It followed Oneida Indian Nation of New York v. County of Oneida (Oneida I) (1974), holding that there was federal subject-matter jurisdiction, and was followed by City of Sherrill v. Oneida Indian Nation of New York (2005), rejecting the tribe's attempt in a later lawsuit to re-assert tribal sovereignty over parcels of land re-acquired by the tribe in fee simple.
2. South Carolina v. Catawba Indian Tribe, Inc., 476 U.S. 498 (1986), is an important U.S. Supreme Court precedent for aboriginal title in the United States decided in the wake of County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985). Distinguishing Oneida II, the Court held that federal policy did not preclude the application of a state statute of limitations to the land claim of a tribe that had been terminated, such as the Catawba tribe.  
   The Court remanded to the United States Court of Appeals for the Fourth Circuit to determine whether South Carolina's statute of limitations applied to the facts of the case. All together, the Fourth Circuit heard oral arguments in the case seven times, six of those times sitting en banc, i.e. all the judges on the Circuit rather than a panel of three (although the Circuit wrote only five published opinions). The Fourth Circuit determined that the limitations statute only barred the claim against those defendants that could satisfy the standards of adverse possession and upheld the trial court's denial of a defendant class certification.  
   These rulings would have required the Catawbas to file individual lawsuits against the estimated 60,000 landowners in the area. The complaints were prepared and printed, but the parties reached a settlement before the date on which the Catawbas would have been required to file the individual complaints. Congress ratified the settlement, extinguishing all aboriginal title held by the Catawbas in exchange for $50,000,000—$32,000,000 paid by the federal government and $18,000,000 paid by the state.

# Text 153:

**United States v. Seeger, 380 U.S. 163 (1965), was a case in which the United States Supreme Court ruled that the exemption from the military draft for conscientious objectors could be reserved not only for those professing conformity with the moral directives of a supreme being but also for those whose views on war derived from a "sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those" who had routinely gotten the exemption.   
The Court reasoned that "both morals and sound policy require that the state should not violate the conscience of the individual" and that "liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state." Additionally, that if this principle is violated to preserve the "life" of the state that it puts into question whether the state will lose its "life" as a result.   
The case resolved, on diverse but related grounds, three cases, each involving conviction for failure to accept induction into the armed forces on the part of someone who sought conscientious-objector status without "belong[ing] to an orthodox religious sect". The accused, whose cases were otherwise unrelated, were Arno Sascha Jakobson, Forest Britt Peter, and Daniel Andrew Seeger; it was Seeger's case that gave its name to the multi-case decision. Archibald Cox, then Solicitor General, argued for the United States in every case.**

1. United States v. Sisson, 399 U.S. 267 (1970), was a legal case decided by the United States Supreme Court in 1970. The case is related to Selective Service law.  
   In this case, the jury recorded a verdict of guilt, but the judge then ordered an acquittal. The government appealed, but the Supreme Court held that the government had no power to appeal a verdict of acquittal, no matter how wrong the legal basis was for the acquittal.  
   Sisson was "the first important case won by a selective conscientious objector", a person who asserted that they were not opposed to serving in a war generally, but objected to serving in a specific war which they believed to be immoral.
2. Gillette v. United States, 401 U.S. 437 (1971), is a decision from the Supreme Court of the United States, adding constraints on the terms of conscientious objection resulting from draftees in the Selective Service.

# Text 154:

**Brown v. Texas, 443 U.S. 47 (1979), was a United States Supreme Court case in which the Court determined that the defendant's arrest in El Paso, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment. It is an important case for Stop and Identify statutes in the United States.  
The decision was written by Chief Justice Warren Burger and unanimously supported by the other justices. His summary of the factual elements of the case includes the following:  
  
Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area with a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation "looked suspicious and we had never seen that subject in that area before." The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer "who has lawfully stopped him and requested the information."  
The finding held that:  
  
The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable."  
While the application of the relevant Texas law was held unconstitutional in the case, the constitutional status of the law itself was not addressed.  
The statute in question, Tex. Penal Code § 38.02(a) has since been revised to only make it a crime to refuse to identify oneself after being lawfully arrested.**

1. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.
2. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.

# Text 155:

**Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.**

1. Berghuis v. Thompkins, 560 U.S. 370 (2010), is a landmark decision by the Supreme Court of the United States in which the Court considered the position of a suspect who understands their right to remain silent under Miranda v. Arizona and is aware that they have the right to remain silent, but does not explicitly invoke or waive the right.  
   The Court held that unless and until the suspect actually states that they are relying on their right(s), their subsequent voluntary statements may be used in court and police may continue to interact with (or question) them. The mere act of remaining silent is, on its own, insufficient to imply the suspect has invoked their rights. Furthermore, a voluntary reply even after lengthy silence can be construed as to implying a waiver.  
   The Court was split, 5–4. The dissent, authored by Justice Sonia Sotomayor, argued that Miranda and other previous cases had required a claimed waiver of a constitutional right to be shown more strongly, especially in light of a lengthy interrogation with a possible "compelling influence" during which the accused had remained almost entirely silent for almost 3 hours prior to the self-incriminating statement.  
   Many considered Berghuis a further erosion of Miranda and were concerned it was "turning the clocks back" on safeguards developed in previous cases. At least one scholar has argued that Thompkins effectively gutted Miranda. A common criticism about the opinion is that vulnerable citizens could now be placed under pressure and, despite having an understanding of their rights, could be more easily coerced in a manner prejudicial to their interests.
2. Rhode Island v. Innis, 446 U.S. 291 (1980), is a decision by the United States Supreme Court that clarifies what constitutes "interrogation" for the purposes of Miranda warnings. Under Miranda v. Arizona, police are forbidden from interrogating a suspect once he has asserted his right to counsel under the Sixth Amendment. In Innis, the court held that interrogation is not just direct questioning but also its "functional equivalent"; namely, "any words or actions on the part of the police ... that the police should know are reasonably likely to elicit an incriminating response."

# Text 156:

**Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456 (1981), was a United States Supreme Court case which found no violation of the equal protection or commerce clauses in a Minnesota state statute banning retail sale of milk in plastic nonreturnable, nonrefillable containers, but permitting such sale in other nonreturnable, nonrefillable containers.**

1. West Lynn Creamery, Inc. v. Healy, 512 U.S. 186 (1994), was a United States Supreme Court case.
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 157:

**Ginsberg v. New York, 390 U.S. 629 (1968), was a United States Supreme Court case in which the Court ruled that material that is not obscene may nonetheless be harmful for children, and its marketing may be regulated.**

1. New York v. Ferber, 458 U.S. 747 (1982), was a landmark decision of the U.S Supreme Court, unanimously ruling that the First Amendment to the United States Constitution did not protect the sale or manufacture of child sexual abuse material (also known as child pornography) and that states could outlaw it.
2. Ginzburg v. United States, 383 U.S. 463 (1966), was a decision by the United States Supreme Court involving the application of the First Amendment to Federal obscenity laws. One of a trio of cases (with Memoirs v. Massachusetts and Mishkin v. New York released on the same day), Ginzburg was part of the Supreme Court's attempt to refine the definitions of obscenity after the landmark 1957 case Roth v. United States.

# Text 158:

**In re Gault, 387 U.S. 1 (1967), was a landmark U.S. Supreme Court decision which held the Due Process Clause of the 14th Amendment applies to juvenile defendants as well as to adult defendants. Juveniles accused of crimes in a delinquency proceeding must be afforded many of the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. The court's opinion was written by Justice Abe Fortas, a noted proponent of children's rights.**

1. In re Winship, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.": 17  It established this burden in all cases in all states (constitutional case).: 17   
   In an opinion authored by Justice Brennan, the Court held that when a juvenile is charged with an act that would be a crime if committed by an adult, every element of the offense must be proved beyond reasonable doubt, not preponderance of the evidence. The case has come to stand for a broader proposition, however: in a criminal prosecution, every essential element of the offense must be proved beyond reasonable doubt. See, e.g., Apprendi v. New Jersey, 530 U.S. 466, 477 (2000); Sullivan v. Louisiana, 508 U.S. 275, 278 (1993). This case marked a rejection of the preponderance of evidence standard in any criminal cases and expanded the protections afforded by the Due Process Clause.
2. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.

# Text 159:

**Bellotti v. Baird, 443 U.S. 622 (1979), is a United States Supreme Court case that ruled 8-1 that teenagers do not have to secure parental consent to obtain an abortion.  
The Court elaborated on its parental consent decision of 1976. It implies that states may be able to require a pregnant, unmarried minor to obtain parental consent to an abortion if the state law provides an alternative procedure to parental approval, such as letting the minor seek a state judge's approval instead. The plurality opinion declined to extend the full right to minors to seek and obtain an abortion, which was granted to adult women in Roe v. Wade. The Court rejected the extension to minors by placing emphasis on the especially vulnerable nature of children, their "inability to make critical decisions in an informed and mature manner; and the importance of the parental role in child rearing." Ironically, the plurality opinion allows a judge to determine that a pregnant minor is unable to make critical decisions regarding a fetus and must instead become a parent—thereby forcing the minor to make critical decisions regarding another child.  
Consent must be obtained from the parent(s) for a minor to have a nonemergency abortion and the parent(s) must know about the judicial proceedings, unless no parent(s) are available. If the judge decides the minor is mature and making an informed and capable decision, he can still deny the abortion based on his own decision.  
Justice Lewis F. Powell Jr., joined by Chief Justice Warren E. Burger, Justice Potter Stewart, and Justice William Rehnquist argued there are three reasons why children aren't like adults: the vulnerability of children, the lack of critical decision making, and reliance on parents guidance for their children upbringing.  
Justice John P. Stevens, joined by Justice William J. Brennan Jr., Justice Thurgood Marshall, and Justice Harry Blackmun, concluded that the Massachusetts statute was unconstitutional because first it allows for the court to deny the abortion despite the courts decision on the minor's maturity. Second, consent was required in every case without giving the minor an option to an independent case to prove she was mature, leading to an 'absolute third-party veto'.  
If a state requires a pregnant minor to obtain consent of one or both parents, another alternative option must be available for the minor to receive the abortion. The alternative process has four requirements: (1) the minor is permitted to demonstrate her maturity and informed decision making on having the abortion without parental consent, (2) if the minor does not prove maturity, she has the ability to convince the judge that the abortion would be the best decision for her (3) the minor must remain anonymous, and (4) the process must be expedited to ensure the abortion will be possible to obtain.  
Justice Rehnquist concurred on stare decisis grounds while continuing to oppose the constitutional right to an abortion.**

1. Bellotti v. Baird, 428 U.S. 132 (1976), was a United States Supreme Court case in which the Court upheld a Massachusetts law requiring parental consent to a minor's abortion, under the provision that "if one or both of the [minor]'s parents refuse... consent, consent may be obtained by order of a judge... for good cause shown." The decision was unanimous, and the opinion of the Court was written by Harry Blackmun. The law in question "permits a minor capable of giving informed consent to obtain a court order allowing abortion without parental consultation, and further permits even a minor incapable of giving informed consent to obtain an abortion order without parental consultation where it is shown that abortion would be in her best interests."  
   The case was initially titled as Baird v. Quinn (Baird et al. v. Quinn et al.) since that proceedings commenced, Robert H. Quinn was the attorney general of Massachusetts. He was replaced in 1975 by Francis X. Bellotti.
2. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.

# Text 160:

**Thomas v. Review Board of the Indiana Employment Security Division, 450 U.S. 707 (1981), was a case in which the Supreme Court of the United States held that Indiana's denial of unemployment compensation benefits to petitioner violated his First Amendment right to free exercise of religion, under Sherbert v. Verner (1963).**

1. Sherbert v. Verner, 374 U.S. 398 (1963), was a case in which the Supreme Court of the United States held that the Free Exercise Clause of the First Amendment required the government to demonstrate both a compelling interest and that the law in question was narrowly tailored before it denied unemployment compensation to someone who was fired because her job requirements substantially conflicted with her religion.  
   The case established the Sherbert Test, requiring demonstration of such a compelling interest and narrow tailoring in all Free Exercise cases in which a religious person was substantially burdened by a law. The conditions are the key components of what is usually called strict scrutiny. This means that if someone's religious beliefs faced a serious burden due to a law and the government had no reasonable alternatives for that law, the government would have the burden to prove that the law was justified. The Sherbert test has received praise by legal scholars at the time and thereafter.  
   In 1990, the Supreme Court decided that the Sherbert Test, as a judicial constitutional analysis tool, was too broad when applied to all laws. With respect to religiously neutral, generally applicable laws that incidentally burden religious exercise, the Sherbert Test was eliminated in Employment Division v. Smith. For laws that discriminate along religious/secular lines or neutral laws that are enforced in a discriminatory way, the components of the Sherbert Test are still appropriate constitutional tools for courts to use.  
   In response to the 1990 Smith decision, Congress created an enhanced version of the Sherbert Test as a statutory, rather than constitutional, right in the federal Religious Freedom Restoration Act (RFRA) of 1993. Its provisions were designed to apply broadly to all laws and regulations, both federal and state. Although Congress replaced the "narrowly tailored" constitutional requirement with a "least restrictive means" statutory requirement, the enhanced test is still referred to as the Sherbert Test.  
   However, the Supreme Court held in City of Boerne v. Flores that the law was unconstitutional because its enhanced Sherbert Test, as a purported change in constitutional rights, could not be enforced against the states. It impermissibly interfered with the judiciary's sole power to interpret the Constitution. However, the ruling did not necessarily limit its effect on interpretation of federal statutes.  
   In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) that applied only to federal laws. Both laws contain the same language for an even further enhanced Sherbert Test, one that broadens the definition of substantial religious burden.  
   The Supreme Court has since relied on the statutory Sherbert Test to decide several prominent cases, including Burwell v. Hobby Lobby, 573 U.S. 682 (2014), and Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U.S. 418 (2006).
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 161:

**Strickland v. Washington, 466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.  
The decision was a compromise by the majority in which the varying "tests for ineffective performance of counsel" among the federal circuits and state supreme courts were forced into a singular middle ground test. State governments are free to create a test even more favorable to an appellant.**

1. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.
2. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.

# Text 162:

**Turner v. Safley, 482 U.S. 78 (1987), was a U.S. Supreme Court decision involving the constitutionality of two Missouri prison regulations. One of the prisoners' claims related to the fundamental right to marry, and the other related to freedom of speech (in sending/receiving letters). The court held that a regulation preventing inmates from marrying without permission violated their constitutional right to marry because it was not logically related to a legitimate penological concern, but a prohibition on inmate-to-inmate correspondence was justified by prison security needs.  
The case has been cited as precedent, establishing the "Turner Test" for constitutional challenges to prison regulations. According to the test, a prison regulation is constitutional if it satisfies four factors:  
  
There is a rational connection to a legitimate government interest;  
There are alternative means for prisoners to exercise their right(s);  
Accommodation of the right(s) would have excessive "ripple effects"; and  
There are no "ready alternatives."  
This test has been used for decades by US courts, but it has also been criticized by legal scholars for being too deferential to prison administrators.**

1. Bounds v. Smith, 430 U.S. 817 (1977), was a United States Supreme Court case in which the Court tested the basic constitutional right of prison inmates’ access to legal documents prior to court. Prison authorities would consequently be required to provide legal assistance or counsel to inmates, whether it be through a trained legal professional or access to a legal library.   
   Multiple prisoners alleged that they were denied access to the courts due to lack of an adequate legal library and assistance with court related documents.
2. Skinner v. Switzer, 562 U.S. 521 (2011), is a decision by the U.S. Supreme Court regarding the route through which a prisoner may obtain biological DNA material for testing to challenge his conviction; whether through a civil rights suit or a habeas corpus petition. A majority of the Court held that the civil rights path was the appropriate path.

# Text 163:

**McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."**

1. District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
   Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
   On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.
2. Dean v. United States, 556 U.S. 568 (2009), was a decision by the United States Supreme Court upholding a 10-year penalty for the discharge of a firearm during the commission of any violent or drug trafficking crime, against a bank robber whose gun went off accidentally.

# Text 164:

**Peretz v. United States, 501 U.S. 923 (1991), was a Supreme Court of the United States case. The Court affirmed that a defendant in a federal criminal trial on a felony charge must affirmatively object to the supervising of jury selection by a magistrate judge, ruling that it is not enough that the defendant merely acquiesce to the magistrate's involvement in his case for a court to reverse a conviction for this reason.**

1. United States v. Dinitz, 424 U.S. 600 (1976), was a case in which the Supreme Court of the United States determined that the U.S. Const., Amend. V protection against double jeopardy did not prevent a retrial of a defendant, who had previously requested a mistrial.
2. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.

# Text 165:

**Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).**

1. Rust v. Sullivan, 500 U.S. 173 (1991), was a case in the United States Supreme Court that upheld Department of Health and Human Services regulations prohibiting employees in federally funded family-planning facilities from counseling a patient on abortion. The department had removed all family planning programs that involving abortions. Physicians and clinics challenged this decision within the Supreme Court, arguing that the First Amendment was violated due to the implementation of this new policy. The Supreme Court, by a 5–4 verdict, allowed the regulation to go into effect, holding that the regulation was a reasonable interpretation of the Public Health Service Act, and that the First Amendment is not violated when the government merely chooses to "fund one activity to the exclusion of another".
2. Madsen v. Women's Health Center, Inc., 512 U.S. 753 (1994), is a United States Supreme Court case where Petitioners challenged the constitutionality of an injunction entered by a Florida state court which prohibits antiabortion protesters from demonstrating in certain places, and in various ways outside of a health clinic that performs abortions.  
   The Petitioners, Madsen and other abortion protesters (Petitioners) regularly protested the Respondents, the Women’s Health Center and other abortion clinics (Respondent), in Melbourne, Florida as well as in front of the homes of clinic employees. The Respondents then sought and were granted, by a Florida trial court, an injunction on several grounds, restraining the Petitioner’s ability to protest, which was upheld by the Florida Supreme Court. The Petitioner’s appeal to the United States Supreme Court claimed that the injunction restricted their rights to free speech under the First Amendment of the United States Constitution. The U.S. Supreme Court affirmed in part and reversed in part.

# Text 166:

**Northern Pipeline Construction Company v. Marathon Pipe Line Company, 458 U.S. 50 (1982), is a United States Supreme Court case in which the Court held that Article III jurisdiction could not be conferred on non-Article III courts (i.e. courts without the independence and protection given to Article III judges).**

1. United Gas Pipe Line Co. v. Ideal Cement Co., 369 U.S. 134 (1962), is a United States Supreme Court case which vacated a lower appellate court decision, holding that federal courts should abstain from ruling on the constitutionality of a state tax issue that state courts should determine.
2. United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as not allowing a gas supply company to unilaterally modify rates in a natural gas supply contract by filing a new rate schedule with the Federal Power Commission (FPC). Mobile Gas and its companion case Federal Power Commission v. Sierra Pacific Power Co. established the Mobile-Sierra presumption which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).

# Text 167:

**Weyerhaeuser Company v. Ross-Simmons Hardwood Lumber Company, 549 U.S. 312 (2007), was a United States Supreme Court case related to antitrust regulations.**

1. Burlington Northern Railroad Co. v. Woods, 480 U.S. 1 (1987), was a United States Supreme Court case that applied the precedent of Hanna v. Plumer to a conflict between state and federal procedural rules for a federal court sitting in diversity.
2. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.

# Text 168:

**Faretta v. California, 422 U.S. 806 (1975), was a case in which the Supreme Court of the United States held that criminal defendants have a constitutional right to refuse counsel and represent themselves in state criminal proceedings.  
The Court reasoned that, "The right to assistance of counsel and the correlative right to dispense with a lawyer's help are not legal formalisms... To deny an accused a choice of procedure in circumstances in which he, though a layman, is as capable as any lawyer of making an intelligent choice, is to impair the worth of great Constitutional safeguards by treating them as empty verbalisms...to deny him in the exercise of his free choice the right to dispense with some of these safeguards . . . is to imprison a man in his privileges, and call it the Constitution."**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Keller v. State Bar of California, 496 U.S. 1 (1990), was a case in which the Supreme Court of the United States held that attorneys who are required to be members of a state bar association have a First Amendment right to refrain from subsidizing the organization’s political or ideological activities.

# Text 169:

**In re Stolar, 401 U.S. 23 (1971), was a case in which the Supreme Court of the United States held that requiring bar applicants, like Martin Stolar, to list every organization that one belonged to since age 17 is unconstitutional.**

1. Powell v. McCormack, 395 U.S. 486 (1969), is a United States Supreme Court case that held that the Qualifications of Members Clause of Article I of the US Constitution is an exclusive list of qualifications of members of the House of Representatives, which may exclude a duly elected member for only those reasons enumerated in that clause.
2. Baird v. State Bar of Arizona, 401 U.S. 1 (1971), was a United States Supreme Court case in which the Court ruled:  
     
   A State's power to inquire about a person's beliefs or associations is limited by the First Amendment, which prohibits a State from excluding a person from a profession solely because of membership in a political organization or because of his beliefs.  
   In this case, a law school graduate who had passed the Arizona written bar examination had applied to be admitted to the Arizona bar, but had refused to answer a question as to whether she had ever been a member of the Communist party. On that basis, the State Bar of Arizona refused to admit her.

# Text 170:

**United States v. Moore, 486 F.2d 1139 (D.C. Cir. 1973), was a case decided by the D.C. Circuit that refused to recognize a common law affirmative defense of addiction in a criminal prosecution for the possession of heroin.**

1. Sherman v. United States, 356 U.S. 369 (1958), was a United States Supreme Court case on the issue of entrapment. Unanimously, the Court overturned the conviction of a recovering New York drug addict who had been repeatedly solicited for drug sales by a fellow former addict who was working with federal agents.  
   The case was a virtual replay of Sorrells v. United States, the 1932 case in which the justices had first recognized entrapment as a defense. As in that case, all agreed the defendant had been entrapped, but the majority and a separate concurrence were at odds over what the best grounding for the entrapment defense was.
2. Premo v. Moore, 562 U.S. 115 (2011), is a United States Supreme Court case involving the right of individuals to federal habeas corpus relief on state-law claims. In a unanimous ruling, the court held that habeas relief may not be granted with respect to any claim that a state-court has found on the merits unless the state-court decision denying relief involves an "unreasonable application" of "clearly established federal law, as determined by" the Court.

# Text 171:

**Rogers v. Bellei, 401 U.S. 815 (1971), was a decision by the United States Supreme Court, which held that an individual who received an automatic congressional grant of citizenship at birth, but who was born outside the United States, may lose his citizenship for failure to fulfill any reasonable residence requirements which the United States Congress may impose as a condition subsequent to that citizenship.**

1. Afroyim v. Rusk, 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States, which ruled that citizens of the United States may not be deprived of their citizenship involuntarily. The U.S. government had attempted to revoke the citizenship of Beys Afroyim, a man born in Poland, because he had cast a vote in an Israeli election after becoming a naturalized U.S. citizen. The Supreme Court decided that Afroyim's right to retain his citizenship was guaranteed by the Citizenship Clause of the Fourteenth Amendment to the Constitution. In so doing, the Court struck down a federal law mandating loss of U.S. citizenship for voting in a foreign election—thereby overruling one of its own precedents, Perez v. Brownell (1958), in which it had upheld loss of citizenship under similar circumstances less than a decade earlier.  
   The Afroyim decision opened the way for a wider acceptance of dual (or multiple) citizenship in United States law. The Bancroft Treaties—a series of agreements between the United States and other nations which had sought to limit dual citizenship following naturalization—were eventually abandoned after the Carter administration concluded that Afroyim and other Supreme Court decisions had rendered them unenforceable.  
   The impact of Afroyim v. Rusk was narrowed by a later case, Rogers v. Bellei (1971), in which the Court determined that the Fourteenth Amendment safeguarded citizenship only when a person was born or naturalized in the United States, and that Congress retained authority to regulate the citizenship status of a person who was born outside the United States to an American parent. However, the specific law at issue in Rogers v. Bellei—a requirement for a minimum period of U.S. residence that Bellei had failed to satisfy—was repealed by Congress in 1978. As a consequence of revised policies adopted in 1990 by the United States Department of State, it is now (in the words of one expert) "virtually impossible to lose American citizenship without formally and expressly renouncing it."
2. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.

# Text 172:

**Price Waterhouse v. Hopkins, 490 U.S. 228 (1989), was a landmark decision of the US Supreme Court on the issues of prescriptive sex discrimination and employer liability for sex discrimination. The employee, Ann Hopkins, sued her former employer, the accounting firm Price Waterhouse. She argued that the firm denied her partnership because she did not fit the partners' idea of what a female employee should look and act like. The employer failed to prove that it would have denied her partnership anyway, and the Court held that constituted sex discrimination under Title VII of the Civil Rights Act of 1964.  
The ruling established that gender stereotyping is actionable as sex discrimination. Furthermore, it established the mixed-motive framework that enables employees to prove discrimination when other, lawful reasons for the adverse employment action exist alongside discriminatory motivations or reasons.**

1. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.
2. Watson v. Fort Worth Bank & Trust, 487 U.S. 977 (1988), is a United States Supreme Court case on United States labor law, concerning proof of disparate treatment under the Civil Rights Act of 1964.

# Text 173:

**Milliken v. Bradley, 418 U.S. 717 (1974), was a significant United States Supreme Court case dealing with the planned desegregation busing of public school students across district lines among 53 school districts in metropolitan Detroit. It concerned the plans to integrate public schools in the United States following the Brown v. Board of Education (1954) decision.  
The ruling clarified the distinction between de jure and de facto segregation, confirming that segregation was allowed if it was not considered an explicit policy of each school district. In particular, the Court held that the school systems were not responsible for desegregation across district lines unless it could be shown that they had each deliberately engaged in a policy of segregation. The case did not expand on Swann v. Charlotte-Mecklenburg Board of Education (1971), the first major Supreme Court case concerning school busing.**

1. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 174:

**Baker v. Carr, 369 U.S. 186 (1962), was a landmark United States Supreme Court case in which the Court held that redistricting qualifies as a justiciable question under the Fourteenth Amendment's equal protection clause, thus enabling federal courts to hear Fourteenth Amendment-based redistricting cases. The court summarized its Baker holding in a later decision as follows: "the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State Legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives." (Gray v. Sanders, 372 U.S. 368 (1963)). The court had previously held in Gomillion v. Lightfoot that districting claims over racial discrimination could be brought under the Fifteenth Amendment.  
The case arose from a lawsuit against the state of Tennessee, which had not conducted redistricting since 1901. Tennessee argued that the composition of legislative districts constituted a nonjusticiable political question, as the U.S. Supreme Court had held in Colegrove v. Green (1946). In a majority opinion joined by five other justices, Justice William J. Brennan Jr. held that redistricting did not qualify as a political question, though he remanded the case to the federal district court for further proceedings. Justice Felix Frankfurter strongly dissented, arguing that the Court's decision cast aside history and judicial restraint and violated the separation of powers between legislatures and courts.  
The case did not have any immediate effect on electoral districts, but it set an important precedent regarding the power of federal courts to address redistricting. In 1964, the Supreme Court handed down two cases, Wesberry v. Sanders and Reynolds v. Sims, that required the United States House of Representatives and state legislatures to establish electoral districts of equal population on the principle of one person, one vote.**

1. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.
2. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.

# Text 175:

**Griffin v. Illinois, 351 U.S. 12 (1956), was a case in which United States Supreme Court held that a criminal defendant may not be denied the right to appeal by inability to pay for a trial transcript.**

1. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.
2. Scott v. Illinois, 440 U.S. 367 (1979), was a case heard by the Supreme Court of the United States. In Scott, the Court decided whether the Sixth and Fourteenth Amendments required Illinois to provide Scott with trial counsel. To emphasize the importance of court-appointed counsel, the Court opined, "[T]he interest protected by the right to have guilt or innocence determined by a jury... while important, is not as fundamental to the guarantee of a fair trial as is the right to counsel."

# Text 176:

**Cox Broadcasting Corp. v. Cohn, 420 U.S. 469 (1975), was a United States Supreme Court case involving freedom of the press publishing public information. The Court held that both a Georgia statute prohibiting the release of a rape victim's name and its common-law privacy action counterpart were unconstitutional. The case was argued on November 11, 1974, and decided on March 3, 1975.**

1. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.
2. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.

# Text 177:

**Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.**

1. American Needle, Inc. v. National Football League, 560 U.S. 183 (2010), was a United States Supreme Court case regarding the ability of teams in the National Football League to conspire for purposes of a violation of §1 of the Sherman Antitrust Act.
2. Toolson v. New York Yankees, 346 U.S. 356 (1953), is a United States Supreme Court case in which the Court upheld, 7–2, the antitrust exemption first granted to Major League Baseball (MLB) three decades earlier in Federal Baseball Club v. National League. It was also the first challenge to the reserve clause which prevented free agency, and one of the first cases heard and decided by the Warren Court.  
   Since it presumed that Congress's failure to act in the years since Federal Baseball Club was an implicit expression of intent to keep baseball exempt from the Sherman Antitrust Act, it has been read as having done more to create that exemption than the older case. Two justices (Stanley Forman Reed and Harold Hitz Burton) dissented from the short, unsigned per curiam majority opinion, arguing MLB and its revenue sources had changed enough since 1922 that the logic of that case no longer applied. In 1972, a third justice (William O. Douglas) would express his regret at having joined the majority when Toolson was again upheld in the similar Flood v. Kuhn.

# Text 178:

**Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.**

1. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 179:

**Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), was a landmark decision of the U.S. Supreme Court concerning the First Amendment and the ability of the government to outlaw certain forms of expressive conduct. It ruled that the state has the constitutional authority to ban public nudity, even as part of expressive conduct such as dancing, because it furthers a substantial government interest in protecting the morality and order of society. This case is perhaps best summarized by a sentence in Justice Souter's concurring opinion, which is often paraphrased as "Nudity itself is not inherently expressive conduct."**

1. Jenkins v. Georgia, 418 U.S. 153 (1974), was a United States Supreme Court case overturning a Georgia Supreme Court ruling regarding the depiction of sexual conduct in the film Carnal Knowledge.  
   The changes in the morals of American society of the 1960s and 1970s and the general receptiveness to the public to frank discussion of sexual issues was sometimes at odds with local community standards. A theatre in Albany, Georgia showed the film. On January 13, 1972, the local police served a search warrant on the theatre, and seized the film. In March 1972, the theatre manager, Mr. Jenkins, was convicted of the crime of "distributing obscene material". His conviction was upheld by the Supreme Court of Georgia.  
   On June 24, 1974, the U.S. Supreme Court ruled that the State of Georgia had gone too far in classifying material as obscene in view of the Court's prior landmark decision in Miller v. California, 413 U.S. 15 (1973) (the Miller standard), and overturned the conviction. The court said,  
     
   Our own viewing of the film satisfies us that Carnal Knowledge could not be found ... to depict sexual conduct in a patently offensive way. Nothing in the movie falls within ... material which may constitutionally be found ... "patently offensive" ... While the subject matter of the picture is, in a broader sense, sex, and there are scenes in which sexual conduct including "ultimate sexual acts" is to be understood to be taking place, the camera does not focus on the bodies of the actors at such times. There is no exhibition whatever of the actors' genitals, lewd or otherwise, during these scenes. There are occasional scenes of nudity, but nudity alone is not enough to make material legally obscene ... Appellant's showing of the film Carnal Knowledge is simply not the "public portrayal of hard core sexual conduct for its own sake, and for the ensuing commercial gain" which we said was punishable ...
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 180:

**Mohawk Industries, Inc. v. Carpenter, 558 U.S. 100 (2009), is a United States Supreme Court case in which the Court held that disclosure orders adverse to attorney–client privilege do not qualify for immediate appeal under the collateral order doctrine.  
This opinion is notable, as being the first Supreme Court opinion authored by Justice Sonia Sotomayor. In addition, this is the first time a Supreme Court opinion used the term "undocumented immigrant" - the term "illegal immigrant" having appeared in a dozen earlier opinions.**

1. United States v. Jicarilla Apache Nation, 564 U.S. 162 (2011), is a United States Supreme Court case in which the Court held that the fiduciary exception to attorney–client privilege does not apply to the general trust relationship between the United States and Indian tribes.
2. Espinoza v. Farah Mfg. Co., 414 U.S. 86 (1973), was a decision by the United States Supreme Court, which held that an employer's refusal to hire a person because he is not a United States citizen does not constitute employment discrimination on the basis of "national origin" in violation of §703 of the Civil Rights Act of 1964.  
   Espinoza, a Mexican national admitted to residence in the United States and married to a U.S. national, brought suit after exhausting her administrative remedies with the Equal Employment Opportunity Commission, alleging that Farah Mfg. Company's refusal to hire her in its San Antonio, Texas division because of her Mexican citizenship violated §703 of the Civil Rights Act, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of his race, color, religion, sex, or national origin.  
   The District Court granted Espinoza's motion for summary judgment, relying primarily on an EEOC guideline providing that a lawful alien resident may not be discriminated against on the basis of citizenship. The United States Court of Appeals for the Fifth Circuit reversed, and the Supreme Court affirmed this decision.

# Text 181:

**Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), was a decision of the Supreme Court of the United States involving antitrust law and civil procedure. Authored by Justice David Souter, it established that parallel conduct, absent evidence of agreement, is insufficient to sustain an antitrust action under Section 1 of the Sherman Act. It also heightened the pleading requirement for federal civil cases by requiring for plaintiffs to include enough facts in their complaint to make it plausible, not merely possible or conceivable, that they will be able to prove facts to support their claims. The latter change in the law has been met with a great deal of controversy in legal circles, as evidenced by the dissenting opinion from Justice John Paul Stevens.**

1. Copperweld Corp. v. Independence Tube Corp., 467 U.S. 752 (1984), is a major US antitrust law case decided by the Supreme Court concerning the Pittsburgh firm Copperweld Corporation and the Chicago firm Independence Tube. It held that a parent company is incapable of conspiring with its wholly owned subsidiary for purposes of Section 1 of the Sherman Act because they cannot be considered separate economic entities.  
   Section 1 of the Sherman Act states that "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal." However, for a condition of conspiracy to exist, there must be at least two parties involved. Copperweld held that separate incorporation was not enough to render a parent and its subsidiary capable of conspiring, since forcibly the economic interests of a wholly owned subsidiary must be those of its parent. It does not apply to partially owned subsidiaries.
2. Pacific Bell Telephone Co. v. linkLine Communications, Inc., 555 U.S. 438 (2009), was a United States Supreme Court case in which the Court unanimously held that Pacific Bell d/b/a AT&T did not violate the Sherman Antitrust Act when it charged other Internet providers a high fee to buy space on its phone lines to deliver an Internet connection. The court ruled that where there is no duty to deal at the wholesale level and no predatory pricing at the retail level, a firm is not required to price both of these services in a manner that preserves its rivals’ profit margins.  
   This case was initiated by Internet service providers (ISP), alleging that incumbent telephone companies that owned infrastructure and facilities needed to provide digital subscriber line (DSL) service monopolized and attempted to monopolize regional DSL market. The ISP's claimed that the telephone companies accomplished this by squeezing the providers' profits by charging them high wholesale price for DSL transport and charging consumers low retail price for DSL Internet service. Ultimately, the court concluded that the case was not moot, as it was not clear whether the providers had unequivocally abandoned their price-squeeze claims; prudential concerns favored answering the question presented.

# Text 182:

**Board of Education of Oklahoma City v. Dowell, 498 U.S. 237 (1991), was a United States Supreme Court case "hasten[ing] the end of federal court desegregation orders."**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 183:

**Pennsylvania v. Finley, 481 U.S. 551 (1987), was a United States Supreme Court case involving the right to counsel.**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.

# Text 184:

**Mead Corp. v. Tilley, 490 U.S. 714 (1989), is a US labor law case, concerning occupational pensions.**

1. Lockheed Corp. v. Spink, 517 U.S. 882 (1996), is a US labor law case, concerning occupational pensions.
2. Nationwide Mutual Insurance Co. v. Darden, 503 U.S. 318 (1992), is a US labor law case, concerning the scope of protection for employees, under the Employee Retirement Income Security Act of 1974 (ERISA). The Court held that principles of agency were relevant to interpreting the concept of "employee".

# Text 185:

**Duren v. Missouri, 439 U.S. 357 (1979), was a United States Supreme Court case related to the Sixth Amendment. It challenged Missouri's law allowing gender-based exemption from jury service.  
Ruth Bader Ginsburg, who later became a Supreme Court Justice, and Lee Nation argued for Duren in what became Ginsburg's last case before the Supreme Court as an attorney. Part of her argument was that making jury duty optional for women should be struck down because it treated women's service on juries as less valuable than men's, and also discriminated against men who enjoyed no such exemption.**

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# Text 186:

**Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").**

1. Aptheker v. Secretary of State, 378 U.S. 500 (1964), was a landmark decision of the US Supreme Court on the right to travel and passport restrictions as they relate to Fifth Amendment due process rights and First Amendment free speech, freedom of assembly and freedom of association rights. It is the first case in which the US Supreme Court considered the constitutionality of personal restrictions on the right to travel abroad.  
   In Aptheker, the petitioner challenged Section 6 of the Subversive Activities Control Act of 1950, which made it a crime for any member of a Communist organization to attempt to use or obtain a passport.
2. Zemel v. Rusk, 381 U.S. 1 (1965), was a United States Supreme Court case regarding the right to travel and area restrictions on passports (travel to Cuba), holding that the Secretary of State is statutorily authorized to refuse to validate the passports of United States citizens for travel to Cuba and that the exercise of that authority is constitutionally permissible.

# Text 187:

**Lebron v. National Railroad Passenger Corporation, 513 U.S. 374 (1995), is a United States Supreme Court case in which the Court held that Amtrak is a government agency and is thus subject to the First Amendment. The Court issued its decision in a 8–1 vote, with seven justices joining the majority opinion authored by Antonin Scalia. The lone dissent came from Justice Sandra Day O'Connor.**

1. National Railroad Passenger Corporation v. Boston & Maine Corp., 503 U.S. 407 (1992), was a case in which the Supreme Court of the United States ruled that the National Railroad Passenger Corporation (better known as Amtrak), could condemn railroad property from Boston and Maine Railroad and convey it to another railroad in order to continue passenger rail service over that route.
2. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.

# Text 188:

**Rivera v. Illinois, 556 U.S. 148 (2009), is a decision by the United States Supreme Court involving whether the rejection of a defendant's peremptory challenge to a juror constituted harmless error.**

1. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.
2. Morgan v. Illinois, 504 U.S. 719 (1992), is a case decided by the United States Supreme Court. The case established the right of defendants to challenge for cause any juror that would automatically impose the death penalty in all capital cases.

# Text 189:

**Will v. Michigan Dept. of State Police, 491 U.S. 58 (1989), was a case decided by the United States Supreme Court, in which the Court held that States and their officials acting in their official capacity are not persons when sued for monetary damages under the Civil Rights Act of 1871.**

1. Michigan Dept. of State Police v. Sitz, 496 U.S. 444 (1990), was a United States Supreme Court case involving the constitutionality of police sobriety checkpoints. The Court held 6-3 that these checkpoints met the Fourth Amendment standard of "reasonable search and seizure."
2. Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.

# Text 190:

**Thornburg v. Gingles, 478 U.S. 30 (1986), was a United States Supreme Court case in which a unanimous Court found that "the legacy of official discrimination ... acted in concert with the multimember districting scheme to impair the ability of "cohesive groups of black voters to participate equally in the political process and to elect candidates of their choice." The ruling resulted in the invalidation of districts in the North Carolina General Assembly and led to more single-member districts in state legislatures.**

1. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.
2. Shaw v. Reno, 509 U.S. 630 (1993), was a landmark United States Supreme Court case in the area of redistricting and racial gerrymandering. After the 1990 census, North Carolina qualified to have a 12th district and drew it in a distinct snake-like manner to create a "majority-minority" Black district. From there, Ruth O. Shaw sued to challenge this proposed plan with the argument that this 12th district was unconstitutional and violated the Fourteenth Amendment under the clause of equal protection. In contrast, Reno, the Attorney General, argued that the district would allow for minority groups to have a voice in elections. In the decision, the court ruled in a 5–4 majority that redistricting based on race must be held to a standard of strict scrutiny under the equal protection clause and on the basis that it violated the Fourteenth Amendment because it was drawn solely based on race.  
   Shaw v. Reno was an influential case and received backlash. Some southern states filed against majority-Black districts. This decision played a role in deciding many future cases, including Bush v. Vera and Miller v. Johnson. However, the phrasing of irregularly drawn districts has left room for much interpretation, letting judges use their opinions rather than relying on Shaw.

# Text 191:

**Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), was a United States Supreme Court decision that determined that the U.S. Congress has the power to abrogate the Eleventh Amendment sovereign immunity of the states, if this is done pursuant to its Fourteenth Amendment power to enforce upon the states the guarantees of the Fourteenth Amendment.[1]**

1. Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996), was a United States Supreme Court case which held that Article One of the U.S. Constitution did not give the United States Congress the power to abrogate the sovereign immunity of the states that is further protected under the Eleventh Amendment. Such abrogation is permitted where it is necessary to enforce the rights of citizens guaranteed under the Fourteenth Amendment as per Fitzpatrick v. Bitzer. The case also held that the doctrine of Ex parte Young, which allows state officials to be sued in their official capacity for prospective injunctive relief, was inapplicable under these circumstances, because any remedy was limited to the one that Congress had provided.
2. Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985), was a United States Supreme Court case regarding Congress' power to abrogate the Eleventh Amendment sovereign immunity of the states.  
   Ordinarily, sovereign immunity prohibits the states from being sued, and the Eleventh Amendment prohibits states from being sued without consent in federal court; however, there are exceptions. A state can waive its sovereign immunity, and in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), the Supreme Court had emphasized that Congress could abrogate state sovereign immunity pursuant to powers granted it by the Civil War Amendments. The Court noted that Edelman v. Jordan, 415 U.S. 651 (1974), however, had recognized that "the Eleventh Amendment implicates the fundamental constitutional balance between the Federal Government and the States," Atascadero, at 238, the Court had applied a clear statement rule to waiver. The Court will only deem the state to have waived its immunity when the waiver is couched in "the most express language or by such overwhelming implication from the text as [will] leave no room for any other reasonable construction." Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909).  
   In Atascadero, the Court made the rule symmetrical: just as purported waiver requires a clear statement, so too a purported abrogation requires a clear statement. Reiterating its "reluctance to infer that a State's immunity from suit in the federal courts has been negated[,] stem[ming] from recognition of the vital role of the doctrine of sovereign immunity in our federal system," Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 98 (1984) (Pennhurst II), and citing "[t]he fundamental nature of the interests implicated by the Eleventh Amendment," Atascadero, at 242, the court held "that Congress may abrogate the States' constitutionally secured immunity from suit in federal court only by making its intention unmistakably clear in the language of the statute." Id.  
   In response to Atascadero, Congress enacted a statute providing the clear language that the Court had demanded. The Rehabilitation Act Amendments of 1986 stated that "a State shall not be immune under the Eleventh Amendment... from suit in Federal court for a violation" of relevant provisions of federal law.

# Text 192:

**Calder v. Jones, 465 U.S. 783 (1984), was a case in which the United States Supreme Court held that a court within a state could assert personal jurisdiction over the author and editor of a national magazine which published an allegedly libelous article about a resident of that state, and where the magazine had wide circulation in that state.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.

# Text 193:

**Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc., 472 U.S. 749 (1985), was a Supreme Court case which held that a credit reporting agency could be liable in defamation if it carelessly relayed (i.e. published) false information that a business had declared bankruptcy when in fact it had not.**

1. Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365 (2007), is a United States Supreme Court case about bad faith in bankruptcy.
2. Greenbelt Cooperative Publishing Association, Inc. v. Bresler, 398 U.S. 6 (1970), is a United States Supreme Court case in which the Court held that using the word "blackmail" in a newspaper article "was no more than rhetorical hyperbole" and that finding such usage as libel "would subvert the most fundamental meaning of a free press" guaranteed by the First Amendment to the United States Constitution. The ruling also touched on the plaintiff's status as a public figure.

# Text 194:

**National League of Cities v. Usery, 426 U.S. 833 (1976), was a case in which the Supreme Court of the United States held that the Fair Labor Standards Act could not constitutionally be applied to state governments. The decision was overruled by the U.S. Supreme Court in Garcia v. San Antonio Metropolitan Transit Authority.**

1. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.
2. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 195:

**American Society of Mechanical Engineers v. Hydrolevel Corporation, 456 U.S. 556 (1982), is a United States Supreme Court case where a non-profit association, for the first time, was held liable for treble damages under the Sherman Antitrust Act due to antitrust violations.  
In this case, the U.S. Supreme Court held an association liable when its agents appeared to be acting under the authority of the association. Such action is called apparent authority. The court determined that a non-profit association is liable when it fails to prevent antitrust violation through the misuse of the association's reputation by its agents (including lower level staff and unpaid volunteers).**

1. Union Pacific Railroad v. Brotherhood of Locomotive Engineers, 558 U.S. 67 (2009), was a United States Supreme Court decision on labor disputes.
2. Copperweld Corp. v. Independence Tube Corp., 467 U.S. 752 (1984), is a major US antitrust law case decided by the Supreme Court concerning the Pittsburgh firm Copperweld Corporation and the Chicago firm Independence Tube. It held that a parent company is incapable of conspiring with its wholly owned subsidiary for purposes of Section 1 of the Sherman Act because they cannot be considered separate economic entities.  
   Section 1 of the Sherman Act states that "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal." However, for a condition of conspiracy to exist, there must be at least two parties involved. Copperweld held that separate incorporation was not enough to render a parent and its subsidiary capable of conspiring, since forcibly the economic interests of a wholly owned subsidiary must be those of its parent. It does not apply to partially owned subsidiaries.

# Text 196:

**Darr v. Burford, 339 U.S. 200 (1950), was a United States Supreme Court case about habeas corpus.**

1. Brown v. Allen, 344 U.S. 443 (1953), is a landmark United States Supreme Court case about habeas corpus.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 197:

**Pfizer Inc. v. Government of India, 434 U.S. 308 (1978), decision of the Supreme Court of the United States in which the Court held that foreign states are entitled to sue for treble damages in U.S. courts, and should be recognized as "persons" under the Clayton Act.**

1. Hawaii v. Standard Oil Co. of Cal., 405 U.S. 251 (1972), was a decision by the United States Supreme Court which held that Section 4 of the Clayton Antitrust Act does not authorize a U.S. state to sue for damages for an injury to its general economy allegedly attributable to a violation of the United States antitrust law.
2. Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.

# Text 198:

**Commonwealth Edison Co. v. Montana, 453 U.S. 609 (1981), is a 6-to-3 ruling by the Supreme Court of the United States that held that a severance tax in Montana does not violate the Commerce Clause or the Supremacy Clause of the United States Constitution.**

1. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.
2. Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
   The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.

# Text 199:

**United States v. White, 401 U.S. 745 (1971), was a United States Supreme Court decision which held that recording conversations using concealed radio transmitters worn by informants does not violate the Fourth Amendment protection against unreasonable searches and seizures, and thus does not require a warrant.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.

# Text 200:

**Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57 (1969), is a 1969 decision of the United States Supreme Court on the legal standard governing the obviousness of claimed inventions. It stands for the proposition that, when old elements are combined in a way such that they do not interact in a novel, unobvious way, then the resulting combination is obvious and therefore unpatentable.**

1. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).
2. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.

# Text 201:

**United States v. Johns, 469 U.S. 478 (1985), was a United States Supreme Court criminal law case holding that a three-day delay in searching a motor vehicle under government control did not violate the Fourth Amendment to the United States Constitution.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.

# Text 202:

**Whren v. United States, 517 U.S. 806 (1996), was a unanimous United States Supreme Court decision that "declared that any traffic offense committed by a driver was a legitimate legal basis for a stop."  
In an opinion authored by Antonin Scalia, the court held that a search and seizure is not a violation of the Fourth Amendment in cases where the police officers have a "reasonable suspicion" that a traffic violation has occurred. The personal, or subjective, motives of an officer are not a factor in the Court's Fourth Amendment analysis of whether the cause for a stop is sufficient. The standard for reasonable suspicion is purely an objective one.  
A major concern with this case's ruling is that police conducting traffic stops may racially profile the stopped persons. Similar to the controversy around New York City's Stop and Frisk program, some believe that the ruling in Whren will lead to an increase in racial profiling towards young African American males.**

1. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 203:

**Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.**

1. Zurcher v. Stanford Daily, 436 U.S. 547 (1978), is a United States Supreme Court case from 1978 in which The Stanford Daily, a student newspaper at Stanford University, was searched by police who had suspected the paper to be in possession of photographs of a demonstration that took place at the university's hospital in April 1971. The Stanford Daily filed a suit claiming that under the protection of the First and Fourth Amendments of the Constitution, the warrants were unconstitutional and that the searches should have fallen under the context of subpoenas. The Supreme Court ruled against The Stanford Daily; however, Congress later passed the Privacy Protection Act of 1980, which provides additional protections against searches and seizures to the press and individuals who disseminate information to the public, unless the individual is suspected of a crime or a life-threatening situation is present.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 204:

**Gaffney v. Cummings, 412 U.S. 735 (1973), is a Supreme Court decision upholding statewide legislative apportionment plans for Connecticut. The Court admitted that these plans entailed "substantial inequalities in the population of the representative districts." It observed that "the States have made virtually no attempt to justify their failure 'to construct districts ... as nearly of equal population as is practicable." It was a Fourteenth Amendment case. At issue was whether the election districts had been gerrymandered in violation of the Fourteenth Amendment to the Constitution.**

1. Baker v. Carr, 369 U.S. 186 (1962), was a landmark United States Supreme Court case in which the Court held that redistricting qualifies as a justiciable question under the Fourteenth Amendment's equal protection clause, thus enabling federal courts to hear Fourteenth Amendment-based redistricting cases. The court summarized its Baker holding in a later decision as follows: "the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State Legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives." (Gray v. Sanders, 372 U.S. 368 (1963)). The court had previously held in Gomillion v. Lightfoot that districting claims over racial discrimination could be brought under the Fifteenth Amendment.  
   The case arose from a lawsuit against the state of Tennessee, which had not conducted redistricting since 1901. Tennessee argued that the composition of legislative districts constituted a nonjusticiable political question, as the U.S. Supreme Court had held in Colegrove v. Green (1946). In a majority opinion joined by five other justices, Justice William J. Brennan Jr. held that redistricting did not qualify as a political question, though he remanded the case to the federal district court for further proceedings. Justice Felix Frankfurter strongly dissented, arguing that the Court's decision cast aside history and judicial restraint and violated the separation of powers between legislatures and courts.  
   The case did not have any immediate effect on electoral districts, but it set an important precedent regarding the power of federal courts to address redistricting. In 1964, the Supreme Court handed down two cases, Wesberry v. Sanders and Reynolds v. Sims, that required the United States House of Representatives and state legislatures to establish electoral districts of equal population on the principle of one person, one vote.
2. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.

# Text 205:

**Hess v. Indiana, 414 U.S. 105 (1973), was a United States Supreme Court case involving the First Amendment that reaffirmed and clarified the imminent lawless action test first articulated in Brandenburg v. Ohio (1969). Hess is still cited by courts to protect speech threatening future lawless action.**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 206:

**Vernonia School District 47J v. Acton, 515 U.S. 646 (1995), was a U.S. Supreme Court decision which upheld the constitutionality of random drug testing regimen implemented by the local public schools in Vernonia, Oregon. Under that regimen, student-athletes were required to submit to random drug testing before being allowed to participate in sports. During the season, 10% of all athletes were selected at random for testing. The Supreme Court held that although the tests were searches under the Fourth Amendment, they were reasonable in light of the schools' interest in preventing teenage drug use.**

1. New Jersey v. T. L. O., 469 U.S. 325 (1985), is a landmark decision by the Supreme Court of the United States which established the standards by which a public school official can search a student in a school environment without a search warrant, and to what extent.  
   The case centered around a student at Piscataway High School in Middlesex County, New Jersey, known then only by her initials T. L. O., who was searched for contraband after she was caught smoking in a school bathroom. She was sent to the principal's office, where the assistant vice principal searched her purse and found marijuana, drug paraphernalia, and documentation of drug sales. She was suspended from the school and charged by police for the paraphernalia found in the search, but fought the charges on the basis that the search of her purse violated the Fourth Amendment's prohibition against unreasonable search and seizure.  
   The New Jersey Superior Court affirmed the constitutionality of the search, but the Supreme Court of New Jersey reversed, holding that the search of her purse was unreasonable. On appeal to the U.S. Supreme Court, the Court held that the Fourth Amendment applies to searches conducted by school officials in a school setting. However, school officials do not need to have probable cause nor obtain a warrant before searching a student. Instead, in order for a search to be justified, school officials must have "reasonable suspicion" that the student has violated either the law or school rules. In a 6–3 decision delivered by Justice Byron White, the Court ruled that the school's search of T. L. O.'s purse was constitutional, setting a new precedent for school searches and student privacy.
2. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

# Text 207:

**United States v. Jackson, 390 U.S. 570 (1968), was a United States Supreme Court decision that ruled part of the Federal Kidnapping Act unconstitutional.**

1. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.
2. Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
   This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.

# Text 208:

**Federal Power Commission v. Tuscarora Indian Nation, 362 U.S. 99 (1960), was a case decided by the United States Supreme Court that determined that the Federal Power Commission was authorized to take lands owned by the Tuscarora Indian tribe by eminent domain under the Federal Power Act for a hydroelectric power project, upon payment of just compensation.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.

# Text 209:

**Reno v. American Civil Liberties Union, 521 U.S. 844 (1997), was a landmark decision of the Supreme Court of the United States, unanimously ruling that anti-indecency provisions of the 1996 Communications Decency Act violated the First Amendment's guarantee of freedom of speech. This was the first major Supreme Court ruling on the regulation of materials distributed via the Internet.**

1. Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
   The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
   The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 210:

**Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.**

1. Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.
2. Edwards v. South Carolina, 372 U.S. 229 (1963), was a landmark decision of the US Supreme Court ruling that the First and Fourteenth Amendments to the U.S. Constitution forbade state government officials to force a crowd to disperse when they are otherwise legally marching in front of a state house.

# Text 211:

**Rice v. Norman Williams Co., 458 U.S. 654 (1982), was a decision of the U.S. Supreme Court involving the preemption of state law by the Sherman Act. The Supreme Court held, in a 9–0 decision, that the Sherman Act did not invalidate a California law prohibiting the importing of spirits not authorized by the brand owner.**

1. Rice v. Rehner, 463 U.S. 713 (1983), was a United States Supreme Court case in which the Court held California may properly require respondent to obtain a state license in order to sell liquor for off-premises consumption.
2. Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.

# Text 212:

**California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), was a United States Supreme Court case involving the development of Native American gaming. The Supreme Court's decision effectively overturned the existing laws restricting gaming/gambling on U.S. Indian reservations.**

1. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.
2. Cabell v. Chavez-Salido, 454 U.S. 432 (1982), was a case decided by the Supreme Court of the United States that upheld a state law as constitutional that excluded aliens from positions as probation officers. The Court found that probation officers fell within the political function exception to strict scrutiny equal protection analysis because probation officers exercise discretionary power involving a basic governmental function that gives them authority over the individual.

# Text 213:

**Saint Francis College v. al-Khazraji, 481 U.S. 604 (1987), is a United States labor law case decided by the United States Supreme Court.**

1. St. Mary's Honor Center v. Hicks, 509 U.S. 502 (1993), was a US labor law case before the United States Supreme Court on the burden of proof and the relevance of intent for race discrimination.
2. National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.

# Text 214:

**Carcieri v. Salazar, 555 U.S. 379 (2009), was a case in which the Supreme Court of the United States held that the federal government could not take land into trust that was acquired by the Narragansett Tribe in the late 20th century, as it was not federally recognized until 1983. While well documented in historic records and surviving as a community, the tribe was largely dispossessed of its lands while under guardianship by the state of Rhode Island before suing in the 20th century.  
The Court ruled that the phrase of tribes "now under Federal jurisdiction" in the Indian Reorganization Act of 1934 referred only to those tribes that were federally recognized when the act was passed. It ruled that the federal government could not take land into trust for the Narragansett or other tribes that were federally recognized and acquired land after 1934.**

1. Williams v. Lee, 358 U.S. 217 (1959), was a landmark case in which the Supreme Court of the United States held that the State of Arizona does not have jurisdiction to try a civil case between a non-Indian doing business on a reservation with tribal members who reside on the reservation, the proper forum for such cases being the tribal court.  
   The Navajo tribe has lived in the southwestern United States and first came into contact with the United States government in 1846, signing a treaty with the government in 1849. In the early 1860s, the government removed the tribe from their traditional area to eastern New Mexico at the Bosque Redondo. In 1868, the United States and the tribe signed a new treaty to put it back on a reservation in their traditional lands, where the tribe focused on raising sheep and goats.
2. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.

# Text 215:

**Swain v. Alabama, 380 U.S. 202 (1965), was a case heard before the Supreme Court of the United States regarding the legality of a struck jury.**

1. Beck v. Alabama, 447 U.S. 625 (1980), was a United States Supreme Court case in which the Court held that a jury must be allowed to consider lesser included offenses, not just capital offense or acquittal.
2. Boykin v. Alabama, 395 U.S. 238 (1969), is a United States Supreme Court case in which the Court determined that when a defendant enters into a plea bargain, they waive their Sixth Amendment right to a trial by jury. A defendant may not waive this Constitutional right unless he does so knowingly, voluntarily and intelligently. The defendant was an African-American charged with robbery, which carried a death sentence in Alabama at the time. He pled guilty.

# Text 216:

**Loving v. Virginia, 388 U.S. 1 (1967), was a landmark civil rights decision of the U.S. Supreme Court that ruled that laws banning interracial marriage violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. Beginning in 2013, the decision was cited as precedent in U.S. federal court decisions ruling that restrictions on same-sex marriage in the United States were unconstitutional, including in the Supreme Court decision Obergefell v. Hodges (2015).  
The case involved Richard Loving, a white man, and his wife Mildred Loving, a person of color. In 1959, the Lovings were sentenced to prison for violating Virginia's Racial Integrity Act of 1924, which criminalized marriage between people classified as "white" and people classified as "colored". After unsuccessfully appealing their conviction to the Supreme Court of Virginia, they appealed to the U.S. Supreme Court, arguing that the Racial Integrity Act was unconstitutional.   
In June 1967, the Supreme Court issued a unanimous decision in the Lovings' favor that overturned their convictions and struck down Virginia's Racial Integrity Act. Virginia had argued before the Court that its law was not a violation of the Equal Protection Clause because the punishment was the same regardless of the offender's race, and therefore it "equally burdened" both whites and non-whites. The Court found that the law nonetheless violated the Equal Protection Clause because it was based solely on "distinctions drawn according to race" and outlawed conduct—namely, that of getting married—that was otherwise generally accepted and that citizens were free to do. The Court's decision ended all race-based legal restrictions on marriage in the United States.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.

# Text 217:

**United States v. Thompson-Center Arms Company, 504 U.S. 505 (1992), was a case decided by the Supreme Court of the United States.**

1. Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804 (1986), was a United States Supreme Court decision involving the original jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 218:

**United States v. Jicarilla Apache Nation, 564 U.S. 162 (2011), is a United States Supreme Court case in which the Court held that the fiduciary exception to attorney–client privilege does not apply to the general trust relationship between the United States and Indian tribes.**

1. Merrion v. Jicarilla Apache Tribe, 455 U.S. 130 (1982), was a case in which the Supreme Court of the United States holding that an Indian tribe has the authority to impose taxes on non-Indians that are conducting business on the reservation as an inherent power under their tribal sovereignty.
2. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.

# Text 219:

**American Automobile Association v. United States, 367 U.S. 687 (1961), was an income tax case before the United States Supreme Court.**

1. United States v. Kaiser, 363 U.S. 299 (1960), was an income tax case before the United States Supreme Court.
2. Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977), is a United States Supreme Court case regarding the Commerce Clause and sales tax.

# Text 220:

**Hoffman Estates v. The Flipside, Hoffman Estates, Inc., 455 U.S. 489 (1982), is a United States Supreme Court decision concerning the vagueness and overbreadth doctrines as they apply to restrictions on commercial speech. The justices unanimously upheld an ordinance passed by a Chicago suburb that imposed licensing requirements on the sale of drug paraphernalia by a local record store. Their decision overturned the Seventh Circuit Court of Appeals.  
Concerned that the sale of items such as bongs and rolling papers, along with books and magazines devoted to the era's drug culture promoted and encouraged illegal recreational drug use, the board of trustees of the village of Hoffman Estates, Illinois, passed an ordinance requiring that vendors of drug paraphernalia obtain a license to do so, as they lacked the power to ban their sale outright. As a condition of that license, they were required to keep a record of the name and address of anyone buying such items for inspection by the police at any time. One of the two stores it applied to, The Flipside, filed suit in federal court for the Northern District of Illinois, seeking to have the ordinance invalidated, claiming its scope was so wide and overbroad as to possibly prevent the store from selling the books and magazines, thus infringing its First Amendment rights.  
Justice Thurgood Marshall wrote for the Supreme Court that the village's ordinance was neither vague nor overbroad since it clearly defined the items affected and only explicitly prohibited marketing that alluded to their use in consuming illegal controlled substances. Byron White wrote a separate concurrence arguing that the Court need only have considered the vagueness issue since the Seventh Circuit had not considered the overbreadth claim. John Paul Stevens took no part in the case.  
In the wake of the case many more communities began enacting and enforcing drug-paraphernalia laws, greatly curtailing their sale. It has not had much impact since then, or outside that narrow area of law, but it did establish two important precedents for later cases concerning the overbreadth and vagueness doctrines. In the former area, it clarified an earlier ruling and stated explicitly that the doctrine does not apply to commercial speech; in the latter, it established that a statute challenged for vagueness on its face, prior to enforcement, must be "impermissibly vague in all its applications" for the plaintiff to prevail. It also established that laws regulating economic activity, already held to a lower standard for vagueness since businesspeople can reasonably be expected to know their industry and its products, have an even lower standard to meet when they only call for civil penalties.**

1. Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), is a United States Supreme Court case that involved issues concerning statutory standing in antitrust law.  
   The decision established the rule that indirect purchasers of goods or services along a supply chain cannot seek damages for antitrust violations committed by the original manufacturer or service provider, but it permitted such claims by direct purchasers. Several courts recognize exceptions to the rule.  
   The decision has become known as the "Illinois Brick doctrine" and is applied to determine whether a plaintiff has standing to bring claims under various federal antitrust statutes.
2. Linmark Associates, Inc. v. Township of Willingboro, 431 U.S. 85 (1977), was a case in which the Supreme Court of the United States found that an ordinance prohibiting the posting of "for sale" and "sold" signs on real estate within the town violated the First Amendment to the United States Constitution protections for commercial speech.

# Text 221:

**Drope v. Missouri, 420 U.S. 162 (1975), was a United States Supreme Court case in which the Court held a Missouri trial court deprived a defendant of due process by failing to order a competency examination after he was hospitalized following an attempted suicide and as a result missed a portion of his trial for a capital offense.**

1. Ake v. Oklahoma, 470 U.S. 68 (1985), was a case in which the Supreme Court of the United States held that the Due Process Clause of the Fourteenth Amendment required the state to provide a psychiatric evaluation to be used on behalf of an indigent criminal defendant if he needed it.
2. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.

# Text 222:

**Perry v. Sindermann, 408 U.S. 593 (1972), was a United States Supreme Court decision affecting educational case law involving tenure and due process.**

1. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
2. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.

# Text 223:

**Kwong Hai Chew v. Colding, 344 U.S. 590 (1953), is a United States Supreme Court case in which the Court held that a lawful permanent resident, who departs from and returns to the country as a seaman on an American ship, retains procedural due process rights and cannot be deported under 8 CFR § 175.57(b) without a hearing.**

1. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").
2. Haig v. Agee, 453 U.S. 280 (1981), was a United States Supreme Court case that upheld the right of the executive branch to revoke a citizen's passport for reasons of national security and the foreign policy interests of the U.S. under the Passport Act of 1926.  
   The case involved Congressional delegation of authority over control of passports and the right to international travel. Philip Agee was an ex-Central Intelligence Agency (CIA) officer living overseas who in 1974 declared a "campaign to fight the U.S. CIA wherever it is operating" and revealed the identities of several CIA officers resulting in violence against them. The Secretary of State revoked Agee's passport in 1979. Agee sued, alleging the secretary had no such authority, had denied him procedural due process rights, his substantive due process "liberty" right to travel under the Fifth Amendment, and had violated his First Amendment right to criticize government policies.  
   The district court found the Secretary lacked the power to revoke the passport and the Court of Appeals for the District of Columbia affirmed that decision. The Supreme Court reversed the lower court, holding that the broad discretion accorded the executive branch in matters of national security and foreign policy requires that the Passport Act of 1926 (currently codified at 22 U.S.C. § 211a et seq.) should be interpreted as granting the power to revoke a passport when necessary for national security.

# Text 224:

**Chemical Waste Management, Inc. v. Hunt, 504 U.S. 334 (1992), was a United States Supreme Court case that held that an Alabama law imposing a fee (of $72 per ton) on out-of-state hazardous waste being disposed of in-state violated the Dormant Commerce Clause.**

1. Oregon Waste Systems, Inc. v. Department of Environmental Quality of Oregon, 511 U.S. 93 (1994), is a United States Supreme Court decision focused on the aspect of state power and the interpretation of the Commerce Clause as a limitation on states' regulatory power. In this particular case, the Supreme Court considered whether the Oregon Department of Environmental Quality's alleged cost-based surcharge on the disposal of out-of-state waste violated the dormant commerce clause.
2. Alabama v. North Carolina, 560 U.S. 330 (2010), was an original jurisdiction United States Supreme Court case. It arose from a disagreement between the state of North Carolina and the other members of the Southeast Interstate Low-Level Radioactive Waste Management Compact over the funding for a joint project. Eight states had formed the compact in 1983 to manage low-level radioactive waste in the southeastern United States. In 1986, North Carolina was chosen as the location for the regional waste facility, and it asked the other states for funding to help with the project. The project stalled and was eventually shut down, despite North Carolina receiving $80 million from the other states. After the project's demise, the other states demanded their money back, but North Carolina refused to repay them, leading to this case.

# Text 225:

**Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980), is a United States Supreme Court case involving issues of privacy in correspondence with the First Amendment to the United States Constitution, the freedom of the press, the Sixth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. After a murder case ended in three mistrials, the judge closed the fourth trial to the public and the press. On appeal, the Supreme Court ruled the closing to be in violation of the First Amendment and Fourteenth Amendment asserting that the First Amendment implicitly guarantees the press access to public trials.**

1. Landmark Communications v. Virginia, 435 U.S. 829 (1978), was a United States Supreme Court case that was argued on January 11, 1978 and decided on May 1, 1978.  
   The court reversed a lower court's conviction of the publisher of Norfolk's The Virginian-Pilot for illegal disclosure of confidential proceedings before the Judicial Inquiry and Review Commission about a judge's misconduct.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 226:

**Allen v. Wright, 468 U.S. 737 (1984), was a United States Supreme Court case that determined that citizens do not have standing to sue a federal government agency based on the influence that the agency's determinations might have on third parties.**

1. Wright v. Rockefeller, 376 U.S. 52 (1964), was a case in which the Supreme Court of the United States held that in cases involving allegations of improper racial gerrymandering, where the evidence was "equally, or more, persuasive" that racial considerations had not motivated the state legislature, the court will give deference to the findings of the district court.
2. Owen v. City of Independence, 445 U.S. 622 (1980), was a case decided by the United States Supreme Court, in which the court held that a municipality has no immunity from liability under Section 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability.

# Text 227:

**Plaut v. Spendthrift Farm, Inc., 514 U.S. 211 (1995), was a landmark case about separation of powers in which the Supreme Court of the United States held that Congress may not retroactively require federal courts to reopen final judgments. Writing for the Court, Justice Scalia asserted that such action amounted to an unauthorized encroachment by Congress upon the powers of the judiciary and therefore violated the constitutional principle of separation of powers.**

1. Raines v. Byrd, 521 U.S. 811 (1997), was a United States Supreme Court case in which the Court held individual members of Congress do not automatically have standing to litigate the constitutionality of laws affecting Congress as a whole.
2. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.

# Text 228:

**Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), is a United States Supreme Court case in which the Court upheld the constitutionality of a residential zoning ordinance in Belle Terre, New York, allowing a restrictive definition of family that prevented unrelated college students from residing in a single-family dwelling.**

1. Village of Arlington Heights v. Metropolitan Housing Development Corp, 429 U.S. 252 (1977), was a case heard by the Supreme Court of the United States dealing with a zoning ordinance that in a practical way barred families of various socio-economic, and ethno-racial backgrounds from residing in a neighborhood. The Court held that the ordinance was constitutional because there was no proof that "discriminatory purpose was a motivating factor in the Village's decision."
2. Moore v. City of East Cleveland, 431 U.S. 494 (1977), was a United States Supreme Court case in which the Court ruled that an East Cleveland, Ohio zoning ordinance that prohibited Inez Moore, a black grandmother, from living with her grandchild was unconstitutional. Writing for a plurality of the Court, Associate Justice Lewis F. Powell Jr. ruled that the East Cleveland zoning ordinance violated substantive due process because it intruded too far upon the "sanctity of the family." Justice John Paul Stevens wrote an opinion concurring in the judgment in which he agreed that the ordinance was unconstitutional, but he based his conclusion upon the theory that the ordinance intruded too far upon the Moore's ability to use her property "as she sees fit." Scholars have recognized Moore as one of several Supreme Court decisions that established "a constitutional right to family integrity."

# Text 229:

**Graham v. Connor, 490 U.S. 386 (1989), was a United States Supreme Court case in which the Court determined that an objective reasonableness standard should apply to a civilian's claim that law enforcement officials used excessive force in the course of making an arrest, investigatory stop, or other "seizure" of his or her person.**

1. Scott v. Harris, 550 U.S. 372 (2007), was a decision by the Supreme Court of the United States involving a lawsuit against a sheriff's deputy brought by a motorist who was paralyzed after the officer ran his eluding vehicle off the road during a high-speed car chase. The driver contended that this action was an unreasonable seizure under the Fourth Amendment. The case also involved the question of whether a police officer's qualified immunity shielded him from suit under Section 1983. On April 30, 2007, in an 8–1 decision, the court sided with police and ruled that a "police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death." In a rare occurrence, the court accepted the presentation of video evidence of the high-speed pursuit. Such procedure is quite uncommon in the Supreme Court and was viewed as part of an interesting relationship between the Supreme Court and technology. The video had a strong effect on the Court's decision and is viewed as a major factor in how the court made its decision. The author of the opinion, Justice Antonin Scalia, in a first-time occurrence ever, posted the video of the car chase online (for access to the video, see external links below).  
   Justice John Paul Stevens, the lone dissenter, argued that the videotape evidence was not decisive, as the majority claimed it to be, and that a jury should determine if deadly force was justified. He stated a jury should be used, instead of the case "being decided by a group of elderly appellate judges," a reference to himself and his colleagues on the court (this sentence is not in the text of the dissent, but he pronounced it while reading the opinion at bench).  
   Three law professors created an experiment based on the video, showing it to over a thousand subjects and then asking them whether they thought the use of deadly force was reasonable. The study found "[a] fairly substantial majority did interpret the facts the way the Court did. But members of various subcommunities did not." The study and the disagreement over the reasonableness of the use of deadly force was reported in the Harvard Law Review.
2. Brinegar v. United States, 338 U.S. 160 (1949), was a United States Supreme Court case employing the "reasonableness test" in warrantless searches. The Court held that while the police need not always be factually correct in conducting a warrantless search, such a search must always be reasonable.

# Text 230:

**Regents of the University of California v. Bakke, 438 U.S. 265 (1978), was a landmark decision by the Supreme Court of the United States that involved a dispute of whether preferential treatment for minorities could reduce educational opportunities for whites without violating the Constitution. It upheld affirmative action, allowing race to be one of several factors in college admission policy. However, the court ruled that specific racial quotas, such as the 16 out of 100 seats set aside for minority students by the University of California, Davis, School of Medicine, were impermissible.  
Although the Supreme Court had outlawed segregation in schools by the Brown v. Board of Education decision and had ordered school districts to take steps to assure integration, the question of the legality of voluntary affirmative action programs initiated by universities remained unresolved. Proponents deemed such programs necessary to make up for past discrimination, while opponents believed they were illegal and a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. An earlier case that the Supreme Court had taken in an attempt to address the issue, DeFunis v. Odegaard (1974), was dismissed on procedural grounds.  
Allan P. Bakke (), an engineer and former Marine officer, sought admission to medical school but was rejected for admission partly because of his age — Bakke was in his early 30s while applying, which at least two institutions considered too old. After twice being rejected by the University of California, Davis, he brought suit in state court challenging the constitutionality of the school's affirmative-action program. The California Supreme Court struck down the program as violative of the rights of white applicants and ordered Bakke admitted. The U.S. Supreme Court accepted the case amid wide public attention.  
The ruling on the case was highly fractured. The nine justices issued a total of six opinions. The judgment of the court was written by Justice Lewis F. Powell Jr.; two different blocs of four justices joined various parts of Powell's opinion. Finding diversity in the classroom to be a compelling state interest, Powell opined that affirmative action in general was allowed under the Constitution and the Title VI of the Civil Rights Act of 1964. Nevertheless, UC Davis's program went too far for a majority of justices; it was struck down and Bakke was admitted. The practical effect of Bakke was that most affirmative action programs continued without change. Questions about whether the Bakke case was merely a plurality opinion or binding precedent were addressed in 2003 when the court upheld Powell's position in the majority opinion of Grutter v. Bollinger. However, in 2023, the Supreme Court reversed that position, finding that affirmative action in student admissions impermissibly violated the Equal Protection Clause of the Fourteenth Amendment in Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. DeFunis v. Odegaard, 416 U.S. 312 (1974), was a United States Supreme Court case in which the Court held that the case had become moot and so declined to render a decision on the merits. American student Marco DeFunis, who had been denied admission to the University of Washington School of Law in the state of Washington before he was provisionally admitted during the pendency of the case, was slated to graduate within a few months of the decision being rendered.  
   The Court rejected the assertion that the case was in one of two exceptions to the mootness doctrine that were raised by the plaintiff. The case did not constitute "voluntary cessation" on the part of the defendant law school, as the plaintiff was now in his final quarter, and the law school could take no action to deny him the ability to graduate. Also, it was not a question that was "capable of repetition, yet evading review" because the plaintiff would never again face the situation, and others who might raise the same complaint in the future might be able to receive the courts' full review.  
   DeFunis argued that materials brought to light during discovery and entered into evidence in the trial court showed that his initial denial of admission to the law school was the result of the operation of the law school's affirmative action policy, favoring the admission of minority applicants over better-qualified white candidates. Although the Court refused to consider the case on the merits in DeFunis, the issue of affirmative action returned to the Court without any problem of mootness, with an opinion on the merits achieved in Regents of the University of California v. Bakke.

# Text 231:

**Gravel v. United States, 408 U.S. 606 (1972), was a case regarding the protections offered by the Speech or Debate Clause of the United States Constitution. In the case, the Supreme Court of the United States held that the privileges and immunities of the Constitution's Speech or Debate Clause enjoyed by members of Congress also extend to Congressional aides, but not to activity outside the legislative process.**

1. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".
2. Stone v. Graham, 449 U.S. 39 (1980), was a court case in which the Supreme Court of the United States ruled that a Kentucky statute was unconstitutional and in violation of the Establishment Clause of the First Amendment, because it lacked a nonreligious, legislative purpose. The statute required the posting of a copy of the Ten Commandments on the wall of each public classroom in the state. The copies of the Ten Commandments were purchased with private funding, but the Court ruled that because they were being placed in public classrooms they were in violation of the First Amendment.

# Text 232:

**United States v. Williams, 504 U.S. 36 (1992), was a U.S. Supreme Court case concerning the presentation of exculpatory evidence to a grand jury. It ruled that the federal courts do not have the supervisory power to require prosecutors to present exculpatory evidence to the grand jury. The opinion was written by Justice Scalia, and the dissent by Justice Stevens.  
The question addressed by the court was whether a district court may properly dismiss an indictment when the prosecutor withheld "substantial exculpatory evidence" that could lead the grand jury to reject the indictment but does not necessarily rise to the level of prosecutorial misconduct, which would require the dismissal of an indictment. The significance of the ruling lies not only in its definition of the duty of the prosecutor in regard to presenting exculpatory evidence before the grand jury but also in its definition of the grand jury's accusatory role.  
The ruling protects prosecutors who withhold "substantial exculpatory evidence" to obtain an indictment, as the role of the grand jury is not to determine guilt but to decide whether there is enough evidence of a crime; exculpatory evidence can be presented at trial. Justice Stevens's dissent focused on the argument that a prosecutor's failure to present substantially-exculpatory evidence is a form of prosecutorial misconduct, but that nevertheless, the prosecutor need not "ferret out and present all evidence that could be used at trial to create a reasonable doubt as to defendant's guilt."**

1. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.
2. Nix v. Williams, 467 U.S. 431 (1984), was a U.S. Supreme Court case that created an "inevitable discovery" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution, which protects against unreasonable search and seizure, inadmissible in criminal trials as "fruit of the poisonous tree". In Nix, the Court ruled that evidence that would inevitably have been discovered by law enforcement through legal means remained admissible.

# Text 233:

**Hamilton v. Alabama, 368 U.S. 52 (1961), was a case heard by the Supreme Court of the United States. Hamilton was charged in an Alabama court with breaking and entering a dwelling at night with intent to ravish, and had pleaded not guilty. He had then been convicted and sentenced to death. The Court ruled unanimously that the absence of counsel at the time of his arraignment violated Hamilton's due process rights under the Fourteenth Amendment.**

1. Hamilton v. Alabama, 376 U.S. 650 (1964), is a United States Supreme Court case in which the court held that an African American woman, Mary Hamilton, was entitled to the same courteous forms of address customarily reserved solely for whites in the Southern United States, and that calling a black person by their first name in a formal context was "a form of racial discrimination".
2. Boykin v. Alabama, 395 U.S. 238 (1969), is a United States Supreme Court case in which the Court determined that when a defendant enters into a plea bargain, they waive their Sixth Amendment right to a trial by jury. A defendant may not waive this Constitutional right unless he does so knowingly, voluntarily and intelligently. The defendant was an African-American charged with robbery, which carried a death sentence in Alabama at the time. He pled guilty.

# Text 234:

**Reeves, Inc. v. Stake, 447 U.S. 429 (1980), was a United States Supreme Court case in which the Court held that individual states, when acting as producers or suppliers rather than as market regulators, may discriminate preferentially against out-of-state residents. This "market participant" doctrine is an exception to the so-called negative commerce clause, which ordinarily deems state regulations invalid where they discriminate against interstate commerce in favor of intrastate commerce for the purpose of economic protectionism.**

1. Pike v. Bruce Church, Inc., 397 U.S. 137 (1970), was a case in which the Supreme Court of the United States held that power of states to pass laws interfering with interstate commerce is limited when the law poses an undue burden on businesses.
2. H.P. Hood & Sons v. Du Mond, 336 U.S. 525 (1949), was a United States Supreme Court case in which the Court held a New York protectionist law which prohibits licensure to suppliers who are alleged will create “destructive competition” in the local market to violate the Commerce Clause of the U.S. Constitution.

# Text 235:

**Wallace v. Jaffree, 472 U.S. 38 (1985), was a United States Supreme Court case deciding on the issue of silent school prayer.**

1. Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.
2. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.

# Text 236:

**Maine v. Taylor, 477 U.S. 131 (1986), was a case in which the Supreme Court of the United States held that there was an exception to the "virtually per se rule of invalidity" of the dormant commerce clause. The Supreme Court of the United States found that a Maine law prohibiting the importation of out-of-state bait fish was constitutional because Maine authorities couldn't be certain that imported fish would be free of "parasites and nonnative species" that might pose environmental harm to local ecology. Discriminatory laws may be upheld only if they serve "legitimate local purposes that could not adequately be served by available nondiscriminatory alternatives," wrote Justice Blackmun, author of the majority opinion. In City of Philadelphia v. New Jersey, the Court had previously ruled that New Jersey's ban of out-of-state solid waste was facially discriminatory to the state's residents in a national market and was therefore overturned.**

1. City of Philadelphia v. New Jersey, 437 U.S. 617 (1978), was a case in which the Supreme Court of the United States held that states could not discriminate against another state's articles of commerce.
2. Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.

# Text 237:

**Summers v. Earth Island Institute, 555 U.S. 488 (2009), was a United States Supreme Court case decided 5–4 in which several environmental organizations, including Earth Island Institute, brought suit against the United States Forest Service (USFS) to enjoin that federal agency from implementing rules that would allow the salvage sale of timber from 238 acres of fire-damaged federally owned land without conducting the notice, comment, and appeal process of the Forest Service Decision-making and Appeals Reform Act.  
While the environmental organizations were litigating the injunction in the lower courts, the parties reached a settlement regarding the 238 acres in question and the district court accordingly dismissed. The plaintiffs, however, maintained that they still had standing to challenge the constitutionality of the exemption process generally because the process was statistically certain to implicate their rights in the future. The Court decided that this argument failed because, after voluntarily settling the portion of their lawsuit relevant to Burnt Ridge, respondents and their members are no longer under threat of injury from that project. The Court decided against the plaintiffs, holding that the "deprivation of a procedural right without some concrete interest that is affected by the deprivation . . . is insufficient to create Article III standing."**

1. Stop the Beach Renourishment v. Florida Department of Environmental Protection, 560 U.S. 702 (2010), was a United States Supreme Court case in which the Court held that the Florida Supreme Court did not effect an unconstitutional taking of littoral property owners' rights to future accretions and to contact the water by upholding Florida's beach renourishment program.  
   At issue was whether the Florida Supreme Court violated the United States Constitution's Takings Clause when it upheld a plan to create a state-owned public beach between private waterfront property and the Gulf of Mexico through its beach nourishment program.
2. Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992), was a landmark Supreme Court of the United States decision, handed down on June 12, 1992, that heightened standing requirements under Article III of the United States Constitution. It is "one of the most influential cases in modern environmental standing jurisprudence." Lily Henning of the Legal Times stated that:  
     
   In [this] decision, hailed by the right and attacked by the left as well as by a broad swath of legal scholars, the Court made clear that plaintiffs must suffer a concrete, discernible injury—not a "conjectural or hypothetical one"—to be able to bring suit in federal court. It, in effect, made it more difficult for plaintiffs to challenge the actions of a government agency when the actions don't directly affect them.  
   In Lujan, the Court held that a group of American wildlife conservation and other environmental organizations lacked standing to challenge regulations jointly issued by the U.S. Secretaries of the Interior and Commerce, regarding the geographic area to which a particular section of the Endangered Species Act of 1973 applied. The case arose over issues of US funding of development projects in Aswan, Egypt and Mahaweli, Sri Lanka that could harm endangered species in the affected areas. The government declared that the act did not apply to projects outside of the United States and Defenders of Wildlife sued.

# Text 238:

**Edwards v. South Carolina, 372 U.S. 229 (1963), was a landmark decision of the US Supreme Court ruling that the First and Fourteenth Amendments to the U.S. Constitution forbade state government officials to force a crowd to disperse when they are otherwise legally marching in front of a state house.**

1. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.
2. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.

# Text 239:

**Burlington Northern Railroad Co. v. Woods, 480 U.S. 1 (1987), was a United States Supreme Court case that applied the precedent of Hanna v. Plumer to a conflict between state and federal procedural rules for a federal court sitting in diversity.**

1. Union Pacific Railroad v. Brotherhood of Locomotive Engineers, 558 U.S. 67 (2009), was a United States Supreme Court decision on labor disputes.
2. Weyerhaeuser Company v. Ross-Simmons Hardwood Lumber Company, 549 U.S. 312 (2007), was a United States Supreme Court case related to antitrust regulations.

# Text 240:

**United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950), was a United States Supreme Court case that notably ruled that the executive and legislative branches have the inherent power to exclude immigrants from the United States, that courts lack jurisdiction regarding the deportation of individuals within the United States unless it is explicitly stated in law, and that the Constitution does not grant aliens any protections when trying to enter the United States. In a four-to-three decision, this case firmly demonstrates the plenary powers of Congress and the Executive Branch, as it is one of the first cases that bars the judicial review of executive or legislative orders of exclusion in most circumstances.**

1. Harisiades v. Shaughnessy, 342 U.S. 580 (1952), was a United States Supreme Court case which determined that the Alien Registration Act of 1940's authorization of deportation of legal resident for membership in Communist parties, even past, did not violate the First Amendment, the Fifth Amendment, nor the constitution's Ex Post Facto Clause.   
   The case was a consolidation of three similar cases, Mascitti v. McGrath, Coleman v. McGrath, and Harisiades v. Shaughnessy, all brought by legal residents of the United States who were in the process of being deported under the Alien Registration Act for their participation in Communist political parties.
2. Schneider v. Rusk, 377 U.S. 163 (1964), was a 5–3 United States Supreme Court case that invalidated a law that stripped naturalized Americans of their citizenship as a result of extended or permanent residence abroad. Relying on the due process clause of the Fifth Amendment, the court ruled it generally was unconstitutional to treat naturalized and natural-born citizens differently.

# Text 241:

**Zorach v. Clauson, 343 U.S. 306 (1952), was a release time case in which the Supreme Court of the United States held that a school district to allow students to leave the public school for part of the day to receive off-site religious instruction did not violate the Establishment Clause of the First Amendment.**

1. Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993), was a decision by the Supreme Court of the United States concerning whether the Free Speech Clause of the First Amendment was offended by a school district that refused to allow a church access to school premises to show films dealing with family and child-rearing issues faced by parents. In a unanimous decision, the court concluded that it was.
2. Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.

# Text 242:

**Spectrum Sports, Inc. v. McQuillan, 506 U.S. 447 (1993), was a case in which the Supreme Court of the United States rejected the assertion that attempted monopolization may be proven merely by demonstration of unfair or predatory conduct. Instead, conduct of a single firm could be held to be unlawful attempted monopolization only when it actually monopolized or dangerously threatened to do so. Thus, the Court rejected the conclusion that injury to competition could be presumed to follow from certain conduct. The causal link must be demonstrated.**

1. Aspen Skiing Co. v. Aspen Highlands Skiing Corp., 472 U.S. 585 (1985), was a United States Supreme Court case that decided whether a dominant firm's unilateral refusal to deal with a competitor could establish a monopolization claim under Section 2 of the Sherman Act. The unanimous Supreme Court agreed with the 10th Circuit that terminating a pro-consumer joint venture without a legitimate business justification could constitute illegal monopolization. However, its decision created an exception to the general rule that firms can decide with whom to do business absent collusion, sparking significant controversy about the appropriate scope of this exception. In a subsequent case, Verizon Communications Inc. v. Law Offices of Curtis V. Trinko, LLP, Justice Scalia, writing for the majority, stated that Aspen Skiing is "at or near the outer boundary of § 2 liability." Although its holding has been narrowed, this case's relevance remains contested, especially in the context of refusals to license intellectual property.
2. Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
   Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
   While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.

# Text 243:

**Padilla v. Commonwealth of Kentucky, 559 U.S. 356 (2010), is a case in which the United States Supreme Court decided that criminal defense attorneys must advise noncitizen clients about the deportation risks of a guilty plea. The case extended the Supreme Court's prior decisions on criminal defendants' Sixth Amendment right to counsel to immigration consequences.  
The duties of Counsel recognized in Padilla are broad. After Padilla, if the law is unambiguous, attorneys must advise their criminal clients that deportation will result from a conviction. Also, if the immigration consequences of a conviction are unclear or uncertain, attorneys must advise that deportation "may" result. Finally, attorneys must give their clients some advice about deportation: counsel cannot remain silent about immigration.  
After Padilla, there has been significant litigation in the lower courts about whether attorneys are required to advise their criminal clients about other consequences of convictions.**

1. United States v. Valenzuela-Bernal, 458 U.S. 858 (1982), is a United States Supreme Court case that determined the constitutionality of deporting aliens who might give testimony in criminal alien smuggling prosecutions. Because deporting alien witnesses might take away a testimony that would be both “material and favorable” to the defendant, it gives rise to a potential motion from the defense to dismiss the indictment under the Compulsory Process Clause of the Sixth Amendment and the Due Process Clause of the Fifth Amendment.  
   The Supreme Court held that because the defendant failed to make a “plausible suggestion that the deported aliens possessed any material evidence that was not merely cumulative of other evidence,” the District Court properly denied the respondent's motion to dismiss the indictment.
2. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.

# Text 244:

**Gilmer v. Interstate/Johnson Lane Corp., 500 U.S. 20 (1991), is a 1991 case in which the Supreme Court of the United States ruled that the Federal Arbitration Act requires enforcement of an arbitration clause to compel arbitration of statutory Age Discrimination in Employment Act of 1967 claims. A regional brokerage house, Interstate Johnson Lane later became part of Wachovia Securities.**

1. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.
2. Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985), is a United States Supreme Court decision concerning arbitration of antitrust claims. The Court heard the case on appeal from the United States Court of Appeals for the First Circuit, which had ruled that the arbitration clause in a Puerto Rican car dealer's franchise agreement was broad enough to reach its antitrust claim. By a 5–3 margin it upheld the lower court, requiring that the dealer arbitrate its claim before a panel in Tokyo, as stipulated in the contract.  
   Justice Harry Blackmun wrote for the majority that the Federal Arbitration Act (FAA) was broad enough to require arbitration of statutory claims as well as contractual ones, extending a recent line of Court decisions favorable to arbitration. A controversial footnote, creating a possible "prospective waiver" doctrine that would allow a party to avoid arbitration under foreign law, has been much criticized by commentators and at the same time raised by many litigants. In 2009 the Eleventh Circuit found it valid for an injured cruise-ship worker, but two years later cast doubt on that conclusion.  
   In dissent, Justice John Paul Stevens argued that antitrust claims were too complex and important to be left to arbitrators and that in any event none of the claims were arbitrable under the terms of the contract itself. He expressed incredulousness that his colleagues would require an American company to arbitrate a claim under American antitrust law before a panel of foreign arbitrators.  
   While the case formed an important part of the Court's expansion of arbitrability in the late 20th and early 21st centuries, it could not have reached a court today. In 2002, after years of lobbying by the National Automobile Dealers Association, Congress passed the Motor Vehicle Franchise Contract Arbitration Fairness Act, which prohibited mandatory predispute arbitration clauses in motor vehicle dealership franchise agreements. President George W. Bush signed it into law, the first time a specific exception to the FAA had been legislated since the Court began expanding its scope.

# Text 245:

**Superintendent v. Hill, 472 U.S. 445 (1985), was a United States Supreme Court case in which the Court held that due process required that prison disciplinary decisions to revoke good-time credits must be supported by "some evidence."**

1. Wolff v. McDonnell, 418 U.S. 539 (1974), was a United States Supreme Court case in which the Court held that prisoners retained some due process rights when incarcerated. In particular, the Court ruled that due process required that prison disciplinary decisions to revoke good-time credits must be accompanied by notification of the inmate, administrative hearings, the chance to call witnesses and present evidence, and a written statement detailing the nature of the offense committed and the evidence for said offense.
2. Parker v. Ellis, 362 U.S. 574 (1960), was a United States Supreme Court decision (per curiam) in which the court granted certiorari to review dismissal of petitioner's application for a habeas corpus review. The petitioner claimed that his conviction in a state court had violated the Fourteenth Amendment's Due Process Clause. However, the petitioner was released from incarceration before his case could be heard.

# Text 246:

**Chambers v. Maroney, 399 U.S. 42 (1970), was a United States Supreme Court case in which the Court applied the Carroll doctrine in a case with a significant factual difference—the search took place after the vehicle was moved to the stationhouse. The search was thus delayed and did not take place on the highway (or street) as in Carroll. After a gas station robbery, a vehicle fitting the description of the robbers' car was stopped. Inside were people wearing clothing matching the description of that worn by the robbers. They were arrested, and the car was taken to the police station where it was later searched.**

1. California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
   It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.
2. United States v. Matlock, 415 U.S. 164 (1974), was a Supreme Court of the United States case in which the Court ruled that the Fourth Amendment prohibition on unreasonable searches and seizures was not violated when the police obtained voluntary consent from a third party who possessed common authority over the premises sought to be searched. The ruling of the court established the "co-occupant consent rule," which was later explained by Illinois v. Rodriguez, 497 U.S. 177 (1990) and distinguished later by Georgia v. Randolph (2006), in which the court held that a third party could not consent over the objections of a present co-occupant, and Fernandez v. California (2014), where the court held when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.

# Text 247:

**Dada v. Mukasey, 554 U.S. 1 (2008), was a United States Supreme Court case involving deportation procedures.**

1. Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.
2. Harisiades v. Shaughnessy, 342 U.S. 580 (1952), was a United States Supreme Court case which determined that the Alien Registration Act of 1940's authorization of deportation of legal resident for membership in Communist parties, even past, did not violate the First Amendment, the Fifth Amendment, nor the constitution's Ex Post Facto Clause.   
   The case was a consolidation of three similar cases, Mascitti v. McGrath, Coleman v. McGrath, and Harisiades v. Shaughnessy, all brought by legal residents of the United States who were in the process of being deported under the Alien Registration Act for their participation in Communist political parties.

# Text 248:

**United States v. Johnson, 481 U.S. 681 (1987), was a United States Supreme Court case in which the Court barred the widow of a serviceman killed while piloting a helicopter on a United States Coast Guard rescue mission from bringing her claim under the Federal Tort Claims Act (the "FTCA" or the "Act"). The decision was based upon the Supreme Court's holding in Feres v. United States (1950): "[T]he Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service."**

1. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.
2. United States v. Johnson, 457 U.S. 537 (1982), was a United States Supreme Court case.

# Text 249:

**South Dakota v. Dole, 483 U.S. 203 (1987), was a case in which the United States Supreme Court considered the limitations that the Constitution places on the authority of the United States Congress to influence state lawmaking. The Court upheld the constitutionality of a federal statute that withheld federal funds from states whose legal drinking age did not conform to federal policy. The dissent argued that the minimum drinking age condition for states to receive federal highway funds was not sufficiently related to Congress' interests in expending the funds and consequently exceeded Article 1, Section 8, spending power.**

1. South Dakota v. Neville, 459 U.S. 553 (1983), was a United States Supreme Court case in which the Court held that prosecutors may use a suspect's refusal to submit to a blood-alcohol test as evidence of guilt and that the introduction of such evidence at trial does not violate the suspect's Fifth Amendment privilege against self incrimination.
2. South Dakota v. Opperman, 428 U.S. 364 (1976), elaborated on the community caretaking doctrine. Under the Fourth Amendment, "unreasonable" searches and seizures are forbidden. In addition to their law-enforcement duties, the police must engage in what the court has termed a community caretaking role, including such duties as removing obstructions from roadways to ensure the free flow of traffic. When the police act in this role, they may inventory cars they have seized without "unreasonably" searching those cars.

# Text 250:

**Free Enterprise Fund v. Public Company Accounting Oversight Board, 561 U.S. 477 (2010), was a 5–4 decision by the U.S. Supreme Court in which the Court ruled that laws enabling inferior officers of the United States to be insulated from the Presidential removal authority with two levels of "for cause" removal violated Article Two of the United States Constitution.  
Under the Sarbanes–Oxley Act, PCAOB officers could be removed only "for good cause shown" by officers of the Securities and Exchange Commission (SEC). Officers of the SEC could only be removed by the President for "inefficiency, neglect of duty, or malfeasance in office." Thus, although the President could remove high-ranking members of the SEC, he could not govern and execute power to the board, thus providing a "dual layer" of protection. The Court found this "dual layer" of protection "contrary to Article II's vesting of the executive power in the President."**

1. Morrison v. Olson, 487 U.S. 654 (1988), was a Supreme Court of the United States decision that determined the Independent Counsel Act was constitutional. Morrison also set important precedent determining the scope of Congress's ability to encumber the President's authority to remove Officers of the United States from office. In Seila Law LLC v. Consumer Financial Protection Bureau (2020), the Supreme Court distinguished Morrison as a narrow exception applying only to inferior officers.  
   Over the years, the case has become at least as well known for its lone dissent by Justice Antonin Scalia.
2. Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.

# Text 251:

**Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.**

1. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.
2. Powell v. Texas, 392 U.S. 514 (1968), was a United States Supreme Court case that ruled that a Texas statute criminalizing public intoxication did not violate the Eighth Amendment protection against cruel and unusual punishment. The 5–4 decision's plurality opinion was by Justice Thurgood Marshall. Justice Hugo Black and Byron White each wrote separate concurring opinions while Justice Abe Fortas dissented.

# Text 252:

**Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87 (1983), is a United States Supreme Court decision that held valid a Nuclear Regulatory Commission (NRC) rule that during the licensing of nuclear power plants, the permanent storage of nuclear waste should be assumed to have no environmental impact.**

1. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.
2. In Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission, 461 U.S. 190 (1983), the United States Supreme Court held that a state statute regulating economic aspects of nuclear generating plants was not preempted by the federal Atomic Energy Act of 1954. The case provides a framework that has guided other cases involving preemption of federal authority.

# Text 253:

**Forrester v. White, 484 U.S. 219 (1988), was a case decided on by the United States Supreme Court. The case restricted judicial immunity in certain instances.**

1. Harlow v. Fitzgerald, 457 U.S. 800 (1982), was a case decided by the United States Supreme Court involving the doctrines of qualified immunity and absolute immunity.
2. Clinton v. Jones, 520 U.S. 681 (1997), was a landmark United States Supreme Court case establishing that a sitting President of the United States has no immunity from civil law litigation, in federal court, for acts done before taking office and unrelated to the office. In particular, there is no temporary immunity and thus no delay of federal cases until the President leaves office.

# Text 254:

**Pacific Bell Telephone Co. v. linkLine Communications, Inc., 555 U.S. 438 (2009), was a United States Supreme Court case in which the Court unanimously held that Pacific Bell d/b/a AT&T did not violate the Sherman Antitrust Act when it charged other Internet providers a high fee to buy space on its phone lines to deliver an Internet connection. The court ruled that where there is no duty to deal at the wholesale level and no predatory pricing at the retail level, a firm is not required to price both of these services in a manner that preserves its rivals’ profit margins.  
This case was initiated by Internet service providers (ISP), alleging that incumbent telephone companies that owned infrastructure and facilities needed to provide digital subscriber line (DSL) service monopolized and attempted to monopolize regional DSL market. The ISP's claimed that the telephone companies accomplished this by squeezing the providers' profits by charging them high wholesale price for DSL transport and charging consumers low retail price for DSL Internet service. Ultimately, the court concluded that the case was not moot, as it was not clear whether the providers had unequivocally abandoned their price-squeeze claims; prudential concerns favored answering the question presented.**

1. Talk America, Inc. v. Michigan Bell Telephone Co., 564 U.S. 50 (2011), was a United States Supreme Court case in which the Court held that the Federal Communications Commission (FCC) had advanced a reasonable interpretation of its regulations in a dispute with AT&T.
2. Pacific Gas & Electric v. Public Utilities Commission, 475 U.S. 1 (1986), was a United States Supreme Court case involving a dispute over newsletters that the San Francisco–based privately-owned public utility Pacific Gas and Electric Company (PG&E) had included with its monthly bills to customers. The special interest group Toward Utility Rate Normalization (TURN) sued PG&E, arguing that the extra space in the billing envelope taken by the newsletters constituted a form of political speech whose cost the public should not have to bear.  
   The California Public Utilities Commission mediated the dispute and initially determined that, since the space in the envelope ostensibly belonged to the general public, PG&E could be compelled to carry a message supplied by TURN in rebuttal to the messages supplied in the newsletter. The rationale used by the regulatory agency was that the space in the billing envelope which could have material added that did not increase postage belonged to the ratepayers rather than the utility; thus the commission could order the utility to allow other groups to use that space subject to restrictions.   
   PG&E responded to the decision by suing California's Public Utilities Commission, invoking a First Amendment right against compelled speech. Among other arguments, PG&E contended that it should not be compelled to carry messages it disagrees with, that the inclusion only of critical viewpoints was discriminatory, and that it was being compelled to formulate and include a rebuttal to TURN's comments with each mailing.  
   The U.S. Supreme Court found the order of the California Public Utilities Commission to be unconstitutional, as the right to speak includes the right not to carry messages one disagrees with. As the court stated, "the choice to speak includes within it the choice of what not to say." The case became an important precedent for cases involving the free speech rights of private corporations. It also critically granted, with very limited exceptions, the absolute right of a publisher to choose not to carry messages it does not agree with.

# Text 255:

**Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.**

1. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.
2. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.

# Text 256:

**NASA v. Nelson, 562 U.S. 134 (2011), is a decision by the Supreme Court of the United States holding that NASA's background checks of contract employees did not violate any constitutional privacy right.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 257:

**Capitol Square Review & Advisory Board v. Pinette, 515 U.S. 753 (1995), is a United States Supreme Court case that focused on First Amendment rights and the Establishment Clause. Vincent Pinette, an active member of the Ku Klux Klan in Columbus, Ohio, wanted to place an unattended cross on the lawn of the Capitol Square during the 1993 Christmas season. Pinette and his fellow members of the KKK submitted their request. The advisory board originally denied this request. However, Pinette and the other members of the Ohio Chapter of the Klan fought this decision in the United States District Court for the Southern District of Ohio. The court found in favor of the Klan and the advisory board issued the permit. The Board appealed to the United States Court of Appeals, which affirmed the decision of the district court. The board made one last petition to the Supreme Court where the decision was made, by a vote of seven to two, that the Klan was permitted to display the cross at the public forum.**

1. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.
2. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.

# Text 258:

**McNally v. United States, 483 U.S. 350 (1987), was a case in which the United States Supreme Court decided that the federal statute criminalizing mail fraud applied only to the schemes and artifices defrauding victims of money or property, as opposed to those defrauding citizens of their rights to good government. The case was superseded one year later when the United States Congress amended the law to specifically include honest services fraud in the mail and wire fraud statutes.**

1. Schmuck v. United States, 489 U.S. 705 (1989), is a United States Supreme Court decision on criminal law and procedure. By a 5–4 margin it upheld the mail fraud conviction of an Illinois man and resolved a conflict among the appellate circuits over which test to use to determine if a defendant was entitled to a jury instruction allowing conviction on a lesser included charge. Justice Harry Blackmun wrote for the majority; Antonin Scalia for the dissent.  
   The case had begun when Schmuck was prosecuted for having rolled back odometers for years on cars he sold to used-car dealers. He had been indicted for 12 counts of mail fraud, based on the vehicle title applications the dealers had then mailed to the state's Department of Transportation in order to resell the cars. Before his trial in the Western District of Wisconsin, he had been denied a motion to have the jury instructed that they could vote to convict him of tampering with the odometer, at the time a less serious offense, if they did not find him guilty of mail fraud.  
   He raised the issue after his conviction with the Seventh Circuit Court of Appeals, as well as the applicability of the mail-fraud statute to the dealers' applications. A panel rejected the latter argument but agreed that the jury should have been allowed to consider the lesser charge, reversing the conviction and remanding the case for a new trial. The government appealed that decision to an en banc panel of the circuit, which restored the conviction, holding that the odometer tampering was not "inherently related" to the mail fraud. Since other appellate circuits had preferred a different test for lesser included charges, Schmuck successfully petitioned the Supreme Court to hear the case.  
   Blackmun ruled for the government on both questions. Since Schmuck had enjoyed a continuing relationship with the dealers he sold to, and the cars could not be resold to a retail customer without titles obtained using false information, the dealers' applications were an essential element of his crime and thus constituted mail fraud. On the second question, Blackmun said the court should have considered whether the elements of odometer tampering were a subset of the elements of the mail fraud, and since that was not the case Schmuck had been properly denied the instruction. Scalia's dissent focused exclusively on the mail fraud issue. Since Schmuck had already received his payment for the altered vehicles, it did not matter what happened afterwards, a holding he found more consistent with the Court's earlier rulings on the subject.
2. Pereira v. United States, 347 U.S. 1 (1954), was a United States Supreme Court case in which the Court held that the word "knowingly" in the federal mail fraud statute, 18 U.S.C. § 1341, should extend to all reasonably foreseeable consequences, even ones not specifically intended.

# Text 259:

**Zablocki v. Redhail, 434 U.S. 374 (1978), was a U.S. Supreme Court decision that held that Wisconsin Statutes §§ 245.10 (1), (4), (5) (1973) violated the Fourteenth Amendment Equal Protection Clause. Section 245.10 required noncustodial parents who were Wisconsin residents attempting to marry inside or outside of Wisconsin to seek a court order prior to receiving a marriage license. In order to receive such a court order, the noncustodial parent could not be in arrears on his or her child support, and the court had to believe that the child(ren) would not become dependent on the State.**

1. Welsh v. Wisconsin, 466 U.S. 740 (1984), was a 1983 case before the US Supreme Court determining that a warrantless home arrest without exigent circumstances violates the Fourth Amendment protection against unlawful search and seizure.
2. DeShaney v. Winnebago County, 489 U.S. 189 (1989), was a case decided by the Supreme Court of the United States on February 22, 1989. The court held that a state government agency's failure to prevent child abuse by a custodial parent does not violate the child's right to liberty for the purposes of the Fourteenth Amendment to the United States Constitution.   
   This case famously and controversially held that police have no duty to protect the public. Specifically, the Court held that "the Due Process Clause of the Fourteenth Amendment does not require a state or local governmental entity to protect its citizens from 'private violence, or other mishaps not attributable to the conduct of its employees.'"

# Text 260:

**Blonder-Tongue Labs., Inc. v. University of Ill. Foundation, 402 U.S. 313 (1971), is a decision of the United States Supreme Court holding that a final judgment in an infringement suit against a first defendant that a patent is invalid bars the patentee from relitigating the same patent against other defendants. In so ruling, the Supreme Court overruled its 1936 decision in Triplett v. Lowell, which had required mutuality of estoppel to bar such preclusion, and held that the better view was to prevent relitigating if the plaintiff had had a full and fair opportunity to litigate the issue in question.**

1. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."
2. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.

# Text 261:

**Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
The Court said,  
  
Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.**

1. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.
2. Aikens v. California, 406 U.S. 813 (1972), was a decision of the United States Supreme Court where a petitioner (in the U.S. Supreme Court, the plaintiff (Aikens) is called the petitioner and the defendant (the State of California) is called the respondent) was appealing his conviction and death sentence. After oral argument had been made on the case, but before the court decided on it, the Supreme Court of California in People v. Anderson, declared the death penalty unconstitutional under the state constitution. This made his appeal unnecessary because the decision in Anderson  
     
   declared capital punishment in California unconstitutional under Art. 1, 6, of the state constitution... The California Supreme Court declared in the Anderson case that its decision was fully retroactive and stated that any prisoner currently under sentence of death could petition a superior court to modify its judgment. [Aikens] thus no longer faces a realistic threat of execution... [emphasis added]  
   The Supreme Court would decide later that year, in Furman v. Georgia, that the Death Penalty was under certain circumstances unconstitutional. Aikens was originally one of four cases that were selected along with Furman, but when the Anderson case was decided by the California Supreme Court, Aikens became moot.

# Text 262:

**Rummel v. Estelle, 445 U.S. 263 (1980), (sometimes erroneously cited as Rummel v. Estell) was a United States Supreme Court case in which the Court upheld a life sentence with the possibility of parole under Texas' three strikes law for a felony fraud crime, where the offense and the defendant's two prior offenses involved approximately $230 of fraudulent activity (worth $847 in 2023 dollars, or about four 40-hour weeks at the contemporary Texas minimum wage of $1.40/hour).**

1. Trammel v. United States, 445 U.S. 40 (1980), is a United States Supreme Court case involving the spousal privilege and its application in the law of evidence. In it, the Court held that the witness-spouse alone has a privilege to refuse to testify adversely; the witness may be neither compelled to testify nor foreclosed from testifying.  
   In it, the court upheld the conviction of the Petitioner. Prior to presenting his case before the Supreme Court, the Petitioner was convicted of illegally smuggling heroin into the United States and conspiracy to import, based upon the testimony of his wife. The Petitioner then appealed, claiming that the admission of the adverse testimony of his wife, over his objection, contravened prior precedent and therefore constituted reversible error.  
   The court rejected both traditional and contemporary justifications for the traditional scope of the privilege.  
   In so ruling, the court held that a witness-spouse alone has a privilege to refuse to testify adversely; the witness may be neither compelled to testify nor foreclosed from testifying.
2. Estelle v. Williams, 425 U.S. 501 (1976), is a Supreme Court case involving Harry Lee Williams' conviction of assault on his former landlord in Harris County, Texas. While awaiting trial Williams was unable to post bail. He was tried in his prison uniform, and later was found guilty. He sought a writ of habeas corpus saying being tried in a prison uniform violated his Constitutional rights in accordance with the 14th Amendment. The Court of Appeals ruled that the accused does not have to stand trial in identifiable prison clothes and Williams’ right to due process was violated. The Supreme Court reversed, reinstating the conviction, on June 21, 1976.

# Text 263:

**Nobelman v. American Savings Bank, 508 U.S. 324 (1993), was a United States Supreme Court case in which the Court disallowed cram-downs (the involuntary imposition by a court of a reorganization plan over the objections of creditors in a bankruptcy proceeding) for primary residences. Michael J. Schroeder argued on behalf of the mortgage creditor, American Savings Bank.**

1. United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
   Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
   Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.
2. Cuomo v. Clearing House Association, L.L.C., 557 U.S. 519 (2009), was a case decided by the United States Supreme Court. In a 5–4 decision, the court determined that a federal banking regulation did not pre-empt the ability of states to enforce their own fair-lending laws. The Court determined that the Office of the Comptroller of the Currency is the sole regulator of national banks but it does not have the authority under the National Bank Act to pre-empt state law enforcement against national banks.  
   The case came out of an interpretation of the US Treasury Department's Office of the Comptroller of the Currency which had blocked an investigation by New York into lending practices. The OCC claimed that the 1864 National Bank Act bars states from enforcing their own laws against national banks.  
   Justice Scalia stated in the opinion that while the OCC has "visitorial powers," the right to examine the affairs of a corporation, that does not mean that it has the exclusive right to enforcement. "A sovereign's 'visitorial powers' and its power to enforce the law are two different things. Contrary to what the [OCC's] regulation says, the National Bank Act pre-empts only the former." Scalia noted that states "have always enforced their general laws against national banks—and have enforced their banking-related laws against national banks for at least 85 years."  
   The case is notable for the justices composing the 5-4 majority, which included the liberal justices (John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer) along with the conservative Scalia, who authored the opinion. Justice Clarence Thomas, joined by Justices Samuel Alito, Anthony Kennedy, and Chief Justice John Roberts, wrote a dissent.  
   The case is further notable for the suggested relationship of this OCC decision to the financial crisis of 2007–2010.

# Text 264:

**California v. Byers, 402 U.S. 424 (1971), was a case in which the Supreme Court of the United States decided that providing personal information at the scene of an accident does not infringe on one's Fifth Amendment privilege against self-incrimination.**

1. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.
2. Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
   The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.

# Text 265:

**Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290 (1981), was a case in which the Supreme Court of the United States invalidated a California law that set limits on contributions to ballot issue campaigns. The ruling relies heavily on the Court's earlier decisions in Buckley v. Valeo, holding that limits on contributions to political candidates implicate the First Amendment, and First National Bank of Boston v. Bellotti, holding that the state governments have no compelling interest in limiting spending on speech about ballot issues.**

1. First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), is a U.S. constitutional law case which defined the free speech right of corporations for the first time. The United States Supreme Court held that corporations have a First Amendment right to make contributions to ballot initiative campaigns. The ruling came in response to a Massachusetts law that prohibited corporate donations in ballot initiatives unless the corporation's interests were directly involved.  
   In 1976 several corporations, including the First National Bank of Boston, were barred from contributing to a Massachusetts referendum regarding tax policy and subsequently sued. The case was successfully appealed to the Supreme Court, which heard oral arguments in November 1977. On April 26, 1978, the Court ruled 5–4 against the Massachusetts law.  
   As a result of the ruling, states could no longer impose specific regulations on donations from corporations in ballot initiative campaigns. While the Bellotti decision did not directly affect federal law, it has been cited by other Supreme Court cases such as McConnell v. FEC and Citizens United v. FEC.
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 266:

**Time, Inc. v. Firestone, 424 U.S. 448 (1976), was a U.S. Supreme Court case concerning defamation suits against public figures.**

1. Time, Inc. v. Hill, 385 U.S. 374 (1967), is a United States Supreme Court case involving issues of privacy in balance with the First Amendment to the United States Constitution and principles of freedom of speech. The Court held 6–3 that the latter requires that merely negligent intrusions into the former by the media not be civilly actionable. It expanded that principle from its landmark defamation holding in New York Times v. Sullivan.  
   The Hill family had sued after Life implied in a blurb that the upcoming film adaptation of The Desperate Hours was based on the real-life incident where they were held hostage in their home by escaped convicts. It was accompanied by a photo of the Hills' house in a suburb of Philadelphia, from which they had moved shortly afterwards due to the lingering psychological effects of the episode. In fact, the plot of the novel and a successful play based on it were, while inspired by the Hills' experience, unrelated to it.  
   Former Vice President Richard M. Nixon argued the Hills' case before the Court.
2. New York Times Co. v. Sullivan, 376 U.S. 254 (1964), was a landmark U.S. Supreme Court decision ruling that the freedom of speech protections in the First Amendment to the U.S. Constitution restrict the ability of public officials to sue for defamation. The decision held that if a plaintiff in a defamation lawsuit is a public official or candidate for public office, then not only must they prove the normal elements of defamation—publication of a false defamatory statement to a third party—they must also prove that the statement was made with "actual malice", meaning the defendant either knew the statement was false or recklessly disregarded whether it might be false. New York Times Co. v. Sullivan is frequently ranked as one of the greatest Supreme Court decisions of the modern era.  
   The underlying case began in 1960, when The New York Times published a full-page advertisement by supporters of Martin Luther King Jr. that criticized the police in Montgomery, Alabama, for their treatment of civil rights movement protesters. The ad had several inaccuracies regarding facts such as the number of times King had been arrested during the protests, what song the protesters had sung, and whether students had been expelled for participating. Based on the inaccuracies, Montgomery police commissioner L. B. Sullivan sued the Times for defamation in the local Alabama county court. After the judge ruled that the advertisement's inaccuracies were defamatory per se, the jury returned a verdict in favor of Sullivan and awarded him $500,000 in damages. The Times appealed first to the Supreme Court of Alabama, which affirmed the verdict, and then to the U.S. Supreme Court, which agreed to hear the case.  
   In March 1964, the Court issued a 9–0 decision holding that the Alabama court's verdict violated the First Amendment. The Court reasoned that defending the principle of wide-open debate will inevitably include "vehement, caustic, and...unpleasantly sharp attacks on government and public officials." The Supreme Court's decision, and its adoption of the actual malice standard, reduced the financial exposure from potential defamation claims and frustrated efforts by public officials to use these claims to suppress political criticism. The Supreme Court has since extended Sullivan's higher legal standard for defamation to all "public figures". This has made it extremely difficult for a public figure to win a defamation lawsuit in the United States.

# Text 267:

**Ford v. Wainwright, 477 U.S. 399 (1986), was a landmark U.S. Supreme Court case that upheld the common law rule that the insane cannot be executed; therefore the petitioner is entitled to a competency evaluation and to an evidentiary hearing in court on the question of their competency to be executed.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Foucha v. Louisiana, 504 U.S. 71 (1992), was a U.S. Supreme Court case in which the court addressed the criteria for the continued commitment of an individual who had been found not guilty by reason of insanity. The individual remained involuntarily confined on the justification that he was potentially dangerous even though he no longer suffered from the mental illness that served as a basis for his original commitment.

# Text 268:

**Schad v. Arizona, 501 U.S. 624 (1991), is a United States Supreme Court decision that explained which charges need to be explained to the jury in trials for felony murders.**

1. Arizona v. Fulminante, 499 U.S. 279 (1991), was a United States Supreme Court case clarifying the standard of review of a criminal defendant's allegedly coerced confession. The ruling was divided into parts, with various justices voting in different ways on different points of law, but ultimately 1) the defendant's confession was ruled involuntary, 2) the harmless error rule had to be applied, and 3) in this case, use of the confession as evidence was not harmless.
2. Tison v. Arizona, 481 U.S. 137 (1987), is a United States Supreme Court case in which the Court qualified the rule it set forth in Enmund v. Florida (1982). Just as in Enmund, in Tison the Court applied the proportionality principle to conclude that the death penalty was an appropriate punishment for a felony murderer who was a major participant in the underlying felony and exhibited a reckless indifference to human life.

# Text 269:

**Beech Aircraft Corporation v. Rainey, 488 U.S. 153 (1988), was a United States Supreme Court case that addressed a longstanding conflict among the Federal Courts of Appeals over whether Federal Rule of Evidence 803(8)(C), which provides an exception to the hearsay rule for public investigatory reports containing "factual findings," extends to conclusions and opinions contained in such reports. The court also considered whether the trial court abused its discretion in refusing to admit, on cross-examination, testimony intended to provide a more complete picture of a document about which the witness had testified on direct.**

1. Piper Aircraft Co. v. Reyno, 454 U.S. 235 (1981), was a case decided by the United States Supreme Court, in which the court considered the lower court's application of its power of forum non conveniens, a common law legal doctrine whereby courts may refuse to take jurisdiction over matters where there is a more appropriate forum available to the parties.
2. McDonough Power Equipment, Inc. v. Greenwood, 464 U.S. 548 (1984), was a case decided by the Supreme Court of the United States that established a standard for challenging a verdict based on inaccurate answers given by prospective jurors during voir dire.

# Text 270:

**Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.**

1. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.
2. Gray v. Sanders, 372 U.S. 368 (1963), was a Supreme Court of the United States case dealing with equal representation in regard to the American election system and formulated the famous "one person, one vote" standard applied in this case for "counting votes in a Democratic primary election for the nomination of a United States Senator and statewide officers — which was practically equivalent to election."

# Text 271:

**Hampton v. United States, 425 U.S. 484 (1976), is a United States Supreme Court decision on the subject of Entrapment. By a 5–3 margin, the Court upheld the conviction of a Missouri man for selling heroin even though all the drug sold was supplied to him, he claimed, by a Drug Enforcement Administration informant who had, in turn, gotten it from the DEA. The majority held that the record showed Hampton was predisposed to sell drugs no matter his source.  
The case came before the court when the defendant argued that while he was predisposed, it was irrelevant since the government's possible role as sole supplier in the case constituted the sort of "outrageous government conduct" that Justice William Rehnquist had speculated could lead to the reversal of a conviction in the court's last entrapment case, United States v. Russell. Rehnquist was not impressed and rejected the argument in his majority opinion.  
The dissents agreed that the government's purported action was outrageous and that the conviction should be overturned on those grounds. The justices were among those who had said in Russell that the "subjective" entrapment standard adopted by the Court since it first recognized entrapment as a valid defense in Sorrells v. United States, was less fair and appropriate than the "objective" standard of evaluating official conduct, which dissents and concurrences in entrapment cases over the years had argued for. However, this was the last entrapment case to feature that conflict.**

1. United States v. Russell, 411 U.S. 423 (1973), is a Supreme Court case dealing with the entrapment defense. The court split 5-4 and maintained the subjective theory that had first been adopted in Sorrells v. United States, 287 U.S. 435 (1932). Although an undercover federal agent had helped procure a key ingredient for an illegal methamphetamine manufacturing operation, and assisted in the process, the Court followed its earlier rulings on the subject and found that the defendant had a predisposition to make and sell illegal drugs whether he worked with the government or not.  
   Russell had admitted to that during his appeal, but he and his lawyers argued that the entrapment defense should focus entirely on what the federal operatives did and not his state of mind. They asked the Court to overrule two previous cases that had established this "subjective" test in favor of the "objective" one they advocated. It declined to do so. But Justice William Rehnquist pondered the possibility that what has become known as "outrageous government conduct" might force a judicial hand in an entrapment case regardless of any specific rights that had been or not been violated. While he backed away from it in a later opinion, his words have become a rallying point for advocates of the objective entrapment standard.
2. Sherman v. United States, 356 U.S. 369 (1958), was a United States Supreme Court case on the issue of entrapment. Unanimously, the Court overturned the conviction of a recovering New York drug addict who had been repeatedly solicited for drug sales by a fellow former addict who was working with federal agents.  
   The case was a virtual replay of Sorrells v. United States, the 1932 case in which the justices had first recognized entrapment as a defense. As in that case, all agreed the defendant had been entrapped, but the majority and a separate concurrence were at odds over what the best grounding for the entrapment defense was.

# Text 272:

**Things Remembered, Inc. v. Petrarca, 516 U.S. 124 (1995), was a case in which the United States Supreme Court held that when an action has been removed from state court to a United States Bankruptcy Court, and the bankruptcy court remands to state court because of a timely-raised defect in removal procedure or lack of subject-matter jurisdiction, the removal statute precludes a United States Court of Appeals from reviewing the order.**

1. Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365 (2007), is a United States Supreme Court case about bad faith in bankruptcy.
2. Plaut v. Spendthrift Farm, Inc., 514 U.S. 211 (1995), was a landmark case about separation of powers in which the Supreme Court of the United States held that Congress may not retroactively require federal courts to reopen final judgments. Writing for the Court, Justice Scalia asserted that such action amounted to an unauthorized encroachment by Congress upon the powers of the judiciary and therefore violated the constitutional principle of separation of powers.

# Text 273:

**Abbott v. Abbott, 560 U.S. 1 (2010), was a decision by the Supreme Court of the United States holding that a parent's ne exeat right (in this case: the right to prevent a child to leave the country) is a "right to custody" under the Hague Convention on the Civil Aspects of International Child Abduction and the US International Child Abduction Remedies Act. The child thus should have been returned to Chile, the country of "habitual residence" because the mother violated the ne exeat right of the father when taking the child to the United States without the father's consent.**

1. Abbott v. United States, 562 U.S. 8 (2010), is a decision by the Supreme Court of the United States that addressed the mandatory sentencing increase under federal law for the possession or use of a deadly weapon in drug trafficking and violent crimes. In an 8–0 decision, the Court ruled that 18 U.S.C. § 924(c), which required a minimum five-year prison sentence, was to be imposed in addition to any other mandatory sentence given for another crime, including the underlying drug-related or violent offense. The only exception to the five-year addition applied only when another provision required a longer mandatory term for conduct violating §924(c) specifically, rather than a mandatory sentence for another crime as the defendants had unsuccessfully argued.  
   Abbott was the first signed opinion of the Court's 2010 term. The newly appointed Justice Elena Kagan did not participate, having disqualified herself because she had worked on the case as Solicitor General of the United States prior to joining the Court.
2. Stanley v. Illinois, 405 U.S. 645 (1972), was a landmark United States Supreme Court case in which the Court held that the fathers of children born out of wedlock had a fundamental right to their children. Until the ruling, when the mother of a child born out of wedlock was unable to care for the child, through death or other circumstances, the child was made a ward of the state and either placed in an orphanage or foster care or for adoption.

# Text 274:

**Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.**

1. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.
2. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.

# Text 275:

**Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.**

1. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"
2. Aikens v. California, 406 U.S. 813 (1972), was a decision of the United States Supreme Court where a petitioner (in the U.S. Supreme Court, the plaintiff (Aikens) is called the petitioner and the defendant (the State of California) is called the respondent) was appealing his conviction and death sentence. After oral argument had been made on the case, but before the court decided on it, the Supreme Court of California in People v. Anderson, declared the death penalty unconstitutional under the state constitution. This made his appeal unnecessary because the decision in Anderson  
     
   declared capital punishment in California unconstitutional under Art. 1, 6, of the state constitution... The California Supreme Court declared in the Anderson case that its decision was fully retroactive and stated that any prisoner currently under sentence of death could petition a superior court to modify its judgment. [Aikens] thus no longer faces a realistic threat of execution... [emphasis added]  
   The Supreme Court would decide later that year, in Furman v. Georgia, that the Death Penalty was under certain circumstances unconstitutional. Aikens was originally one of four cases that were selected along with Furman, but when the Anderson case was decided by the California Supreme Court, Aikens became moot.

# Text 276:

**Glidden Co. v. Zdanok (consolidated with Lurk v. United States), 370 U.S. 530 (1962), is a United States Supreme Court case in which the Court held that judges of the Court of Claims and the Court of Customs and Patent Appeals were judges created under Article III of the Constitution (also known as Article III judges). As such, it was permissible for the Chief Justice of the United States under 28 U.S.C. § 293(a) to designate judges from the Court of Claims and the Court of Customs and Patent Appeals to serve on district courts and courts of appeals.**

1. Copperweld Corp. v. Independence Tube Corp., 467 U.S. 752 (1984), is a major US antitrust law case decided by the Supreme Court concerning the Pittsburgh firm Copperweld Corporation and the Chicago firm Independence Tube. It held that a parent company is incapable of conspiring with its wholly owned subsidiary for purposes of Section 1 of the Sherman Act because they cannot be considered separate economic entities.  
   Section 1 of the Sherman Act states that "Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal." However, for a condition of conspiracy to exist, there must be at least two parties involved. Copperweld held that separate incorporation was not enough to render a parent and its subsidiary capable of conspiring, since forcibly the economic interests of a wholly owned subsidiary must be those of its parent. It does not apply to partially owned subsidiaries.
2. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950), was a case in which the Supreme Court of the United States set forth the constitutional requirements for notice of judicial proceedings to a potential party under the Fourteenth Amendment to the United States Constitution.

# Text 277:

**Powell v. Texas, 392 U.S. 514 (1968), was a United States Supreme Court case that ruled that a Texas statute criminalizing public intoxication did not violate the Eighth Amendment protection against cruel and unusual punishment. The 5–4 decision's plurality opinion was by Justice Thurgood Marshall. Justice Hugo Black and Byron White each wrote separate concurring opinions while Justice Abe Fortas dissented.**

1. Stone v. Powell, 428 U.S. 465 (1976), was decision of the Supreme Court of the United States that limited which claims of Fourth Amendment violations could be made by state prisoners in habeas corpus petitions in federal courts. Specifically, a claim that the exclusionary rule had been broken would be barred if state courts had already given it a full and fair hearing. The decision combined two cases that were argued before the Supreme Court on the same day with similar issues, one filed by Lloyd Powell (convicted of murder in California) and the other, titled Wolff v. Rice, filed by David Rice (convicted of murder in Nebraska).
2. Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.

# Text 278:

**Rust v. Sullivan, 500 U.S. 173 (1991), was a case in the United States Supreme Court that upheld Department of Health and Human Services regulations prohibiting employees in federally funded family-planning facilities from counseling a patient on abortion. The department had removed all family planning programs that involving abortions. Physicians and clinics challenged this decision within the Supreme Court, arguing that the First Amendment was violated due to the implementation of this new policy. The Supreme Court, by a 5–4 verdict, allowed the regulation to go into effect, holding that the regulation was a reasonable interpretation of the Public Health Service Act, and that the First Amendment is not violated when the government merely chooses to "fund one activity to the exclusion of another".**

1. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).
2. Carey v. Population Services International, 431 U.S. 678 (1977), was a landmark decision of the U.S. Supreme Court in which the Court held that it was unconstitutional to prohibit anyone other than a licensed pharmacist to distribute nonprescription contraceptives to persons 16 years of age or over, to prohibit the distribution of nonprescription contraceptives by any adult to minors under 16 years of age, and to prohibit anyone, including licensed pharmacists, to advertise or display contraceptives.  
   The Court held that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution does not allow a state to intrude on an individual's decisions on matters of procreation which is protected as privacy rights.

# Text 279:

**Fortnightly Corp. v. United Artists Television, Inc., 392 U.S. 390 (1968), was a United States Supreme Court case in which the Court held that receiving a television broadcast does not constitute a "performance" of a work.  
In 1968, the United States Copyright Office called this case "the most important American copyright case of the 1960s."**

1. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984), also known as the "Betamax case", is a decision by the Supreme Court of the United States which ruled that the making of individual copies of complete television shows for purposes of time shifting does not constitute copyright infringement, but can instead be defended as fair use. The court also ruled that the manufacturers of home video recording devices, such as Betamax or other VCRs (referred to as VTRs in the case), cannot be liable for contributory infringement. The case was a boon to the home video market, as it created a legal safe harbor for the technology.  
   The broader legal consequence of the Supreme Court's decision was its establishment of a general test for determining whether a device with copying or recording capabilities ran afoul of copyright law. This test has created some interpretative challenges for courts when applying the precedent to more recent file sharing technologies available for use on home computers and over the Internet.
2. Federal Communications Commission v. Fox Television Stations, Inc., 556 U.S. 502 (2009), is a decision by the United States Supreme Court that upheld regulations of the Federal Communications Commission that ban "fleeting expletives" on television broadcasts, finding they were not arbitrary and capricious under the Administrative Procedure Act. The constitutional issue, however, was not resolved and was remanded to the Second Circuit and re-appealed to the Supreme Court for a decision in June 2012.

# Text 280:

**Kawakita v. United States, 343 U.S. 717 (1952), is a United States Supreme Court case in which the Court ruled that a dual U.S./Japanese citizen could be convicted of treason against the United States for acts performed in Japan during World War II. Tomoya Kawakita, born in California to Japanese parents, was in Japan when the war broke out and stayed in Japan until the war was over. After returning to the United States, he was arrested and charged with treason for having abused American prisoners of war. Kawakita claimed he could not be found guilty of treason since he had lost his U.S. citizenship while in Japan, but this argument was rejected by the courts (including the Supreme Court), which ruled that he had in fact retained his U.S. citizenship during the war. Originally sentenced to death, Kawakita's sentence was commuted to life imprisonment, and he was eventually released from prison, deported to Japan, and barred from ever returning to the United States.  
Kawakita is currently one of the last people to be convicted of treason in the United States. One other person, John David Provoo, was convicted of treason in 1952. However, Provoo's conviction was overturned on appeal. The distinction currently goes to Herbert John Burgman, who was convicted of treason in 1949.**

1. Nishikawa v. Dulles, 356 U.S. 129 (1958), is a United States Supreme Court case in which the Court ruled that a dual United States/Japanese citizen who had served in the Japanese military during World War II could not be denaturalized unless the United States could prove that he had acted voluntarily.  
   Mitsugi Nishikawa, born in California to Japanese parents, went to Japan to study, and he was conscripted into the Japanese military in early 1941. After the end of the war, Nishikawa was informed by US officials that he had lost his citizenship because he had served in a foreign army. His case was eventually reviewed by the Supreme Court, which decided that the burden of proof must be on the government to prove that Nishikawa's Japanese military service was undertaken voluntarily before he could be stripped of his citizenship.
2. Nishikawa v. Dulles, 356 U.S. 129 (1958), is a United States Supreme Court case in which the Court ruled that a dual United States/Japanese citizen who had served in the Japanese military during World War II could not be denaturalized unless the United States could prove that he had acted voluntarily.  
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# Text 281:

**Ornelas v. United States, 517 U.S. 690 (1996), was a case decided by the Supreme Court of the United States that held that appellate courts should review probable cause determinations for warrantless searches de novo.**

1. Brinegar v. United States, 338 U.S. 160 (1949), was a United States Supreme Court case employing the "reasonableness test" in warrantless searches. The Court held that while the police need not always be factually correct in conducting a warrantless search, such a search must always be reasonable.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 282:

**Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.**

1. Beck v. Ohio, 379 U.S. 89 (1964), is a United States Supreme Court decision concerning evidence obtained as part of an unlawful arrest. Reversing the Ohio Supreme Court's decision, the U.S. Supreme Court held that Ohio police arrested defendant without probable cause, so the criminally-punishable evidence found on his person during an incidental search was inadmissible. Accordingly, the U.S. Supreme Court vacated defendant's conviction.
2. Michigan v. Long, 463 U.S. 1032 (1983), was a decision by the United States Supreme Court that extended Terry v. Ohio, 392 U.S. 1 (1968) to allow searches of car compartments during a stop with reasonable suspicion. The case also clarified and narrowed the extent of adequate and independent state ground, allowing U.S. Supreme Court review of state supreme court decisions unless they explicitly appealed to state laws.

# Text 283:

**Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.**

1. United States v. Williams, 504 U.S. 36 (1992), was a U.S. Supreme Court case concerning the presentation of exculpatory evidence to a grand jury. It ruled that the federal courts do not have the supervisory power to require prosecutors to present exculpatory evidence to the grand jury. The opinion was written by Justice Scalia, and the dissent by Justice Stevens.  
   The question addressed by the court was whether a district court may properly dismiss an indictment when the prosecutor withheld "substantial exculpatory evidence" that could lead the grand jury to reject the indictment but does not necessarily rise to the level of prosecutorial misconduct, which would require the dismissal of an indictment. The significance of the ruling lies not only in its definition of the duty of the prosecutor in regard to presenting exculpatory evidence before the grand jury but also in its definition of the grand jury's accusatory role.  
   The ruling protects prosecutors who withhold "substantial exculpatory evidence" to obtain an indictment, as the role of the grand jury is not to determine guilt but to decide whether there is enough evidence of a crime; exculpatory evidence can be presented at trial. Justice Stevens's dissent focused on the argument that a prosecutor's failure to present substantially-exculpatory evidence is a form of prosecutorial misconduct, but that nevertheless, the prosecutor need not "ferret out and present all evidence that could be used at trial to create a reasonable doubt as to defendant's guilt."
2. Florida v. Jimeno, 500 U.S. 248 (1991), was a U.S. Supreme Court case involving the exclusionary rule of evidence under the Fourth Amendment.

# Text 284:

**Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007), is a 5–4 U.S. Supreme Court case in which Massachusetts, along with eleven other states and several cities of the United States, represented by James Milkey, brought suit against the Environmental Protection Agency (EPA) represented by Gregory G. Garre to force the federal agency to regulate the emissions of carbon dioxide and other greenhouse gases (GHGs) that pollute the environment and contribute to climate change.  
Under the Clean Air Act, Massachusetts argued that the Environmental Protection Agency was required by law to regulate "any air pollutant" which could "endanger public health or welfare." The EPA denied the petition, claiming that federal law does not authorize the agency to regulate greenhouse gas emissions.**

1. American Electric Power Company v. Connecticut, 564 U.S. 410 (2011), was a United States Supreme Court case in which the Court, in an 8–0 decision, held that corporations cannot be sued for greenhouse gas emissions (GHGs) under federal common law, primarily because the Clean Air Act (CAA) delegates the management of carbon dioxide and other GHG emissions to the Environmental Protection Agency (EPA). Brought to court in July 2004 in the Southern District of New York, this was the first global warming case based on a public nuisance claim.
2. Environmental Defense v. Duke Energy Corporation, 549 U.S. 561 (2007), is a United States Supreme Court case in which the Court held that while a term may be used more than once in a statute, an agency has the discretion to interpret each use of the term in a different way based on the context. It involved the Environmental Defense Fund and Duke Energy. In a unanimous decision, the court held in favor of the plaintiff's (Environmental Defense) argument.  
   This case addressed the Clean Air Act (CAA) and two of its programs, Prevention of Significant Deterioration (PSD) and New Source Performance Standard (NSPS). PSD applies to regulating annual emissions; NSPS pertains to regulating hourly emissions, although the defendants argued that the hourly emissions of their facilities remained unchanged. Each section of the Clean Air Act, that outlines the provisions of the PSD and the NSPS, defines "modification" differently. As a result, the inconsistency of the term "modification" in the CAA becomes the main debate of the case and the main argument for both the plaintiffs and defendants.

# Text 285:

**Foucha v. Louisiana, 504 U.S. 71 (1992), was a U.S. Supreme Court case in which the court addressed the criteria for the continued commitment of an individual who had been found not guilty by reason of insanity. The individual remained involuntarily confined on the justification that he was potentially dangerous even though he no longer suffered from the mental illness that served as a basis for his original commitment.**

1. Perry v. Louisiana, 498 U.S. 38 (1990), was a United States Supreme Court case over the legality of forcibly medicating a death row inmate with a mental disorder, to render him competent to be executed.
2. Ford v. Wainwright, 477 U.S. 399 (1986), was a landmark U.S. Supreme Court case that upheld the common law rule that the insane cannot be executed; therefore the petitioner is entitled to a competency evaluation and to an evidentiary hearing in court on the question of their competency to be executed.

# Text 286:

**Hertz Corp. v. Friend, 559 U.S. 77 (2010), was a United States Supreme Court case in which the Court supported the "nerve center" test for determining corporate citizenship in the context of the diversity jurisdiction statute, 28 U.S.C. § 1332. Hertz Corp believed that the case brought forward could not be tried in California jurisdiction and therefore hoped a case in a California court would be thrown out. However, the state court ruled that there was California jurisdiction that was appropriate and re-established the importance of the "place of operations" test for firms. The Supreme Court overruled but cautioned that the corporate headquarters will not be considered the principal place of business if it is not the actual center of direction, control, and coordination, such as if it were “simply an office where the corporation holds its board meetings."**

1. Upjohn Co. v. United States, 449 U.S. 383 (1981), was a Supreme Court case in which the Court held that a company (in this case, the Upjohn company) could invoke the attorney–client privilege to protect communications made between company lawyers and non-management employees. In doing so, the Court rejected the narrower control group test that had previously governed many organizational attorney–client privilege issues. Under the control group test, only employees who exercised direct control over the managerial decisions of the company were eligible to have their communications with corporate lawyers protected. The case also expanded the scope of the work-product doctrine.  
   While the Upjohn decision did not explicitly mention a warning procedure, the case gave rise to a procedure called an "Upjohn warning", in which a company's lawyer explains that the lawyer represents the company and not the individual employee with whom the lawyer is dealing. This is intended to ensure that the employee understands that the company can waive the attorney-client privilege at any time and disclose the contents of the conversation between the lawyer and the employee, even if the employee objects. In subsequent cases, failure to give an Upjohn warning has led to the employee being able to claim privilege over communications with company lawyers.
2. Shaffer v. Heitner, 433 U.S. 186 (1977), is a United States corporate law case in which the Supreme Court of the United States established that a defendant's ownership of stock in a corporation incorporated within a state, without more, is insufficient to allow that state's courts to exercise jurisdiction over the defendant. The case set forth a framework for evaluating when a defendant will be deemed to have minimum contacts with the forum state sufficient for the exercise of jurisdiction to be consistent with due process under the Fourteenth Amendment.

# Text 287:

**Missouri v. Jenkins, 515 U.S. 70 (1995), is a case decided by the United States Supreme Court. On June 12, 1995 the Court, in a 5–4 decision, reversed a district court ruling that required the state of Missouri to correct intentional racial discrimination in Kansas City schools by funding salary increases and remedial education programs.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Jenkins v. Anderson, 447 U.S. 231 (1980), is a United States Supreme Court case regarding the Fifth Amendment right against self-incrimination.

# Text 288:

**Commissioner v. Idaho Power Co., 418 U.S. 1 (1974), was a United States Supreme Court case.**

1. Commissioner v. Indianapolis Power & Light Company, 493 U.S. 203 (1990), was a United States Supreme Court case in which the Court addressed whether customer deposits constituted taxable income to a public utility company.
2. Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261 (1997), was a United States Supreme Court case in which the Court held that the Coeur d'Alene Tribe could not maintain an action against the state of Idaho to press its claim to Lake Coeur d'Alene due to the state's Eleventh Amendment immunity from suit, notwithstanding the exception recognized in Ex parte Young. The case was an important precedent for aboriginal title in the United States and sovereign immunity in the United States.  
   After the district court's decision dismissing the suit, the federal government—in its guardian capacity—brought a substantially similar suit against Idaho; in 2001, in 5–4 decision, the Court ruled for the federal government: Idaho v. United States (2001).

# Text 289:

**United States v. Valenzuela-Bernal, 458 U.S. 858 (1982), is a United States Supreme Court case that determined the constitutionality of deporting aliens who might give testimony in criminal alien smuggling prosecutions. Because deporting alien witnesses might take away a testimony that would be both “material and favorable” to the defendant, it gives rise to a potential motion from the defense to dismiss the indictment under the Compulsory Process Clause of the Sixth Amendment and the Due Process Clause of the Fifth Amendment.  
The Supreme Court held that because the defendant failed to make a “plausible suggestion that the deported aliens possessed any material evidence that was not merely cumulative of other evidence,” the District Court properly denied the respondent's motion to dismiss the indictment.**

1. United States v. Martinez-Fuerte, 428 U.S. 543 (1976), was a decision of the United States Supreme Court that allowed the United States Border Patrol to set up permanent or fixed checkpoints on public highways leading to or away from the Mexican border and that the checkpoints are not a violation of the Fourth Amendment.
2. Immigration and Naturalization Service v. Abudu, 485 U.S. 94 (1988), was a United States Supreme Court case in which the Court shifted the balance toward adjudications made by the INS and away from those made by the federal courts of appeals when aliens who had been ordered deported seek to present new evidence in order to avoid deportation. The Court ruled that courts must review the Board of Immigration Appeals's decision to deny motions to reopen immigration proceedings—the name of the procedural device used to present new evidence to immigration officials—for abuse of discretion.

# Text 290:

**Diamond v. Charles, 476 U.S. 54 (1986), was a United States Supreme Court case that determined that citizens do not have Article III standing to challenge the constitutionality of a state statute in federal court unless they possess a "direct stake" in the outcome.**

1. Gravel v. United States, 408 U.S. 606 (1972), was a case regarding the protections offered by the Speech or Debate Clause of the United States Constitution. In the case, the Supreme Court of the United States held that the privileges and immunities of the Constitution's Speech or Debate Clause enjoyed by members of Congress also extend to Congressional aides, but not to activity outside the legislative process.
2. Stone v. Powell, 428 U.S. 465 (1976), was decision of the Supreme Court of the United States that limited which claims of Fourth Amendment violations could be made by state prisoners in habeas corpus petitions in federal courts. Specifically, a claim that the exclusionary rule had been broken would be barred if state courts had already given it a full and fair hearing. The decision combined two cases that were argued before the Supreme Court on the same day with similar issues, one filed by Lloyd Powell (convicted of murder in California) and the other, titled Wolff v. Rice, filed by David Rice (convicted of murder in Nebraska).

# Text 291:

**Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.**

1. Hernandez v. Texas, 347 U.S. 475 (1954), was a landmark case, "the first and only Mexican-American civil-rights case heard and decided by the United States Supreme Court during the post-World War II period." In a unanimous ruling, the court held that Mexican Americans and all other nationality groups in the United States have equal protection under the 14th Amendment of the U.S. Constitution. The ruling was written by Chief Justice Earl Warren. This was the first case in which Mexican-American lawyers had appeared before the Supreme Court.
2. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.

# Text 292:

**Stop the Beach Renourishment v. Florida Department of Environmental Protection, 560 U.S. 702 (2010), was a United States Supreme Court case in which the Court held that the Florida Supreme Court did not effect an unconstitutional taking of littoral property owners' rights to future accretions and to contact the water by upholding Florida's beach renourishment program.  
At issue was whether the Florida Supreme Court violated the United States Constitution's Takings Clause when it upheld a plan to create a state-owned public beach between private waterfront property and the Gulf of Mexico through its beach nourishment program.**

1. In Nollan v. California Coastal Commission, 483 U.S. 825 (1987), the United States Supreme Court ruled that a California Coastal Commission regulation which required private homeowners to dedicate a public easement along valuable beachfront property as a condition of approval for a construction permit to renovate their beach bungalow was unconstitutional. The Coastal Commission had asserted that the public-easement condition was a legitimate state interest of diminishing the "blockage of the view of the ocean" caused by the home renovation, even though the easement would not have created any additional public view of the ocean. The Court held that in evaluating such claims, there must be an "essential nexus" between a legitimate state interest and the actual conditions of the permit being issued.  
   In a 5–4 ruling, the Supreme Court ruled that a requirement by the CCC was a taking in violation of the Takings Clause of the Fifth Amendment, as incorporated against the states by the Fourteenth Amendment.
2. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 293:

**Duren v. Missouri, 439 U.S. 357 (1979), was a United States Supreme Court case related to the Sixth Amendment. It challenged Missouri's law allowing gender-based exemption from jury service.  
Ruth Bader Ginsburg, who later became a Supreme Court Justice, and Lee Nation argued for Duren in what became Ginsburg's last case before the Supreme Court as an attorney. Part of her argument was that making jury duty optional for women should be struck down because it treated women's service on juries as less valuable than men's, and also discriminated against men who enjoyed no such exemption.**

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# Text 294:

**Sherbert v. Verner, 374 U.S. 398 (1963), was a case in which the Supreme Court of the United States held that the Free Exercise Clause of the First Amendment required the government to demonstrate both a compelling interest and that the law in question was narrowly tailored before it denied unemployment compensation to someone who was fired because her job requirements substantially conflicted with her religion.  
The case established the Sherbert Test, requiring demonstration of such a compelling interest and narrow tailoring in all Free Exercise cases in which a religious person was substantially burdened by a law. The conditions are the key components of what is usually called strict scrutiny. This means that if someone's religious beliefs faced a serious burden due to a law and the government had no reasonable alternatives for that law, the government would have the burden to prove that the law was justified. The Sherbert test has received praise by legal scholars at the time and thereafter.  
In 1990, the Supreme Court decided that the Sherbert Test, as a judicial constitutional analysis tool, was too broad when applied to all laws. With respect to religiously neutral, generally applicable laws that incidentally burden religious exercise, the Sherbert Test was eliminated in Employment Division v. Smith. For laws that discriminate along religious/secular lines or neutral laws that are enforced in a discriminatory way, the components of the Sherbert Test are still appropriate constitutional tools for courts to use.  
In response to the 1990 Smith decision, Congress created an enhanced version of the Sherbert Test as a statutory, rather than constitutional, right in the federal Religious Freedom Restoration Act (RFRA) of 1993. Its provisions were designed to apply broadly to all laws and regulations, both federal and state. Although Congress replaced the "narrowly tailored" constitutional requirement with a "least restrictive means" statutory requirement, the enhanced test is still referred to as the Sherbert Test.  
However, the Supreme Court held in City of Boerne v. Flores that the law was unconstitutional because its enhanced Sherbert Test, as a purported change in constitutional rights, could not be enforced against the states. It impermissibly interfered with the judiciary's sole power to interpret the Constitution. However, the ruling did not necessarily limit its effect on interpretation of federal statutes.  
In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) that applied only to federal laws. Both laws contain the same language for an even further enhanced Sherbert Test, one that broadens the definition of substantial religious burden.  
The Supreme Court has since relied on the statutory Sherbert Test to decide several prominent cases, including Burwell v. Hobby Lobby, 573 U.S. 682 (2014), and Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U.S. 418 (2006).**

1. Thomas v. Review Board of the Indiana Employment Security Division, 450 U.S. 707 (1981), was a case in which the Supreme Court of the United States held that Indiana's denial of unemployment compensation benefits to petitioner violated his First Amendment right to free exercise of religion, under Sherbert v. Verner (1963).
2. City of Boerne v. Flores, 521 U.S. 507 (1997), was a landmark decision of the Supreme Court of the United States concerning the scope of Congress's power of enforcement under Section 5 of the Fourteenth Amendment. The case also had a significant impact on historic preservation.  
   In this case, the Court struck down the Religious Freedom Restoration Act (RFRA), as it applied to the states, stating the statute was an unconstitutional use of Congress's enforcement powers. Legal scholars have criticized this case stating that, "Without RFRA, questions of religious freedom will be decided in different ways in different states, and even for different religious groups." Scholars also stated that, "This places smaller religions at a relative disadvantage- a situation inconsistent with the governing ideal of the Fourteenth Amendment."

# Text 295:

**Brewer v. Williams, 430 U.S. 387 (1977), is a decision by the United States Supreme Court that clarifies what constitutes "waiver" of the right to counsel for the purposes of the Sixth Amendment. Under Miranda v. Arizona, evidence obtained by police during interrogation of a suspect before he has been read his Miranda rights is inadmissible. Here, however, the defendant had been indicted in court and had asserted his desire to have counsel, thus his Sixth Amendment right to counsel had attached. At issue was whether a voluntary admission of incriminating facts in response to police statements made while the defendant was in custody and outside the presence of his lawyer constituted a waiver of this right to counsel.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. McNeil v. Wisconsin, 501 U.S. 171 (1991), held that the right to counsel secured by the Sixth Amendment and the right to counsel protected by Miranda v. Arizona are separate and distinct, such that invoking one does not implicitly invoke the other.

# Text 296:

**Seymour v. Superintendent of Wash. State Penitentiary, 368 U.S. 351 (1962), was a case in which the Supreme Court of the United States that the state of Washington did not have jurisdiction to try an Indian (Native American) for a crime committed within the boundaries of the Colville Indian Reservation, even if the crime was committed on land now owned by a non-Indian.**

1. Washington v. Confederated Bands and Tribes of the Yakima Indian Nation, 439 U.S. 463 (1979), was a case in which the Supreme Court of the United States held that the State of Washington's imposition of partial jurisdiction over certain actions on an Indian reservation, when not requested by the tribe, was valid under Public Law 280.
2. Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.

# Text 297:

**Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.**

1. Red Lion Broadcasting Co. v. Federal Communications Commission, 395 U.S. 367 (1969), was a seminal First Amendment ruling at the United States Supreme Court. The Supreme Court held that radio broadcasters enjoyed free speech rights under the First Amendment, but those rights could be partially restricted by the Federal Communications Commission (FCC) to maintain the public interest in equitable use of scarce broadcasting frequencies. As a result, the FCC's Fairness Doctrine was found to be constitutional.
2. Federal Communications Commission v. Fox Television Stations, Inc., 556 U.S. 502 (2009), is a decision by the United States Supreme Court that upheld regulations of the Federal Communications Commission that ban "fleeting expletives" on television broadcasts, finding they were not arbitrary and capricious under the Administrative Procedure Act. The constitutional issue, however, was not resolved and was remanded to the Second Circuit and re-appealed to the Supreme Court for a decision in June 2012.

# Text 298:

**United States v. Harriss, 347 U.S. 612 (1954), was a U.S. Supreme Court case applied directly to the Regulation of Lobbying Act.**

1. Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993), is a US labor law case in which the Supreme Court of the United States clarified the definition of a "hostile" or "abusive" work environment under Title VII of the Civil Rights Act of 1964. In a unanimous opinion written by Justice Sandra Day O'Connor, the Court held that a determination about whether a work environment is hostile or abusive requires a consideration of all relevant circumstances.
2. Younger v. Harris, 401 U.S. 37 (1971), was a case in which the United States Supreme Court held that United States federal courts were required to abstain from hearing any civil rights tort claims brought by a person who is currently being prosecuted for a matter arising from that claim.

# Text 299:

**Entergy Corp. v. Riverkeeper, Inc., 556 U.S. 208 (2009), is a decision by the United States Supreme Court that reviewed the Environmental Protection Agency's (EPA) interpretation of the Clean Water Act regulations with regard to cooling water intakes for power plants. Existing facilities are mandated to use the "Best Technology Available" to "minimize the adverse environmental impact." The issue was whether the agency may use a cost–benefit analysis (CBA) in choosing the Best Available Technology or (BAT) to meet the National Performance Standards (NPS).  
Reversing a lower court opinion, the 5-1-3 ruling upheld the EPA's decision as reasonable to allow CBA to determine the best technology available to maintain national environmental standards.**

1. United States v. Riverside Bayview, 474 U.S. 121 (1985), was a United States Supreme Court case challenging the scope of federal regulatory powers over waterways as pertaining to the definition of "waters of the United States" as written in the Clean Water Act of 1972. The Court ruled unanimously that the government does have the power to control intrastate wetlands as waters of the United States. This ruling was effectively revised in Rapanos v. United States (2006), in which the Court adopted a very narrow interpretation of "navigable waters."
2. PUD No. 1 of Jefferson County v. Washington Department of Ecology, 511 U.S. 700 (1994), is a case decided by the United States Supreme Court that interpreted section 401 of the Clean Water Act. The case involved an application by the Jefferson County Public Utility District and Tacoma City Light in northwestern Washington to build a hydropower facility on the Dosewallips River, first proposed in 1982 and known as the "Elkhorn Dam" project. The Washington State Department of Ecology issued a certification to the project in 1986 that imposed minimum water flow requirements to protect species of salmon and steelhead under the federal Clean Water Act. Tacoma City Light argued that the dam project would only need to adhere to minimum flow standards set by the Federal Energy Regulatory Commission (FERC), who license dams. Environmentalist groups argued that the FERC was insensitive to recreation and protection of salmon and steelhead and asked the state to enforce its minimum flow standards.  
   The Washington State Supreme Court ruled in favor of the state Department of Ecology on April 1, 1993. The case was taken to the United States Supreme Court the following year, where the court ruled 7–2 in favor of the state.

# Text 300:

**General Electric Co. v. Joiner, 522 U.S. 136 (1997), was a Supreme Court of the United States case between Robert Joiner and General Electric Co. that concerned whether the abuse of discretion standard is the correct standard an appellate court should apply in reviewing a trial court's decision to admit or exclude expert testimony. The case is notable for helping articulate the Daubert standard.**

1. Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), is a United States Supreme Court case determining the standard for admitting expert testimony in federal courts. In Daubert, the Court held that the enactment of the Federal Rules of Evidence implicitly overturned the Frye standard; the standard that the Court articulated is referred to as the Daubert standard.
2. English v. General Electric, 496 U.S. 72 (1990), was a United States Supreme Court case in which the Court held that state-law claim for intentional infliction of emotional distress is not pre-empted by the Energy Reorganization Act of 1974.

# Text 301:

**Burns v. Reed, 500 U.S. 478 (1991), was a United States Supreme Court case. A prosecutor was absolutely immune from damages based upon positions taken in a probable cause hearing for a search warrant. The same prosecutor was not held entitled to immunity for giving legal advice to the police about the legality of an investigative practice.**

1. Doe v. Reed, 561 U.S. 186 (2010), is a United States Supreme Court case which holds that the disclosure of signatures on a referendum does not violate the Petition Clause of the First Amendment to the United States Constitution.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 302:

**Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.**

1. United States v. Reynolds, 345 U.S. 1 (1953), is a landmark legal case decided in 1953, which saw the formal recognition of the state secrets privilege, a judicially recognized extension of presidential power. The US Supreme Court confirmed that "the privilege against revealing military secrets ... is well established in the law of evidence".
2. Mapp v. Ohio, 367 U.S. 643 (1961), was a landmark U.S. Supreme Court decision in which the Court ruled that the exclusionary rule, which prevents a prosecutor from using evidence that was obtained by violating the Fourth Amendment to the U.S. Constitution, applies to states as well as the federal government.   
   The Supreme Court accomplished this by use of a principle known as selective incorporation. In Mapp, this involved the incorporation of the provisions, as interpreted by the Court, of the 4th Amendment, which applies only to actions of the federal government into the 14th Amendment's due process clause. Citing Boyd v. United States, the Court opined, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property."

# Text 303:

**U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995), is a landmark U.S. Supreme Court decision in which the Court ruled that states cannot impose qualifications for prospective members of the U.S. Congress stricter than those the Constitution specifies. The decision invalidated 23 states' Congressional term limit provisions. The parties to the case were U.S. Term Limits, a nonprofit advocacy group, and Arkansas politician Ray Thornton, among others.**

1. Burson v. Freeman, 504 U.S. 191 (1992), was a United States Supreme Court case in which the Court held that a Tennessee law that restricted political campaigning within 100 feet (30 m) of a polling place did not violate the First Amendment.
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 304:

**Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996), was a United States Supreme Court case which held that Article One of the U.S. Constitution did not give the United States Congress the power to abrogate the sovereign immunity of the states that is further protected under the Eleventh Amendment. Such abrogation is permitted where it is necessary to enforce the rights of citizens guaranteed under the Fourteenth Amendment as per Fitzpatrick v. Bitzer. The case also held that the doctrine of Ex parte Young, which allows state officials to be sued in their official capacity for prospective injunctive relief, was inapplicable under these circumstances, because any remedy was limited to the one that Congress had provided.**

1. Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), was a United States Supreme Court decision that determined that the U.S. Congress has the power to abrogate the Eleventh Amendment sovereign immunity of the states, if this is done pursuant to its Fourteenth Amendment power to enforce upon the states the guarantees of the Fourteenth Amendment.[1]
2. Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261 (1997), was a United States Supreme Court case in which the Court held that the Coeur d'Alene Tribe could not maintain an action against the state of Idaho to press its claim to Lake Coeur d'Alene due to the state's Eleventh Amendment immunity from suit, notwithstanding the exception recognized in Ex parte Young. The case was an important precedent for aboriginal title in the United States and sovereign immunity in the United States.  
   After the district court's decision dismissing the suit, the federal government—in its guardian capacity—brought a substantially similar suit against Idaho; in 2001, in 5–4 decision, the Court ruled for the federal government: Idaho v. United States (2001).

# Text 305:

**Babbitt, Secretary of the Interior v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687 (1995), is a US Supreme Court case, decided by a 6–3 vote, in which the plaintiffs challenged the Interior Department's interpretation of the word "harm" in the Endangered Species Act (ESA).**

1. Babbitt v. Youpee, 519 U.S. 234 (1997), was a United States Supreme Court case in which the Court held that a provision which escheats property to tribe upon owner's death any fractional interest in allotment which constitutes less than two percent of the allotment and has not produced $100 in income over the past five years, unless it is devised or descends to owner of another fractional interest in the allotment, works an unconstitutional taking.
2. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.

# Text 306:

**Sporhase v. Nebraska ex rel. Douglas, 458 U.S. 941 (1982), was a case in which the United States Supreme Court decided that a Nebraska statute forbidding commercial exportation of water from Nebraska was unconstitutional in that it violated the dormant commerce clause.  
The boundary between the states of Nebraska and Colorado passed through a farm owned by Sporhase. He drilled a well in Nebraska and used the water to irrigate his land on both sides of the boundary. Under the 11th Amendment, he could not sue the state of Nebraska in a federal district court; consequently his suit had to proceed in the state courts in Nebraska until he petitioned the United States Supreme Court to review it.**

1. Maine v. Taylor, 477 U.S. 131 (1986), was a case in which the Supreme Court of the United States held that there was an exception to the "virtually per se rule of invalidity" of the dormant commerce clause. The Supreme Court of the United States found that a Maine law prohibiting the importation of out-of-state bait fish was constitutional because Maine authorities couldn't be certain that imported fish would be free of "parasites and nonnative species" that might pose environmental harm to local ecology. Discriminatory laws may be upheld only if they serve "legitimate local purposes that could not adequately be served by available nondiscriminatory alternatives," wrote Justice Blackmun, author of the majority opinion. In City of Philadelphia v. New Jersey, the Court had previously ruled that New Jersey's ban of out-of-state solid waste was facially discriminatory to the state's residents in a national market and was therefore overturned.
2. Wilson v. Omaha Tribe, 442 U.S. 653 (1979), was a case in which the Supreme Court of the United States held that in a land dispute, 25 U.S.C. § 194 applied only to individuals and not a state, that federal law governed the tribe's right to possession, but that state law was to be used in determining how that applied to the natural movement of a river's boundaries.

# Text 307:

**Mazurek v. Armstrong, 520 U.S. 968 (1997), was a United States Supreme Court case in which the Court upheld a Montana law permitting only licensed physicians to perform abortions. The Court summarily reversed a ruling of the United States Court of Appeals for the Ninth Circuit that had held that the law was likely intended to inhibit abortion access. In a per curiam opinion, a majority of the Court found that there was no evidence that the Montana legislature acted with an invalid intent. The Court also reiterated its earlier holding in Planned Parenthood v. Casey that the states have broad flexibility to regulate abortion so long as their regulations do not create an undue burden on a woman's right to choose. Three dissenting justices, in an opinion by Justice John Paul Stevens, wrote that they would have declined to hear the case because proceedings were still pending in the lower courts. The law itself was later struck down by the Montana Supreme Court on state-constitutional grounds.**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).

# Text 308:

**Arkansas Best Corporation v. Commissioner, 485 U.S. 212 (1988), is a United States Supreme Court decision that helps taxpayers classify whether or not the sale of an asset is an ordinary or capital gain or loss for income tax purposes.**

1. Corn Products Refining Company v. Commissioner, 350 U.S. 46 (1955), is a United States Supreme Court decision that helps taxpayers classify whether or not the disposition of a commodity futures contract by a business of raw materials as part of its hedging of business risk is an ordinary or capital gain or loss for income tax purposes.
2. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.

# Text 309:

**Meyer v. Grant, 486 U.S. 414 (1988), was an important decision by the United States Supreme Court on paid petition circulation. Colorado was one of several states with a process for citizens to propose initiatives for the ballot, which if passed became law. One of the requirements was to get the signatures of a significant number of registered Colorado electors. Colorado prohibited initiative sponsors from paying for the circulation of these petitions. The state argued this was necessary to "protect[...] the integrity of the initiative."  
In 1984, Coloradans for Free Enterprise, an interest group, proposed an initiative to deregulate the motor industry by removing it from the jurisdiction of the Public Utilities Commission. After the title and summary were approved by the state, they began unpaid circulation. They eventually concluded that they would not be able to get the 46,737 required signatures by the deadline. They then filed suit under 42 U.S.C. 1983 against the Secretary of State of Colorado, Natalie Meyer, and the Attorney General of Colorado, Duane Woodard, in their official capacities. The plaintiffs alleged that the Colorado statute infringed on their First Amendment rights. The district court, with Judge John P. Moore sitting, declined to overturn the law, finding that "the evidence did not indicate that plaintiffs were prevented in any way from espousing their cause simply because they could not obtain paid petition circulators." The plaintiffs appealed this decision to the United States Court of Appeals for the Tenth Circuit. Judges James E. Barrett and William Doyle affirmed in a panel opinion. The court granted a rehearing en banc at the plaintiff's request, and vacated the panel's opinion. The full court of appeals reversed and remanded, determining that Colorado's law "impede[d] the sponsors' opportunity to disseminate their views to the public."  
The state appealed to the Supreme Court, which heard oral argument on April 25, 1988. The Supreme Court unanimously affirmed the decision, ruling that "the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns."**

1. Colorado v. Bannister, 449 U.S. 1 (1980), is a U.S. Supreme Court case concerning the automobile exception to constitutional protections against searches and seizures.
2. Colorado v. Bertine, 479 U.S. 367 (1987), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the State from proving charges with the evidence discovered during an inventory search.  
   This case is controlled by the principles governing inventory searches of automobiles and of an arrestee's personal effects, as set forth in South Dakota v. Opperman, and Illinois v. Lafayette, rather than those governing searches of closed trunks and suitcases conducted solely for the purpose of investigating criminal conduct. United States v. Chadwick, and Arkansas v. Sanders, distinguished.

# Text 310:

**Parisi v. Davidson, 405 U.S. 34 (1972), was a United States Supreme Court case resulting in the grant of habeas corpus relief to a soldier, Joseph Parisi, seeking an honorable discharge as a conscientious objector. The case was argued on October 19 and 20, 1971, and decided on February 23, 1972. The respondent was then Major General Phillip B. Davidson.  
Parisi had brought a petition to Federal District Court that the Army's refusal to discharge him constituted habeas corpus – that in effect he was being unlawfully imprisoned. As a result, court-martial charges were brought against him by the Army. The Federal District Court and Court of Appeals concluded that consideration of his petition should be deferred pending the result of the court-martial. The Supreme Court decision overturned this, freeing the District Court to consider his petition.**

1. Rogers v. Bellei, 401 U.S. 815 (1971), was a decision by the United States Supreme Court, which held that an individual who received an automatic congressional grant of citizenship at birth, but who was born outside the United States, may lose his citizenship for failure to fulfill any reasonable residence requirements which the United States Congress may impose as a condition subsequent to that citizenship.
2. Estelle v. Williams, 425 U.S. 501 (1976), is a Supreme Court case involving Harry Lee Williams' conviction of assault on his former landlord in Harris County, Texas. While awaiting trial Williams was unable to post bail. He was tried in his prison uniform, and later was found guilty. He sought a writ of habeas corpus saying being tried in a prison uniform violated his Constitutional rights in accordance with the 14th Amendment. The Court of Appeals ruled that the accused does not have to stand trial in identifiable prison clothes and Williams’ right to due process was violated. The Supreme Court reversed, reinstating the conviction, on June 21, 1976.

# Text 311:

**Bob Jones University v. Simon, 416 U.S. 725 (1974), is a decision made by the Supreme Court of the United States holding that Bob Jones University, which had its 501(c)(3) status revoked by the Internal Revenue Service for practicing "racially discriminatory admissions policies" towards African-Americans, could not sue for an injunction to prevent losing its tax-exempt status. The question of Bob Jones University's tax-exempt status was ultimately resolved in Bob Jones University v. United States, in which the court ruled that the First Amendment did not protect discriminatory organizations from losing tax-exempt status.**

1. Bob Jones University v. United States, 461 U.S. 574 (1983), was a decision by the United States Supreme Court holding that the religion clauses of the First Amendment did not prohibit the Internal Revenue Service from revoking the tax exempt status of a religious university whose practices are contrary to a compelling government public policy, such as eradicating racial discrimination.
2. Lucy v. Adams, 350 U.S. 1 (1955), was a U.S. Supreme Court case that successfully established the right of all citizens to be accepted as students at the University of Alabama.  
   The case involved African American citizens Autherine Lucy and Polly Anne Myers, who were refused admission to the University of Alabama solely on account of their race or color.  
   The Supreme Court affirmed the lower court decision, saying that it enjoins and restrains the respondent and others designated from denying these petitioners, solely on account of their race or color, the right to enroll in the University of Alabama and pursue courses of study there.

# Text 312:

**Florida Star v. B.J.F., 491 U.S. 524 (1989), is a United States Supreme Court case involving freedom of the press and privacy rights. After The Florida Star newspaper revealed the full name of a rape victim it got from a police report, the victim sued for damages. State law made it illegal for a publication to print a rape victim's name, and the victim was awarded damages. On appeal, the Supreme Court ruled the imposition of damages for truthfully publishing public information violates the First Amendment.**

1. Chandler v. Florida, 449 U.S. 560 (1981), was a legal case in which the Supreme Court of the United States held that a state could allow the broadcast and still photography coverage of criminal trials. While refraining from formally overruling Estes v. Texas, which in 1965 held that media coverage was "infringing the fundamental right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment," it effectively did so.
2. Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974), was a seminal First Amendment ruling by the United States Supreme Court. The Supreme Court overturned a Florida state law that required newspapers to offer equal space to political candidates who wished to respond to election-related editorials or endorsements. The Supreme Court ruled that law was an unconstitutional restriction of freedom of the press under the First Amendment.

# Text 313:

**Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872 (1990), is a United States Supreme Court case that held that the state could deny unemployment benefits to a person fired for violating a state prohibition on the use of peyote even though the use of the drug was part of a religious ritual. Although states have the power to accommodate otherwise illegal acts performed in pursuit of religious beliefs, they are not required to do so.**

1. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.
2. Oregon Department of Fish and Wildlife v. Klamath Indian Tribe, 473 U.S. 753 (1985), was a case appealed to the US Supreme Court by the Oregon Department of Fish and Wildlife. The Supreme Court reversed the previous decisions in the District Court and the Court of Appeals stating that the exclusive right to hunt, fish, and gather roots, berries, and seeds on the lands reserved to the Klamath Tribe by the 1864 Treaty was not intended to survive as a special right to be free of state regulation in the ceded lands that were outside the reservation after the 1901 Agreement.

# Text 314:

**Frazier v. Cupp, 394 U.S. 731 (1969), was a United States Supreme Court case that affirmed the legality of deceptive interrogation tactics by the police.**

1. Cupp v. Murphy, 412 U.S. 291 (1973), was a United States Supreme Court case in which the Court upheld a murder conviction notwithstanding a challenge that the evidence upon which guilt was based was obtained in violation of the Fourth and Fourteenth Amendments of the United States Constitution. The court held that in view of the station-house detention upon probable cause, the very limited intrusion of scraping the defendant's fingernails for blood and other material, undertaken to preserve highly evanescent evidence, did not violate the Fourth and Fourteenth Amendments.  
   Justice Stewart wrote for the majority. Based on this decision, it is permissible for police officers to conduct a limited search on a defendant when they believe that the defendant is likely to destroy evidence, provided that the search is limited to vindicating the purpose of preserving evidence.
2. Watts v. Indiana, 338 U.S. 49 (1949), was a United States Supreme Court case in which the court ruled that the use of a confession obtained through rigorous interrogation methods by Law Enforcement violates the Fourteenth Amendment.  
   In his concurrence/dissent, Justice Robert Jackson famously opined, "To bring in a lawyer means a real peril to solution of the crime because, under our adversary system, he deems that his sole duty is to protect his client—guilty or innocent—and that, in such a capacity, he owes no duty whatever to help society solve its crime problem. Under this conception of criminal procedure, any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances."  
   In this case, a defendant was subjected to rigorous interrogation methods, including being forced to sleep on the floor, resulting in a confession to having committed murder. The Supreme Court ruled that the confession was involuntary and reversed his conviction.  
   Thurgood Marshall represented the defendant, Robert A. Watts, in Watts v. Indiana.

# Text 315:

**Bruton v. United States, 391 U.S. 123 (1968), is a 1968 United States Supreme Court ruling in which the Court held that a defendant was deprived of his rights under the Confrontation Clause if a confession by his codefendant was introduced in their joint trial, regardless of whether the jury received instructions only to consider it against the confessor. This has become known as the Bruton rule. The case overruled Delli Paoli v. United States (1957).**

1. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.
2. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.

# Text 316:

**Nevada Commission on Ethics v. Carrigan, 564 U.S. 117 (2011), was a Supreme Court of the United States decision in which the Court held that the Nevada Ethics in Government Law, which required government officials recuse in cases involving a conflict of interest, is not unconstitutionally overbroad. Specifically, the law requires government officials to recuse themselves from advocating for and voting on the passage of legislation if private commitments to the interests of others materially affect the official's judgment. Under the terms of this law, the Nevada Commission on Ethics censured city councilman Michael Carrigan for voting on a land project for which his campaign manager was a paid consultant. Carrigan challenged his censure in court and the Nevada Supreme Court ruled in his favor, claiming that casting his vote was protected speech. The Supreme Court reversed, ruling that voting by a public official on a public matter is not First Amendment speech.**

1. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".
2. United States v. National Treasury Employees Union, 513 U.S. 454 (1995), was a United States Supreme Court case in which the Court held that Section 501(b) of the Ethics in Government Act of 1978 violates the First Amendment of the United States Constitution.

# Text 317:

**DeShaney v. Winnebago County, 489 U.S. 189 (1989), was a case decided by the Supreme Court of the United States on February 22, 1989. The court held that a state government agency's failure to prevent child abuse by a custodial parent does not violate the child's right to liberty for the purposes of the Fourteenth Amendment to the United States Constitution.   
This case famously and controversially held that police have no duty to protect the public. Specifically, the Court held that "the Due Process Clause of the Fourteenth Amendment does not require a state or local governmental entity to protect its citizens from 'private violence, or other mishaps not attributable to the conduct of its employees.'"**

1. In re Winship, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.": 17  It established this burden in all cases in all states (constitutional case).: 17   
   In an opinion authored by Justice Brennan, the Court held that when a juvenile is charged with an act that would be a crime if committed by an adult, every element of the offense must be proved beyond reasonable doubt, not preponderance of the evidence. The case has come to stand for a broader proposition, however: in a criminal prosecution, every essential element of the offense must be proved beyond reasonable doubt. See, e.g., Apprendi v. New Jersey, 530 U.S. 466, 477 (2000); Sullivan v. Louisiana, 508 U.S. 275, 278 (1993). This case marked a rejection of the preponderance of evidence standard in any criminal cases and expanded the protections afforded by the Due Process Clause.
2. Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.

# Text 318:

**United States v. Sisson, 399 U.S. 267 (1970), was a legal case decided by the United States Supreme Court in 1970. The case is related to Selective Service law.  
In this case, the jury recorded a verdict of guilt, but the judge then ordered an acquittal. The government appealed, but the Supreme Court held that the government had no power to appeal a verdict of acquittal, no matter how wrong the legal basis was for the acquittal.  
Sisson was "the first important case won by a selective conscientious objector", a person who asserted that they were not opposed to serving in a war generally, but objected to serving in a specific war which they believed to be immoral.**

1. United States v. Seeger, 380 U.S. 163 (1965), was a case in which the United States Supreme Court ruled that the exemption from the military draft for conscientious objectors could be reserved not only for those professing conformity with the moral directives of a supreme being but also for those whose views on war derived from a "sincere and meaningful belief which occupies in the life of its possessor a place parallel to that filled by the God of those" who had routinely gotten the exemption.   
   The Court reasoned that "both morals and sound policy require that the state should not violate the conscience of the individual" and that "liberty of conscience has a moral and social value which makes it worthy of preservation at the hands of the state." Additionally, that if this principle is violated to preserve the "life" of the state that it puts into question whether the state will lose its "life" as a result.   
   The case resolved, on diverse but related grounds, three cases, each involving conviction for failure to accept induction into the armed forces on the part of someone who sought conscientious-objector status without "belong[ing] to an orthodox religious sect". The accused, whose cases were otherwise unrelated, were Arno Sascha Jakobson, Forest Britt Peter, and Daniel Andrew Seeger; it was Seeger's case that gave its name to the multi-case decision. Archibald Cox, then Solicitor General, argued for the United States in every case.
2. Gillette v. United States, 401 U.S. 437 (1971), is a decision from the Supreme Court of the United States, adding constraints on the terms of conscientious objection resulting from draftees in the Selective Service.

# Text 319:

**Provident Tradesmens Bank & Trust Co. v. Patterson, 390 U.S. 102 (1968), is a United States Supreme Court decision which clarified the meaning and application of Rule 19 of the Federal Rules of Civil Procedure. In a unanimous decision, the Court reversed the judgment of the United States Court of Appeals for the Third Circuit and held that an automobile owner's interest in a suit against his insurer did not make him an "indispensable party" to that suit under Rule 19. The Court also made clear that Supreme Court precedent predating the enactment of the Federal Rules of Civil Procedure did not create any substantive right in non-parties to be joined in case, as the Court of Appeals had apparently thought.**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 320:

**Cruzan v. Director, Missouri Department of Health, 497 U.S. 261 (1990), was a landmark decision of the Supreme Court of the United States involving a young adult incompetent. The first "right to die" case ever heard by the Court, Cruzan was argued on December 6, 1989, and decided on June 25, 1990. In a 5–4 decision, the Court affirmed the earlier ruling of the Supreme Court of Missouri and ruled in favor of the State of Missouri, finding it was acceptable to require "clear and convincing evidence" of a patient's wishes for removal of life support. A significant outcome of the case was the creation of advance health directives.**

1. Vacco v. Quill, 521 U.S. 793 (1997), was a landmark decision of the Supreme Court of the United States regarding the right to die. It ruled 9–0 that a New York ban on physician-assisted suicide was constitutional, and preventing doctors from assisting their patients, even those terminally ill and/or in great pain, was a legitimate state interest that was well within the authority of the state to regulate. In brief, this decision established that, as a matter of law, there was no constitutional guarantee of a "right to die."
2. Drope v. Missouri, 420 U.S. 162 (1975), was a United States Supreme Court case in which the Court held a Missouri trial court deprived a defendant of due process by failing to order a competency examination after he was hospitalized following an attempted suicide and as a result missed a portion of his trial for a capital offense.

# Text 321:

**Pacific Gas & Electric v. Public Utilities Commission, 475 U.S. 1 (1986), was a United States Supreme Court case involving a dispute over newsletters that the San Francisco–based privately-owned public utility Pacific Gas and Electric Company (PG&E) had included with its monthly bills to customers. The special interest group Toward Utility Rate Normalization (TURN) sued PG&E, arguing that the extra space in the billing envelope taken by the newsletters constituted a form of political speech whose cost the public should not have to bear.  
The California Public Utilities Commission mediated the dispute and initially determined that, since the space in the envelope ostensibly belonged to the general public, PG&E could be compelled to carry a message supplied by TURN in rebuttal to the messages supplied in the newsletter. The rationale used by the regulatory agency was that the space in the billing envelope which could have material added that did not increase postage belonged to the ratepayers rather than the utility; thus the commission could order the utility to allow other groups to use that space subject to restrictions.   
PG&E responded to the decision by suing California's Public Utilities Commission, invoking a First Amendment right against compelled speech. Among other arguments, PG&E contended that it should not be compelled to carry messages it disagrees with, that the inclusion only of critical viewpoints was discriminatory, and that it was being compelled to formulate and include a rebuttal to TURN's comments with each mailing.  
The U.S. Supreme Court found the order of the California Public Utilities Commission to be unconstitutional, as the right to speak includes the right not to carry messages one disagrees with. As the court stated, "the choice to speak includes within it the choice of what not to say." The case became an important precedent for cases involving the free speech rights of private corporations. It also critically granted, with very limited exceptions, the absolute right of a publisher to choose not to carry messages it does not agree with.**

1. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.
2. Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), was an important case decided by the United States Supreme Court that laid out a four-part test for determining when restrictions on commercial speech violated the First Amendment of the United States Constitution. Justice Powell wrote the opinion of the court. Central Hudson Gas & Electric Corp. had challenged a Public Service Commission regulation that prohibited promotional advertising by electric utilities. Justice Brennan, Justice Blackmun, and Justice Stevens wrote separate concurring opinions, and the latter two were both joined by Justice Brennan. Justice Rehnquist dissented.  
   The case presented the question whether a regulation of the New York Public Service Commission violates the First and Fourteenth Amendments because it completely bans promotional advertising by an electrical utility.

# Text 322:

**Coates v. City of Cincinnati, 402 U.S. 611 (1971), is a United States Supreme Court case in which the Court held that a local city ordinance that made it a criminal offense for three or more persons to assemble on a sidewalk and "annoy" any passersby was unconstitutionally vague and overbroad.**

1. Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.
2. Shuttlesworth v. Birmingham, 394 U.S. 147 (1969), was a United States Supreme Court case in which the Supreme Court struck down a Birmingham, Alabama ordinance that prohibited citizens from holding parades and processions on city streets without first obtaining a permit.

# Text 323:

**Jaffee v. Redmond, 518 U.S. 1 (1996), was a United States Supreme Court case in which the Court created a psychotherapist-patient privilege in the Federal Rules of Evidence.**

1. Addington v. Texas, 441 U.S. 418 (1979), was a landmark decision of the US Supreme Court that set the standard for involuntary commitment for treatment by raising the burden of proof required to commit persons for psychiatric treatment from the usual civil burden of proof of "preponderance of the evidence" to "clear and convincing evidence".
2. Washington v. Harper, 494 U.S. 210 (1990), was a United States Supreme Court case in which an incarcerated inmate sued the state of Washington over the issue of involuntary medication, specifically antipsychotic medication.

# Text 324:

**Morton v. Mancari, 417 U.S. 535 (1974), was a United States legal case about the constitutionality, under the Fifth Amendment, of hiring preferences given to Indians within the Bureau of Indian Affairs. The Supreme Court of the United States held that the hiring preferences given by the United States Congress does not violate the Due Process Clause of the Fifth Amendment.**

1. Morton v. Ruiz, 415 U.S. 199 (1974), was a case heard before the United States Supreme Court affirming the right of Native Americans living on reservations to receive state assistance.
2. United States v. Jicarilla Apache Nation, 564 U.S. 162 (2011), is a United States Supreme Court case in which the Court held that the fiduciary exception to attorney–client privilege does not apply to the general trust relationship between the United States and Indian tribes.

# Text 325:

**Baldwin v. Fish & Game Commission of Montana, 436 U.S. 371 (1978), was a United States Supreme Court case that affirmed the right of the state of Montana to charge higher fees for out-of-state elk hunters.**

1. Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
   The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.
2. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.

# Text 326:

**Orr v. Orr, 440 U.S. 268 (1979), was a United States Supreme Court case that held that Alabama statutes that imposed alimony obligations on husbands but not on wives was an unconstitutional equal protection violation.**

1. J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.
2. Hunter v. Underwood, 471 U.S. 222 (1985), was a case in which the Supreme Court of the United States unanimously invalidated the criminal disenfranchisement provision of § 182 of the Alabama Constitution as a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

# Text 327:

**Westside Community Board of Education v. Mergens, 496 U.S. 226 (1990), was a United States Supreme Court case involving a school district's ability to hold classes on Bible study after school.**

1. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.
2. Abington School District v. Schempp, 374 U.S. 203 (1963), was a United States Supreme Court case in which the Court decided 8–1 in favor of the respondent, Edward Schempp, on behalf of his son Ellery Schempp, and declared that school-sponsored Bible reading and the recitation of the Lord's Prayer in public schools in the United States was unconstitutional.

# Text 328:

**United States v. Knotts, 460 U.S. 276 (1983), was a United States Supreme Court case regarding the use of an electronic surveillance device. The defendants argued that the use of this device was a Fourth Amendment violation. The device in question was described as a beeper that could only be tracked from a short distance. During a single trip, officers followed a car containing the beeper, relying on beeper signal to determine the car's final destination. The Court unanimously held that since the use of such a device did not violate a legitimate expectation of privacy there was no search and seizure and thus the use was allowed without a warrant. It reasoned that a person traveling in public has no expectation of privacy in one's movements. Since there was no search and seizure there was not a Fourth Amendment violation.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.

# Text 329:

**Aguilar v. Texas, 378 U.S. 108 (1964), was a decision by the United States Supreme Court, which held that "[a]lthough an affidavit supporting a search warrant may be based on hearsay information and need not reflect the direct personal observations of the affiant, the magistrate must be informed of some of the underlying circumstances relied on by the person providing the information and some of the underlying circumstances from which the affiant concluded that the informant, whose identity was not disclosed, was credible or his information reliable." Along with Spinelli v. United States (1969), Aguilar established the Aguilar–Spinelli test, a judicial guideline for evaluating the validity of a search warrant based on information provided by a confidential informant or an anonymous tip. The test developed in this case was subsequently rejected and replaced in Illinois v. Gates, 462 U.S. 213 (1983).**

1. Illinois v. Gates, 462 U.S. 213 (1983), is a Fourth Amendment case. Gates overruled Aguilar v. Texas and Spinelli v. United States, thereby replacing the Aguilar–Spinelli test for probable cause with the "totality of the circumstances" test.
2. Brown v. Texas, 443 U.S. 47 (1979), was a United States Supreme Court case in which the Court determined that the defendant's arrest in El Paso, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment. It is an important case for Stop and Identify statutes in the United States.  
   The decision was written by Chief Justice Warren Burger and unanimously supported by the other justices. His summary of the factual elements of the case includes the following:  
     
   Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area with a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation "looked suspicious and we had never seen that subject in that area before." The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer "who has lawfully stopped him and requested the information."  
   The finding held that:  
     
   The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable."  
   While the application of the relevant Texas law was held unconstitutional in the case, the constitutional status of the law itself was not addressed.  
   The statute in question, Tex. Penal Code § 38.02(a) has since been revised to only make it a crime to refuse to identify oneself after being lawfully arrested.

# Text 330:

**In National Bellas Hess v. Department of Revenue of Illinois, 386 U.S. 753 (1967), the Supreme Court ruled that a mail order reseller was not required to collect sales tax unless it had some physical contact with the state.**

1. In Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954), the Supreme Court ruled 5-4 that a mail order reseller was not required to collect a use tax unless it had sufficient contact with the state.
2. Quill Corp. v. North Dakota, 504 U.S. 298 (1992), was a United States Supreme Court ruling, since overturned, concerning use tax. The decision effectively prevented states from collecting any sales tax from retail purchases made over the Internet or other e-Commerce route unless the seller had a physical presence in the state. The ruling was based on the Dormant Commerce Clause, preventing states from interfering with interstate commerce unless authorized by the United States Congress. The case resulted from an attempt by North Dakota seeking to collect sales tax on licensed computer software offered by the Quill Corporation, an office supply retailer with no North Dakota presence, that allowed users to place orders directly with Quill.  
   Quill modified an earlier court decision, National Bellas Hess, Inc. v. Department of Revenue of Illinois, which dealt with a state imposing the duty of use tax collection on a mail order reseller. The decision in Quill has been a point of contention for states as e-Commerce had grown greatly during the 21st century. Spurred by Justice Anthony Kennedy's concurrence in Direct Marketing Ass'n v. Brohl, which spoke to a review of Quill, several states passed "kill Quill" laws to bring such a review to the Supreme Court. In the first such challenge, South Dakota v. Wayfair, Inc., heard in the 2018 term, the Court found that the physical presence rule defined by Quill was "unsound and incorrect", and overturned both Quill and the remaining portions of National Bellas Hess.

# Text 331:

**Duckworth v. Eagan, 492 U.S. 195 (1989), was a United States Supreme Court case dealing with police behavior when issuing the Miranda warning. The Court's decision was seen as weakening Miranda's protections.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. Berkemer v. McCarty, 468 U.S. 420 (1984), is a decision of the United States Supreme Court that ruled that a person in police custody following a misdemeanor traffic offense was entitled to the protections of the Fifth Amendment pursuant to the decision in Miranda v. Arizona 384 U.S. 436 (1966). Previously, some courts had been applying Miranda only to serious offenses.

# Text 332:

**McDonough Power Equipment, Inc. v. Greenwood, 464 U.S. 548 (1984), was a case decided by the Supreme Court of the United States that established a standard for challenging a verdict based on inaccurate answers given by prospective jurors during voir dire.**

1. Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.
2. Caperton v. A. T. Massey Coal Co., 556 U.S. 868 (2009), is a case in which the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires judges to recuse themselves not only when actual bias has been demonstrated or when the judge has an economic interest in the outcome of the case but also when "extreme facts" create a "probability of bias."

# Text 333:

**FEC v. Massachusetts Citizens for Life was a lawsuit filed by the US Federal Election Commission.**

1. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".
2. FEC v. National Conservative PAC, 470 U.S. 480 (1985), was a decision by the Supreme Court of the United States striking down expenditure prohibitions of the Federal Election Campaign Act of 1971 (FECA), which regulates the fundraising and spending in political campaigns. The FECA is the primary law that places regulations on campaign financing by limiting the amount that may be contributed. The Act established that no independent political action committee may contribute more than $1,000 to any given presidential candidate in support of a campaign.  
   A political action committee is an organization that oversees contributions made by members for an electoral candidate. The committee then donates the funding to campaign for or against a candidate.  
   The Democratic Party of the United States and the Federal Election Commission (FEC) accused the National Conservative Political Action Committee (NCPAC) of violating the Federal Election Campaign Act in 1975. The defendants were accused of violating the expenditure limit implemented by the FECA, with the assertion that the independent contribution was in violation of the Act. The NCPAC expressed concern that the FECA violated the First Amendment.  
   In response, The Federal Election Commission claimed that the limitation of expenditures held by the FECA was not a violation of the First Amendment. The FEC said that because it is important to protect the integrity of the Government, as well as to uphold the public's perception of integrity, the limitation was necessary and still complied with the First Amendment. The FEC believed private financing could tarnish the protection of integrity and the public's perception. The Commission also believed the FECA would not hinder individual expression, and that ample room was left to freely express oneself under the Act.  
   Justice William H. Rehnquist concluded in the majority opinion that an attempt to limit spending in support of a presidential candidate, regardless of financial numerical amount, is still an attempt to regulate the First Amendment and the freedom of association, and is therefore unconstitutional.

# Text 334:

**Ballew v. Georgia, 435 U.S. 223 (1978), was a case heard by the United States Supreme Court that held that a Georgia state statute authorizing criminal conviction upon the unanimous vote of a jury of five was unconstitutional. The constitutional minimum size for a jury hearing petty criminal offenses was held to be six.**

1. Burch v. Louisiana, 441 U.S. 130 (1979), was a case decided by the United States Supreme Court that invalidated a Louisiana statute allowing a conviction upon a nonunanimous verdict from a jury of six for a petty offense. The statute allowed for conviction if only five jurors agreed, and this was held to be a violation of the Sixth Amendment.
2. Whitus v. Georgia, 385 U.S. 545 (1967), found in favor of the petitioner (Whitus), who had been convicted for murder, and as such reversed their convictions. This was due to the Georgia jury selection policies, in which it was alleged racial discrimination had occurred.  
   The plaintiffs argued that, as their county had a 45% population of African-Americans, it was discrimination and unfair to have been presented with all-white or nearly all-white juries each time. Thus, the Supreme Court – as well as overturning the convictions – ruled that Georgia renew its jury selection policies. Previous law meant tax returns would be sorted, and "Negroes" would have a '(c)' placed next to their name. In the conviction of Whitus, the jury had been selected via old lists.

# Text 335:

**Regan v. Taxation with Representation of Washington, 461 U.S. 540 (1983), was a case in which the United States Supreme Court upheld lobbying restrictions imposed on tax-exempt non-profit corporations.**

1. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.
2. United States v. Richardson, 418 U.S. 166 (1974), was a United States Supreme Court case concerning standing in which the Court held a taxpayer's interest in government spending was generalized, and too "undifferentiated" to confer Article III standing to challenge a law which exempted Central Intelligence Agency funding from Article I, Section 9 requirements that such expenditures be audited and reported to the public.

# Text 336:

**Epperson v. Arkansas, 393 U.S. 97 (1968), was a unanimous landmark United States Supreme Court case that invalidated an Arkansas statute prohibiting the teaching of human evolution in the public schools. The Court held that the First Amendment to the United States Constitution prohibits a state from requiring, in the words of the majority opinion, "that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma." The Supreme Court declared the Arkansas statute unconstitutional because it violated the Establishment Clause of the First Amendment. After this decision, some jurisdictions passed laws that required the teaching of creation science alongside evolution when evolution was taught. These were also ruled unconstitutional by the Court in the 1987 case Edwards v. Aguillard.**

1. Edwards v. Aguillard, 482 U.S. 578 (1987), was a United States Supreme Court case concerning the constitutionality of teaching creationism. The Court considered a Louisiana law requiring that where evolutionary science was taught in public schools, creation science must also be taught. The constitutionality of the law was successfully challenged in District Court, Aguillard v. Treen, 634 F. Supp. 426 (ED La.1985), and the United States Court of Appeals for the Fifth Circuit affirmed, Aguillard v. Edwards, 765 F.2d 1251 (CA5 1985). The United States Supreme Court ruled that this law violated the Establishment Clause of the First Amendment because the law was specifically intended to advance a particular religion. In its decision, the court opined that "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction."  
   In support of Aguillard, 72 Nobel Prize-winning scientists, 17 state academies of science, and seven other scientific organizations filed amicus briefs that described creation science as being composed of religious tenets.
2. Bob Jones University v. United States, 461 U.S. 574 (1983), was a decision by the United States Supreme Court holding that the religion clauses of the First Amendment did not prohibit the Internal Revenue Service from revoking the tax exempt status of a religious university whose practices are contrary to a compelling government public policy, such as eradicating racial discrimination.

# Text 337:

**C&A Carbone, Inc. v. Town of Clarkstown, New York, 511 U.S. 383 (1994), was a case before the United States Supreme Court in which the plaintiff, a private recycler with business in Clarkstown, New York, sought to ship its non-recyclable waste to cheaper waste processors out-of-state. Clarkstown opposed the move, and the company then brought suit, raising the unconstitutionality of Clarkstown's "flow control ordinance," which required solid wastes that were not recyclable or hazardous to be deposited at a particular private company's transfer facility. The ordinance involved fees that were above market rates. The Supreme Court sided with the plaintiff, concluding that Clarkstown's ordinance violated the Dormant Commerce Clause.  
Furthermore, the Supreme Court held, "Discrimination against interstate commerce in favor of local business or investment is per se invalid," with a very narrow exception where the city can show, under rigorous scrutiny, that there are no other means to advance a legitimate local interest. In the case at hand, the city could have subsidized the waste disposal plant, which was at least one alternative to the discriminatory law that the city tried to use.  
Justice Anthony Kennedy delivered the opinion of the Court.  
It was held that the ordinance: (1) regulated interstate commerce, because (a) the company's recycling center processed waste from places other than the town, including from out of state, and (b) the ordinance: (i) drove up the cost for out-of-state interests to dispose of their solid waste, and (ii) deprived out-of-state businesses of access to a local market; and (2) violated the commerce clause by depriving competitors, including out-of-state firms, of access to a local market, because: (a) the ordinance: (i) discriminated by allowing only the favored operator to process waste within the town, (ii) hoarded solid waste, and the demand to get rid of it, for the benefit of the preferred processing facility, and (iii) squelched competition in waste-processing service, and (b) the town: (i) had nondiscriminatory alternatives, such as uniform safety regulations enacted without the object to discriminate, for addressing the health and environmental problems alleged to justify the ordinance, (ii) could not justify the ordinance as a way to steer solid waste away from out-of-town disposal sites that the town might deem harmful to the environment, where to do so would extend the town's police power beyond its jurisdictional bounds, and (iii) could subsidize the facility through general taxes or municipal bonds.  
Justice Sandra Day O'Connor, in an opinion concurring with the judgment of the Court, agreed with the majority that the ordinance violated the commerce clause, but rejected the view that the ordinance discriminated against interstate commerce. Instead, she believed that the ordinance was unconstitutional since it imposed an excessive burden on interstate commerce.**

1. American Electric Power Company v. Connecticut, 564 U.S. 410 (2011), was a United States Supreme Court case in which the Court, in an 8–0 decision, held that corporations cannot be sued for greenhouse gas emissions (GHGs) under federal common law, primarily because the Clean Air Act (CAA) delegates the management of carbon dioxide and other GHG emissions to the Environmental Protection Agency (EPA). Brought to court in July 2004 in the Southern District of New York, this was the first global warming case based on a public nuisance claim.
2. United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007), was a United States Supreme Court case about interstate commerce. Chief Justice John Roberts wrote the opinion of the Court, holding that New York county ordinances forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. Justice Samuel Alito wrote a dissent.

# Text 338:

**Wilburn Boat Company v. Fireman's Fund Insurance Company, 348 U.S. 310 (1955), is a United States Supreme Court case in which the Court held that state law, rather than federal admiralty law, should govern marine insurance contracts.**

1. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.
2. Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.

# Text 339:

**Northwest Austin Municipal Utility District No. 1 v. Holder, 557 U.S. 193 (2009), was a decision of the United States Supreme Court regarding Section 5 of the Voting Rights Act of 1965, and in particular its requirement that proposed electoral-law changes in certain states must be approved by the federal government. In a 9–0 decision, the Court concluded that the district was eligible to apply for an exemption (bailout) from this section per Section 4(a), because the definition of "political subdivision" in Section 14(c)(2) included a district of this nature. In an 8–1 opinion, the Court declined to rule on the constitutionality of that provision, citing the principle of constitutional avoidance.**

1. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 340:

**Cooper v. Pate, 378 U.S. 546 (1964), was a U.S. Supreme Court case in which the court ruled for the first time that state prison inmates have the standing to sue in federal court to address their grievances under the Civil Rights Act of 1871. This case followed Jones v. Cunningham (1963) allowing prison inmates to employ a writ of habeas corpus to challenge the legality of their sentencing and the conditions of their imprisonment.**

1. Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.
2. Jones v. North Carolina Prisoners' Labor Union, 433 U.S. 119 (1977), was a United States Supreme Court case where the court held that prison inmates do not have a right under the First Amendment to join labor unions.

# Text 341:

**Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.**

1. Poe v. Ullman, 367 U.S. 497 (1961), was a United States Supreme Court case, seeking pre-enforcement review, that held in the majority that plaintiffs (because the law had never been enforced) lacked standing to challenge a Connecticut law that banned the use of contraceptives and banned doctors from advising their use. Therefore, any challenge to the law was deemed unripe because there was no actual threat of injury to anyone who disobeyed the law. The same statute would be challenged again (this time successfully) just five years later in Griswold v. Connecticut.  
   The Supreme Court cites the fact that the law prohibiting use of contraceptives had been on the books since 1879 and that during the near-century of its having been enacted, only one prosecution, in 1940, was ever initiated. Furthermore, the Court cites the fact that Connecticut drug stores openly sold contraceptives, and such an act invited enforcement far more than the private conduct being sued to allow, thus Connecticut is really not enforcing the law and the mere existence of the law does not give the Supreme Court cause to exercise its judicial review.
2. Eisenstadt v. Baird, 405 U.S. 438 (1972), was a landmark decision of the U.S. Supreme Court that established the right of unmarried people to possess contraception on the same basis as married couples.  
   The Court struck down a Massachusetts law prohibiting the distribution of contraceptives to unmarried people for the purpose of preventing pregnancy, ruling that it violated the Equal Protection Clause of the U.S. Constitution. The decision effectively legalized (heterosexual) premarital sex in the United States.

# Text 342:

**AT&T Mobility LLC v. Concepcion, 563 U.S. 333 (2011), is a legal dispute that was decided by the United States Supreme Court. On April 27, 2011, the Court ruled, by a 5–4 margin, that the Federal Arbitration Act of 1925 preempts state laws that prohibit contracts from disallowing class-wide arbitration, such as the law previously upheld by the California Supreme Court in the case of Discover Bank v. Superior Court. As a result, businesses that include arbitration agreements with class action waivers can require consumers to bring claims only in individual arbitrations, rather than in court as part of a class action.: 708–09   
The decision was described by Jean Sternlight as a "tsunami that is wiping out existing and potential consumer and employment class actions": 704  and by law professor Myriam Gilles as "the real game-changer for class action litigation". By April 2012, Concepcion was cited in at least 76 decisions sending putative class actions to individual arbitration. After the decision, several major businesses introduced or changed arbitration terms in their consumer contracts (some of which were based on the consumer-friendly terms found in the AT&T Mobility agreement), although the hypothesis of massive adoption of consumer arbitration clauses following the decision has been disputed.**

1. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.
2. Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985), is a United States Supreme Court decision concerning arbitration of antitrust claims. The Court heard the case on appeal from the United States Court of Appeals for the First Circuit, which had ruled that the arbitration clause in a Puerto Rican car dealer's franchise agreement was broad enough to reach its antitrust claim. By a 5–3 margin it upheld the lower court, requiring that the dealer arbitrate its claim before a panel in Tokyo, as stipulated in the contract.  
   Justice Harry Blackmun wrote for the majority that the Federal Arbitration Act (FAA) was broad enough to require arbitration of statutory claims as well as contractual ones, extending a recent line of Court decisions favorable to arbitration. A controversial footnote, creating a possible "prospective waiver" doctrine that would allow a party to avoid arbitration under foreign law, has been much criticized by commentators and at the same time raised by many litigants. In 2009 the Eleventh Circuit found it valid for an injured cruise-ship worker, but two years later cast doubt on that conclusion.  
   In dissent, Justice John Paul Stevens argued that antitrust claims were too complex and important to be left to arbitrators and that in any event none of the claims were arbitrable under the terms of the contract itself. He expressed incredulousness that his colleagues would require an American company to arbitrate a claim under American antitrust law before a panel of foreign arbitrators.  
   While the case formed an important part of the Court's expansion of arbitrability in the late 20th and early 21st centuries, it could not have reached a court today. In 2002, after years of lobbying by the National Automobile Dealers Association, Congress passed the Motor Vehicle Franchise Contract Arbitration Fairness Act, which prohibited mandatory predispute arbitration clauses in motor vehicle dealership franchise agreements. President George W. Bush signed it into law, the first time a specific exception to the FAA had been legislated since the Court began expanding its scope.

# Text 343:

**Adams v. Robertson, 520 U.S. 83 (1997), was a United States Supreme Court case in which the court, in a per curiam opinion, "dismissed the writ of certiorari as improvidently granted."**

1. Adams v. Texas, 448 U.S. 38 (1980), was a United States Supreme Court case in which the Court held on an 8–1 vote that, consistent with its prior opinion in Witherspoon v. Illinois, a Texas requirement that jurors swear an oath that the mandatory imposition of a death sentence would not interfere with their consideration of factual matters such as guilt or innocence during a trial was unconstitutional.  
   The surrounding factual issues (involving defendant Randall Dale Adams) were the subject of a partially autobiographical book of the same name, and were featured in the 1988 movie The Thin Blue Line.
2. United States v. Adams, 383 U.S. 39 (1966), is a United States Supreme Court decision in the area of patent law. This case was later cited in KSR v. Teleflex as an example of a case satisfying the requirement for non-obviousness of a combination of known elements. It also features one of the great stories of patent litigation lore, with Adams's attorney utilizing an innovative and unique method of non-oral advocacy at oral argument in front of the Supreme Court.

# Text 344:

**J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.**

1. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.
2. Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991), was a United States Supreme Court case which held that peremptory challenges may not be used to exclude jurors on the basis of race in civil trials. Edmonson extended the court's similar decision in Batson v. Kentucky (1986), a criminal case. The Court applied the equal protection component of the Due Process Clause of the Fifth Amendment, as determined in Bolling v. Sharpe (1954), in finding that such race-based challenges violated the Constitution.

# Text 345:

**Storer v. Brown, 415 U.S. 724 (1974), was a case in which the Supreme Court of the United States upheld a California law that prohibited an individual from running for an elected office as an independent candidate if they were registered with a political party within the 12 months prior to the primary election.[1]**

1. Brown v. Socialist Workers '74 Campaign Committee, 459 U.S. 87 (1982), was a United States Supreme Court case that dealt with political speech, and whether a state could require a minor political party to disclose its membership, expenditures, and contributors.  
   At the time, most states required political parties to disclose their contributions and expenditures; in 1982, the Court ruled that the Socialist Workers Party, a minor party in Ohio, was not required to disclose its contributors or recipients, on the basis of retributive animus and harassment if party functionaries did so.
2. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.

# Text 346:

**Younger v. Harris, 401 U.S. 37 (1971), was a case in which the United States Supreme Court held that United States federal courts were required to abstain from hearing any civil rights tort claims brought by a person who is currently being prosecuted for a matter arising from that claim.**

1. Pulley v. Harris, 465 U.S. 37 (1984), is a United States Supreme Court case in which the Court held that the Eighth Amendment to the United States Constitution does not require, as an invariable rule in every case, that a state appellate court, before it affirms a death sentence, proportionally compare the sentence in the case before it with the penalties imposed in similar cases if requested to do so by the prisoner.  
   The prisoner in the case, Robert Alton Harris, was ultimately executed in April 1992, after the U.S. Supreme Court reversed the Ninth Circuit several more times in the matter, including after Harris had been strapped into the gas chamber.
2. United States v. Harriss, 347 U.S. 612 (1954), was a U.S. Supreme Court case applied directly to the Regulation of Lobbying Act.

# Text 347:

**Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.**

1. Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.
2. BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996), was a United States Supreme Court case limiting punitive damages under the Due Process Clause of the Fourteenth Amendment.

# Text 348:

**Douglas v. California, 372 U.S. 353 (1963), was a case before the United States Supreme Court.**

1. Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
   The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.
2. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.

# Text 349:

**Kingsley Books, Inc. v. Brown, 354 U.S. 436 (1957), was a Supreme Court case that addressed issues of obscenity, free speech, and due process. The case stemmed from the confiscation and destruction of books from a New York City bookstore. The court's determination was that:   
  
A state injunction against distribution of material designated as "obscene" does not violate freedom of speech and press protected by the First Amendment and the Due Process Clause of the Fourteenth Amendment.**

1. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.
2. Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.

# Text 350:

**Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975), is a United States Supreme Court case concerning a city ordinance prohibiting the showing of films containing nudity by a drive-in theater located in Jacksonville, Florida.**

1. Ginzburg v. United States, 383 U.S. 463 (1966), was a decision by the United States Supreme Court involving the application of the First Amendment to Federal obscenity laws. One of a trio of cases (with Memoirs v. Massachusetts and Mishkin v. New York released on the same day), Ginzburg was part of the Supreme Court's attempt to refine the definitions of obscenity after the landmark 1957 case Roth v. United States.
2. Papachristou v. Jacksonville, 405 U.S. 156 (1972), was a United States Supreme Court case resulting in a Jacksonville vagrancy ordinance being declared unconstitutionally vague. The case was argued on December 8, 1971, and decided on February 24, 1972. The respondent was the city of Jacksonville, Florida.

# Text 351:

**Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986), is a United States Supreme Court case articulating the standard for a trial court to grant summary judgment. Summary judgment will lie when, taking all factual inferences in the non-movant's favor, there exists no genuine issue as to a material fact and the movant deserves judgment as a matter of law. Because courts almost always cite Liberty Lobby in their opinions for the standard regarding motions for summary judgment, Liberty Lobby is the most cited Supreme Court case.**

1. Lefkowitz v. Newsome, 420 U.S. 283 (1975), is a U.S. Supreme Court case which held that when state law permits a defendant to plead guilty without giving up his right to judicial review of specified constitutional issues, such as the lawfulness of a search or the voluntariness of a confession, the defendant is not prevented from pursuing those constitutional claims in a federal habeas corpus proceeding.
2. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.

# Text 352:

**Monroe v. Pape, 365 U.S. 167 (1961), was a United States Supreme Court case that considered the application of federal civil rights law to constitutional violations by city employees. The case was significant because it held that 42 U.S.C. § 1983, a statutory provision from 1871, could be used to sue state officers who violated a plaintiff's constitutional rights. § 1983 had previously been a relatively obscure and little-used statute, but since Monroe it has become a central part of United States civil rights law.**

1. Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights. Additionally, the Court held that §1983 claims against municipal entities must be based on implementation of a policy or custom.
2. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.

# Text 353:

**Winkelman v. Parma City School District, 550 U.S. 516 (2007), is a civil suit under the Individuals with Disabilities Education Act decided by the Supreme Court of the United States. Justice Kennedy held for the seven-justice majority that parents may file suit under IDEA pro se. Justice Kennedy declined to reach the question whether parents may represent the interests of their children pro se, instead concluding that IDEA created a set of independently enforceable rights in parents.**

1. Forest Grove School District v. T. A., 557 U.S. 230 (2009), is a case in which the United States Supreme Court held that the Individuals with Disabilities Education Act (IDEA) authorizes reimbursement for private special education services when a public school fails to provide a "free appropriate public education" (FAPE) and the private school placement is appropriate, regardless of whether the child previously received special education services through the public school.
2. Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.

# Text 354:

**Young v. American Mini Theatres, 427 U.S. 50 (1976), is a case in which the Supreme Court of the United States upheld a city ordinance of Detroit, Michigan requiring dispersal of adult businesses throughout the city.  
Justice Stevens (writing for the plurality) reasoned that the speech involved here is of lower value, and the city also has a compelling interest in protecting quality of life.  
Justice Powell (concurring) disagreed with Stevens' "lower value speech" argument (thus limiting Part III of the opinion to a plurality), but wrote that this is only a place restriction with a limited effect on speech.**

1. Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), was a case in which the Supreme Court of the United States held that localities may impose regulations prohibiting adult theaters from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction. The specific restriction at issue was established by Renton, Washington, and prohibited adult theaters within 1,000 feet from any residential zone, single- or multiple-family dwelling, church, park, or school.
2. Younger v. Harris, 401 U.S. 37 (1971), was a case in which the United States Supreme Court held that United States federal courts were required to abstain from hearing any civil rights tort claims brought by a person who is currently being prosecuted for a matter arising from that claim.

# Text 355:

**Connecticut National Bank v. Germain, 503 U.S. 249 (1992), was a case in which the Supreme Court of the United States held that an interlocutory order of a district court, sitting as an appellate court in a bankruptcy case, is in turn reviewable by the court of appeals when authorized under 28 U.S.C. § 1292. Although the Justices were unanimous in deciding the specific statutory interpretation issue concerning bankruptcy appeals that the case presented, they disagreed on the extent to which it was appropriate to refer to the legislative history of the statute in resolving the case.**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 356:

**Takahashi v. Fish and Game Comm'n, 334 U.S. 410 (1948), was a test case brought by Japanese-American fishermen before the United States Supreme Court to challenge California state legislation aimed at preventing them from returning to fishing occupations they worked in before their mass removal and internment during World War II. The issue at hand was a restrictive law in California requiring American citizenship to get a fishing license. A 1945 amendment to the state code barred "aliens ineligible to citizenship" from obtaining fishing licenses. The Court held that this was an unreasonable restriction and was discriminatory to residents of Japanese ancestry.**

1. Oyama v. State of California, 332 U.S. 633 (1948) was a United States Supreme Court decision that ruled that specific provisions of the 1913 and 1920 California Alien Land Laws abridged the rights and privileges guaranteed by the Fourteenth Amendment to Fred Oyama, a U.S. citizen in whose name his father, a Japanese citizen, had purchased land. In doing so, however, the court did not overturn the California Alien Land Laws as unconstitutional.
2. Oregon Department of Fish and Wildlife v. Klamath Indian Tribe, 473 U.S. 753 (1985), was a case appealed to the US Supreme Court by the Oregon Department of Fish and Wildlife. The Supreme Court reversed the previous decisions in the District Court and the Court of Appeals stating that the exclusive right to hunt, fish, and gather roots, berries, and seeds on the lands reserved to the Klamath Tribe by the 1864 Treaty was not intended to survive as a special right to be free of state regulation in the ceded lands that were outside the reservation after the 1901 Agreement.

# Text 357:

**California Federal S. & L. Assn. v. Guerra, 479 U.S. 272 (1987), is a US labor law case of the United States Supreme Court about whether a state may require employers to provide greater pregnancy benefits than required by federal law, as well as the ability to require pregnancy benefits to women without similar benefits to men. The court held that The California Fair Employment and Housing Act §12945(b)(2), which requires employers to provide leave and reinstatement to employees disabled by pregnancy, is consistent with federal law.**

1. AT&T Corporation v. Hulteen, 556 U.S. 701 (2009), is a US labor law case of the United States Supreme Court, holding that maternity leave taken before the passage of the 1978 Pregnancy Discrimination Act needed not to be considered in calculating employee pension benefits.
2. Geduldig v. Aiello, 417 U.S. 484 (1974), was an equal protection case in the United States in which the Supreme Court of the United States ruled on whether unfavorable treatment to pregnant women could count as sex discrimination. It held that the denial of insurance benefits for work loss resulting from a normal pregnancy did not violate the Fourteenth Amendment. The California insurance program at issue did not exclude workers from eligibility based on sex but excluded pregnancy from a list of compensable disabilities. The majority found that even though only women would be directly affected by the administrative decision, the classification of normal pregnancy as non-compensable was not a sex-based classification and so the court would defer to the state so long as it could provide a rational basis for its categorization.

# Text 358:

**Zemel v. Rusk, 381 U.S. 1 (1965), was a United States Supreme Court case regarding the right to travel and area restrictions on passports (travel to Cuba), holding that the Secretary of State is statutorily authorized to refuse to validate the passports of United States citizens for travel to Cuba and that the exercise of that authority is constitutionally permissible.**

1. Schneider v. Rusk, 377 U.S. 163 (1964), was a 5–3 United States Supreme Court case that invalidated a law that stripped naturalized Americans of their citizenship as a result of extended or permanent residence abroad. Relying on the due process clause of the Fifth Amendment, the court ruled it generally was unconstitutional to treat naturalized and natural-born citizens differently.
2. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").

# Text 359:

**Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485 (1984), was a product disparagement case ultimately decided by the Supreme Court of the United States. The Court held, on a 6–3 vote, in favor of Consumers Union, the publisher of Consumer Reports magazine, ruling that proof of "actual malice" was necessary in product disparagement cases raising First Amendment issues, as set out by the case of New York Times Co. v. Sullivan (1964). The Court ruled that the First Circuit Court of Appeals had correctly concluded that Bose had not presented proof of actual malice.  
The magazine Consumer Reports had published in 1970 a review of an unusual loudspeaker system manufactured by Bose Corporation, called the Bose 901. The review expressed skepticism of the system's quality and recommended that consumers delay purchase until they had investigated for themselves whether the loudspeaker system's unusual attributes would suit them. Bose objected to numerous statements in the article, including the sentences, "Worse, individual instruments heard through the Bose system seemed to grow to gigantic proportions and tended to wander about the room. For instance, a violin appeared to be 10 feet (3.0 m) wide and a piano stretched from wall to wall." Bose demanded a retraction when they learned that Consumer Reports changed what the original reviewer wrote about the speakers in his pre-publication draft, which the magazine refused to do.**

1. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.
2. Compco Corp. v. Day-Brite Lighting, Inc., 376 U.S. 234 (1964), was a United States Supreme Court decision that was a companion case to Sears, Roebuck & Co. v. Stiffel Co. that the Court decided on the same day. Like Sears, Compco held that state law that in effect duplicates the protections of the US patent law is pre-empted by federal law.

# Text 360:

**Samantar v. Yousuf, 560 U.S. 305 (2010), is a decision by the United States Supreme Court concerning whether Muhammad Ali Samatar, prime minister of Somalia (during the dictatorship of Siad Barre) from 1987 to 1990, could be sued in United States courts for allegedly overseeing killings and other atrocities. Samatar then lived in Virginia, and some of his victims had sued him under the Torture Victim Protection Act of 1991.  
In a previous decision, the United States Court of Appeals for the Fourth Circuit held that the former Somalian government official is not covered by, and therefore not entitled to immunity under the Foreign Sovereign Immunities Act. The Court remanded to District Court to determine whether defendant is entitled to common law immunity.**

1. Ashcroft v. Iqbal, 556 U.S. 662 (2009), was a United States Supreme Court case which held that plaintiffs must present a "plausible" cause of action. Alongside Bell Atlantic Corp. v. Twombly (and together known as Twiqbal), Iqbal raised the threshold which plaintiffs needed to meet. Further, the Court held that government officials are not liable for the actions of their subordinates without evidence that they ordered the allegedly discriminatory activity. At issue was whether current and former federal officials, including FBI Director Robert Mueller and former United States Attorney General John Ashcroft, were entitled to qualified immunity against an allegation that they knew of or condoned racial and religious discrimination against Muslim men detained after the September 11 attacks. The decision also "transformed civil litigation in the federal courts" by making it much easier for courts to dismiss individuals' suits.
2. Pfizer Inc. v. Government of India, 434 U.S. 308 (1978), decision of the Supreme Court of the United States in which the Court held that foreign states are entitled to sue for treble damages in U.S. courts, and should be recognized as "persons" under the Clayton Act.

# Text 361:

**R.A.V. v. City of St. Paul, 505 U.S. 377 (1992), is a case of the United States Supreme Court that unanimously struck down St. Paul's Bias-Motivated Crime Ordinance and reversed the conviction of a teenager, referred to in court documents only as R.A.V., for burning a cross on the lawn of an African-American family since the ordinance was held to violate the First Amendment's protection of freedom of speech. The Court reasoned that an ordinance like this constitutes "viewpoint discrimination" which may have the effect of driving certain ideas from the marketplace of ideas.**

1. Paul v. Davis, 424 U.S. 693 (1976), is a United States Supreme Court case in which a sharply divided Court held that the plaintiff, whom the local police chief had named an "active shoplifter," suffered no deprivation of liberty resulting from injury to his reputation. In the case, the court broke from precedents and restricted the definition of the constitutional right to privacy "to matters relating to 'marriage procreation, contraception, family relationships, and child rearing and education".
2. Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.

# Text 362:

**Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.**

1. Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.
2. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.

# Text 363:

**Hutchinson v. Proxmire, 443 U.S. 111 (1979), was a United States Supreme Court case in which the Court held that statements made by a Senator in newsletters and press releases were not protected by the Speech or Debate Clause.**

1. Rankin v. McPherson, 483 U.S. 378 (1987), is a major decision of the Supreme Court of the United States concerning the First Amendment, specifically whether the protection of the First Amendment extends to government employees who make extremely critical remarks about the President. The Court ruled that, while direct threats on the President's life would not be protected speech, a comment — even an unpopular or seemingly extreme one — made on a matter of public interest and spoken by a government employee with no policymaking function and a job with little public interaction, would be protected.
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 364:

**Robinson v. California, 370 U.S. 660 (1962), is the first landmark decision of the United States Supreme Court in which the Eighth Amendment of the Constitution was interpreted to prohibit criminalization of particular acts or conduct, as contrasted with prohibiting the use of a particular form of punishment for a crime. In Robinson, the Court struck down a California law that criminalized being addicted to narcotics.**

1. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."

# Text 365:

**Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), is a US labor law case, where the United States Supreme Court, in a 9–0 decision, recognized sexual harassment as a violation of Title VII of the Civil Rights Act of 1964. The case was the first of its kind to reach the Supreme Court and would redefine sexual harassment in the workplace.  
It established the standards for analyzing whether conduct was unlawful and when an employer would be liable. The court, for the first time, made sexual harassment an illegal form of discrimination.**

1. Crawford v. Nashville, 555 U.S. 271 (2009), is a United States Supreme Court case in which the Court unanimously ruled that Title VII of the Civil Rights Act of 1964 protects an employee who opposes unlawful sexual harassment, but does not report the harassment themself.
2. United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
   Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
   Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.

# Text 366:

**Department of Justice v. Landano, 508 U.S. 165 (1993), was a case in which the Supreme Court of the United States held that the government is not entitled to a presumption that a source is confidential within the meaning of Exemption 7(D) of the Freedom of Information Act whenever the source provides information to the Federal Bureau of Investigation in the course of a criminal investigation.**

1. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.
2. Stovall v. Denno, 388 U.S. 293 (1967), was a case decided by the Supreme Court of the United States that held that a pretrial identification not covered by the Sixth Amendment right to counsel should be excluded if it was so unnecessarily suggestive as to violate due process.

# Text 367:

**Youngberg v. Romeo, 457 U.S. 307 (1982), was a landmark United States Supreme Court case regarding the rights of the involuntarily committed and those with intellectual disabilities. Nicholas Romeo had an intellectual disability with an infant level IQ and was committed to a Pennsylvania state hospital. He was restrained for 9 months straight out of his 11 month stay and repeatedly abused. The Supreme Court agreed with the Third Circuit Court of Appeals that involuntarily committed residents had the right to reasonably safe confinement conditions, no unreasonable body restraints and the habilitation they reasonably require.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.

# Text 368:

**McGautha v. California, 402 U.S. 183 (1971), is a criminal case heard by the United States Supreme Court, in which the Court held that the lack of legal standards by which juries imposed the death penalty was not an unconstitutional violation of the due process clause portions of the Fourteenth Amendment.: 467  Justice Harlan wrote that writing rules for jury death penalty decisions was beyond current human ability.: 467  The context was public and philosophical scrutiny of the unequal application of the death penalty, especially in that blacks who killed whites were much more likely to have a death penalty imposed.: 467  McGautha was superseded one year later by Furman v. Georgia.**

1. Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
   The Court said,  
     
   Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
   The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.
2. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.

# Text 369:

**M.L.B. v. S.L.J., 519 U.S. 102 (1996), was a Supreme Court of the United States case regarding a controversy over the Fourteenth Amendment. The petitioner, M.L.B., argued that the Mississippi Chancery Courts could not terminate her parental rights on the basis that she was unable to pay the court fees. M.L.B. had been sued by S.L.J. to terminate M.L.B.'s parental rights and gain the ability to adopt the children. The judge declared in favor of S.L.J. under the premise that the decree was fair, as it was based on the fulfilling of the burden of proof by the father and his second wife with "clear and convincing evidence."  
Despite the statement, the Chancery Court never elaborated on the evidence or clearly explained why M.L.B.'s parental rights had been dismissed. When M.L.B. went to appeal, she was unable to pay for the record preparation fees of $2,352.36 and so was denied. She then went to appeal under in forma pauperis but was again denied on the grounds that in forma pauperis is not demanded in civil cases, only criminal cases.  
The case was then brought to the Supreme Court, where M.L.B. held that an inability to pay court fees should not be decisive of something as precious as parental rights. She used the guidelines set out in the due process and equal protection clauses of the Fourteenth Amendment to fight her case.  
The Supreme Court decided in the petitioner's favor and stated that in matters regarding parental rights, a court may not stop a party from appealing the case based on financial means.  
Because this ruling extended in forma pauperis to civil cases, there was a question of how liberally it could be applied. It was then clarified that in forma pauperis may be applied to civil cases only if state controls or intrusions on family relationships are involved. The Supreme Court decided that the family unit is considered so fundamental that its liberty interests should be protected by the Fourteenth Amendment. The protection of appellate rights was considered to be just as important as that of criminal rights.**

1. Levy v. Louisiana, 391 U.S. 68 (1968), is a decision of the Supreme Court of the United States. This decision deals primarily with the civil rights of illegitimate children, specifically regarding their ability to sue on a deceased parent's behalf. It held that the right of recovery may not be denied merely because a person is the illegitimate child of the deceased because such a law would violate the Equal Protection Clause of the Fourteenth Amendment.
2. Chambers v. Mississippi, 410 U.S. 284 (1973), was a United States Supreme Court case in which the Court held that a state may not enforce its rules of evidence, such as rules excluding hearsay, in a fashion that disallows a criminal defendant from presenting reliable exculpatory evidence and thus denies the defendant a fair trial.

# Text 370:

**McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969), was a unanimous decision by the Supreme Court of the United States that an Illinois law that denied absentee ballots to inmates awaiting trial did not violate their constitutional rights under the Fourteenth Amendment. The Court declined to apply strict scrutiny, and found that the distinctions drawn by the law were rational. The Court particularly noted that the inmates had not shown they could not vote, but rather only that they could not receive absentee ballots.**

1. McDonald v. City of Chicago, 561 U.S. 742 (2010), was a landmark decision of the Supreme Court of the United States that found that the right of an individual to "keep and bear arms", as protected under the Second Amendment, is incorporated by the Fourteenth Amendment and is thereby enforceable against the states. The decision cleared up the uncertainty left in the wake of District of Columbia v. Heller (2008) as to the scope of gun rights in regard to the states.  
   Initially, the Court of Appeals for the Seventh Circuit had upheld a Chicago ordinance banning the possession of handguns as well as other gun regulations affecting rifles and shotguns, citing United States v. Cruikshank (1876), Presser v. Illinois (1886), and Miller v. Texas (1894). The petition for certiorari was filed by Alan Gura, the attorney who had successfully argued Heller, and Chicago-area attorney David G. Sigale. The Second Amendment Foundation and the Illinois State Rifle Association sponsored the litigation on behalf of several Chicago residents, including retiree Otis McDonald.  
   The oral arguments took place on March 2, 2010. On June 28, 2010, the Supreme Court, in a 5–4 decision, reversed the Seventh Circuit's decision, holding that the Second Amendment was incorporated under the Fourteenth Amendment, thus protecting those rights from infringement by state and local governments. It then remanded the case back to the Seventh Circuit to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.
2. Soldal v. Cook County, 506 U.S. 56 (1992), was a United States Supreme Court case in which the Court held that a seizure of property like that which occurs during an eviction, even absent a search or an arrest, implicates the Fourth Amendment. The Court also held that the Amendment protects property as well as privacy interests, in both criminal as well as civil contexts. Finally, saying that "certain wrongs affect more than a single right", the Court left open the possibility that the Fourteenth Amendment's protections against deprivation of property without due process of law may also be implicated.

# Text 371:

**Horton v. California, 496 U.S. 128 (1990), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not prohibit the warrantless seizure of evidence which is in plain view. The discovery of the evidence does not have to be inadvertent, although that is a characteristic of most legitimate plain-view seizures. The opinion clarified the plain view doctrine of the Court's Fourth Amendment analysis.**

1. California v. Greenwood, 486 U.S. 35 (1988), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the warrantless search and seizure of garbage left for collection outside the curtilage of a home.  
   This case has been widely cited as "trashing" the Fourth Amendment with critics stating "the decision fails to recognize any reasonable expectation of privacy in the telling items Americans throw away" and that those who wish to preserve the privacy of their trash must now "resort to other, more expensive, self-help measures such as an investment in a trash compactor or a paper shredder."
2. Stoner v. California, 376 U.S. 483 (1964), is a United States Supreme Court decision involving the Fourth Amendment. It was a criminal case appealed from the California Courts of Appeal after the California Supreme Court denied review. The case extended the situations under which search warrants are required as they reversed a robbery conviction made on the basis of evidence obtained in violation of the holding.  
   The petitioner, Joey Stoner, had been arrested following a 1960 supermarket robbery in the Los Angeles area. Eyewitness accounts and evidence left at the scene led the police to a hotel elsewhere in the region where Stoner was staying. Two days later, detectives went to the hotel and, with the desk clerk's permission, searched the room and found further evidence linking him to the robbery. Stoner was arrested two days later in Nevada, and extradited. The evidence from the hotel room was used to convict him of the robbery at trial. Stoner unsuccessfully challenged the admissibility of the evidence at trial and on appeal, since police had lacked a warrant and relied on the clerk's permission. The appeals court held that the search was incident to arrest and thus permissible.  
   Writing for the Court, Justice Potter Stewart reaffirmed two previous holdings: The first, Agnello v. United States (1925) held such warrantless searches are constitutional only to the extent that they take place at the same time, and in the same place, as the arrest. Two other cases established that the hotel clerk's consent did not permit police to search the room without a warrant. "[A] guest in a hotel room is entitled to constitutional protection against unreasonable searches and seizures" Stewart wrote. "That protection would disappear if it were left to depend upon the unfettered discretion of an employee of the hotel." It did not matter that hotel staff might be permitted to enter the room as that was merely for the limited purpose of cleaning and maintenance. The only other opinion was Justice John Marshall Harlan II, who concurred in the holding but dissented from the disposition reversing the conviction. He would have left it to California's courts to decide whether the admission of the hotel-room evidence was harmless error, as the Court had done in similar circumstances in Fahy v. Connecticut.  
   The reaffirmation of the earlier rulings was necessitated by the Mapp v. Ohio decision a few years earlier, which extended the exclusionary rule under which unlawfully obtained evidence is inadmissible at trial, to the states as well as the federal government. It came at a time when the Warren Court was beginning to rethink and provide exceptions to the traditional Fourth Amendment doctrine that only those with a possessory or proprietary interest in what was searched had standing to challenge the constitutionality of the search. Several years later, in Katz v. United States, the Court abandoned that doctrine entirely in favor of the reasonable expectation of privacy test now in use.

# Text 372:

**Jarecki v. G.D. Searle & Co., 367 U.S. 303 (1961), was a U.S. Supreme Court case.[1]  
Jarecki is an example of the maxim noscitur a sociis—a word is known by the company it keeps. The Court noted that noscitur a sociis is not an inescapable rule. It further noted that the maxim is often wisely applied where a word is capable of many meanings. The reason that it is applied in the case of many meanings is that it avoids giving unintended breadth to Acts of Congress.**

1. Greenbelt Cooperative Publishing Association, Inc. v. Bresler, 398 U.S. 6 (1970), is a United States Supreme Court case in which the Court held that using the word "blackmail" in a newspaper article "was no more than rhetorical hyperbole" and that finding such usage as libel "would subvert the most fundamental meaning of a free press" guaranteed by the First Amendment to the United States Constitution. The ruling also touched on the plaintiff's status as a public figure.
2. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).

# Text 373:

**United States v. Leon, 468 U.S. 897 (1984), was a United States Supreme Court case in which the Court established the "good faith" exception to the Fourth Amendment exclusionary rule.**

1. Florida v. Jimeno, 500 U.S. 248 (1991), was a U.S. Supreme Court case involving the exclusionary rule of evidence under the Fourth Amendment.
2. Nix v. Williams, 467 U.S. 431 (1984), was a U.S. Supreme Court case that created an "inevitable discovery" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution, which protects against unreasonable search and seizure, inadmissible in criminal trials as "fruit of the poisonous tree". In Nix, the Court ruled that evidence that would inevitably have been discovered by law enforcement through legal means remained admissible.

# Text 374:

**Union Pacific Railroad v. Brotherhood of Locomotive Engineers, 558 U.S. 67 (2009), was a United States Supreme Court decision on labor disputes.**

1. Railway Labor Executives' Association v. Gibbons, 455 U.S. 457 (1982), was a U.S. Supreme Court case that affirmed distinction between the Commerce Clause and Bankruptcy Clause of the Enumerated powers, and held that legislation passed by Congress regarding bankruptcy must respect the uniformity requirement by not targeting a specific company.
2. National Railroad Passenger Corporation v. Boston & Maine Corp., 503 U.S. 407 (1992), was a case in which the Supreme Court of the United States ruled that the National Railroad Passenger Corporation (better known as Amtrak), could condemn railroad property from Boston and Maine Railroad and convey it to another railroad in order to continue passenger rail service over that route.

# Text 375:

**United States v. Karo, 468 U.S. 705 (1984), was a United States Supreme Court decision related to the Fourth Amendment protection from unreasonable search and seizure. It held that use of an electronic beeper device to monitor a can of ether without a warrant constituted an unlawful search. However, the Court upheld the conviction of Karo and his accomplices, stating that the warrant affidavit contained enough information not derived from the unlawful use of the beeper to provide sufficient basis for probable cause.**

1. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 376:

**Premo v. Moore, 562 U.S. 115 (2011), is a United States Supreme Court case involving the right of individuals to federal habeas corpus relief on state-law claims. In a unanimous ruling, the court held that habeas relief may not be granted with respect to any claim that a state-court has found on the merits unless the state-court decision denying relief involves an "unreasonable application" of "clearly established federal law, as determined by" the Court.**

1. Cooper v. Pate, 378 U.S. 546 (1964), was a U.S. Supreme Court case in which the court ruled for the first time that state prison inmates have the standing to sue in federal court to address their grievances under the Civil Rights Act of 1871. This case followed Jones v. Cunningham (1963) allowing prison inmates to employ a writ of habeas corpus to challenge the legality of their sentencing and the conditions of their imprisonment.
2. United States v. Moore, 486 F.2d 1139 (D.C. Cir. 1973), was a case decided by the D.C. Circuit that refused to recognize a common law affirmative defense of addiction in a criminal prosecution for the possession of heroin.

# Text 377:

**Washington v. Harper, 494 U.S. 210 (1990), was a United States Supreme Court case in which an incarcerated inmate sued the state of Washington over the issue of involuntary medication, specifically antipsychotic medication.**

1. Riggins v. Nevada, 504 U.S. 127 (1992), is a U.S. Supreme Court case in which the court decided whether a mentally ill person can be forced to take antipsychotic medication while they are on trial to allow the state to make sure they remain competent during the trial.
2. Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.

# Text 378:

**Toibb v. Radloff, 501 U.S. 157 (1991), was a case in which the United States Supreme Court held that individuals are eligible to file for relief under the reorganization provisions of chapter 11 of the United States Bankruptcy Code, even if they are not engaged in a business. The case overturned the lower courts ruling which restricted individuals to chapter 7.**

1. Nobelman v. American Savings Bank, 508 U.S. 324 (1993), was a United States Supreme Court case in which the Court disallowed cram-downs (the involuntary imposition by a court of a reorganization plan over the objections of creditors in a bankruptcy proceeding) for primary residences. Michael J. Schroeder argued on behalf of the mortgage creditor, American Savings Bank.
2. Connecticut National Bank v. Germain, 503 U.S. 249 (1992), was a case in which the Supreme Court of the United States held that an interlocutory order of a district court, sitting as an appellate court in a bankruptcy case, is in turn reviewable by the court of appeals when authorized under 28 U.S.C. § 1292. Although the Justices were unanimous in deciding the specific statutory interpretation issue concerning bankruptcy appeals that the case presented, they disagreed on the extent to which it was appropriate to refer to the legislative history of the statute in resolving the case.

# Text 379:

**United States v. International Boxing Club of New York, 348 U.S. 236 (1955), often referred to as International Boxing Club or just International Boxing, was an antitrust decision of the U.S. Supreme Court. By a 7–2 margin, the justices ruled that the exemption it had previously upheld for Major League Baseball was peculiar and unique to that sport and that it did not apply to boxing. Since it met the definition of interstate commerce, the government could therefore proceed with a trial to prove IBCNY and the other defendants had conspired to monopolize the market for championship boxing in the United States.  
It was the first time another sport had argued it was covered by the same exemption as baseball by virtue of being a professional sport. Chief Justice Earl Warren, writing for the majority, admitted that it would never have reached the Court but for the baseball exemption, and dissenting justices Felix Frankfurter and Sherman Minton were unsparing in their criticism of the arbitrary nature of this distinction.  
The case was remanded for trial, which the government won, forcing the breakup of some of the defendant companies. An appeal of that decision also was ultimately decided by the Supreme Court four years later, upholding the wide discretion and scope of district court judges in shaping remedies for antitrust violations.**

1. Toolson v. New York Yankees, 346 U.S. 356 (1953), is a United States Supreme Court case in which the Court upheld, 7–2, the antitrust exemption first granted to Major League Baseball (MLB) three decades earlier in Federal Baseball Club v. National League. It was also the first challenge to the reserve clause which prevented free agency, and one of the first cases heard and decided by the Warren Court.  
   Since it presumed that Congress's failure to act in the years since Federal Baseball Club was an implicit expression of intent to keep baseball exempt from the Sherman Antitrust Act, it has been read as having done more to create that exemption than the older case. Two justices (Stanley Forman Reed and Harold Hitz Burton) dissented from the short, unsigned per curiam majority opinion, arguing MLB and its revenue sources had changed enough since 1922 that the logic of that case no longer applied. In 1972, a third justice (William O. Douglas) would express his regret at having joined the majority when Toolson was again upheld in the similar Flood v. Kuhn.
2. Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
   Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
   While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.

# Text 380:

**Lechmere, Inc. v. National Labor Relations Board, 502 U.S. 527 (1992), is a US labor law case of the Supreme Court of the United States on union rights and private property rights. It forbids nonemployee union organizers from soliciting support on private property unless no reasonable alternatives exist.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.

# Text 381:

**Briggs v. Elliott, 342 U.S. 350 (1952), on appeal from the U.S. District Court for the Eastern District of South Carolina, challenged school segregation in Summerton, South Carolina. It was the first of the five cases combined into Brown v. Board of Education (1954), the famous case in which the U.S. Supreme Court declared racial segregation in public schools to be unconstitutional by violating the Fourteenth Amendment's Equal Protection Clause. Following the Brown decision, the district court issued a decree that struck down the school segregation law in South Carolina as unconstitutional and required the state's schools to integrate. Harry and Eliza Briggs, Reverend Joseph A. DeLaine, and Levi Pearson were awarded Congressional Gold Medals posthumously in 2003.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.

# Text 382:

**Stewart v. Abend, 495 U.S. 207 (1990), was a United States Supreme Court decision holding that a successor copyright owner (one who obtains ownership later on, such as the heirs of a copyright owner who dies) has the exclusive right to permit the creation and exploitation of derivative works, regardless of potentially conflicting agreements by prior copyright holders.**

1. De Sylva v. Ballentine, 351 U.S. 570 (1956), was a United States Supreme Court case in which the Court held after the death of an author, the widow and children are eligible to renew copyright, equally as a class. Additionally, conditional on state laws, illegitimate children are also eligible for a share of the copyright.  
   This extension to children and widows was not considered retroactive by courts, however. In Easton v. Universal Pictures Co., 288 N.Y.S. 2d 776 (1968), a 1951 document assigning control of a copyright from the author's family after his death was invalidated because "they had, in fact, as the law then appeared to be, nothing to assign." Another limitation to this new right of inheritance was that the family would not be eligible to renew the copyright if it had been passed permanently to another party, which was in line with Fred Fisher Music Co. v. M. Witmark & Sons.
2. Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989), is a US copyright law and labor law case of a United States Supreme Court case regarding ownership of copyright.

# Text 383:

**United States v. Raines, 362 U.S. 17 (1960), was a United States Supreme Court decision relating to civil rights. The Court overturned the ruling of a U.S. District Court, which had held that a law authorizing the Federal Government to bring civil actions against State Officials for discriminating against African-Americans citizens was unconstitutional.  
Attorney General brought suit to enjoin (issue injunction) against Raines and other Georgia public officials from discriminating against African Americans wanting to vote. District court dismissed the complaint from Raines, et al. because this could be brought by private citizens.**

1. Raines v. Byrd, 521 U.S. 811 (1997), was a United States Supreme Court case in which the Court held individual members of Congress do not automatically have standing to litigate the constitutionality of laws affecting Congress as a whole.
2. Roberts v. United States Jaycees, 468 U.S. 609 (1984), was a decision of the Supreme Court of the United States overturning the United States Court of Appeals for the Eighth Circuit's application of a Minnesota antidiscrimination law. The case established what was at the time the prevailing framework for analyzing claims of associative freedom, holding that the Minneapolis branch of the United States Jaycees could not bar women from becoming voting members.

# Text 384:

**Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439 (1988), was a United States Supreme Court landmark case in which the Court ruled on the applicability of the Free Exercise Clause to the practice of religion on Native American sacred lands, specifically in the Chimney Rock area of the Six Rivers National Forest in California. This area, also known as the High Country, was used by the Yurok, Karuk, and Tolowa tribes as a religious site.  
The ruling is considered a key example of judicial restraint by the Supreme Court.**

1. Plains Commerce Bank v. Long Family Land and Cattle Co., Inc., 554 U.S. 316 (2008), is a decision by the Supreme Court of the United States holding that a tribal court had no jurisdiction to hear a case for discrimination against an Indian in the sale of non-Indian fee land located on a reservation.
2. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.

# Text 385:

**Lopez v. Gonzales, 549 U.S. 47 (2006), held that an "aggravated felony" includes only conduct punishable as a felony under the federal Controlled Substances Act, regardless of whether state law classifies such conduct as a felony or a misdemeanor. Under federal law, there are two main consequences of having a prior conviction for an "aggravated felony." One is that, if the convicted person is an alien, he will be deported. The other is that, with respect to certain federal crimes, a prior conviction for an aggravated felony provides a sentencing enhancement. In this case, Lopez had been convicted of conduct that was a felony under South Dakota law but was a misdemeanor under federal law. Accordingly, the U.S. Supreme Court ruled that this conviction could not serve as a basis for deporting him.**

1. United States v. Valenzuela-Bernal, 458 U.S. 858 (1982), is a United States Supreme Court case that determined the constitutionality of deporting aliens who might give testimony in criminal alien smuggling prosecutions. Because deporting alien witnesses might take away a testimony that would be both “material and favorable” to the defendant, it gives rise to a potential motion from the defense to dismiss the indictment under the Compulsory Process Clause of the Sixth Amendment and the Due Process Clause of the Fifth Amendment.  
   The Supreme Court held that because the defendant failed to make a “plausible suggestion that the deported aliens possessed any material evidence that was not merely cumulative of other evidence,” the District Court properly denied the respondent's motion to dismiss the indictment.
2. Padilla v. Commonwealth of Kentucky, 559 U.S. 356 (2010), is a case in which the United States Supreme Court decided that criminal defense attorneys must advise noncitizen clients about the deportation risks of a guilty plea. The case extended the Supreme Court's prior decisions on criminal defendants' Sixth Amendment right to counsel to immigration consequences.  
   The duties of Counsel recognized in Padilla are broad. After Padilla, if the law is unambiguous, attorneys must advise their criminal clients that deportation will result from a conviction. Also, if the immigration consequences of a conviction are unclear or uncertain, attorneys must advise that deportation "may" result. Finally, attorneys must give their clients some advice about deportation: counsel cannot remain silent about immigration.  
   After Padilla, there has been significant litigation in the lower courts about whether attorneys are required to advise their criminal clients about other consequences of convictions.

# Text 386:

**Bowen v. Roy, 476 U.S. 693 (1986), was a United States Supreme Court case which ruled that a government program requiring the use of a social security number did not violate the first amendment.**

1. Flores-Figueroa v. United States, 556 U.S. 646 (2009), was a decision by the Supreme Court of the United States, holding that the law enhancing the sentence for identity theft requires proof that an individual knew that the identity card or number he had used belonged to another, actual person. Simply using a Social Security Number is not sufficient connection to another individual.
2. Mathews v. Eldridge, 424 U.S. 319 (1976), is a case in which the United States Supreme Court held that individuals have a statutorily granted property right in Social Security benefits, and the termination of such benefits implicates due process but does not require a pre-termination hearing. The case is significant in the development of American administrative law.

# Text 387:

**Bowen v. Kendrick, 487 U.S. 589 (1988), was a United States Supreme Court case in which the Court upheld the constitutionality of the Adolescent Family Life Act.**

1. Bowen v. Roy, 476 U.S. 693 (1986), was a United States Supreme Court case which ruled that a government program requiring the use of a social security number did not violate the first amendment.
2. Bellotti v. Baird, 443 U.S. 622 (1979), is a United States Supreme Court case that ruled 8-1 that teenagers do not have to secure parental consent to obtain an abortion.  
   The Court elaborated on its parental consent decision of 1976. It implies that states may be able to require a pregnant, unmarried minor to obtain parental consent to an abortion if the state law provides an alternative procedure to parental approval, such as letting the minor seek a state judge's approval instead. The plurality opinion declined to extend the full right to minors to seek and obtain an abortion, which was granted to adult women in Roe v. Wade. The Court rejected the extension to minors by placing emphasis on the especially vulnerable nature of children, their "inability to make critical decisions in an informed and mature manner; and the importance of the parental role in child rearing." Ironically, the plurality opinion allows a judge to determine that a pregnant minor is unable to make critical decisions regarding a fetus and must instead become a parent—thereby forcing the minor to make critical decisions regarding another child.  
   Consent must be obtained from the parent(s) for a minor to have a nonemergency abortion and the parent(s) must know about the judicial proceedings, unless no parent(s) are available. If the judge decides the minor is mature and making an informed and capable decision, he can still deny the abortion based on his own decision.  
   Justice Lewis F. Powell Jr., joined by Chief Justice Warren E. Burger, Justice Potter Stewart, and Justice William Rehnquist argued there are three reasons why children aren't like adults: the vulnerability of children, the lack of critical decision making, and reliance on parents guidance for their children upbringing.  
   Justice John P. Stevens, joined by Justice William J. Brennan Jr., Justice Thurgood Marshall, and Justice Harry Blackmun, concluded that the Massachusetts statute was unconstitutional because first it allows for the court to deny the abortion despite the courts decision on the minor's maturity. Second, consent was required in every case without giving the minor an option to an independent case to prove she was mature, leading to an 'absolute third-party veto'.  
   If a state requires a pregnant minor to obtain consent of one or both parents, another alternative option must be available for the minor to receive the abortion. The alternative process has four requirements: (1) the minor is permitted to demonstrate her maturity and informed decision making on having the abortion without parental consent, (2) if the minor does not prove maturity, she has the ability to convince the judge that the abortion would be the best decision for her (3) the minor must remain anonymous, and (4) the process must be expedited to ensure the abortion will be possible to obtain.  
   Justice Rehnquist concurred on stare decisis grounds while continuing to oppose the constitutional right to an abortion.

# Text 388:

**Rodríguez v. Popular Democratic Party, 457 U.S. 1 (1982), was a case in which the Supreme Court of the United States heard on appeal from the Supreme Court of Puerto Rico whether Puerto Rico may by statute vest in a political party the power to fill an interim vacancy in the Puerto Rico Legislature. The Supreme Court of Puerto Rico held that such a procedure did not violate the United States Constitution, and the US Supreme Court upheld the decision of the Supreme Court of Puerto Rico. The case was of some interest to close followers of the Court as it featured the one and only return of former associate justice, Abe Fortas, now in private practice, at oral argument on behalf of the appellee.**

1. Florida v. Rodriguez, 469 U.S. 1 (1984), was a United States Supreme Court case concerning the Fourth Amendment rights of protection from search and seizure. The case involved defendant Damasco Vincente Rodriguez against the State of Florida. After the Florida State Court and the District Court of Appeal of Florida both judged in favor of the defendant, the State of Florida appealed for a writ of Certiorari. The Supreme Court sided with the State of Florida, overturning the decision of the Florida state courts.
2. Torres v. Puerto Rico, 442 U.S. 465 (1979), was a United States Supreme Court case holding that the Fourth Amendment guarantee against unreasonable search and seizure applies to Puerto Rico.

# Text 389:

**Zobrest v. Catalina Foothills School District, 509 U.S. 1 (1993), was a case before the United States Supreme Court.**

1. Zorach v. Clauson, 343 U.S. 306 (1952), was a release time case in which the Supreme Court of the United States held that a school district to allow students to leave the public school for part of the day to receive off-site religious instruction did not violate the Establishment Clause of the First Amendment.
2. Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.

# Text 390:

**Abbott v. United States, 562 U.S. 8 (2010), is a decision by the Supreme Court of the United States that addressed the mandatory sentencing increase under federal law for the possession or use of a deadly weapon in drug trafficking and violent crimes. In an 8–0 decision, the Court ruled that 18 U.S.C. § 924(c), which required a minimum five-year prison sentence, was to be imposed in addition to any other mandatory sentence given for another crime, including the underlying drug-related or violent offense. The only exception to the five-year addition applied only when another provision required a longer mandatory term for conduct violating §924(c) specifically, rather than a mandatory sentence for another crime as the defendants had unsuccessfully argued.  
Abbott was the first signed opinion of the Court's 2010 term. The newly appointed Justice Elena Kagan did not participate, having disqualified herself because she had worked on the case as Solicitor General of the United States prior to joining the Court.**

1. Bailey v. United States, 516 U.S. 137 (1995), was a United States Supreme Court case in which the Court interpreted a frequently used section of the federal criminal code. At the time of the decision, 18 U.S.C. § 924(c) imposed a mandatory, consecutive five-year prison term on anyone who "during and in relation to any... drug trafficking crime... uses a firearm." The lower court had sustained the defendants' convictions, defining "use" in such a way as to mean little more than mere possession. The Supreme Court ruled instead that "use" means "active employment" of a firearm, and sent the cases back to the lower court for further proceedings. As a result of the Court's decision in Bailey, Congress amended the statute to expressly include possession of a firearm as requiring the additional five-year prison term.
2. Abbott v. Abbott, 560 U.S. 1 (2010), was a decision by the Supreme Court of the United States holding that a parent's ne exeat right (in this case: the right to prevent a child to leave the country) is a "right to custody" under the Hague Convention on the Civil Aspects of International Child Abduction and the US International Child Abduction Remedies Act. The child thus should have been returned to Chile, the country of "habitual residence" because the mother violated the ne exeat right of the father when taking the child to the United States without the father's consent.

# Text 391:

**Sugarman v. Dougall, 413 U.S. 634 (1973), was a case before the United States Supreme Court.  
Plaintiffs were federally registered resident aliens. They sued when, because of their alienage, they were discharged from their competitive civil service positions with New York City. Respondents challenged the constitutionality of N.Y. Civil Service Law § 53, which denied all aliens the right to hold positions in New York's classified competitive civil service. Respondents sought a declaration that the statute was invalid under U.S. Constitution amendments I and XIV, injunctive relief, and damages for lost earnings.  
The Court affirmed the lower court's decision and determined that aliens as a class were a prime example of a discrete and insular minority. Classifications based on alienage were subject to close judicial scrutiny. The Court looked to the substantially of the state's interest in enforcing the statute and to the narrowness of the limits within which the discrimination was confined. The Court concluded that § 53 was unconstitutional.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 392:

**Silverman v. United States, 365 U.S. 505 (1961), is a United States Supreme Court case in which the Court unanimously held that a federal officer may not, without warrant, physically place themselves into the space of a person's office or home to secretly observe or listen and relate at the man's subsequent criminal trial what was seen or heard.**

1. Elkins v. United States, 364 U.S. 206 (1960), was a US Supreme Court decision that held the "silver platter doctrine", which allowed federal prosecutors to use evidence illegally gathered by state police, to be a violation of the Fourth Amendment to the United States Constitution.  
   Evidence of illegal wiretapping had been seized from the home of James Butler Elkins by Portland, Oregon police officers on an unrelated search warrant, and he was subsequently convicted in federal court. Elkins appealed, arguing that evidence found by the officers should have been inadmissible under the exclusionary rule, which forbids the introduction of most evidence gathered through Fourth Amendment violations in criminal court.  
   In a 5–4 decision, the Court overturned the silver platter doctrine and Elkins' conviction. Associate Justice Potter Stewart wrote the majority opinion, while Associate Justices Felix Frankfurter and John M. Harlan II dissented. By giving a rationale for a broader interpretation of Fourth Amendment rights, the decision prepared the way for Mapp v. Ohio (1961), which applied the exclusionary rule to the states.
2. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.

# Text 393:

**Borough of Duryea v. Guarnieri, 564 U.S. 379 (2011), was a case in which the Supreme Court of the United States held the public concern test limits Petition Clause claims by public employees. More specifically, state and local government employees may not sue their employers for retaliation under the Petition Clause of the First Amendment when they petition the government on matters of private concern. To show that an employer interfered with rights under the Free Speech Clause of the First Amendment, an employee must show that his speech related to a matter of public concern. The court held that this test also applies when the employee invokes the Petition Clause. The case is significant under the Petition Clause because 1.) it recognized that lawsuits are “Petitions” under the First Amendment and 2.) it explains that the Petition Clause and Speech Clause are not always coextensive, and leaves open the possibility that here may be additional claims under the Petition Clause which plaintiffs may invoke consistent with the purpose of that Clause.**

1. Doe v. Reed, 561 U.S. 186 (2010), is a United States Supreme Court case which holds that the disclosure of signatures on a referendum does not violate the Petition Clause of the First Amendment to the United States Constitution.
2. Garrity v. New Jersey, 385 U.S. 493 (1967), was a case in which the Supreme Court of the United States held that law enforcement officers and other public employees have the right to be free from compulsory self-incrimination. It gave birth to the Garrity warning, which is administered by investigators to suspects in internal and administrative investigations in a similar manner as the Miranda warning is administered to suspects in criminal investigations.

# Text 394:

**Stansbury v. California, 511 U.S. 318 (1994), is a United States Supreme Court case in which the Court considered whether a police officer's subjective and undisclosed opinion whether a person who had been questioned was a suspect was relevant in determining whether that person had been in custody and thus entitled to the Miranda warnings. In a 9–0 ruling, the Court reversed and remanded the case. In a per curiam decision, the Court held that "an officer's subjective and undisclosed view concerning whether the person being interrogated is a suspect is irrelevant to the assessment [of] whether the person is in custody."**

1. Rhode Island v. Innis, 446 U.S. 291 (1980), is a decision by the United States Supreme Court that clarifies what constitutes "interrogation" for the purposes of Miranda warnings. Under Miranda v. Arizona, police are forbidden from interrogating a suspect once he has asserted his right to counsel under the Sixth Amendment. In Innis, the court held that interrogation is not just direct questioning but also its "functional equivalent"; namely, "any words or actions on the part of the police ... that the police should know are reasonably likely to elicit an incriminating response."
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 395:

**Griggs v. Duke Power Co., 401 U.S. 424 (1971), was a court case argued before the Supreme Court of the United States on December 14, 1970. It concerned employment discrimination and the disparate impact theory, and was decided on March 8, 1971. It is generally considered the first case of its type.  
The Supreme Court ruled that the company's employment requirements did not pertain to applicants' ability to perform the job, and so were unintentionally discriminating against black employees. The judgment famously held that "Congress has now provided that tests or criteria for employment or promotion may not provide equality of opportunity merely in the sense of the fabled offer of milk to the stork and the fox."**

1. McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), is a US employment law case by the United States Supreme Court regarding the burdens and nature of proof in proving a Title VII case and the order in which plaintiffs and defendants present proof. It was the seminal case in the McDonnell Douglas burden-shifting framework.  
   Title VII of the Civil Rights Act of 1964 is a United States federal law that prohibits employment discrimination based on race, color, religion, sex or national origin. After the Supreme Court ruling, the Civil Rights Act of 1991 (Pub. L. 102-166) amended several sections of Title VII.  
   Title VII prohibits employment discrimination "because of" certain reasons. While "because of" may be understood in the conversational sense, the McDonnell Douglas case was the first landmark case to define this phrase.
2. Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 (1978), was a case in which the United States Supreme Court overturned the United States District Court for the Western District of North Carolina's decision that the Price Anderson Act violated equal protection by treating victims of nuclear accidents differently from the victims of other industrial accidents.

# Text 396:

**United States Civil Service Commission v. National Association of Letter Carriers, 413 U.S. 548 (1973), is a ruling by the United States Supreme Court which held that the Hatch Act of 1939 does not violate the First Amendment, and its implementing regulations are not unconstitutionally vague and overbroad.**

1. Lamont v. Postmaster General, 381 U.S. 301 (1965), was a landmark First Amendment Supreme Court case, in which the ruling of the Supreme Court struck down § 305(a) of the Postal Service and Federal Employees Salary Act of 1962, a federal statute requiring the Postmaster General to detain and deliver only upon the addressee's request unsealed foreign mailings of "communist political propaganda."
2. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.

# Text 397:

**Arizona v. Fulminante, 499 U.S. 279 (1991), was a United States Supreme Court case clarifying the standard of review of a criminal defendant's allegedly coerced confession. The ruling was divided into parts, with various justices voting in different ways on different points of law, but ultimately 1) the defendant's confession was ruled involuntary, 2) the harmless error rule had to be applied, and 3) in this case, use of the confession as evidence was not harmless.**

1. Schad v. Arizona, 501 U.S. 624 (1991), is a United States Supreme Court decision that explained which charges need to be explained to the jury in trials for felony murders.
2. Arizona v. Evans, 514 U.S. 1 (1995), was a United States Supreme Court case in which the Court instituted an exclusionary rule exception allowing evidence obtained through a warrantless search to be valid when a police record erroneously indicates the existence of an outstanding warrant due to negligent conduct of a Clerk of Court.

# Text 398:

**King v. Smith, 392 U.S. 309 (1968), was a unanimous decision in which the Supreme Court of the United States held that Aid to Families with Dependent Children (AFDC) could not be withheld because of the presence of a "substitute father" who visited a family on weekends. The issue before the US Supreme Court involved how the states could determine how to implement a federal program. The court used the term "co-operative federalism." Shapiro v. Thompson, King v. Smith and Goldberg v. Kelly were a set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.**

1. Goldberg v. Kelly, 397 U.S. 254 (1970), is a case in which the Supreme Court of the United States ruled that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires an evidentiary hearing before a recipient of certain government welfare benefits can be deprived of such benefits.  
   The individual losing benefits is entitled to an oral hearing before an impartial decision-maker as well as the right to confront and cross-examine witnesses and the right to a written statement setting out the evidence relied upon and the legal basis for the decision. There is no right to a formal trial. The case was decided 5–3. (There was a vacancy on the Court because of the resignation of Abe Fortas.) Goldberg v. Kelly, Shapiro v. Thompson and King v. Smith were a part of the set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.
2. Shapiro v. Thompson, 394 U.S. 618 (1969), was a landmark decision of the Supreme Court of the United States that invalidated state durational residency requirements for public assistance and helped establish a fundamental "right to travel" in U.S. law. Shapiro was a part of a set of three welfare cases all heard during the 1968–69 term by the Supreme Court, alongside Harrell v. Tobriner and Smith v. Reynolds. Additionally, Shapiro, King v. Smith (1968), and Goldberg v. Kelly (1970) comprise the "Welfare Cases", a set of successful Supreme Court cases that dealt with welfare.  
   Shapiro was not about the issue of welfare per se, but rather about the restrictions to the right to travel and possible violations of the Equal Protection Clause of the 14th Amendment. The question posed by Shapiro was whether Congress, in writing Section 602(b) of the Social Security Act, overstepped its regulating powers by giving states the ability to restrict travel. Although the Constitution does not explicitly mention the right to travel, it is implied by the other rights given in the Constitution. In 1969, 43 states had a residency requirement in effect, declared unconstitutional by Shapiro. Within those 43 states, it is estimated by the court that at least 100,000 people - minimum - were unable to get welfare aid. By 1970, there was a 17% increase in those nationally receiving AFDC aid due to Shapiro.: 87–89

# Text 399:

**Nationwide Mutual Insurance Co. v. Darden, 503 U.S. 318 (1992), is a US labor law case, concerning the scope of protection for employees, under the Employee Retirement Income Security Act of 1974 (ERISA). The Court held that principles of agency were relevant to interpreting the concept of "employee".**

1. Mead Corp. v. Tilley, 490 U.S. 714 (1989), is a US labor law case, concerning occupational pensions.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 400:

**Cipollone v. Liggett Group, Inc., 505 U.S. 504 (1992), was a United States Supreme Court case. In a split opinion, the Court held that the Surgeon General's warning did not preclude lawsuits by smokers against tobacco companies on the basis of several claims. The case examined whether tobacco companies could be liable for not warning the consumer "adequately" of the dangers of cigarettes as well as ultimately held the stance that smoking was in fact a free choice. The ruling also questioned the Cigarette Labeling and Advertising Act of 1965 to determine whether the warning labels on the cigarette products by law had to be less or more alarming than the warning issued.  
The warning at issue said: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health."  
  
The court's holding and some of Justice Stevens's reasoning enjoyed majority support, but the opinion eventually gained full majority support 16 years later in Altria Group v. Good.**

1. Altria Group v. Good, 555 U.S. 70 (2008), was a United States Supreme Court case in which the Court held that a state law prohibiting deceptive tobacco advertising was not preempted by a federal law regulating cigarette advertising.
2. Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.

# Text 401:

**Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.**

1. Washington v. Davis, 426 U.S. 229 (1976), was a United States Supreme Court case that established that laws that have a racially discriminatory effect but were not adopted to advance a racially discriminatory purpose are valid under the U.S. Constitution.
2. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.

# Text 402:

**California v. Greenwood, 486 U.S. 35 (1988), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the warrantless search and seizure of garbage left for collection outside the curtilage of a home.  
This case has been widely cited as "trashing" the Fourth Amendment with critics stating "the decision fails to recognize any reasonable expectation of privacy in the telling items Americans throw away" and that those who wish to preserve the privacy of their trash must now "resort to other, more expensive, self-help measures such as an investment in a trash compactor or a paper shredder."**

1. Horton v. California, 496 U.S. 128 (1990), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not prohibit the warrantless seizure of evidence which is in plain view. The discovery of the evidence does not have to be inadvertent, although that is a characteristic of most legitimate plain-view seizures. The opinion clarified the plain view doctrine of the Court's Fourth Amendment analysis.
2. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.

# Text 403:

**Broadrick v. Oklahoma, 413 U.S. 601 (1973), is a United States Supreme Court decision upholding an Oklahoma statute which prohibited state employees from engaging in partisan political activities. Broadrick is often cited to enunciate the test for a facial overbreadth challenge that "the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep."**

1. McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), was a United States Supreme Court case that prohibited racial segregation in state supported graduate or professional education. The unanimous decision was delivered on the same day as another case involving similar issues, Sweatt v. Painter.
2. Cooper v. Oklahoma, 517 U.S. 348 (1996), was a United States Supreme Court case in which the Court reversed an Oklahoma court decision holding that a defendant is presumed to be competent to stand trial unless he proves otherwise by the second highest legal standard of proof, that of clear and convincing evidence, ruling that to be unconstitutional. The court said the defendant's Fourteenth Amendment rights to due process were violated.  
   In this case, the defendant's ability to understand the charges against him and his ability to assist in his own defense was challenged on five separate occasions before and during his trial and sentencing for capital murder, but the trial judge ruled he was competent to stand trial because he did not meet Oklahoma's high standard of proof.

# Text 404:

**Colautti v. Franklin, 439 U.S. 379 (1979), was a United States Supreme Court abortion rights case, which held void for vagueness part of Pennsylvania's 1974 Abortion Control Act. The section in question was the following:  
  
(a) Every person who performs or induces an abortion shall prior thereto have made a determination based on his experience, judgment or professional competence that the fetus is not viable, and if the determination is that the fetus is viable or if there is sufficient reason to believe that the fetus may be viable, shall exercise that degree of professional skill, care and diligence to preserve the life and health of the fetus which such person would be required to exercise in order to preserve the life and health of any fetus intended to be born and not aborted and the abortion technique employed shall be that which would provide the best opportunity for the fetus to be aborted alive so long as a different technique would not be necessary in order to preserve the life or health of the mother.  
  
Doctors who failed to adhere to the provisions of this section were liable to civil and criminal prosecution "as would pertain to him had the fetus been a child who was intended to be born and not aborted." Franklin and others sued, arguing that the provision was both vague and overbroad. In a 6–3 decision written by Roe author Harry Blackmun, the Supreme Court agreed, finding that requiring a determination "if... the fetus is viable or if there is sufficient reason to believe the fetus may be viable" was insufficient and impermissibly vague guidance for physicians who might face criminal liability if a jury disagrees with their judgment.**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.

# Text 405:

**Mathews v. Eldridge, 424 U.S. 319 (1976), is a case in which the United States Supreme Court held that individuals have a statutorily granted property right in Social Security benefits, and the termination of such benefits implicates due process but does not require a pre-termination hearing. The case is significant in the development of American administrative law.**

1. Bowen v. Roy, 476 U.S. 693 (1986), was a United States Supreme Court case which ruled that a government program requiring the use of a social security number did not violate the first amendment.
2. Flemming v. Nestor, 363 U.S. 603 (1960), was a United States Supreme Court case in which the Court upheld the constitutionality of Section 1104 of the 1935 Social Security Act. In this Section, Congress reserved to itself the power to amend and revise the schedule of benefits. The Court rejected that Social Security is a system of 'accrued property rights' and held that those who pay into the system have no contractual right to receive what they have paid into it.

# Text 406:

**American Needle, Inc. v. National Football League, 560 U.S. 183 (2010), was a United States Supreme Court case regarding the ability of teams in the National Football League to conspire for purposes of a violation of §1 of the Sherman Antitrust Act.**

1. Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
   Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
   While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.
2. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).

# Text 407:

**Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), often shortened to Mt. Healthy v. Doyle, was a unanimous U.S. Supreme Court decision arising from a fired teacher's lawsuit against his former employer, the Mount Healthy City Schools. The Court considered three issues: whether federal-question jurisdiction existed in the case, whether the Eleventh Amendment barred federal lawsuits against school districts, and whether the First and Fourteenth Amendments prevented the district, as a government agency, from firing or otherwise disciplining an employee for constitutionally protected speech on a matter of public concern where the same action might have taken place for other, unprotected activities. Justice William Rehnquist wrote the opinion.  
The case was first heard in the Southern District of Ohio. In 1971, Fred Doyle, who had been teaching social studies for five years in the Mount Healthy City Schools, learned his contract had not been renewed, not only denying him tenure but any further employment with the district. The superintendent's letter cited both an incident where he had made an obscene gesture to students and his sharing of a district dress code for teachers with a local radio station as displaying a "lack of tact". He took a position with another district and filed suit under Section 1983, arguing his constitutional rights to free speech had been violated, per the Court's 1967 decision in Pickering v. Board of Education, another case involving an untenured teacher fired for speaking out in the media. After the district court ruled in his favor, the school district appealed to the Sixth Circuit Court of Appeals, which partially vacated the decision in a brief per curiam opinion late in 1975.  
The Supreme Court took the case and heard oral argument almost a year later. It handed down its decision early in 1977. On the jurisdictional question, Rehnquist held that although the school district had been created by state law, it was primarily a local entity and thus beyond the reach of the Eleventh Amendment, its first ruling in that area in 86 years. The Court did not, however, decide the question of whether Doyle had been fired legally, since there were other incidents suggesting he had difficulties in his relationships with students and fellow teachers which the district had introduced into the record. Instead, it remanded the case to the district court, ordering it to require the district to show by a preponderance of evidence that Doyle would have been fired regardless if he had not contacted the radio station. The school district was later able to do so, and in 1982 the Sixth Circuit upheld that decision.  
The case introduced what has since become known as the "Mt. Healthy test" into similar cases that follow the Pickering line in asserting the First Amendment rights of public employees where the employer claims other, unprotected conduct motivated the adverse action, a two-prong process that shifts the burden of proof from plaintiff to defendant in the course of the action. First, the plaintiff must prove that the activity they were allegedly disciplined for was indeed protected speech. The defendant must then show by a preponderance that the adverse action would have occurred if the protected activity had never happened. This has been criticized as allowing public employers a way to circumvent restrictions on taking adverse action against whistleblowers, and more generally as incompatible with the underlying principles of tort law. The test has also been expanded into mixed motive discrimination cases in employment law.**

1. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.
2. Pickering v. Board of Education, 391 U.S. 563 (1968), was a case in which the Supreme Court of the United States held that in the absence of proof of the teacher knowingly or recklessly making false statements the teacher had a right to speak on issues of public importance without being dismissed from their position. The case was later distinguished by Garcetti v. Ceballos, where the Court held that statements by public employees made pursuant to their employment have no First Amendment protection.  
   Pickering involved a Township High School teacher who was dismissed after writing a letter to a local newspaper which criticised how the Township Board of Education and the district superintendent had handled past proposals to raise new revenue for the schools. The claim that his writing the letter was protected by the First and Fourteenth Amendments was rejected by the Board of Education. He appealed the Board's action to the Circuit Court of Will County and then to the Supreme Court of Illinois, which both affirmed his dismissal. The Supreme Court of the United States agreed the teacher's First Amendment right to free speech was violated and reversed the decision of the Illinois Supreme Court.

# Text 408:

**Owen v. City of Independence, 445 U.S. 622 (1980), was a case decided by the United States Supreme Court, in which the court held that a municipality has no immunity from liability under Section 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability.**

1. Allen v. Wright, 468 U.S. 737 (1984), was a United States Supreme Court case that determined that citizens do not have standing to sue a federal government agency based on the influence that the agency's determinations might have on third parties.
2. Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.

# Text 409:

**Van Dusen v. Barrack, 376 U.S. 612 (1964), was a United States Supreme Court case in which the Court held that when a case is transferred from a federal court in one state to a federal court in another, the choice of law should be that of the state in which the case was originally filed.**

1. Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 410:

**Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209 (1993), was a United States Supreme Court case in which the court required that an antitrust plaintiff alleging predatory pricing must show not only changes in market conditions adverse to its interests, as a threshold matter, but must show on the merits that (1) the prices complained of are below an appropriate measure of its rival's costs, and (2) that the competitor had a reasonable prospect or a "dangerous probability" of recouping its investment in the alleged scheme.**

1. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).
2. Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.

# Text 411:

**Marsh v. Chambers, 463 U.S. 783 (1983), was a landmark court case in which the Supreme Court of the United States held that government funding for chaplains was constitutional because of the "unique history" of the United States. Three days before the ratification of the First Amendment in 1791, containing the Establishment clause, the federal legislature authorized hiring a chaplain for opening sessions with prayer.**

1. Torcaso v. Watkins, 367 U.S. 488 (1961), was a United States Supreme Court case in which the court reaffirmed that the United States Constitution prohibits states and the federal government from requiring any kind of religious test for public office, in this specific case as a notary public.
2. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.

# Text 412:

**Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.**

1. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.
2. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.

# Text 413:

**Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984), was a landmark decision of the United States Supreme Court that set forth the legal test used when U.S. federal courts must defer to a government agency's interpretation of a law or statute. The decision articulated a doctrine known as "Chevron deference". Chevron deference consisted of a two-part test that was deferential to government agencies: first, whether Congress has spoken directly to the precise issue at question, and second, "whether the agency's answer is based on a permissible construction of the statute".  
The decision involved a legal challenge to a change in the U.S. government's interpretation of the word "source" in the Clean Air Act of 1963. The Act did not precisely define what constituted a "source" of air pollution. The Environmental Protection Agency (EPA) initially defined "source" to cover essentially any significant change or addition to a plant or factory. In 1981, the EPA changed its definition to mean only an entire plant or factory. This allowed companies to build new projects without going through the EPA's lengthy new review process if they simultaneously modified other parts of their plant to reduce emissions, avoiding any net change. Natural Resources Defense Council, an environmentalist advocacy group, challenged the legality of the EPA's new definition. NRDC won the case in a federal court, but the Supreme Court overturned that decision and ruled in favor of Chevron on the grounds that the courts should broadly defer to EPA and other independent regulatory agencies.  
Chevron was one of the most important decisions in U.S. administrative law and was cited in thousands of cases. Forty years later, in June 2024, the Supreme Court overruled Chevron in Loper Bright Enterprises v. Raimondo, on the ground that it conflicts with the Administrative Procedure Act.**

1. Environmental Defense v. Duke Energy Corporation, 549 U.S. 561 (2007), is a United States Supreme Court case in which the Court held that while a term may be used more than once in a statute, an agency has the discretion to interpret each use of the term in a different way based on the context. It involved the Environmental Defense Fund and Duke Energy. In a unanimous decision, the court held in favor of the plaintiff's (Environmental Defense) argument.  
   This case addressed the Clean Air Act (CAA) and two of its programs, Prevention of Significant Deterioration (PSD) and New Source Performance Standard (NSPS). PSD applies to regulating annual emissions; NSPS pertains to regulating hourly emissions, although the defendants argued that the hourly emissions of their facilities remained unchanged. Each section of the Clean Air Act, that outlines the provisions of the PSD and the NSPS, defines "modification" differently. As a result, the inconsistency of the term "modification" in the CAA becomes the main debate of the case and the main argument for both the plaintiffs and defendants.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 414:

**Pasadena City Board of Education v. Spangler, 427 U.S. 424 (1976), was a United States Supreme Court case.**

1. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
2. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.

# Text 415:

**Ransom v. FIA Card Services, N. A., 562 U.S. 61 (2011), is a decision by the Supreme Court of the United States involving the means test in Chapter 13 of the United States Bankruptcy Code. The means test had been adopted by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, and Ransom is one of several cases in which the Supreme Court addressed provisions of that act.  
The means test determines how much disposable income debtors have to pay back their creditors, and permits debtors to shield some income from creditors for expenses based on cost tables prepared by the Internal Revenue Service. The Court ruled in Ransom, primarily in reliance on supplemental commentary authored by the IRS, that a car-ownership cost allowance was available only to debtors who made loan or lease payments on a vehicle. This judgment resolved a circuit split regarding the allowance between the Ninth Circuit, which the Supreme Court affirmed in this case, and three other circuits that had all ruled the allowance applied even to debtors who owned their cars outright.  
The Court's opinion was delivered by Justice Elena Kagan, who was confirmed to the Court on August 7, 2010. The opinion was not only her first as a Supreme Court justice but also as a judge, and her participation in the case's oral argument, which was held on the first day of the Court's 2010 term, had also been her first. Justice Antonin Scalia, the sole dissenter, criticized the Court for using the supplemental commentary on the tables when the Bankruptcy Code only incorporated the tables but not the commentary.**

1. Perez v. Campbell, 402 U.S. 637 (1971), was a case in which the Supreme Court of the United States held that Arizona's law suspending a driver's license was unconstitutional due to its conflict with the federal Bankruptcy Act under the Supremacy Clause of the Constitution.
2. Smiley v. Citibank, 517 U.S. 735 (1996), is a U.S. Supreme Court decision upholding a regulation of the Comptroller of Currency which included credit card late fees and other penalties within the definition of interest and thus prevented individual states from limiting them when charged by nationally-chartered banks. Justice Antonin Scalia wrote for a unanimous court that the regulation was reasonable enough under the Court's own Chevron standard for the justices to defer to the Comptroller.  
   The decision, which had begun as a class action in California, was seen as a victory for banks and credit-card issuers, who could mostly charge late fees as they pleased. For that same reason consumer advocates were displeased, warning that late fees could rise to previously unseen levels. They did, and one of the Citibank attorneys has expressed regret for his involvement.

# Text 416:

**Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1 (1983), commonly cited as Moses Cone or Cone Hospital, is a United States Supreme Court decision concerning civil procedure, specifically the abstention doctrine, as it applies to enforcing an arbitration clause in a diversity case. By a 6–3 margin, the justices resolved a complicated construction dispute by ruling that a North Carolina hospital had to arbitrate a claim against the Alabama-based company it had hired to build a new wing, even though it meant that it could not consolidate it with ongoing litigation it had brought in state court against the contractor and architect.  
Justice William Brennan wrote for the majority that a district court's stay of the contractor's petition to compel arbitration was an "abuse of discretion". It had not properly applied the Court's prior ruling in Colorado River Water Conservation District v. United States. Since the net effect of the stay was to force the contractor to litigate in state court, Mercury's appeal to the Fourth Circuit was proper, and the appeals court properly reversed the stay. Since the contract was covered by the Federal Arbitration Act (FAA), the hospital had no way to avoid arbitration, which the contractor could not be assured of getting under existing state law.  
William Rehnquist's dissent, joined by Chief Justice Warren E. Burger and Sandra Day O'Connor, accused the majority of misreading the case in order to get the contractor into arbitration. He argued that another case, Will v. Calvert Fire Insurance Co., permitted the district court's action, which in any case was routine docket management practiced by many district judges.  
While arbitration was not the main issue in the case, it had a profound effect on future cases concerning the FAA. Two of Brennan's passing dicta, that the FAA applied to actions in state court and that it enacted a national policy in favor of arbitration, became the central holdings of Southland Corp. v. Keating the following year, a case from which O'Connor and Rehnquist dissented. Those holdings have been challenged, even by some other justices, as fundamentally at odds with the language and legislative history of the FAA, even as the Court has continued to expand its scope since then.**

1. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.
2. Prima Paint Corp. v. Flood & Conklin Mfg. Co., 388 U.S. 395 (1967), is a United States Supreme Court decision that established what has become known as the "separability principle" in contracts with arbitration clauses. Following an appellate court ruling a decade earlier, it reads the 1925 Federal Arbitration Act (FAA) to require that any challenges to the enforceability of such a contract first be heard by an arbitrator, not a court, unless the claim is that the clause itself is unenforceable.  
   The case arose from a claim by a New Jersey manufacturer that a Maryland firm had misrepresented itself in a transaction and thus the contract between the two was unenforceable, precluding the arbitration agreed upon in the event of a dispute. Abe Fortas wrote for a 6-3 majority that the FAA was broad enough to require arbitration of all issues save the arbitration clause itself. Hugo Black's dissent called the majority's interpretation overbroad and at odds with Congressional intent in passing the law. He feared it would put legal matters in the hands of arbitrators with little or no legal understanding of it nor duty to follow the law.  
   In subsequent cases concerning the FAA, the Court has reaffirmed the separability principle and held that the FAA and this reading of it apply to arbitrable contracts under state law, even in cases where the contract is alleged to be illegal or state law provides for administrative dispute resolution. This has been seen as expanding the use of arbitration in contracts in the later 20th century, not only those between businesses but between businesses and consumers as well.

# Text 417:

**Cheff v. Schnackenberg, 384 U.S. 373 (1966), is a United States Supreme Court case in which the Court held that crimes carrying possible penalties up to six months imprisonment do not require a jury trial if they otherwise qualify as petty offenses.**

1. Schneckloth v. Bustamonte, 412 U.S. 218 (1973), was a U.S. Supreme Court case that ruled that in a case involving a consent search, although knowledge of a right to refuse consent is a factor in determining whether a grant of consent to a search was voluntary, the state does not need to prove that the person who granted consent to search knew of the right to refuse consent under the Fourth Amendment.
2. Schmuck v. United States, 489 U.S. 705 (1989), is a United States Supreme Court decision on criminal law and procedure. By a 5–4 margin it upheld the mail fraud conviction of an Illinois man and resolved a conflict among the appellate circuits over which test to use to determine if a defendant was entitled to a jury instruction allowing conviction on a lesser included charge. Justice Harry Blackmun wrote for the majority; Antonin Scalia for the dissent.  
   The case had begun when Schmuck was prosecuted for having rolled back odometers for years on cars he sold to used-car dealers. He had been indicted for 12 counts of mail fraud, based on the vehicle title applications the dealers had then mailed to the state's Department of Transportation in order to resell the cars. Before his trial in the Western District of Wisconsin, he had been denied a motion to have the jury instructed that they could vote to convict him of tampering with the odometer, at the time a less serious offense, if they did not find him guilty of mail fraud.  
   He raised the issue after his conviction with the Seventh Circuit Court of Appeals, as well as the applicability of the mail-fraud statute to the dealers' applications. A panel rejected the latter argument but agreed that the jury should have been allowed to consider the lesser charge, reversing the conviction and remanding the case for a new trial. The government appealed that decision to an en banc panel of the circuit, which restored the conviction, holding that the odometer tampering was not "inherently related" to the mail fraud. Since other appellate circuits had preferred a different test for lesser included charges, Schmuck successfully petitioned the Supreme Court to hear the case.  
   Blackmun ruled for the government on both questions. Since Schmuck had enjoyed a continuing relationship with the dealers he sold to, and the cars could not be resold to a retail customer without titles obtained using false information, the dealers' applications were an essential element of his crime and thus constituted mail fraud. On the second question, Blackmun said the court should have considered whether the elements of odometer tampering were a subset of the elements of the mail fraud, and since that was not the case Schmuck had been properly denied the instruction. Scalia's dissent focused exclusively on the mail fraud issue. Since Schmuck had already received his payment for the altered vehicles, it did not matter what happened afterwards, a holding he found more consistent with the Court's earlier rulings on the subject.

# Text 418:

**Welsh v. Wisconsin, 466 U.S. 740 (1984), was a 1983 case before the US Supreme Court determining that a warrantless home arrest without exigent circumstances violates the Fourth Amendment protection against unlawful search and seizure.**

1. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 419:

**Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.**

1. Grady v. Corbin, 495 U.S. 508 (1990), was a United States Supreme Court decision holding that: "the Double Jeopardy Clause bars a subsequent prosecution if, to establish an essential element of an offense charged in that prosecution, the government will prove conduct that constitutes an offense for which the defendant has already been prosecuted."
2. Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
   This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.

# Text 420:

**Williams v. Rhodes, 393 U.S. 23 (1968), is a decision by the United States Supreme Court which held that Ohio had violated the equal protection rights under the Fourteenth Amendment of two political parties by refusing to print their candidates' names on the ballot.**

1. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 421:

**Ray v. Blair, 343 U.S. 214 (1952), is a major decision of the Supreme Court of the United States. It was a case on state political parties' requiring of presidential electors to pledge to vote for the party's nominees before being certified as electors. It ruled that it is constitutional for states to allow parties to require such a pledge of their candidates for elector, and that it was not a breach of otherwise qualified candidates' rights to be denied this position if they refused the pledge. However, the violation of any pledge a faithless elector made was not at issue. It officially defined state electors as representatives of their respective states, not the federal government. The case was argued on March 31, 1952 and the Court announced its decision on April 3, 1952; the majority and dissenting opinions were issued on April 15, 1952.**

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2. Edwards v. South Carolina, 372 U.S. 229 (1963), was a landmark decision of the US Supreme Court ruling that the First and Fourteenth Amendments to the U.S. Constitution forbade state government officials to force a crowd to disperse when they are otherwise legally marching in front of a state house.

# Text 422:

**Antoine v. Washington, 420 U.S. 194 (1975), was a United States Supreme Court case in which the Court held that treaties and laws must be construed in favor of Native Americans (Indians); that the Supremacy Clause precludes the application of state game laws to the tribe; that Congress showed no intent to subject the tribe to state jurisdiction for hunting; and while the state can regulate non-Indians in the ceded area, Indians must be exempted from such regulations.**

1. Washington v. Confederated Bands and Tribes of the Yakima Indian Nation, 439 U.S. 463 (1979), was a case in which the Supreme Court of the United States held that the State of Washington's imposition of partial jurisdiction over certain actions on an Indian reservation, when not requested by the tribe, was valid under Public Law 280.
2. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.

# Text 423:

**Stanford v. Kentucky, 492 U.S. 361 (1989), was a United States Supreme Court case that sanctioned the imposition of the death penalty on offenders who were at least 16 years of age at the time of the crime. This decision came one year after Thompson v. Oklahoma, in which the Court had held that a 15-year-old offender could not be executed because to do so would constitute cruel and unusual punishment. In 2003, the Governor of Kentucky Paul E. Patton commuted the death sentence of Kevin Stanford, an action followed by the Supreme Court two years later in Roper v. Simmons overruling Stanford and holding that all juvenile offenders are exempt from the death penalty.**

1. Thompson v. Oklahoma, 487 U.S. 815 (1988), was the first case since the moratorium on capital punishment was lifted in the United States in which the U.S. Supreme Court overturned the death sentence of a minor on grounds of "cruel and unusual punishment." The holding in Thompson was expanded on by Roper v. Simmons (2005), where the Supreme Court extended the "evolving standards" rationale to those under 18 years old.
2. Graham v. Florida, 560 U.S. 48 (2010), was a decision by the Supreme Court of the United States holding that juvenile offenders cannot be sentenced to life imprisonment without parole for non-homicide offenses.  
   In June 2012, in the related Miller v. Alabama, the Court ruled that mandatory sentences for life without parole for juvenile offenders, even in cases of murder, was cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

# Text 424:

**Katzenbach v. Morgan, 384 U.S. 641 (1966), was a landmark decision of the Supreme Court of the United States regarding the power of Congress, pursuant to Section 5 of the Fourteenth Amendment, to enact laws that enforce and interpret provisions of the Constitution.**

1. Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.
2. United States v. Morgan, 346 U.S. 502 (1954), is a landmark decision by the United States Supreme Court which provides the writ of coram nobis as the proper application to request federal post-conviction judicial review for those who have completed the conviction's incarceration in order to challenge the validity of a federal criminal conviction.

# Text 425:

**Board of Trustees of Scarsdale v. McCreary, 471 U.S. 83 (1985), was a United States Supreme Court case in which an evenly split Court upheld per curiam a lower court's decision that the display of a privately sponsored nativity scene on public property does not violate the Establishment Clause of the First Amendment.**

1. Lamb's Chapel v. Center Moriches Union Free School District, 508 U.S. 384 (1993), was a decision by the Supreme Court of the United States concerning whether the Free Speech Clause of the First Amendment was offended by a school district that refused to allow a church access to school premises to show films dealing with family and child-rearing issues faced by parents. In a unanimous decision, the court concluded that it was.
2. County of Allegheny v. American Civil Liberties Union, 492 U.S. 573 (1989), was a United States Supreme Court case in which the Court considered the constitutionality of two recurring Christmas and Hanukkah holiday displays located on public property in downtown Pittsburgh. The first, a nativity scene (crèche), was placed on the grand staircase of the Allegheny County Courthouse. The second of the holiday display in question was an 18-foot (5.5 m) public Hanukkah menorah, which was placed just outside the City-County Building next to the city's 45-foot (14 m) decorated Christmas tree and a sign saluting liberty. The legality of the Christmas tree display was not considered in this case.  
   In a complex and fragmented decision, the majority held that the County of Allegheny violated the Establishment Clause by displaying a crèche in the county courthouse, because the "principal or primary effect" of the display was to advance religion within the meaning of Lemon v. Kurtzman (1971), when viewed in its overall context. Moreover, in contrast to Lynch v. Donnelly (1984), nothing in the crèche's setting detracted from that message.  
   A different majority held that the menorah display did not have the prohibited effect of endorsing religion, given its "particular physical setting". Its combined display with a Christmas tree and a sign saluting liberty did not impermissibly endorse both the Christian and Jewish faiths, but simply recognized that both Christmas and Hanukkah are part of the same winter-holiday season, which, the Court found, had attained a secular status in U.S. society.

# Text 426:

**Bruesewitz v. Wyeth LLC, 562 U.S. 223 (2011), is a United States Supreme Court case that decided whether a section of the Vaccine Act of 1986 preempts all vaccine design defect claims against vaccine manufacturers.**

1. Wyeth v. Levine, 555 U.S. 555 (2009), is a United States Supreme Court case holding that Federal regulatory approval of a medication does not shield the manufacturer from liability under state law.
2. MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007), was a decision by the Supreme Court of the United States involving patent law. It arose from a lawsuit filed by MedImmune which challenged one of the Cabilly patents issued to Genentech. One of the central issues was whether a licensee retained the right to challenge a licensed patent, or whether this right was forfeited upon signing of the license agreement. The case related indirectly to past debate over whether the US should change to a first to file patent system - in 2011, President Obama signed the Leahy-Smith America Invents Act, which shifted the United States to a first-inventor-to-file patent system.

# Text 427:

**NLRB v. Truck Drivers Local 449 (Buffalo Linen Supply Co.), 353 U.S. 87 (1957), is an 8-0 decision by the Supreme Court of the United States in which the Court held that a temporary lockout by a multi-employer bargaining group threatened by a whipsaw strike was lawful under the National Labor Relations Act (NLRA), as amended by the Taft-Hartley Act.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. Garner v. Teamsters Local 776, 346 U.S. 485 (1953), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 428:

**Stanley v. Illinois, 405 U.S. 645 (1972), was a landmark United States Supreme Court case in which the Court held that the fathers of children born out of wedlock had a fundamental right to their children. Until the ruling, when the mother of a child born out of wedlock was unable to care for the child, through death or other circumstances, the child was made a ward of the state and either placed in an orphanage or foster care or for adoption.**

1. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.
2. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.

# Text 429:

**Franks v. Delaware, 438 U.S. 154 (1978), is a United States Supreme Court case dealing with defendants' rights to challenge evidence collected on the basis of a warrant granted on the basis of a false statement. The court held that where a warrant affidavit contains a statement, necessary to the finding of probable cause, that is demonstrated to be both false and included by an affiant knowingly and intentionally, or with reckless disregard for the truth, the warrant is not valid.**

1. Delaware v. Prouse, 440 U.S. 648 (1979), was a United States Supreme Court case in which the Court held that police may not stop motorists without any reasonable suspicion to suspect crime or illegal activity to check their driver's license and auto registration.
2. Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
   Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
   The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.

# Text 430:

**Communist Party of the United States v. Subversive Activities Control Board, 351 U.S. 115 (1956) and 367 U.S. 1 (1961), was a federal court case in the United States involving the compelled registration of the Communist Party of the United States, under a statute requiring that all organizations determined to be directed or controlled by the "world Communist movement" publicly disclose detailed information as to their officers, funds, and membership.  
The case resulted in two opinions from the Supreme Court of the United States, the second of which upheld the constitutionality of the registration requirement against challenges brought under the First and Fifth Amendments.**

1. Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965), was a case in which the Supreme Court of the United States ruled on November 15, 1965, that persons (in this case, William Albertson) believed to be members of the Communist Party of the United States of America could not be required to register as party members with the Subversive Activities Control Board because the information which party members were required to submit could form the basis of their prosecution for being party members, which is a crime, and therefore deprived them of their self-incrimination rights under the Fifth Amendment to the United States Constitution.
2. Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.

# Text 431:

**Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995), was a United States Supreme Court case in which the Court upheld a state's restriction on lawyer advertising under the First Amendment's commercial speech doctrine. The Court's decision was the first time it did so since Bates v. State Bar of Arizona, 433 U.S. 350 (1977), lifted the traditional ban on lawyer advertising.**

1. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
   The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.
2. Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975), was a U.S. Supreme Court decision. It stated that lawyers engage in "trade or commerce" and hence ended the legal profession's exemption from antitrust laws.

# Text 432:

**Michigan v. Bryant, 562 U.S. 344 (2011), was a United States Supreme Court case in which the Court further developed the "primary purpose" test to determine whether statements are "testimonial" for Confrontation Clause purposes. In Bryant, the Court expanded upon the test first articulated in Davis v. Washington, "addressing for the first time circumstances in which the 'ongoing emergency' discussed in Davis extended to a potential threat to the respond police and the public at large."  
The Court stated that determination of whether an interrogation's primary purpose was to assist in an "ongoing emergency" was an objective evaluation of the circumstances "in which the encounter occur[ed] and the statements and actions of the parties."**

1. Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
   This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.
2. Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.

# Text 433:

**Giles v. California, 554 U.S. 353 (2008), was a case decided by the Supreme Court of the United States that held that for testimonial statements to be admissible under the forfeiture exception to hearsay, the defendant must have intended to make the witness unavailable for trial.**

1. Horton v. California, 496 U.S. 128 (1990), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not prohibit the warrantless seizure of evidence which is in plain view. The discovery of the evidence does not have to be inadvertent, although that is a characteristic of most legitimate plain-view seizures. The opinion clarified the plain view doctrine of the Court's Fourth Amendment analysis.
2. Griffin v. California, 380 U.S. 609 (1965), was a United States Supreme Court case in which the Court ruled, by a 6–2 vote, that it is a violation of a defendant's Fifth Amendment rights for the prosecutor to comment to the jury on the defendant's declining to testify, or for the judge to instruct the jury that such silence is evidence of guilt.  
   The ruling specified that this new extension to defendants' Fifth Amendment rights was binding on all States through the Due Process Clause of the Fourteenth Amendment. This "no-comment rule" had already been binding on the federal government's courts because of an 1878 law.

# Text 434:

**McLaughlin v. Florida, 379 U.S. 184 (1964), was a case in which the United States Supreme Court ruled unanimously that a cohabitation law of Florida, part of the state's anti-miscegenation laws, was unconstitutional. The law prohibited habitual cohabitation by two unmarried people of opposite sex, if one was black and the other was white. The decision overturned Pace v. Alabama (1883), which had declared such statutes constitutional. It did not overturn the related Florida statute that prohibited interracial marriage between whites and blacks. Such laws were declared unconstitutional in 1967 in Loving v. Virginia.**

1. Loving v. Virginia, 388 U.S. 1 (1967), was a landmark civil rights decision of the U.S. Supreme Court that ruled that laws banning interracial marriage violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. Beginning in 2013, the decision was cited as precedent in U.S. federal court decisions ruling that restrictions on same-sex marriage in the United States were unconstitutional, including in the Supreme Court decision Obergefell v. Hodges (2015).  
   The case involved Richard Loving, a white man, and his wife Mildred Loving, a person of color. In 1959, the Lovings were sentenced to prison for violating Virginia's Racial Integrity Act of 1924, which criminalized marriage between people classified as "white" and people classified as "colored". After unsuccessfully appealing their conviction to the Supreme Court of Virginia, they appealed to the U.S. Supreme Court, arguing that the Racial Integrity Act was unconstitutional.   
   In June 1967, the Supreme Court issued a unanimous decision in the Lovings' favor that overturned their convictions and struck down Virginia's Racial Integrity Act. Virginia had argued before the Court that its law was not a violation of the Equal Protection Clause because the punishment was the same regardless of the offender's race, and therefore it "equally burdened" both whites and non-whites. The Court found that the law nonetheless violated the Equal Protection Clause because it was based solely on "distinctions drawn according to race" and outlawed conduct—namely, that of getting married—that was otherwise generally accepted and that citizens were free to do. The Court's decision ended all race-based legal restrictions on marriage in the United States.
2. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 435:

**Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804 (1986), was a United States Supreme Court decision involving the original jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).**

1. Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), is a United States Supreme Court case determining the standard for admitting expert testimony in federal courts. In Daubert, the Court held that the enactment of the Federal Rules of Evidence implicitly overturned the Frye standard; the standard that the Court articulated is referred to as the Daubert standard.
2. United States v. Thompson-Center Arms Company, 504 U.S. 505 (1992), was a case decided by the Supreme Court of the United States.

# Text 436:

**Surowitz v. Hilton Hotels Corp., 383 U.S. 363 (1966), was a case in which the Supreme Court of the United States held that the Federal Rules of Civil Procedure did not require courts to summarily dismiss fraud cases when the complaints were based on a thorough examination.**

1. Skilling v. United States, 561 U.S. 358 (2010), is a United States Supreme Court case interpreting the honest services fraud statute, 18 U.S.C. § 1346. The case involves former Enron CEO Jeffrey Skilling and the honest services fraud statute, which prohibits "a scheme or artifice to deprive another of the intangible right of honest services". The Court found the statute vague, meaning it was written in a manner that almost anyone could be convicted of the statute by engaging in most legal activities. However, the Court refused to void the statute as unconstitutionally vague. The Court decided to limit the application of the statute only to defendants who hold a fiduciary duty and they participate in bribery and kickback schemes. The Court supported its decision not to rule the statute void for vagueness on its obligation to construe and not condemn Congress' laws. Ultimately, Skilling's sentence was reduced by 10 years as a result.
2. United States v. Dinitz, 424 U.S. 600 (1976), was a case in which the Supreme Court of the United States determined that the U.S. Const., Amend. V protection against double jeopardy did not prevent a retrial of a defendant, who had previously requested a mistrial.

# Text 437:

**Heckler v. Campbell, 461 U.S. 458 (1983), is a United States Supreme Court case concerning whether the United States Secretary of Health and Human Services could rely on published medical-vocational guidelines to determine a claimant’s right to Social Security benefits.**

1. Sullivan v. Zebley, 493 U.S. 521 (1990), was a landmark decision by the United States Supreme Court involving the determination of childhood Social Security Disability benefits. In the decision, the Supreme Court ruled that substantial parts of the Supplemental Security Income program's regulation on determining disability for children were inconsistent with the Social Security Act, particularly the statutory standard of "comparable severity". The suit highlighted what some felt was the need for a step in the evaluation of childhood disability claims that would be akin to the functional evaluation considered in many adult claims. It resulted in the addition of a consideration of functioning, and not merely medical severity, in children's SSI claims. The decision was rendered on February 20, 1990.
2. Mathews v. Eldridge, 424 U.S. 319 (1976), is a case in which the United States Supreme Court held that individuals have a statutorily granted property right in Social Security benefits, and the termination of such benefits implicates due process but does not require a pre-termination hearing. The case is significant in the development of American administrative law.

# Text 438:

**Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.**

1. Abbate v. United States, 359 U.S. 187 (1959), is a decision of the U.S. Supreme Court. The decision held that the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution does not prohibit the prosecution of a conspiracy in federal court under federal law when that same conspiracy has already resulted in a conviction in state court under state law.
2. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.

# Text 439:

**Califano v. Aznavorian, 439 U.S. 170 (1978), was a United States Supreme Court case involving denial of Social Security Benefits to recipients while they are abroad and the Fifth Amendment due process right to international travel.**

1. Califano v. Yamasaki, 442 U.S. 682 (1979), was a United States Supreme Court case in which the Court decided an issue of Federal statutory hearing rights.  
   Under section 204(a)(1) of the Social Security Act, the Secretary of the Department of Health, Education, and Welfare was allowed to make recoupments of erroneous overpayments of old age, survivors' or disability benefits by deducting from future payments. Section 204(b) allowed the Secretary to preclude the recoupment if the disability recipient was without fault and adjustments or recovery would "defeat the purposes" of the Act or "be against equity and good conscience."  
   Under the Department's procedures, after a recipient was notified of the ex parte determination that an overpayment had been made, the recipient could file a written request either seeking reconsideration of that determination or asking the Secretary to waive recovery in accordance with 204(b). The recoupment would start if the agency's decision on the request went against the recipient, and an oral hearing would be granted only if the recipient continued to object to recoupment.  
   A number of beneficiaries challenged the Department's procedure under the due process clause of the Fifth Amendment to the US Constitution.  
   In an opinion written by Justice Blackmun, the court held that because individual rights were at stake, the procedures did not satisfy the requirements of due process.
2. Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.

# Text 440:

**Mertens v. Hewitt Associates, 508 U.S. 248 (1993), is the second in the trilogy of United States Supreme Court ERISA preemption cases that effectively denies any remedy for employees who are harmed by medical malpractice or other bad acts of their health plan if they receive their health care from their employer.**

1. Aetna Health Inc. v. Davila, 542 U.S. 200 (2004), was a United States Supreme Court case in which the Court limited the scope of the Texas Healthcare Liability Act (THCLA). The effective result of this decision was that the THCLA, which held Case Management and Utilization Review decisions by Managed Care entities like CIGNA and Aetna to a legal duty of care according to the laws of The State of Texas could not be enforced in the case of Health Benefit plans provided through private employers, because the Texas statute allowed compensatory or punitive damages to redress losses or deter future transgressions, which were not available under ERISA § 1132. The ruling still allows the State of Texas to enforce the THCLA in the case of Government-sponsored (Medicare, Medicaid, Federal, State, Municipal Employee, etc., Church-sponsored, or Individual Health Plan Policies (High-deductible individual policies, self-pay, any insurance not subsidised by a Private Employer), which are saved from preemption by ERISA. The history that allows these Private and Self-Pay Insurance to be saved dates to the "Interstate Commerce" power that was given the federal Government by the Supreme Court. ERISA, enacted in 1974, relied on the "Interstate Commerce" rule to allow federal jurisdiction over private employers, based on the need of private employers to follow a single set of paperwork and rules for pensions and other employee benefit plans where employers had employees in multiple states. Except for private employer plans, insurance can be regulated by the individual states, and Managed Care entities making medical decisions can be held accountable for those decisions if negligence is involved, as allowed by the Texas Healthcare Liability Act.
2. Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804 (1986), was a United States Supreme Court decision involving the original jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).

# Text 441:

**Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.**

1. Osborne v. Ohio, 495 U.S. 103 (1990), is a U.S. Supreme Court case in which the Court held that the First Amendment to the United States Constitution allows states to outlaw the possession, as distinct from the distribution, of child pornography. In doing so, the Court extended the holding of New York v. Ferber, which had upheld laws banning the distribution of child pornography against a similar First Amendment challenge, and distinguished Stanley v. Georgia, which had struck down a Georgia law forbidding the possession of pornography by adults in their own homes. The Court also determined that the Ohio law at issue was not overbroad, relying on a narrowing interpretation of the law the Ohio Supreme Court had adopted in prior proceedings in the case; however, because it was unclear whether the state had proved all the elements of the crime, the Court ordered a new trial.
2. United States v. Thirty-seven Photographs, 402 U.S. 363 (1971), is a United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.  
   The case began with the seizure of the photographs, depicting various sexual positions, from Milton Luros, a Southern California publisher who was returning from Europe. He had intended to use them to illustrate a volume of the Kama Sutra, or failing that, to keep them for his own personal use. A district court panel, guided by the Court's Freedman v. Maryland decision of several years before, rejected his claims that the First Amendment allowed citizens to import obscene material, but found the statute unconstitutional due to the lack of time limits and ordered the Customs Service to return the images to Luros. The government appealed directly to the Supreme Court.  
   Justice Byron White wrote for the majority, distinguishing the case from Freedman v. Maryland, which had also involved time limits, by noting that it was a federal statute rather than a state one and therefore the Court could give it an authoritative construction. John Marshall Harlan and Potter Stewart also wrote concurring opinions expanding on aspects of the majority holding. Stewart did not agree with the majority that the ban on personal importation of obscene material was consistent with Stanley v. Georgia.  
   The dissenting justices wrote two opinions. Hugo Black and William O. Douglas took issue with every aspect of the holding, believing the government had no power to regulate obscenity. Thurgood Marshall agreed with them and Stewart that the blanket importation ban was constitutional. That issue would be reconsidered in a similar case two years later, United States v. 12 200-ft. Reels of Film. The case would have little impact on the future development of obscenity law. It has, however, been cited as the first forfeiture case to deal with the question of time limits, and also reaffirmed a principle by which the Court avoids dealing with constitutional questions when it can through alternative constructions.

# Text 442:

**Lamont v. Postmaster General, 381 U.S. 301 (1965), was a landmark First Amendment Supreme Court case, in which the ruling of the Supreme Court struck down § 305(a) of the Postal Service and Federal Employees Salary Act of 1962, a federal statute requiring the Postmaster General to detain and deliver only upon the addressee's request unsealed foreign mailings of "communist political propaganda."**

1. Rowan v. Post Office Dept., 397 U.S. 728 (1970), is a case in which the United States Supreme Court ruled that an addressee of postal mail has sole, complete, unfettered and unreviewable discretion to decide whether he or she wishes to receive further material from a particular sender, and that the sender does not have a constitutional right to send unwanted material into someone's home. It thus created a quasi-exception to free speech in cases in which a person is held as a "captive audience".
2. United States Civil Service Commission v. National Association of Letter Carriers, 413 U.S. 548 (1973), is a ruling by the United States Supreme Court which held that the Hatch Act of 1939 does not violate the First Amendment, and its implementing regulations are not unconstitutionally vague and overbroad.

# Text 443:

**Reed Elsevier, Inc. v. Muchnick, 559 U.S. 154 (2010), was a decision by the Supreme Court of the United States involving copyright law. The Court held that failure to register a copyright under Section 411 (a) of the United States Copyright Act does not limit a Federal Court's jurisdiction over claims of infringement regarding unregistered works.**

1. Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989), is a US copyright law and labor law case of a United States Supreme Court case regarding ownership of copyright.
2. Stewart v. Abend, 495 U.S. 207 (1990), was a United States Supreme Court decision holding that a successor copyright owner (one who obtains ownership later on, such as the heirs of a copyright owner who dies) has the exclusive right to permit the creation and exploitation of derivative works, regardless of potentially conflicting agreements by prior copyright holders.

# Text 444:

**United Steelworkers of America v. Weber, 443 U.S. 193 (1979), was a case regarding affirmative action in which the United States Supreme Court held that Title VII of the Civil Rights Act of 1964, which prohibits racial discrimination by private employers, does not condemn all private, voluntary, race-conscious affirmative action plans. The Court's decision reversed lower courts' rulings in favor of Brian Weber whose lawsuit beginning in 1974 challenged his employer's hiring practices.**

1. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.
2. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.

# Text 445:

**Trop v. Dulles, 356 U.S. 86 (1958), was a United States Supreme Court case in which the Court ruled that it was unconstitutional to revoke citizenship as a punishment for a crime. The ruling's reference to "evolving standards of decency" is frequently cited in Eighth Amendment jurisprudence.  
Albert Trop was a natural born citizen of the United States who, while serving as a private in the United States Army in 1944, escaped from an Army stockade in Casablanca, Morocco. The next day, he willingly surrendered to an army officer and was taken back to the base, where he was subsequently court-martialed, convicted of desertion, and sentenced to three years at hard labor, forfeiture of pay, and a dishonorable discharge.  
In 1952, Trop applied for a US passport, which was denied because §401(g) of the Nationality Act of 1940 provided that members of the armed forces of the United States who were convicted and dishonorably discharged for wartime desertion would lose their citizenship.  
Trop filed suit in US federal courts seeking declaratory judgment that he was a US citizen.  
The US district court ruled in favor of the government, and the United States Court of Appeals for the Second Circuit upheld the decision of the district court. The Supreme court granted certiorari. The petitioner was represented by Osmond K. Fraenkel.**

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   The US district court ruled in favor of the government, and the United States Court of Appeals for the Second Circuit upheld the decision of the district court. The Supreme court granted certiorari. The petitioner was represented by Osmond K. Fraenkel.
2. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").

# Text 446:

**Toilet Goods Association, Inc. v. Gardner, 387 U.S. 158 (1967), was a case heard before the United States Supreme Court. It held that judicial review of a regulation's validity was inappropriate because the controversy was not ripe for adjudication. Since it was not clear whether or not an inspection would be ordered and the reasons had not been given by the Commissioner to justify his order, no primary conduct was affected and so no irremediable adverse consequences flowed from requiring a later challenge to the regulation by a manufacturer, who refused to allow inspection.**

1. Abbott Laboratories v. Gardner, 387 U.S. 136 (1967), was a case heard before the United States Supreme Court. The Court held that drug companies were not prohibited by the ripeness doctrine from challenging a U.S. Food and Drug Administration (FDA) regulation requiring a prescription drug's generic name to appear on all related printed materials. The government argued that the case was not ripe because the regulation had yet to be enforced. That argument failed as the Court found the issues to be fit for judicial resolution, and that the drug companies would experience substantial hardship if denied a pre-enforcement challenge to the statute. Prosecution for non-compliance was likely, civil and criminal penalties could be imposed, and the drug companies would suffer reputational damage if required to violate the regulation before challenging it in court.
2. California v. Greenwood, 486 U.S. 35 (1988), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the warrantless search and seizure of garbage left for collection outside the curtilage of a home.  
   This case has been widely cited as "trashing" the Fourth Amendment with critics stating "the decision fails to recognize any reasonable expectation of privacy in the telling items Americans throw away" and that those who wish to preserve the privacy of their trash must now "resort to other, more expensive, self-help measures such as an investment in a trash compactor or a paper shredder."

# Text 447:

**Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
  
Scope and content of the prior art  
Differences between the claimed invention and the prior art  
Level of ordinary skill in the art  
In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
  
Commercial success  
Long felt but unsolved needs  
Failure of others  
Unexpected results  
The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).**

1. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.
2. United States v. Adams, 383 U.S. 39 (1966), is a United States Supreme Court decision in the area of patent law. This case was later cited in KSR v. Teleflex as an example of a case satisfying the requirement for non-obviousness of a combination of known elements. It also features one of the great stories of patent litigation lore, with Adams's attorney utilizing an innovative and unique method of non-oral advocacy at oral argument in front of the Supreme Court.

# Text 448:

**Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.
2. San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 449:

**Smith v. Maryland, 442 U.S. 735 (1979), was a Supreme Court case holding that the installation and use of a pen register by the police to obtain information on a suspect's telephone calls was not a "search" within the meaning of the Fourth Amendment to the United States Constitution, and hence no search warrant was required. In the majority opinion, Justice Harry Blackmun rejected the idea that the installation and use of a pen register constitutes a violation of the suspect's reasonable expectation of privacy since the telephone numbers would be available to and recorded by the phone company anyway.  
The Smith ruling was the Supreme Court's first significant articulation of the third-party doctrine in which government investigators may be permitted to search a person's private information by obtaining it not from the person directly, but from a business or other party with which the person has traded such information voluntarily.**

1. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.
2. Andresen v. Maryland, 427 U.S. 463 (1976), was a United States Supreme Court case in which the Court held that search of petitioner's offices for business records, their seizure, and subsequent introduction into evidence did not offend the Fifth Amendment's proscription that "[n]o person ... shall be compelled in any criminal case to be a witness against himself." Although the records seized contained statements that petitioner voluntarily had committed to writing, he was never required to say anything.

# Text 450:

**McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), is a case in which the Supreme Court of the United States held that an Ohio statute prohibiting anonymous campaign literature is unconstitutional because it violates the First Amendment to the U.S. Constitution, which protects the freedom of speech. In a 7–2 decision authored by Justice John Paul Stevens, the Court found that the First Amendment protects the decision of an author to remain anonymous.  
On April 27, 1988, Margaret McIntyre stood outside of a middle school in Westerville, Ohio, and passed out anonymous leaflets that opposed a proposed school district tax levy. The Ohio Elections Commission fined McIntyre $100 for violating a state law that prohibited the distribution of any kind of political or campaign literature that does not have the name and address of the person responsible for its contents. With the help of the American Civil Liberties Union, McIntyre appealed the fine in court. The county court reversed the fine, holding that because McIntyre did not attempt to mislead the public, the Ohio statute was unconstitutional as it applied to her actions. However, the state court of appeals reinstated the fine, referring to a 1922 decision by the Ohio Supreme Court as precedent, and the Ohio Supreme Court affirmed.  
The U.S. Supreme Court reversed the Ohio Supreme Court on April 19, 1995. As precedent, the Court referred to its decision in Talley v. California (1960), in which the Court found a similar law prohibiting anonymous leafletting unconstitutional, as well as the role of anonymous political literature throughout history, one example being The Federalist Papers. The Court's majority opinion emphasized the importance of anonymous speech, describing it as "not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent". The effect of the Court's opinion on anonymous speech has been analyzed in the contexts of television and radio advertisements, campaign finance, and the Internet.**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.

# Text 451:

**United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.**

1. Texas v. Johnson, 491 U.S. 397 (1989), is a landmark decision by the Supreme Court of the United States in which the Court held, 5–4, that burning the Flag of the United States was protected speech under the First Amendment to the U.S. Constitution, as doing so counts as symbolic speech and political speech.  
   In the case, activist Gregory Lee Johnson was convicted for burning an American flag during a protest outside the 1984 Republican National Convention in Dallas, Texas, and was fined $2,000 and sentenced to one year in jail in accordance with Texas law. Justice William Brennan wrote for the five-justice majority that Johnson's flag burning was protected under the freedom of speech, and therefore the state could not censor Johnson nor punish him for his actions.  
   The ruling invalidated prohibitions on desecrating the American flag, which at the time were enforced in 48 of the 50 states. The ruling was unpopular with the general public and lawmakers, with President George H. W. Bush calling flag burning "dead wrong". The ruling was challenged by Congress, which passed the Flag Protection Act later that year, making flag desecration a federal crime. The law's constitutionality was contested before the Supreme Court, which again affirmed in United States v. Eichman (1990) that flag burning was a protected form of free speech and struck down the Flag Protection Act as violating the   
     
   First Amendment. In the years following the ruling, Congress several times considered the Flag Desecration Amendment, which would have amended the Constitution to make flag burning illegal, but never passed it. The issue of flag burning remained controversial decades later, and it is still used as a form of protest.  
   Time magazine described it as one of the best Supreme Court decisions since 1960, with legal scholars since stating about it that "Freedom of speech applies to symbolic expression, such as displaying flags, burning flags, wearing armbands, burning crosses, and the like."
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 452:

**Elkins v. United States, 364 U.S. 206 (1960), was a US Supreme Court decision that held the "silver platter doctrine", which allowed federal prosecutors to use evidence illegally gathered by state police, to be a violation of the Fourth Amendment to the United States Constitution.  
Evidence of illegal wiretapping had been seized from the home of James Butler Elkins by Portland, Oregon police officers on an unrelated search warrant, and he was subsequently convicted in federal court. Elkins appealed, arguing that evidence found by the officers should have been inadmissible under the exclusionary rule, which forbids the introduction of most evidence gathered through Fourth Amendment violations in criminal court.  
In a 5–4 decision, the Court overturned the silver platter doctrine and Elkins' conviction. Associate Justice Potter Stewart wrote the majority opinion, while Associate Justices Felix Frankfurter and John M. Harlan II dissented. By giving a rationale for a broader interpretation of Fourth Amendment rights, the decision prepared the way for Mapp v. Ohio (1961), which applied the exclusionary rule to the states.**

1. Mapp v. Ohio, 367 U.S. 643 (1961), was a landmark U.S. Supreme Court decision in which the Court ruled that the exclusionary rule, which prevents a prosecutor from using evidence that was obtained by violating the Fourth Amendment to the U.S. Constitution, applies to states as well as the federal government.   
   The Supreme Court accomplished this by use of a principle known as selective incorporation. In Mapp, this involved the incorporation of the provisions, as interpreted by the Court, of the 4th Amendment, which applies only to actions of the federal government into the 14th Amendment's due process clause. Citing Boyd v. United States, the Court opined, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property."
2. Silverman v. United States, 365 U.S. 505 (1961), is a United States Supreme Court case in which the Court unanimously held that a federal officer may not, without warrant, physically place themselves into the space of a person's office or home to secretly observe or listen and relate at the man's subsequent criminal trial what was seen or heard.

# Text 453:

**Browning-Ferris Industries v. Kelco Disposal, 492 U.S. 257 (1989), was a case in which the Supreme Court of the United States held that the Eighth Amendment's prohibition of unreasonable fines does not apply to punitive-damage awards in civil cases when the United States is not a party.**

1. Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 454:

**Examining Board v. Flores de Otero, 426 U.S. 572 (1976), was a case decided by the Supreme Court of the United States that invalidated a state law that excluded aliens from the practice of civil engineering. The Court invalidated the law on the basis of equal protection using a strict scrutiny standard of review.**

1. United States v. Munoz-Flores, 495 U.S. 385 (1990), was a United States Supreme Court case that interpreted the Origination Clause of the United States Constitution. The Court was asked to rule on whether a statute that imposed mandatory monetary penalties on persons convicted of federal misdemeanors was enacted in violation of that clause, as the lower court had held.
2. City of Boerne v. Flores, 521 U.S. 507 (1997), was a landmark decision of the Supreme Court of the United States concerning the scope of Congress's power of enforcement under Section 5 of the Fourteenth Amendment. The case also had a significant impact on historic preservation.  
   In this case, the Court struck down the Religious Freedom Restoration Act (RFRA), as it applied to the states, stating the statute was an unconstitutional use of Congress's enforcement powers. Legal scholars have criticized this case stating that, "Without RFRA, questions of religious freedom will be decided in different ways in different states, and even for different religious groups." Scholars also stated that, "This places smaller religions at a relative disadvantage- a situation inconsistent with the governing ideal of the Fourteenth Amendment."

# Text 455:

**Bartlett v. Strickland, 556 U.S. 1 (2009), is a United States Supreme Court case in which a plurality of the Court held that a minority group must constitute a numerical majority of the voting-age population in an area before section 2 of the Voting Rights Act requires the creation of a legislative district to prevent dilution of that group's votes.  
The decision struck down a North Carolina redistricting plan that attempted to preserve minority voting power in a 39% black North Carolina House of Representatives district.  
Justice Kennedy delivered the decision and was joined by Justices Alito and Roberts. Justice Thomas filed a concurring opinion that was joined by Justice Scalia. Justice Souter filed a dissenting opinion that was joined by Justices Stevens, Ginsburg, and Breyer. Justices Ginsburg and Breyer also filed separate dissenting opinions.  
Justice Thomas argued that Section 2 does not protect against vote dilution, a position that he still holds as of 2023.  
Justice Souter discussed how minority voters can elect their representatives of choice by winning crossover white voters despite not having an outright majority. Souter expressed concern that the majority's holding could lead to promoting racial blocs in order to create a minority-majority district when such a situation could be remedied by creating a crossover district. Justice Ginsburg called on Congress to amend Section 2 to supersede this ruling. Justice Breyer wrote that a flat 50% rule is impractical because no voting groups are 100% cohesive.  
Despite not having a black majority, the black population in that district showed that it could elect candidates of its choice due to crossover white voters. A commentator warned "Under the  
Court’s ruling, for example, there is a danger that a jurisdiction may attempt to pack as  
many minority voters as possible into districts that are already safe majority-minority  
districts as an intentional effort to dilute minority voting strength in neighboring  
crossover districts, and thereby prevent minority voters in those districts from electing  
their candidates of choice. Similarly, if a compact minority population is electing  
candidates of its choice in a crossover district, a jurisdiction may respond by fragmenting  
that minority population into multiple districts in which minority voters would have no opportunity to elect their preferred candidates".**

1. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.
2. Strickland v. Washington, 466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.  
   The decision was a compromise by the majority in which the varying "tests for ineffective performance of counsel" among the federal circuits and state supreme courts were forced into a singular middle ground test. State governments are free to create a test even more favorable to an appellant.

# Text 456:

**United States v. Davis, 370 U.S. 65 (1962), is a federal income tax case argued before the United States Supreme Court in 1962, holding that a taxpayer recognizes a gain on the transfer of appreciated property in satisfaction of a legal obligation.  
In 1984, "having heard criticism of the Davis/Farid rule for many years," Congress overruled the main holding: Under § 1041(a), no gain or loss shall be recognized by the transferor-spouse (or former spouse, but "only if the transfer is incident to divorce"); as a corollary, §1041(b) provides that transferor's basis shall carry over into the hands of the transferee-spouse. (Thus, for transfers between spouses, §1041(b) overrules the lower-of-cost-or-market rule for determining loss on subsequent sale of a gift, in §1015.)**

1. Davis v. United States, 495 U.S. 472 (1990), was a case decided by the United States Supreme Court. It concerned claims made by parents of two missionaries of the Church of Jesus Christ of Latter-day Saints, that their monetary contributions toward their sons' mission expenses constituted a "charitable contribution" under provisions of Treas. Reg. § 1.170A-1(g) (1989), a position that lower courts had rejected. In a unanimous decision, the Court ruled that these contributions could not be seen as "charitable contributions" under provisions of that statute.
2. Foman v. Davis, 371 U.S. 178 (1962), was a case in which the Supreme Court of the United States interpreted Fed. R. Civ. P. 15(a) to require that federal courts grant a party leave to amend a pleading absent special circumstances such as bad faith or prejudice to the opposing party. It has been recognized by both other courts and secondary sources as a leading decision on the interpretation of Rule 15(a).

# Text 457:

**Bryan v. Itasca County, 426 U.S. 373 (1976), was a case in which the Supreme Court of the United States held that a state did not have the right to assess a tax on the property of a Native American (Indian) living on tribal land absent a specific Congressional grant of authority to do so.  
The case arose when a Minnesota county taxed an Indian's mobile home located on the reservation. The Court ruled that the state did not have the authority to impose such a tax or, more generally, to regulate behavior on the reservation. Bryan has become a landmark case that has led to Indian gaming on reservations and altered the economic status of almost every Indian tribe. Later decisions, citing Bryan, ruled that Public Law 280 allows states to enact prohibitions, or crimes, that would apply on reservations, but could not impose regulations on conduct that was otherwise allowed. The case has also called into question the ability of the states to impose any sort of regulations on tribal reservations, such as labor standards and certain traffic regulations.**

1. Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
   The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
   Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.
2. Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520 (1998), was a United States Supreme Court case. The local tribal council in Venetie, Alaska, wanted to collect tax from non-tribal members doing business on tribal lands. The Supreme Court granted certiorari on appeal from the United States Court of Appeals for the Ninth Circuit, which had ruled in the tribe's favor, saying they occupied Indian Country.  
   The Court decided unanimously that the land was not the tribe's land subject to the tribal tax, even though it was owned by the tribe, because it was not part of a Native American reservation. Because all but one reservation in Alaska (the Annette Island reservation of the Tsimshian) had been eliminated by the Alaska Native Claims Settlement Act of 1971, the decision had the practical effect of prohibiting almost all Indian tribes in Alaska from collecting taxes for activities conducted on tribal land. Taxing authority is reserved as a right of the states and federal government.  
   The State of Alaska, the petitioner, was represented by John G. Roberts, who later became the Chief Justice of the United States. The respondent was represented by Heather Kendall-Miller, an attorney of Athabascan descent.

# Text 458:

**Grady v. Corbin, 495 U.S. 508 (1990), was a United States Supreme Court decision holding that: "the Double Jeopardy Clause bars a subsequent prosecution if, to establish an essential element of an offense charged in that prosecution, the government will prove conduct that constitutes an offense for which the defendant has already been prosecuted."**

1. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.
2. United States v. Felix, 503 U.S. 378 (1992), was a decision by the United States Supreme Court, which held that "a[n]…offense and a conspiracy to commit that offense are not the same offense for double jeopardy purposes." The Supreme Court rejected the Tenth Circuit's reversal of Felix's conviction, finding that the Court of Appeals read the holding in Grady v. Corbin (1990) too broadly.

# Text 459:

**Abbate v. United States, 359 U.S. 187 (1959), is a decision of the U.S. Supreme Court. The decision held that the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution does not prohibit the prosecution of a conspiracy in federal court under federal law when that same conspiracy has already resulted in a conviction in state court under state law.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
   This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.

# Text 460:

**Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989), was a court case concerning employment discrimination, argued before the United States Supreme Court on January 18, 1989, and decided on June 5, 1989.**

1. Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), is a US labor law case, where the United States Supreme Court, in a 9–0 decision, recognized sexual harassment as a violation of Title VII of the Civil Rights Act of 1964. The case was the first of its kind to reach the Supreme Court and would redefine sexual harassment in the workplace.  
   It established the standards for analyzing whether conduct was unlawful and when an employer would be liable. The court, for the first time, made sexual harassment an illegal form of discrimination.
2. Webster v. Doe, 486 U.S. 592 (1988), is a case decided by the United States Supreme Court that presented statutory and constitutional claims by a former CIA employee who alleged that his termination was the result of discrimination based on sexual orientation.

# Text 461:

**Commissioner v. Groetzinger, 480 U.S. 23 (1987), is a decision of the Supreme Court of the United States, which addressed the issue of what qualifies as being either a trade or business under Section 162(a) of the Internal Revenue Code. Under the terms of § 162(a), tax deductions should be granted "for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business for tax purposes." However, the term "trade or Business" is not defined anywhere in the Internal Revenue Code. The case of Commissioner v. Groetzinger examined what is required for an activity to rise to the level of a "trade or business" for tax purposes. The particular question presented in this case was whether a full-time gambler who made wagers for his own account was engaged in a "trade or business."**

1. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.
2. Commissioner v. Glenshaw Glass Co., 348 U.S. 426 (1955), was an important income tax case before the United States Supreme Court. The Court held as follows:   
     
   Congress, in enacting income taxation statutes that comprehend "gains or profits and income derived from any source whatever," intended to tax all gain except that which was specifically exempted.  
   Income is not limited to "the gain derived from capital, from labor, or from both combined."  
   Although the Court used this characterization in Eisner v. Macomber, it "was not meant to provide a touchstone to all future gross income questions."  
   Instead, income is realized whenever there are "instances of [1] undeniable accessions to wealth, [2] clearly realized, and [3] over which the taxpayers have complete dominion."  
   Under this definition, punitive damages qualify as "income" -- even though they are not derived from capital or from labor.

# Text 462:

**Caterpillar Inc. v. Lewis, 519 U.S. 61 (1996), held that federal jurisdiction predicated on diversity of citizenship can be sustained even if there did not exist complete diversity at the time of removal to federal court, so long as complete diversity exists at the time the district court enters judgment.**

1. Walker v. Armco Steel Corp., 446 U.S. 740 (1980), was a decision by the Supreme Court of the United States in which the Court further refined the test for determining whether federal courts sitting in diversity must apply state law as opposed to federal law. The question in Walker is whether in a diversity action the federal court should follow state law or, alternatively, Rule 3 of the Federal Rules of Civil Procedure in determining when an action is commenced for the purpose of tolling the state statute of limitations (SOL). The Court found no such conflict because a court’s refusal to apply the federal rule at issue would not in fact thwart some purpose the federal rule was intended to achieve. Favored treatment for federal procedural rules under the Rules Enabling Act is only appropriate when a rule is in fact applicable.
2. Burlington Northern Railroad Co. v. Woods, 480 U.S. 1 (1987), was a United States Supreme Court case that applied the precedent of Hanna v. Plumer to a conflict between state and federal procedural rules for a federal court sitting in diversity.

# Text 463:

**Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992), was a landmark Supreme Court of the United States decision, handed down on June 12, 1992, that heightened standing requirements under Article III of the United States Constitution. It is "one of the most influential cases in modern environmental standing jurisprudence." Lily Henning of the Legal Times stated that:  
  
In [this] decision, hailed by the right and attacked by the left as well as by a broad swath of legal scholars, the Court made clear that plaintiffs must suffer a concrete, discernible injury—not a "conjectural or hypothetical one"—to be able to bring suit in federal court. It, in effect, made it more difficult for plaintiffs to challenge the actions of a government agency when the actions don't directly affect them.  
In Lujan, the Court held that a group of American wildlife conservation and other environmental organizations lacked standing to challenge regulations jointly issued by the U.S. Secretaries of the Interior and Commerce, regarding the geographic area to which a particular section of the Endangered Species Act of 1973 applied. The case arose over issues of US funding of development projects in Aswan, Egypt and Mahaweli, Sri Lanka that could harm endangered species in the affected areas. The government declared that the act did not apply to projects outside of the United States and Defenders of Wildlife sued.**

1. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.
2. Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008), was a decision by the United States Supreme Court concerning whether federal law restricted the United States Navy's ability to use sonar during drills given the possibility of a harmful effect on marine mammals such as whales.  
   In balancing military preparedness against environmental concerns, the majority came down solidly on the side of national security. Chief Justice Roberts wrote in his opinion, "the most serious possible injury would be harm to an unknown number of marine mammals that they study and observe". By contrast, he continued, "forcing the Navy to deploy an inadequately trained antisubmarine force jeopardizes the safety of the fleet".

# Text 464:

**Parker v. Flook, 437 U.S. 584 (1978), was a 1978 United States Supreme Court decision that ruled that an invention that departs from the prior art only in its use of a mathematical algorithm is patent eligible only if there is some other "inventive concept in its application." The algorithm itself must be considered as if it were part of the prior art, and the claim must be considered as a whole. The exact quotation from the majority opinion is:  
"Respondent’s process is unpatentable under §101, not because it contains a mathematical algorithm as one component, but because once that algorithm is assumed to be within the prior art, the application, considered as a whole, contains no patentable invention." "The fact that the algorithm may not have actually been known previously and that, when taken in combination with other claim elements, it might produce an invention that is novel  
and nonobvious, plays no part in the analysis."  
The case was argued on April 25, 1978 and was decided June 22, 1978. This case is the second member of the Supreme Court's patent-eligibility trilogy.**

1. Gottschalk v. Benson, 409 U.S. 63 (1972), was a United States Supreme Court case in which the Court ruled that a process claim directed to a numerical algorithm, as such, was not patentable because "the patent would wholly pre-empt the mathematical formula and in practical effect would be a patent on the algorithm itself." That would be tantamount to allowing a patent on an abstract idea, contrary to precedent dating back to the middle of the 19th century. The ruling stated "Direct attempts to patent programs have been rejected [and] indirect attempts to obtain patents and avoid the rejection ... have confused the issue further and should not be permitted." The case was argued on October 16, 1972, and was decided November 20, 1972.
2. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).

# Text 465:

**United States v. Enmons, 410 U.S. 396 (1973), was a United States Supreme Court case in which the Court held that the federal Anti-Racketeering Act of 1934, known as the Hobbs Act, does not cover union violence in furtherance of the union's objectives.  
The case involved a labor strike in which members of the International Brotherhood of Electrical Workers (IBEW) fired rifles at three utility company transformers, drained the oil from another, and blew up a company substation. The labor union in question was seeking a higher-pay contract and other benefits from their employer, the Gulf States Utilities Company which is now part of Entergy. The federal government tried the defendants under the Hobbs Act.  
The Court ruled that "The Hobbs Act, which makes it a federal crime to obstruct interstate commerce by robbery or extortion, does not reach the use of violence (which is readily punishable under state law) to achieve legitimate union objectives, such as higher wages in return for genuine services that the employer seeks."**

1. De Veau v. Braisted, 363 U.S. 144 (1960), is a 5-to-3 ruling by the Supreme Court of the United States that an interstate compact restricting convicted felons from holding union office is not preempted by the National Labor Relations Act or the Labor Management Reporting and Disclosure Act, does not violate the Due Process Clause of the 14th Amendment, and is not an ex post facto law or bill of attainder in violation of Article One, Section 10 of the Constitution.
2. Garner v. Teamsters Local 776, 346 U.S. 485 (1953), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 466:

**Espinoza v. Farah Mfg. Co., 414 U.S. 86 (1973), was a decision by the United States Supreme Court, which held that an employer's refusal to hire a person because he is not a United States citizen does not constitute employment discrimination on the basis of "national origin" in violation of §703 of the Civil Rights Act of 1964.  
Espinoza, a Mexican national admitted to residence in the United States and married to a U.S. national, brought suit after exhausting her administrative remedies with the Equal Employment Opportunity Commission, alleging that Farah Mfg. Company's refusal to hire her in its San Antonio, Texas division because of her Mexican citizenship violated §703 of the Civil Rights Act, which makes it an unlawful employment practice for an employer to fail or refuse to hire any individual because of his race, color, religion, sex, or national origin.  
The District Court granted Espinoza's motion for summary judgment, relying primarily on an EEOC guideline providing that a lawful alien resident may not be discriminated against on the basis of citizenship. The United States Court of Appeals for the Fifth Circuit reversed, and the Supreme Court affirmed this decision.**

1. Hernandez v. Texas, 347 U.S. 475 (1954), was a landmark case, "the first and only Mexican-American civil-rights case heard and decided by the United States Supreme Court during the post-World War II period." In a unanimous ruling, the court held that Mexican Americans and all other nationality groups in the United States have equal protection under the 14th Amendment of the U.S. Constitution. The ruling was written by Chief Justice Earl Warren. This was the first case in which Mexican-American lawyers had appeared before the Supreme Court.
2. Immigration and Naturalization Service v. Delgado, 466 U.S. 210 (1984), was a United States Supreme Court decision on the limits of worksite enforcement by immigration agents. Specifically, the Court ruled that factory raids by the Immigration and Naturalization Service (INS) were not illegal seizures under the Fourth Amendment to the U.S. Constitution.

# Text 467:

**Hoyt v. Florida, 368 U.S. 57 (1961), was an appeal by Gwendolyn Hoyt, who had killed her husband and received a jail sentence for second degree murder. Although she had suffered mental and physical abuse in her marriage and showed neurotic, if not psychotic, behavior, a six-man jury deliberated for just 25 minutes before finding her guilty. They sentenced her to 30 years of hard labor. Hoyt claimed that her all-male jury led to discrimination and unfair circumstances during her trial. The decision was subsequently overruled by Taylor v. Louisiana in 1975.**

1. Taylor v. Louisiana, 419 U.S. 522 (1975), was a landmark decision of the US Supreme Court which held that systematically excluding women from a venire, or jury pool, by requiring (only) them to actively register for jury duty violated the defendant's right to a representative venire. The court overturned Hoyt v. Florida, the 1961 case that had allowed such a practice.
2. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.

# Text 468:

**South-Central Timber Development v. Wunnicke, 467 U.S. 82 (1984), was a United States Supreme Court case in which the Court held unconstitutional Alaska's inclusion of a requirement that purchasers of state-owned timber process it within state before it was shipped out of state. According to a plurality opinion by Justice White, Alaska could not impose "downstream" conditions in the timber-processing market as a result of its ownership of the timber itself. The opinion summarized "[the] limit of the market-participant doctrine" as "allowing a State to impose burdens on commerce within the market in which it is a participant, but [to] go no further. The State may not impose conditions [that] have a substantial regulatory effect outside of that particular market."**

1. Weyerhaeuser Company v. Ross-Simmons Hardwood Lumber Company, 549 U.S. 312 (2007), was a United States Supreme Court case related to antitrust regulations.
2. Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, 557 U.S. 261 (2009), is a United States Supreme Court case that was decided in favor of Coeur Alaska's permit to dump mine waste in a lake. The case addressed tailings from the Kensington mine, an underground mine located in Alaska. The gold mine had not operated since 1928, and Coeur Alaska obtained a permit in 2005 from the United States Army Corps of Engineers (USACE) to dispose of up to 4.5 million tons of tailings in Lower Slate Lake, which is located in a National Forest.  
   The suit was filed by three environmental non-governmental organizations and brought before the United States District Court for the District of Alaska who found in favor of Coeur Alaska. The District Court's decision was overturned by the U.S. 9th Circuit Court of Appeals before being brought before the Supreme Court, who also found in favor of Coeur Alaska.  
   The ruling was praised by the National Mining Association for the economic benefit it provided. Environmental groups criticised the decision for the impact it would have on Lower Slate Lake, and the opportunity for its use as a precedent in the future. In March 2009 proposed legislation, the Clean Water Protection Act, was introduced in Congress to remove mining waste from the definition of "fill material".

# Text 469:

**Saudi Arabia v. Nelson, 507 U.S. 349 (1993), is a United States Supreme Court case in which the Court considered the term "based upon a commercial activity" within the meaning of the first clause of 1605(a)(2) of the Foreign Sovereign Immunities Act of 1976.**

1. NASA v. Nelson, 562 U.S. 134 (2011), is a decision by the Supreme Court of the United States holding that NASA's background checks of contract employees did not violate any constitutional privacy right.
2. Pennsylvania v. Nelson, 350 U.S. 497 (1956), was a United States Supreme Court case that established a precedent for the preemption of United States Federal law over State laws. The case was argued November 15–16, 1955 and the decision was handed down April 2, 1956. The State of Pennsylvania tried to convict a man of sedition under a state law, but a Federal law existed on the same subject. The Court ruled that the Federal law, the Smith Act, overruled the state law, the Pennsylvania Sedition Act, even though the state law was created before the federal law. Nelson, who was convicted under the state law, was therefore mistried.

# Text 470:

**Scott v. Illinois, 440 U.S. 367 (1979), was a case heard by the Supreme Court of the United States. In Scott, the Court decided whether the Sixth and Fourteenth Amendments required Illinois to provide Scott with trial counsel. To emphasize the importance of court-appointed counsel, the Court opined, "[T]he interest protected by the right to have guilt or innocence determined by a jury... while important, is not as fundamental to the guarantee of a fair trial as is the right to counsel."**

1. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.
2. Griffin v. Illinois, 351 U.S. 12 (1956), was a case in which United States Supreme Court held that a criminal defendant may not be denied the right to appeal by inability to pay for a trial transcript.

# Text 471:

**United States v. Russell, 411 U.S. 423 (1973), is a Supreme Court case dealing with the entrapment defense. The court split 5-4 and maintained the subjective theory that had first been adopted in Sorrells v. United States, 287 U.S. 435 (1932). Although an undercover federal agent had helped procure a key ingredient for an illegal methamphetamine manufacturing operation, and assisted in the process, the Court followed its earlier rulings on the subject and found that the defendant had a predisposition to make and sell illegal drugs whether he worked with the government or not.  
Russell had admitted to that during his appeal, but he and his lawyers argued that the entrapment defense should focus entirely on what the federal operatives did and not his state of mind. They asked the Court to overrule two previous cases that had established this "subjective" test in favor of the "objective" one they advocated. It declined to do so. But Justice William Rehnquist pondered the possibility that what has become known as "outrageous government conduct" might force a judicial hand in an entrapment case regardless of any specific rights that had been or not been violated. While he backed away from it in a later opinion, his words have become a rallying point for advocates of the objective entrapment standard.**

1. Sherman v. United States, 356 U.S. 369 (1958), was a United States Supreme Court case on the issue of entrapment. Unanimously, the Court overturned the conviction of a recovering New York drug addict who had been repeatedly solicited for drug sales by a fellow former addict who was working with federal agents.  
   The case was a virtual replay of Sorrells v. United States, the 1932 case in which the justices had first recognized entrapment as a defense. As in that case, all agreed the defendant had been entrapped, but the majority and a separate concurrence were at odds over what the best grounding for the entrapment defense was.
2. Hampton v. United States, 425 U.S. 484 (1976), is a United States Supreme Court decision on the subject of Entrapment. By a 5–3 margin, the Court upheld the conviction of a Missouri man for selling heroin even though all the drug sold was supplied to him, he claimed, by a Drug Enforcement Administration informant who had, in turn, gotten it from the DEA. The majority held that the record showed Hampton was predisposed to sell drugs no matter his source.  
   The case came before the court when the defendant argued that while he was predisposed, it was irrelevant since the government's possible role as sole supplier in the case constituted the sort of "outrageous government conduct" that Justice William Rehnquist had speculated could lead to the reversal of a conviction in the court's last entrapment case, United States v. Russell. Rehnquist was not impressed and rejected the argument in his majority opinion.  
   The dissents agreed that the government's purported action was outrageous and that the conviction should be overturned on those grounds. The justices were among those who had said in Russell that the "subjective" entrapment standard adopted by the Court since it first recognized entrapment as a valid defense in Sorrells v. United States, was less fair and appropriate than the "objective" standard of evaluating official conduct, which dissents and concurrences in entrapment cases over the years had argued for. However, this was the last entrapment case to feature that conflict.

# Text 472:

**United States v. Students Challenging Regulatory Agency Procedures (SCRAP), 412 U.S. 669 (1973), was a landmark decision of the United States Supreme Court in which the Court held that the members of SCRAP—five law students from the George Washington University Law School—had standing to sue under Article III of the Constitution to challenge a nationwide railroad freight rate increase approved by the Interstate Commerce Commission (ICC). SCRAP was the first full-court consideration of the National Environmental Policy Act (NEPA). The Court also reversed the lower court decision that an injunction should be issued at the suspension stage of the ICC rate proceeding. The standing decision has retained its place as the high mark in the Court's standing jurisprudence.**

1. Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976), was a case argued before the Supreme Court of the United States. Maryland created a program that, 1) purchased junked cars, 2) paid a bounty for those with Maryland license plates and, 3) imposed more stringent documentation requirements on out-of-state processors, in an effort to reduce the number of abandoned cars in Maryland.  
   The Issue before the Court is whether such a program violates the Dormant Commerce Clause—essentially, whether Maryland could Constitutionally discriminate or burden interstate commerce by imposing more stringent documentation requirements on out-of-state processors or favoring in-state car dealerships when they purchase junk cars.  
   Unlike previous Dormant Commerce Clause cases, Maryland was acting like a market participant (as opposed to a state regulator). In such instances, the Court determined that a state actor can favor its own citizens over the foreign citizens.  
   This case created the "market participant" exception to the general restrictions on states imposed by the Dormant Commerce Clause.  
   Determining when a state is acting like a "market participant" rather than as a regulator was not decided by this case, but found in South Central Timber Development v. Wunnicke.
2. United States v. Florida East Coast Railway Co., 410 U.S. 224 (1973), was a case decided by the United States Supreme Court.  
   Due to a chronic freight car shortage, Congress had enlarged the scope of the Interstate Commerce Commission's authority to prescribe per diem rate charges for the use of one company's freight car by another, thus giving an incentive to each company to use the cars more efficiently or to acquire more freight cars. The Commission, in passing the regulation, had allowed railroads 60 days to file statements of position on the matter. The Commission had said: "that any party requesting oral hearing shall set forth with specificity the need therefore and the evidence to be adduced." Several railroads filed statements requesting oral hearings, but the Commission did not hold further hearings and overruled the requests.  
   Two railroad companies brought an action in the Middle District of Florida to set aside the per diem rates that had been established because they had only been allowed to make written submissions during "hearings" for the proposed rule and not oral arguments. The District Court found that the Interstate Commerce Act required that the Interstate Commerce Commission act in accordance with Administrative Procedure Act, 5 U.S.C. Sec. 556(d), which required that parties would not be "prejudiced" by an agency's decision to receive all submissions of evidence in written form.  
   The Supreme Court reversed the District Court's decision. Justice Rehnquist delivered the opinion, explaining that Section 1(14)(a) of the Interstate Commerce Act which had enlarged the Commission's authority to pass regulations "after hearing" was not a requirement that the ICC allow oral arguments in its rulemaking proceedings and that the hearing requirement had been met.  
   The Court distinguished between administrative rulemaking and administrative adjudications. Since there had been no effort to single out a particular railroad, the court found the agency's action was of a basically legislative type judgment as opposed to an adjudication which could entail due process hearing rights.  
   The Court referred to its decision in Bi-Metallic Investment Co. v. State Board of Equalization in which it held that no hearing at all was constitutionally required prior to a decision by state tax officers in Colorado to increase the valuation of all taxable property in Denver by a substantial amount.  
   Justice Douglas joined by Justice Stewart dissented finding that the Railroads had not been afforded hearings guaranteed by Section 1(14)(a) of the Interstate Commerce Act and 5 U.S.C. Sections 553, 556, and 557.

# Text 473:

**United States v. Silk, 331 U.S. 704 (1947), was a United States Supreme Court case regarding US labor law. The case concerned the scope of protection for employees under the Social Security Act 1935.**

1. United States v. National Treasury Employees Union, 513 U.S. 454 (1995), was a United States Supreme Court case in which the Court held that Section 501(b) of the Ethics in Government Act of 1978 violates the First Amendment of the United States Constitution.
2. Dunlop v. Bachowski, 421 U.S. 560 (1975), is a unanimous decision of the Supreme Court of the United States which held that the Labor-Management Reporting and Disclosure Act of 1959 gives federal courts jurisdiction to review decisions of the United States Department of Labor to proceed (or not) with prosecutions under the Act. In this case, there was a disputed election within the United Steelworkers. The Court declined to authorize a jury-type trial into the reasons for the department's decisions, and instead held that court may only review the department's rationales under the "arbitrary and capricious" test.

# Text 474:

**Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959), is a United States Supreme Court case in which the Court held that the Illinois law requiring trucks to have unique mudguards was unconstitutional under the Commerce clause.**

1. Kassel v. Consolidated Freightways Corp., 450 U.S. 662 (1981), was a United States Supreme Court case involving the application of the Dormant Commerce Clause to an Iowa state statute restricting the length of tractor-trailers.
2. Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), is a United States Supreme Court case that involved issues concerning statutory standing in antitrust law.  
   The decision established the rule that indirect purchasers of goods or services along a supply chain cannot seek damages for antitrust violations committed by the original manufacturer or service provider, but it permitted such claims by direct purchasers. Several courts recognize exceptions to the rule.  
   The decision has become known as the "Illinois Brick doctrine" and is applied to determine whether a plaintiff has standing to bring claims under various federal antitrust statutes.

# Text 475:

**Solem v. Helm, 463 U.S. 277 (1983), was a United States Supreme Court case concerned with the scope of the Eighth Amendment protection from cruel and unusual punishment. Mr. Helm, who had written a check from a fictitious account and had reached his seventh nonviolent felony conviction since 1964, received a mandatory sentence, under South Dakota law at that time, to life in prison with no parole. Petitioner Mr. Solem was the warden of the South Dakota State Penitentiary at the time.  
The Court overturned the sentence on the grounds that it was "cruel and unusual". Justice Powell wrote for the five-member majority, while Chief Justice Burger wrote for the four-member dissent. Justice Powell reasoned that Helm had "received the penultimate sentence for relatively minor criminal conduct." Chief Justice Burger's concerns reflected his strict constructionist attitude: "Suppose several states punish severely a crime that the Court views as trivial or petty? I can see no limiting principle in the Court's holding."  
The language of the opinion, however, refrained from striking down state statutes setting minimum sentencing guidelines for recidivism. The majority opinion only called for exceptions to the statutes protecting the constitutional freedom from cruel and unusual punishment.  
In addition, the Court sought to use this particular case to clarify the Proportionality Doctrine previously proposed in Enmund v. Florida (1982) by setting precise guidelines for deciding whether a punishment is proportional to the specific crime committed. The Court ruled that all courts must do three things to decide whether a sentence is proportional to a specific crime:  
  
Compare the nature and gravity of the offense and the harshness of the penalty,  
Compare the sentences imposed on other criminals in the same jurisdiction; i.e., whether more serious crimes are subject to the same penalty or to less serious penalties, and  
Compare the sentences imposed for commission of the same crime in other jurisdictions.**

1. Maynard v. Cartwright, 486 U.S. 356 (1988), is a United States Supreme Court case in which a unanimous Court found that the "especially heinous, atrocious or cruel" standard for the application of the death penalty as defined by the Eighth Amendment was too vague. As such, Oklahoma's law was overturned based on Furman v. Georgia (1972).  
   Justice William J. Brennan Jr. announced in a concurrence, joined by Justice Thurgood Marshall, that he would adhere to his view that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments.
2. Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 (1947), is a case in which the U.S. Supreme Court was asked whether imposing capital punishment (the electric chair) a second time, after it failed in an attempt to execute Willie Francis in 1946, constituted a violation of the United States Constitution. The issues raised surrounded the double jeopardy clause of the Fifth Amendment, and the cruel and unusual punishment clause of the Eighth Amendment, as made applicable to the State of Louisiana via the due process clause of the Fourteenth Amendment.  
   In an opinion by Justice Stanley Forman Reed, which three other justices (Chief Justice Vinson and Associate Justices Hugo Black and Robert H. Jackson) joined, and with which Justice Felix Frankfurter concurred, the Court held that re-executing Francis did not constitute double jeopardy or cruel and unusual punishment. Justice Reed wrote,  
     
   Our minds rebel against permitting the same sovereignty to punish an accused twice for the same offense. But where the accused successfully seeks review of a conviction, there is no double jeopardy upon a new trial. Even where a state obtains a new trial after conviction because of errors, while an accused may be placed on trial a second time, it is not the sort of hardship to the accused that is forbidden by the Fourteenth Amendment ... For we see no difference from a constitutional point of view between a new trial for error of law at the instance of the state that results in a death sentence instead of imprisonment for life and an execution that follows a failure of equipment. When an accident, with no suggestion of malevolence, prevents the consummation of a sentence, the state's subsequent course in the administration of its criminal law is not affected on that account by any requirement of due process under the Fourteenth Amendment. We find no double jeopardy here which can be said to amount to a denial of federal due process in the proposed execution. (Citations omitted).  
   Dissenting, however, Justice Harold Burton (joined by Justices William O. Douglas, Frank Murphy, and Wiley Rutledge) argued,   
     
   How many deliberate and intentional reapplications of electric current does it take to produce a cruel, unusual and unconstitutional punishment? While five applications would be more cruel and unusual than one, the uniqueness of the present case demonstrates that, today, two separated applications are sufficiently 'cruel and unusual' to be prohibited. If five attempts would be 'cruel and unusual,' it would be difficult to draw the line between two, three, four and five. It is not difficult, however, as we here contend, to draw the line between the one continuous application prescribed by statute and any other application of the current. Lack of intent that the first application be less than fatal is not material. The intent of the executioner cannot lessen the torture or excuse the result.  
   Francis was successfully executed the following year.

# Text 476:

**Harman v. Forssenius, 380 U.S. 528 (1965), was a United States Supreme Court case in which the Court ruled that Virginia's partial elimination of the poll tax violated the Twenty-fourth Amendment to the United States Constitution.  
Virginia attempted to avoid the effect of the 24th Amendment by creating an "escape clause" to the poll tax. In lieu of paying the poll tax, a prospective voter could apply for a certificate establishing a place of residence in Virginia. The application had to be made six months prior to an election, a measure expected to decrease the number of eligible voters.  
In the 1965 Supreme Court decision of Harman v. Forssenius, the Court unanimously found such measures unconstitutional and declared that, for federal elections, "the poll tax is abolished absolutely as a prerequisite to voting, and no equivalent or milder substitute may be imposed."**

1. Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966), was a case in which the U.S. Supreme Court found that Virginia's poll tax was unconstitutional under the equal protection clause of the 14th Amendment. In the late 19th and early 20th centuries, eleven southern states established poll taxes as part of their disenfranchisement of most blacks and many poor whites. The Twenty-fourth Amendment to the United States Constitution (1964) prohibited poll taxes in federal elections; five states (Alabama, Arkansas, Mississippi, Texas and Virginia) continued to require poll taxes for voters in state elections. By this ruling, the Supreme Court banned the use of poll taxes in state elections.
2. Loving v. Virginia, 388 U.S. 1 (1967), was a landmark civil rights decision of the U.S. Supreme Court that ruled that laws banning interracial marriage violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. Beginning in 2013, the decision was cited as precedent in U.S. federal court decisions ruling that restrictions on same-sex marriage in the United States were unconstitutional, including in the Supreme Court decision Obergefell v. Hodges (2015).  
   The case involved Richard Loving, a white man, and his wife Mildred Loving, a person of color. In 1959, the Lovings were sentenced to prison for violating Virginia's Racial Integrity Act of 1924, which criminalized marriage between people classified as "white" and people classified as "colored". After unsuccessfully appealing their conviction to the Supreme Court of Virginia, they appealed to the U.S. Supreme Court, arguing that the Racial Integrity Act was unconstitutional.   
   In June 1967, the Supreme Court issued a unanimous decision in the Lovings' favor that overturned their convictions and struck down Virginia's Racial Integrity Act. Virginia had argued before the Court that its law was not a violation of the Equal Protection Clause because the punishment was the same regardless of the offender's race, and therefore it "equally burdened" both whites and non-whites. The Court found that the law nonetheless violated the Equal Protection Clause because it was based solely on "distinctions drawn according to race" and outlawed conduct—namely, that of getting married—that was otherwise generally accepted and that citizens were free to do. The Court's decision ended all race-based legal restrictions on marriage in the United States.

# Text 477:

**Memoirs v. Massachusetts, 383 U.S. 413 (1966), was the United States Supreme Court decision that attempted to clarify a holding regarding obscenity made a decade earlier in Roth v. United States (1957).  
The Roth ruling established that for a work of literature to be considered obscene, it had to be proven by censors to: 1) appeal to prurient interest, 2) be patently offensive, and 3) have no redeeming social value. The literature in Roth v. United States was Fanny Hill (or Memoirs of a Woman of Pleasure, 1749) by John Cleland and the Court held in Memoirs v. Massachusetts that, while it might fit the first two criteria (it appealed to prurient interest and was patently offensive), it could not be proven that Fanny Hill had no redeeming social value. The judgment favoring the plaintiff continued that it could still be held obscene under certain circumstances – for instance, if it were marketed solely for its prurient appeal.  
Memoirs v. Massachusetts led to more years of debate about what is and is not obscene, eventually conferring more power in these matters to proposers of local community standards.**

1. Ginzburg v. United States, 383 U.S. 463 (1966), was a decision by the United States Supreme Court involving the application of the First Amendment to Federal obscenity laws. One of a trio of cases (with Memoirs v. Massachusetts and Mishkin v. New York released on the same day), Ginzburg was part of the Supreme Court's attempt to refine the definitions of obscenity after the landmark 1957 case Roth v. United States.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 478:

**Sale v. Haitian Centers Council, 509 U.S. 155 (1993), is a case in which the U.S. Supreme Court ruled that the President's executive order that all aliens intercepted on the high seas could be repatriated was not limited by the Immigration and Nationality Act of 1952 or Article 33 of the United Nations Convention Relating to the Status of Refugees.  
Originally, the United States and the Haitian government made an agreement in 1981 to stop all vessels coming to the United States and return any undocumented aliens who were not refugees and would not be harmed upon return.  
After a regime change in Haiti, American policy changed and was interpreted that all undocumented aliens would be sent back unless they landed and made an entry onto the territory of the United States.  
The case came before the court on March 2, 1993, and was decided on June 21, 1993. The oral argument for the plaintiff was made by then Yale law professor Harold Koh (from 2009 to 2013, Koh was the Legal Adviser of the Department of State).  
The 8–1 decision was delivered by Justice John Paul Stevens with Justice Harry Blackmun dissenting, and overturned a decision of the Second Circuit Court of Appeals.  
Criticizing the majority decision in his dissent, Justice Blackmun wrote, "Today's majority ... decides that the forced repatriation of the Haitian refugees is perfectly legal, because the word "return" does not mean return, because the opposite of "within the United States" is not outside the United States, and because the official charged with controlling immigration has no role in enforcing an order to control immigration." (citations omitted)  
A slightly different case with the name Haitian Centers Council v. Sale was argued and won by Koh's team of law students from Yale before Judge Sterling Johnson of the U.S. District Court for the Eastern District of New York. Lead counsel was provided on a pro bono basis by Joe Tringali of Simpson Thacher & Bartlett. However, this decision was later vacated due to a negotiated settlement deal made by the Clinton Administration and Yale Law School. The full background and details of both cases are found in the book Storming the Court by Brandt Goldstein.**

1. Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009), was a United States Supreme Court case about the former crown lands of the Hawaiian monarchy, and whether the state's right to sell them was restricted by the 1993 Apology Resolution. The Court, in an opinion by Justice Samuel Alito, ruled unanimously that the state had the power to sell the lands free of encumbrances.
2. Reno v. Flores, 507 U.S. 292 (1993), was a Supreme Court of the United States case that addressed the detention and release of unaccompanied minors.  
   The Supreme Court ruled that the Immigration and Naturalization Service's regulations regarding the release of alien unaccompanied minors did not violate the Due Process Clause of the United States Constitution. The Court held that "alien juveniles detained on suspicion of being deportable may be released only to a parent, legal guardian, or other related adult." The legacy for which Reno v. Flores became known was the subsequent 1997 court-supervised stipulated settlement agreement which is binding on the defendants (the federal government agencies)—the Flores v. Reno Settlement Agreement or Flores Settlement Agreement (FSA) to which both parties in Reno v. Flores agreed in the District Court for Central California (C.D. Cal.). The Flores Settlement Agreement (FSA), supervised by C.D. Cal., has set strict national regulations and standards regarding the detention and treatment of minors by federal agencies for over twenty years. It remains in effect until the federal government introduces final regulations to implement the FSA agreement. The FSA governs the policy for the treatment of unaccompanied alien children in federal custody of the legacy INS and its successor—United States Department of Homeland Security (DHS) and the various agencies that operate under the jurisdiction of the DHS-in particular the United States Citizenship and Immigration Services (USCIS). The FSA is supervised by a U.S. district judge in the District Court for Central California.  
   The litigation originated in the class action lawsuit Flores v. Meese filed on July 11, 1985 by the Center for Human Rights and Constitutional Law (CHRCL) and two other organizations on behalf of immigrant minors, including Jenny Lisette Flores, who had been placed in a detention center for male and female adults after being apprehended by the former Immigration and Naturalization Service (INS) as she attempted to illegally cross the Mexico–United States border.  
   Under the Flores Settlement and current circumstances, DHS asserts that it generally cannot detain alien children and their parents together for more than brief periods. In his June 20, 2018 executive order, President Trump had directed then-Attorney General Jeff Sessions to ask the District Court for the Central District of California, to "modify" the Flores agreement to "allow the government to detain alien families together" for longer periods, which would include the time it took for the family's immigration proceedings and potential "criminal proceedings for unlawful entry into the United States".: 2  On July 9, Judge Gee of the Federal District of California, ruled that there was no basis to amend the 1997 Flores Settlement Agreement (FSA) that "requires children to be released to licensed care programs within 20 days."  
   In 2017, U.S. District Judge Dolly Gee found that children who were in custody of the U.S. Customs and Border Protection lacked "food, clean water and basic hygiene items" and were sleep-deprived. She ordered the federal government to provide items such as soap and to improve the conditions. The federal government appealed the decision saying that the order forcing them to offer specific items and services exceeded the original Flores agreement. The June 18, 2019 hearing became infamous and caused nationwide outrage when a video of the Department of Justice senior attorney arguing against providing minors with toothbrushes and soap went viral. The federal government lost their appeal when a three-judge panel of the United States Court of Appeals for the Ninth Circuit upheld Judge Gee's order on August 15, 2019.

# Text 479:

**Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965), was a case in which the Supreme Court of the United States ruled on November 15, 1965, that persons (in this case, William Albertson) believed to be members of the Communist Party of the United States of America could not be required to register as party members with the Subversive Activities Control Board because the information which party members were required to submit could form the basis of their prosecution for being party members, which is a crime, and therefore deprived them of their self-incrimination rights under the Fifth Amendment to the United States Constitution.**

1. Communist Party of the United States v. Subversive Activities Control Board, 351 U.S. 115 (1956) and 367 U.S. 1 (1961), was a federal court case in the United States involving the compelled registration of the Communist Party of the United States, under a statute requiring that all organizations determined to be directed or controlled by the "world Communist movement" publicly disclose detailed information as to their officers, funds, and membership.  
   The case resulted in two opinions from the Supreme Court of the United States, the second of which upheld the constitutionality of the registration requirement against challenges brought under the First and Fifth Amendments.
2. Ullmann v. United States, 350 U.S. 422 (1956), was a United States Supreme Court case in which the court held that a person given immunity from prosecution loses their Fifth Amendment right against self-incrimination, thus upholding the Constitutionality of the Immunity Act of 1954.  
   The Court stated, "This command of the Fifth Amendment ('nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . .') registers an important advance in the development of our liberty — 'one of the great landmarks in man's struggle to make himself civilized.' "

# Text 480:

**Madsen v. Women's Health Center, Inc., 512 U.S. 753 (1994), is a United States Supreme Court case where Petitioners challenged the constitutionality of an injunction entered by a Florida state court which prohibits antiabortion protesters from demonstrating in certain places, and in various ways outside of a health clinic that performs abortions.  
The Petitioners, Madsen and other abortion protesters (Petitioners) regularly protested the Respondents, the Women’s Health Center and other abortion clinics (Respondent), in Melbourne, Florida as well as in front of the homes of clinic employees. The Respondents then sought and were granted, by a Florida trial court, an injunction on several grounds, restraining the Petitioner’s ability to protest, which was upheld by the Florida Supreme Court. The Petitioner’s appeal to the United States Supreme Court claimed that the injunction restricted their rights to free speech under the First Amendment of the United States Constitution. The U.S. Supreme Court affirmed in part and reversed in part.**

1. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).
2. Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997), was a case heard before the United States Supreme Court related to legal protection of access to abortion. The question before the court was whether the First Amendment was violated by placing an injunction on protesters outside abortion clinics. The court ruled in a 6–3 decision that "floating buffer zones" preventing protesters approaching people entering or leaving the clinics were unconstitutional, though "fixed buffer zones" around the clinics themselves remained constitutional. The Court's upholding the fixed buffer was the most important aspect of the ruling, because it was a common feature of injunctions nationwide.  
   Paul Schenck challenged a Federal District Court injunction that restricted "sidewalk counselors" from approaching abortion clinic patients and others with Bibles, tracts and anti-abortion messages. Because these protesters often violently harassed and intimidated patients and staff or prevented them from entering the clinic, the Court upheld the fixed buffer zone around the clinics, although it struck down the floating buffer zone around individuals because its indefinite and movable nature made it difficult to administer and risked overly restricting free speech.

# Text 481:

**United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.**

1. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.
2. Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.

# Text 482:

**Immigration and Naturalization Service v. Abudu, 485 U.S. 94 (1988), was a United States Supreme Court case in which the Court shifted the balance toward adjudications made by the INS and away from those made by the federal courts of appeals when aliens who had been ordered deported seek to present new evidence in order to avoid deportation. The Court ruled that courts must review the Board of Immigration Appeals's decision to deny motions to reopen immigration proceedings—the name of the procedural device used to present new evidence to immigration officials—for abuse of discretion.**

1. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.
2. Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.

# Text 483:

**Waddington v. Sarausad, 555 U.S. 179 (2009), was a United States Supreme Court case that involved the conviction of Cesar Sarausad for second-degree murder due to his role as driver in a shooting regarding gang activity and high school students. Sarausad sought federal habeas corpus relief, but the act of providing relief to Sarausad was called back into judicial review by the State of Washington in a certiorari petition. The Supreme Court agreed to review the case.  
The Roberts Court held that Sarausad was tried with due process by the State of Washington, and that he should not have been granted habeas corpus relief. In doing so, the federal government overstepped its bounds.**

1. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.
2. McGautha v. California, 402 U.S. 183 (1971), is a criminal case heard by the United States Supreme Court, in which the Court held that the lack of legal standards by which juries imposed the death penalty was not an unconstitutional violation of the due process clause portions of the Fourteenth Amendment.: 467  Justice Harlan wrote that writing rules for jury death penalty decisions was beyond current human ability.: 467  The context was public and philosophical scrutiny of the unequal application of the death penalty, especially in that blacks who killed whites were much more likely to have a death penalty imposed.: 467  McGautha was superseded one year later by Furman v. Georgia.

# Text 484:

**Hortonville Joint School District No. 1 v. Hortonville Education Association, 426 U.S. 482 (1976), was a United States Supreme Court case in which the Court ruled that a public school board did not violate the due process clause of the Fourteenth Amendment of the United States Constitution when it fired teachers who went on strike after contract negotiations with the board broke down.**

1. Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974), found that overly restrictive maternity leave regulations in public schools violate the Due Process Clause of the Fifth Amendment and the Fourteenth Amendment.
2. Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), often shortened to Mt. Healthy v. Doyle, was a unanimous U.S. Supreme Court decision arising from a fired teacher's lawsuit against his former employer, the Mount Healthy City Schools. The Court considered three issues: whether federal-question jurisdiction existed in the case, whether the Eleventh Amendment barred federal lawsuits against school districts, and whether the First and Fourteenth Amendments prevented the district, as a government agency, from firing or otherwise disciplining an employee for constitutionally protected speech on a matter of public concern where the same action might have taken place for other, unprotected activities. Justice William Rehnquist wrote the opinion.  
   The case was first heard in the Southern District of Ohio. In 1971, Fred Doyle, who had been teaching social studies for five years in the Mount Healthy City Schools, learned his contract had not been renewed, not only denying him tenure but any further employment with the district. The superintendent's letter cited both an incident where he had made an obscene gesture to students and his sharing of a district dress code for teachers with a local radio station as displaying a "lack of tact". He took a position with another district and filed suit under Section 1983, arguing his constitutional rights to free speech had been violated, per the Court's 1967 decision in Pickering v. Board of Education, another case involving an untenured teacher fired for speaking out in the media. After the district court ruled in his favor, the school district appealed to the Sixth Circuit Court of Appeals, which partially vacated the decision in a brief per curiam opinion late in 1975.  
   The Supreme Court took the case and heard oral argument almost a year later. It handed down its decision early in 1977. On the jurisdictional question, Rehnquist held that although the school district had been created by state law, it was primarily a local entity and thus beyond the reach of the Eleventh Amendment, its first ruling in that area in 86 years. The Court did not, however, decide the question of whether Doyle had been fired legally, since there were other incidents suggesting he had difficulties in his relationships with students and fellow teachers which the district had introduced into the record. Instead, it remanded the case to the district court, ordering it to require the district to show by a preponderance of evidence that Doyle would have been fired regardless if he had not contacted the radio station. The school district was later able to do so, and in 1982 the Sixth Circuit upheld that decision.  
   The case introduced what has since become known as the "Mt. Healthy test" into similar cases that follow the Pickering line in asserting the First Amendment rights of public employees where the employer claims other, unprotected conduct motivated the adverse action, a two-prong process that shifts the burden of proof from plaintiff to defendant in the course of the action. First, the plaintiff must prove that the activity they were allegedly disciplined for was indeed protected speech. The defendant must then show by a preponderance that the adverse action would have occurred if the protected activity had never happened. This has been criticized as allowing public employers a way to circumvent restrictions on taking adverse action against whistleblowers, and more generally as incompatible with the underlying principles of tort law. The test has also been expanded into mixed motive discrimination cases in employment law.

# Text 485:

**Societe Internationale Pour Participations Industrielles Et Commerciales, S.A. v. Rogers, 357 U.S. 197 (1958), was a case decided by the United States Supreme Court, in which the court considered whether a district court could dismiss a case based on the petitioner's failure to comply with the court's order to produce records of the petitioner's Swiss bank account, an act which would have amounted to a violation of Swiss law.**

1. United States v. Wise, 370 U.S. 405 (1962), was a case in which the Supreme Court of the United States held that corporate officers acting in their duties could be subject to sanctions under the Sherman Antitrust Act.
2. Rogers v. Bellei, 401 U.S. 815 (1971), was a decision by the United States Supreme Court, which held that an individual who received an automatic congressional grant of citizenship at birth, but who was born outside the United States, may lose his citizenship for failure to fulfill any reasonable residence requirements which the United States Congress may impose as a condition subsequent to that citizenship.

# Text 486:

**United States v. Brignoni-Ponce, 422 U.S. 873 (1975), was a case in which the Supreme Court determined it was a violation of the Fourth Amendment for a roving patrol car to stop a vehicle solely on the basis of the driver appearing to be of Mexican descent. A roving patrol car must have articulable facts that allow for an officer to have a reasonable suspicion that the person is carrying illegal aliens beyond their ethnicity. The Court handed down a 9–0 decision that affirmed the Circuit Court's ruling in the case. This case was also the final case that William O. Douglas presided on, as he retired shortly after this case, ending his record 36 years as an Associate Justice.**

1. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 487:

**Camara v. Municipal Court, 387 U.S. 523 (1967), is a United States Supreme Court case that overruled a previous case (Frank v. Maryland, 1959) and established the ability of a resident to deny entry to a building inspector without a warrant.**

1. Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
   Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
   The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.
2. Payton v. New York, 445 U.S. 573 (1980), was a United States Supreme Court case concerning warrantless entry into a private home in order to make a felony arrest. The Court struck down a New York statute providing for such warrantless entries because the Fourth Amendment draws a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not be reasonably crossed without a warrant. The court, however, did specify that an arrest warrant (as opposed to a search warrant) would have sufficed for entry into the suspect's residence if there had been reason to believe that the suspect was within the home.  
   Payton and related case law establish that the principle that a person in a home, particularly his or her own, is entitled Fourth Amendment protections not afforded to persons in automobiles, as per Whren v. United States, or to persons in public, as per United States v. Watson.

# Text 488:

**Redrup v. New York, 386 U.S. 767 (1967), was a May 8, 1967 ruling by the Supreme Court of the United States, widely regarded as the end of American censorship of written fiction. Robert Redrup was a Times Square newsstand clerk who sold two of William Hamling's Greenleaf Classics paperback pulp sex novels, Lust Pool and Shame Agent, to a plainclothes police officer. He was tried and convicted in 1965.  
With financial backing from Hamling, Redrup appealed his case to the Supreme Court where his conviction was overturned by 7–2. The court's final ruling affirmed that written materials that were neither sold to minors nor foisted on unwilling audiences were constitutionally protected, thereby de facto ending American censorship of written material. After this decision, the Supreme Court systematically and summarily reversed, without further opinion, scores of obscenity rulings involving paperback sex books.**

1. New York v. Ferber, 458 U.S. 747 (1982), was a landmark decision of the U.S Supreme Court, unanimously ruling that the First Amendment to the United States Constitution did not protect the sale or manufacture of child sexual abuse material (also known as child pornography) and that states could outlaw it.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 489:

**Zurcher v. Stanford Daily, 436 U.S. 547 (1978), is a United States Supreme Court case from 1978 in which The Stanford Daily, a student newspaper at Stanford University, was searched by police who had suspected the paper to be in possession of photographs of a demonstration that took place at the university's hospital in April 1971. The Stanford Daily filed a suit claiming that under the protection of the First and Fourth Amendments of the Constitution, the warrants were unconstitutional and that the searches should have fallen under the context of subpoenas. The Supreme Court ruled against The Stanford Daily; however, Congress later passed the Privacy Protection Act of 1980, which provides additional protections against searches and seizures to the press and individuals who disseminate information to the public, unless the individual is suspected of a crime or a life-threatening situation is present.**

1. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 490:

**Ham v. South Carolina, 409 U.S. 524 (1973), was a United States Supreme Court decision concerning examinations of prospective jurors during voir dire. The Court held that the trial court's failure to "have the jurors interrogated on the issue of racial bias" violated the petitioner's due process right under the Fourteenth Amendment. This right does not extend to any question of bias, but it does not preclude questions of relevant biases.**

1. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.
2. Simmons v. South Carolina, 512 U.S. 154 (1994), is a United States Supreme Court case holding that, where a capital defendant's future dangerousness is at issue, and the only alternative sentence available is life imprisonment without the possibility of parole, the sentencing jury must be informed that the defendant is ineligible for parole.  
   After being found guilty of murder, Jonathan Dale Simmons faced either execution or life in prison without parole. The State asked the jury to sentence Mr. Simmons to death, in part because he posed a future danger to society. Although Mr. Simmons repeatedly requested permission to instruct the jury that he would never be released from prison, these requests were denied by the trial court. Denying Mr. Simmons his requested instruction violated his due process rights, the Supreme Court held, and presented to the jury a "false choice between sentencing petitioner to death and sentencing him to a limited period of incarceration."  
   Although Simmons was a plurality opinion, the Supreme Court has repeatedly reaffirmed its holding.

# Text 491:

**Doe v. Reed, 561 U.S. 186 (2010), is a United States Supreme Court case which holds that the disclosure of signatures on a referendum does not violate the Petition Clause of the First Amendment to the United States Constitution.**

1. McDonald v. Smith, 472 U.S. 479 (1985), was a United States Supreme Court case in which the Court held that the right to petition does not provide absolute immunity to petitioners; it is subject to the same restrictions as other First Amendment rights.
2. Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.

# Text 492:

**United Gas Pipe Line Co. v. Memphis Light, Gas, and Water Division, 358 U.S. 103 (1958), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as allowing a gas supply company to unilaterally modify a rate in a natural gas supply contract if the contract specified that the rate was that of the rate schedule filed with the Federal Power Commission (FPC) and the gas company filed a new rate schedule. This case clarified the Mobile-Sierra doctrine established by United Gas Pipe Line Co. v. Mobile Gas Service Corp. (1956) and its companion case Federal Power Commission v. Sierra Pacific Power Co. (1956), which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).**

1. United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as not allowing a gas supply company to unilaterally modify rates in a natural gas supply contract by filing a new rate schedule with the Federal Power Commission (FPC). Mobile Gas and its companion case Federal Power Commission v. Sierra Pacific Power Co. established the Mobile-Sierra presumption which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).
2. Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956), is a United States Supreme Court case in which the Court interpreted the Federal Power Act (FPA) as permitting the Federal Power Commission (FPC) to modify a rate specified in a contract between an electric utility and distribution company only upon a finding that the contract rate is unlawful because it adversely affects the public interest. Sierra Pacific and its companion case United Gas Pipe Line Co. v. Mobile Gas Service Corp. established the Mobile-Sierra doctrine, which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the FPA or Natural Gas Act (NGA).

# Text 493:

**California v. Ciraolo, 476 U.S. 207 (1986), was a decision by the Supreme Court of the United States in which the Court held that aerial observation of a person's backyard by police, even if done without a search warrant, does not violate the Fourth Amendment to the U.S. Constitution.   
In the case, police in Santa Clara, California flew a private airplane over the property of Dante Ciraolo and took aerial photographs of his backyard after receiving an anonymous tip that he was growing marijuana plants.  
Some legal scholars have called this case "the demise of private property" and that it contradicts prior case law such as Katz v. United States stating that, "Distinguishing ground level observation from aerial observation for purposes of interpreting the Fourth Amendment signals a return to the analysis adhered to in pre-Katz cases, namely a reliance upon the physical position of the observer rather than upon the privacy interests of the observed."**

1. Florida v. Riley, 488 U.S. 445 (1989), was a United States Supreme Court decision which held that police officials do not need a warrant to observe an individual's property from public airspace.
2. Stoner v. California, 376 U.S. 483 (1964), is a United States Supreme Court decision involving the Fourth Amendment. It was a criminal case appealed from the California Courts of Appeal after the California Supreme Court denied review. The case extended the situations under which search warrants are required as they reversed a robbery conviction made on the basis of evidence obtained in violation of the holding.  
   The petitioner, Joey Stoner, had been arrested following a 1960 supermarket robbery in the Los Angeles area. Eyewitness accounts and evidence left at the scene led the police to a hotel elsewhere in the region where Stoner was staying. Two days later, detectives went to the hotel and, with the desk clerk's permission, searched the room and found further evidence linking him to the robbery. Stoner was arrested two days later in Nevada, and extradited. The evidence from the hotel room was used to convict him of the robbery at trial. Stoner unsuccessfully challenged the admissibility of the evidence at trial and on appeal, since police had lacked a warrant and relied on the clerk's permission. The appeals court held that the search was incident to arrest and thus permissible.  
   Writing for the Court, Justice Potter Stewart reaffirmed two previous holdings: The first, Agnello v. United States (1925) held such warrantless searches are constitutional only to the extent that they take place at the same time, and in the same place, as the arrest. Two other cases established that the hotel clerk's consent did not permit police to search the room without a warrant. "[A] guest in a hotel room is entitled to constitutional protection against unreasonable searches and seizures" Stewart wrote. "That protection would disappear if it were left to depend upon the unfettered discretion of an employee of the hotel." It did not matter that hotel staff might be permitted to enter the room as that was merely for the limited purpose of cleaning and maintenance. The only other opinion was Justice John Marshall Harlan II, who concurred in the holding but dissented from the disposition reversing the conviction. He would have left it to California's courts to decide whether the admission of the hotel-room evidence was harmless error, as the Court had done in similar circumstances in Fahy v. Connecticut.  
   The reaffirmation of the earlier rulings was necessitated by the Mapp v. Ohio decision a few years earlier, which extended the exclusionary rule under which unlawfully obtained evidence is inadmissible at trial, to the states as well as the federal government. It came at a time when the Warren Court was beginning to rethink and provide exceptions to the traditional Fourth Amendment doctrine that only those with a possessory or proprietary interest in what was searched had standing to challenge the constitutionality of the search. Several years later, in Katz v. United States, the Court abandoned that doctrine entirely in favor of the reasonable expectation of privacy test now in use.

# Text 494:

**City of Philadelphia v. New Jersey, 437 U.S. 617 (1978), was a case in which the Supreme Court of the United States held that states could not discriminate against another state's articles of commerce.**

1. United States v. Philadelphia National Bank, 374 U.S. 321 (1963), also called the Philadelphia Bank case, was a 1963 decision of the United States Supreme Court that held Section 7 of the Clayton Act, as amended in 1950, applied to bank mergers. It was the first case in which the Supreme Court considered the application of antitrust laws to the commercial banking industry. In addition to holding the statute applicable to bank mergers, the Court established a presumption that mergers that covered at least 30 percent of the relevant market were presumptively unlawful.
2. Maine v. Taylor, 477 U.S. 131 (1986), was a case in which the Supreme Court of the United States held that there was an exception to the "virtually per se rule of invalidity" of the dormant commerce clause. The Supreme Court of the United States found that a Maine law prohibiting the importation of out-of-state bait fish was constitutional because Maine authorities couldn't be certain that imported fish would be free of "parasites and nonnative species" that might pose environmental harm to local ecology. Discriminatory laws may be upheld only if they serve "legitimate local purposes that could not adequately be served by available nondiscriminatory alternatives," wrote Justice Blackmun, author of the majority opinion. In City of Philadelphia v. New Jersey, the Court had previously ruled that New Jersey's ban of out-of-state solid waste was facially discriminatory to the state's residents in a national market and was therefore overturned.

# Text 495:

**In Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission, 461 U.S. 190 (1983), the United States Supreme Court held that a state statute regulating economic aspects of nuclear generating plants was not preempted by the federal Atomic Energy Act of 1954. The case provides a framework that has guided other cases involving preemption of federal authority.**

1. Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 496:

**United States v. Thirty-seven Photographs, 402 U.S. 363 (1971), is a United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.  
The case began with the seizure of the photographs, depicting various sexual positions, from Milton Luros, a Southern California publisher who was returning from Europe. He had intended to use them to illustrate a volume of the Kama Sutra, or failing that, to keep them for his own personal use. A district court panel, guided by the Court's Freedman v. Maryland decision of several years before, rejected his claims that the First Amendment allowed citizens to import obscene material, but found the statute unconstitutional due to the lack of time limits and ordered the Customs Service to return the images to Luros. The government appealed directly to the Supreme Court.  
Justice Byron White wrote for the majority, distinguishing the case from Freedman v. Maryland, which had also involved time limits, by noting that it was a federal statute rather than a state one and therefore the Court could give it an authoritative construction. John Marshall Harlan and Potter Stewart also wrote concurring opinions expanding on aspects of the majority holding. Stewart did not agree with the majority that the ban on personal importation of obscene material was consistent with Stanley v. Georgia.  
The dissenting justices wrote two opinions. Hugo Black and William O. Douglas took issue with every aspect of the holding, believing the government had no power to regulate obscenity. Thurgood Marshall agreed with them and Stewart that the blanket importation ban was constitutional. That issue would be reconsidered in a similar case two years later, United States v. 12 200-ft. Reels of Film. The case would have little impact on the future development of obscenity law. It has, however, been cited as the first forfeiture case to deal with the question of time limits, and also reaffirmed a principle by which the Court avoids dealing with constitutional questions when it can through alternative constructions.**

1. United States v. 12 200-ft. Reels of Film, 413 U.S. 123 (1973), was an in rem case decided by the United States Supreme Court that considered the question of whether the First Amendment required that citizens be allowed to import obscene material for their personal and private use at home, which was already held to be protected several years earlier. By a 5–4 margin, the Court held that it did not.  
   This case was very similar to United States v. Thirty-seven Photographs, a case the Court had heard two years earlier. It began when the films, and other visual and textual material with predominant explicit sexual content, were seized by customs agents from Paladini, a California man returning from Mexico. Federal law at the time prohibited the import of any material that might be judged to be obscene. Paladini challenged the forfeiture proceedings the government initiated, on the grounds that he intended the material for his personal use in the privacy of his own home, an activity the Court had ruled was protected under the First Amendment in Stanley v. Georgia. Thus, he argued, he had a right to obtain such material abroad for that purpose.  
   After a district court panel agreed with him and declared the statute unconstitutional, the case went to the Supreme Court directly. Its opinion was one of four obscenity cases handed down, along with Miller v. California, in which the Court announced a new standard of obscenity for the first time since Roth v. United States 17 years before. By a 5–4 margin, the Court held that the statute was constitutional, but it also ordered the district court to review the material under its new standard and consider whether it was still obscene.  
   Chief Justice Warren Burger wrote for the majority, reaffirming a similar holding in Thirty-seven Photographs that the right to possess something in one's home which might otherwise be unlawful outside of it did not give rise to a right to import it. William O. Douglas wrote a lengthy dissent, responding as much to the majority holding in Miller, arguing that history showed obscenity laws were not vigorously enforced at the time the Bill of Rights was adopted and thus could not be justified on traditionalist grounds. William Brennan wrote a shorter dissent, joined by the other two justices, calling the statute overbroad.
2. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.

# Text 497:

**Nixon v. General Services Administration, 433 U.S 425 (1977), is a landmark court case concerning the principle of presidential privilege and whether the public is allowed to view a President's “confidential documents”. The Presidential Recordings and Materials Preservation Act, signed into law by President Gerald Ford in 1974, ordered that the Administrator of the General Services Administration obtain President Richard Nixon’s presidential papers and tape recordings. In addition, the Act further ordered that government archivists seize these materials. These archivists would preserve the material deemed historic and return to former President Nixon the materials deemed private. Furthermore, this Act stated that material that was preserved could be used in judicial hearings and proceedings. Immediately after this Act was enacted, Richard Nixon filed a lawsuit in a federal district court claiming that the Act violated the principle of separation of powers, the principle of presidential privilege, Nixon's personal privacy, his First Amendment right of association, and further asserted that it amounted to a constitutionally prohibited Bill of Attainder.**

1. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.
2. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), is a decision by the Supreme Court of the United States involving the Freedom of Information Act. The Supreme Court ruled that Henry Kissinger was not required under the Act to turn over transcripts of phone conversations he made as an adviser to President Richard Nixon.  
   By a 5–2 margin, the court overturned the decisions of two lower Federal courts and decided that Kissinger's removal of the transcripts from the State Department removed the documents from the purview of the Freedom of Information Act. In his opinion for the majority, Associate Justice William H. Rehnquist noted that once the documents had been withdrawn, "the agency has neither the custody or control necessary to enable it to withhold."  
   Kissinger had removed thousands of pages of the phone transcripts in the waning days of his term as Secretary of State. The documents were first stored at Nelson Rockefeller's Kykuit estate in Westchester County, New York and were later given to the Library of Congress. In a decision affirmed by the United States Court of Appeals, the United States District Court ruled that Kissinger had "wrongfully removed" the documents and ordered the Library of Congress to return the papers to the State Department so that they could be processed for disclosure.  
   The Supreme Court confirmed the decisions of the lower courts that Kissinger's transcripts when he was Richard Nixon's national security advisor did not fall under the purview of the Freedom of Information Act, nor would it apply to any other members of a President's executive office staff. The only documents that were legitimately covered by the request would have been from his term as Secretary of State from September 1973 to January 1977.

# Text 498:

**Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.**

1. Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995), was a United States Supreme Court case in which the Court upheld a state's restriction on lawyer advertising under the First Amendment's commercial speech doctrine. The Court's decision was the first time it did so since Bates v. State Bar of Arizona, 433 U.S. 350 (1977), lifted the traditional ban on lawyer advertising.
2. Virginia State Pharmacy Board v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976), was a case in which the United States Supreme Court held that a state could not limit pharmacists' right to provide information about prescription drug prices. This was an important case in determining the application of the First Amendment to commercial speech.

# Text 499:

**South Dakota v. Opperman, 428 U.S. 364 (1976), elaborated on the community caretaking doctrine. Under the Fourth Amendment, "unreasonable" searches and seizures are forbidden. In addition to their law-enforcement duties, the police must engage in what the court has termed a community caretaking role, including such duties as removing obstructions from roadways to ensure the free flow of traffic. When the police act in this role, they may inventory cars they have seized without "unreasonably" searching those cars.**

1. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.
2. United States v. Matlock, 415 U.S. 164 (1974), was a Supreme Court of the United States case in which the Court ruled that the Fourth Amendment prohibition on unreasonable searches and seizures was not violated when the police obtained voluntary consent from a third party who possessed common authority over the premises sought to be searched. The ruling of the court established the "co-occupant consent rule," which was later explained by Illinois v. Rodriguez, 497 U.S. 177 (1990) and distinguished later by Georgia v. Randolph (2006), in which the court held that a third party could not consent over the objections of a present co-occupant, and Fernandez v. California (2014), where the court held when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.

# Text 500:

**Christiansburg Garment Co. v. Equal Employment Opportunity Commission, 434 U.S. 412 (1978), was a case decided by the Supreme Court of the United States that interpreted 42 U.S.C. §1988(b) to generally not require unsuccessful plaintiffs in civil rights cases to pay attorney's fees to the defendant. There would be an exception, however, for plaintiffs that brought frivolous claims. This decision has essentially helped create one way fee shifting for plaintiffs in civil rights cases.**

1. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.
2. Locke v. Karass, 555 U.S. 207 (2009), is a court case in which the Supreme Court of the United States held that the Constitution permits the local chapter of a labor union to charge a "service fee" to non-members to cover non-local litigation expenses if (a) the expenses are "appropriately related to collective bargaining" and (b) there is a reciprocal relationship between the local chapter and the national union. The case expanded on and clarified the earlier Lehnert v. Ferris Faculty Association, which permitted such service fees for non-political activities but did not reach a consensus on whether "national" expenses were chargeable.

# Text 501:

**United States v. Parke, Davis & Co., 362 U.S. 29 (1960), was a 1960 decision of the United States Supreme Court limiting the so-called Colgate doctrine, which substantially insulates unilateral refusals to deal with price-cutters from the antitrust laws. The Parke, Davis & Co. case held that, when a company goes beyond "the limited dispensation" of Colgate by taking affirmative steps to induce adherence to its suggested prices, it puts together a combination among competitors to fix prices in violation of § 1 of the Sherman Act. In addition, the Court held that when a company abandons an illegal practice because it knows the US Government is investigating it and contemplating suit, it is an abuse of discretion for the trial court to hold the case that follows moot and dismiss it without granting relief sought against the illegal practice.**

1. Federal Trade Commission v. Colgate-Palmolive Company, 380 U.S. 374 (1965), was a United States Supreme Court case.
2. United States v. Huck Mfg. Co., 382 U.S. 197 (1965), is the most recent patent-license price-fixing case to reach the United States Supreme Court. It was inconclusive, as the Court split 4–4 and affirmed the decision of the lower court without opinion.

# Text 502:

**O'Lone v. Estate of Shabazz, 482 U.S. 342 (1987), was a U.S. Supreme Court decision involving the constitutionality of prison regulations. The court ruled that it was not a violation of the Free Exercise Clause of the First Amendment to deprive an inmate of attending a religious service for "legitimate penological interests."**

1. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.
2. Bounds v. Smith, 430 U.S. 817 (1977), was a United States Supreme Court case in which the Court tested the basic constitutional right of prison inmates’ access to legal documents prior to court. Prison authorities would consequently be required to provide legal assistance or counsel to inmates, whether it be through a trained legal professional or access to a legal library.   
   Multiple prisoners alleged that they were denied access to the courts due to lack of an adequate legal library and assistance with court related documents.

# Text 503:

**Bennis v. Michigan, 516 U.S. 442 (1996), was a decision by the United States Supreme Court, which held that the innocent owner defense is not constitutionally mandated by Fourteenth Amendment Due Process in cases of civil forfeiture.**

1. Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.
2. Will v. Michigan Dept. of State Police, 491 U.S. 58 (1989), was a case decided by the United States Supreme Court, in which the Court held that States and their officials acting in their official capacity are not persons when sued for monetary damages under the Civil Rights Act of 1871.

# Text 504:

**Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994), was a United States Supreme Court copyright law case that established that a commercial parody can qualify as fair use. This case established that the fact that money is made by a work does not make it impossible for fair use to apply; it is merely one of the components of a fair use analysis.**

1. Twentieth Century Music Corp v. Aiken, 422 U.S. 151 (1975), was an important decision of the United States Supreme Court, out of the Third Circuit, that questioned whether the reception of a copyrighted song on a radio broadcast constitutes a copyright violation if the copyright owner has only licensed the broadcaster to "perform the composition publicly for profit".
2. Miller Music Corp. v. Charles N. Daniels, Inc., 362 U.S. 373 (1960), was a United States Supreme Court case in which the Court held the executor of a copyright holder's will is eligible to renew that copyright.

# Text 505:

**Haynes v. United States, 390 U.S. 85 (1968), was a United States Supreme Court decision interpreting the Fifth Amendment to the United States Constitution's self-incrimination clause. Haynes extended the Fifth Amendment protections elucidated in Marchetti v. United States.**

1. Jenkins v. Anderson, 447 U.S. 231 (1980), is a United States Supreme Court case regarding the Fifth Amendment right against self-incrimination.
2. Ullmann v. United States, 350 U.S. 422 (1956), was a United States Supreme Court case in which the court held that a person given immunity from prosecution loses their Fifth Amendment right against self-incrimination, thus upholding the Constitutionality of the Immunity Act of 1954.  
   The Court stated, "This command of the Fifth Amendment ('nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . .') registers an important advance in the development of our liberty — 'one of the great landmarks in man's struggle to make himself civilized.' "

# Text 506:

**Payton v. New York, 445 U.S. 573 (1980), was a United States Supreme Court case concerning warrantless entry into a private home in order to make a felony arrest. The Court struck down a New York statute providing for such warrantless entries because the Fourth Amendment draws a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not be reasonably crossed without a warrant. The court, however, did specify that an arrest warrant (as opposed to a search warrant) would have sufficed for entry into the suspect's residence if there had been reason to believe that the suspect was within the home.  
Payton and related case law establish that the principle that a person in a home, particularly his or her own, is entitled Fourth Amendment protections not afforded to persons in automobiles, as per Whren v. United States, or to persons in public, as per United States v. Watson.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.

# Text 507:

**Barnett Bank of Marion County, N.A. v. Nelson, 517 U.S. 25 (1996), is a Supreme court case that ruled that states could moderate national banks if doing so does not prevent or largely interfere with the national bank's ability to exercise its powers. Later, in 2004, the OCC (Office of the Comptroller of the Currency) authorized its preemption rule which declared that a national bank's ability to exert its incidental powers which include lending and deposit taking inhibited state laws that obstruct, impair or condition” the business of banking."**

1. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 508:

**Hills v. Gautreaux, 425 U.S. 284 (1976), was a decision of the United States Supreme Court.  
In this case, a number of Chicago families living in housing projects were awarded Section 8 vouchers allowing them to move to the suburbs in compensation for the housing project's substandard conditions. Carla Anderson Hills was the United States Secretary of Housing and Urban Development; the eponymous lead respondent was Dorothy Gautreaux (1927–1968). The court ruled that the department had violated the Fifth Amendment and the Civil Rights Act of 1964.  
The significance of the case lies in the sociological conclusions that can be drawn from it. A number of families chose to move, while others stayed, and Northwestern University researchers studying the two populations concluded that low-income women who moved to the suburbs "clearly experienced improved employment and earnings, even though the program provided no job training or placement services." The disparity arguably proves that concentrated poverty is self-perpetuating and simply alleviating this concentration offers an avenue for improving the quality of life of those affected by urban poverty.**

1. Village of Arlington Heights v. Metropolitan Housing Development Corp, 429 U.S. 252 (1977), was a case heard by the Supreme Court of the United States dealing with a zoning ordinance that in a practical way barred families of various socio-economic, and ethno-racial backgrounds from residing in a neighborhood. The Court held that the ordinance was constitutional because there was no proof that "discriminatory purpose was a motivating factor in the Village's decision."
2. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.

# Text 509:

**Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
By some measures, Buckley is the longest opinion ever issued by the Supreme Court.**

1. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".
2. FEC v. National Conservative PAC, 470 U.S. 480 (1985), was a decision by the Supreme Court of the United States striking down expenditure prohibitions of the Federal Election Campaign Act of 1971 (FECA), which regulates the fundraising and spending in political campaigns. The FECA is the primary law that places regulations on campaign financing by limiting the amount that may be contributed. The Act established that no independent political action committee may contribute more than $1,000 to any given presidential candidate in support of a campaign.  
   A political action committee is an organization that oversees contributions made by members for an electoral candidate. The committee then donates the funding to campaign for or against a candidate.  
   The Democratic Party of the United States and the Federal Election Commission (FEC) accused the National Conservative Political Action Committee (NCPAC) of violating the Federal Election Campaign Act in 1975. The defendants were accused of violating the expenditure limit implemented by the FECA, with the assertion that the independent contribution was in violation of the Act. The NCPAC expressed concern that the FECA violated the First Amendment.  
   In response, The Federal Election Commission claimed that the limitation of expenditures held by the FECA was not a violation of the First Amendment. The FEC said that because it is important to protect the integrity of the Government, as well as to uphold the public's perception of integrity, the limitation was necessary and still complied with the First Amendment. The FEC believed private financing could tarnish the protection of integrity and the public's perception. The Commission also believed the FECA would not hinder individual expression, and that ample room was left to freely express oneself under the Act.  
   Justice William H. Rehnquist concluded in the majority opinion that an attempt to limit spending in support of a presidential candidate, regardless of financial numerical amount, is still an attempt to regulate the First Amendment and the freedom of association, and is therefore unconstitutional.

# Text 510:

**Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976), was a case in which the Supreme Court of the United States extensively refined the abstention doctrine to prevent duplicative litigation between state and federal courts.**

1. United States v. Riverside Bayview, 474 U.S. 121 (1985), was a United States Supreme Court case challenging the scope of federal regulatory powers over waterways as pertaining to the definition of "waters of the United States" as written in the Clean Water Act of 1972. The Court ruled unanimously that the government does have the power to control intrastate wetlands as waters of the United States. This ruling was effectively revised in Rapanos v. United States (2006), in which the Court adopted a very narrow interpretation of "navigable waters."
2. Meyer v. Grant, 486 U.S. 414 (1988), was an important decision by the United States Supreme Court on paid petition circulation. Colorado was one of several states with a process for citizens to propose initiatives for the ballot, which if passed became law. One of the requirements was to get the signatures of a significant number of registered Colorado electors. Colorado prohibited initiative sponsors from paying for the circulation of these petitions. The state argued this was necessary to "protect[...] the integrity of the initiative."  
   In 1984, Coloradans for Free Enterprise, an interest group, proposed an initiative to deregulate the motor industry by removing it from the jurisdiction of the Public Utilities Commission. After the title and summary were approved by the state, they began unpaid circulation. They eventually concluded that they would not be able to get the 46,737 required signatures by the deadline. They then filed suit under 42 U.S.C. 1983 against the Secretary of State of Colorado, Natalie Meyer, and the Attorney General of Colorado, Duane Woodard, in their official capacities. The plaintiffs alleged that the Colorado statute infringed on their First Amendment rights. The district court, with Judge John P. Moore sitting, declined to overturn the law, finding that "the evidence did not indicate that plaintiffs were prevented in any way from espousing their cause simply because they could not obtain paid petition circulators." The plaintiffs appealed this decision to the United States Court of Appeals for the Tenth Circuit. Judges James E. Barrett and William Doyle affirmed in a panel opinion. The court granted a rehearing en banc at the plaintiff's request, and vacated the panel's opinion. The full court of appeals reversed and remanded, determining that Colorado's law "impede[d] the sponsors' opportunity to disseminate their views to the public."  
   The state appealed to the Supreme Court, which heard oral argument on April 25, 1988. The Supreme Court unanimously affirmed the decision, ruling that "the State has failed to demonstrate that it is necessary to burden appellees' ability to communicate their message in order to meet its concerns."

# Text 511:

**United States v. Antelope, 430 U.S. 641 (1977), was a United States Supreme Court case in which the Court held that American Indians convicted on reservation land were not deprived of the equal protection of the laws; (a) the federal criminal statutes are not based on impermissible racial classifications but on political membership in an Indian tribe or nation; and (b) the challenged statutes do not violate equal protection. Indians or non-Indians can be charged with first-degree murder committed in a federal enclave.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. United States v. Wheeler, 435 U.S. 313 (1978), was a United States Supreme Court case in which the Court held the Double Jeopardy Clause does not bar the federal prosecution of a Native American (Indian) who has already been prosecuted by the tribe.

# Text 512:

**Garner v. Louisiana, 368 U.S. 157 (1961), was a landmark case argued by Thurgood Marshall before the US Supreme Court. On December 11, 1961, the court unanimously ruled that Louisiana could not convict peaceful sit-in protesters who refused to leave dining establishments under the state's "disturbing the peace" laws.**

1. Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.
2. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.

# Text 513:

**Oregon Waste Systems, Inc. v. Department of Environmental Quality of Oregon, 511 U.S. 93 (1994), is a United States Supreme Court decision focused on the aspect of state power and the interpretation of the Commerce Clause as a limitation on states' regulatory power. In this particular case, the Supreme Court considered whether the Oregon Department of Environmental Quality's alleged cost-based surcharge on the disposal of out-of-state waste violated the dormant commerce clause.**

1. Chemical Waste Management, Inc. v. Hunt, 504 U.S. 334 (1992), was a United States Supreme Court case that held that an Alabama law imposing a fee (of $72 per ton) on out-of-state hazardous waste being disposed of in-state violated the Dormant Commerce Clause.
2. United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007), was a United States Supreme Court case about interstate commerce. Chief Justice John Roberts wrote the opinion of the Court, holding that New York county ordinances forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. Justice Samuel Alito wrote a dissent.

# Text 514:

**Norwood v. Harrison, 413 U.S. 455 (1973), is a United States Supreme Court decision in which the court held that a state cannot provide aid to a private school which discriminates on the basis of race.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.

# Text 515:

**Phoenix v. Kolodziejski, 399 U.S. 204 (1970), was a voting rights case decided by the United States Supreme Court in 1970.**

1. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.
2. Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.

# Text 516:

**Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956), is a United States Supreme Court case in which the Court interpreted the Federal Power Act (FPA) as permitting the Federal Power Commission (FPC) to modify a rate specified in a contract between an electric utility and distribution company only upon a finding that the contract rate is unlawful because it adversely affects the public interest. Sierra Pacific and its companion case United Gas Pipe Line Co. v. Mobile Gas Service Corp. established the Mobile-Sierra doctrine, which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the FPA or Natural Gas Act (NGA).**

1. United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as not allowing a gas supply company to unilaterally modify rates in a natural gas supply contract by filing a new rate schedule with the Federal Power Commission (FPC). Mobile Gas and its companion case Federal Power Commission v. Sierra Pacific Power Co. established the Mobile-Sierra presumption which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).
2. United Gas Pipe Line Co. v. Memphis Light, Gas, and Water Division, 358 U.S. 103 (1958), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as allowing a gas supply company to unilaterally modify a rate in a natural gas supply contract if the contract specified that the rate was that of the rate schedule filed with the Federal Power Commission (FPC) and the gas company filed a new rate schedule. This case clarified the Mobile-Sierra doctrine established by United Gas Pipe Line Co. v. Mobile Gas Service Corp. (1956) and its companion case Federal Power Commission v. Sierra Pacific Power Co. (1956), which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).

# Text 517:

**Edwards v. Aguillard, 482 U.S. 578 (1987), was a United States Supreme Court case concerning the constitutionality of teaching creationism. The Court considered a Louisiana law requiring that where evolutionary science was taught in public schools, creation science must also be taught. The constitutionality of the law was successfully challenged in District Court, Aguillard v. Treen, 634 F. Supp. 426 (ED La.1985), and the United States Court of Appeals for the Fifth Circuit affirmed, Aguillard v. Edwards, 765 F.2d 1251 (CA5 1985). The United States Supreme Court ruled that this law violated the Establishment Clause of the First Amendment because the law was specifically intended to advance a particular religion. In its decision, the court opined that "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction."  
In support of Aguillard, 72 Nobel Prize-winning scientists, 17 state academies of science, and seven other scientific organizations filed amicus briefs that described creation science as being composed of religious tenets.**

1. Epperson v. Arkansas, 393 U.S. 97 (1968), was a unanimous landmark United States Supreme Court case that invalidated an Arkansas statute prohibiting the teaching of human evolution in the public schools. The Court held that the First Amendment to the United States Constitution prohibits a state from requiring, in the words of the majority opinion, "that teaching and learning must be tailored to the principles or prohibitions of any religious sect or dogma." The Supreme Court declared the Arkansas statute unconstitutional because it violated the Establishment Clause of the First Amendment. After this decision, some jurisdictions passed laws that required the teaching of creation science alongside evolution when evolution was taught. These were also ruled unconstitutional by the Court in the 1987 case Edwards v. Aguillard.
2. Aguilar v. Felton, 473 U.S. 402 (1985), was a United States Supreme Court case holding that New York City's program that sent public school teachers into parochial schools to provide remedial education to disadvantaged children pursuant to Title I of the Elementary and Secondary Education Act of 1965 necessitated an excessive entanglement of church and state and violated the Establishment Clause of the First Amendment to the United States Constitution.  
   Aguilar v. Felton was subsequently overruled by Agostini v. Felton, 521 U.S. 203 (1997).

# Text 518:

**Thompson v. City of Louisville, 362 U.S. 199 (1960), was a decision of the United States Supreme Court in which the Court unanimously held that it is a violation of due process to convict a person of an offense when there is no evidence of his guilt. It is one of the rare instances of the Supreme Court's granting certiorari to review a decision of a court so insignificant (the Police Court of Louisville, Kentucky) that state law does not provide any mechanism for appeals from its judgments.  
The case is sometimes referred to as the "Shuffling Sam" case, because the petitioner Sam Thompson was known locally as "Shuffling Sam." The Court noted, "There is no evidence that anyone else in the cafe objected to petitioner's shuffling his feet in rhythm with the music of the jukebox."  
Associate Justice Hugo Black delivered the opinion of the court. The case was briefed and argued for Thompson by several notable former Supreme Court law clerks.**

1. Connick v. Thompson, 563 U.S. 51 (2011), is a United States Supreme Court case in which the Court considered whether a prosecutor's office can be held liable for a single Brady violation by one of its members on the theory that the office provided inadequate training.
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 519:

**Baird v. State Bar of Arizona, 401 U.S. 1 (1971), was a United States Supreme Court case in which the Court ruled:  
  
A State's power to inquire about a person's beliefs or associations is limited by the First Amendment, which prohibits a State from excluding a person from a profession solely because of membership in a political organization or because of his beliefs.  
In this case, a law school graduate who had passed the Arizona written bar examination had applied to be admitted to the Arizona bar, but had refused to answer a question as to whether she had ever been a member of the Communist party. On that basis, the State Bar of Arizona refused to admit her.**

1. Keller v. State Bar of California, 496 U.S. 1 (1990), was a case in which the Supreme Court of the United States held that attorneys who are required to be members of a state bar association have a First Amendment right to refrain from subsidizing the organization’s political or ideological activities.
2. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
   The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.

# Text 520:

**Winston v. Lee, 470 U.S. 753 (1985), was a decision by the U.S. Supreme Court, which held that a compelled surgical intrusion into an individual's body for evidence implicates expectations of privacy and security of such magnitude that the intrusion would be "unreasonable" under the Fourth Amendment, even if likely to produce evidence of a crime.  
The reasonableness of surgical intrusions beneath the skin depends on a case-by-case approach, in which the individual's interests in privacy and security are weighed against society's interests in conducting the procedure to obtain evidence for fairly determining guilt or innocence. The appropriate framework of analysis for such cases is provided in Schmerber v. California (1966), which held that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunken driving without violating the suspect's Fourth Amendment rights.**

1. Schmerber v. California, 384 U.S. 757 (1966), was a landmark United States Supreme Court case in which the Court clarified the application of the Fourth Amendment's protection against warrantless searches and the Fifth Amendment right against self-incrimination for searches that intrude into the human body. Until Schmerber, the Supreme Court had not yet clarified whether state police officers must procure a search warrant before taking blood samples from criminal suspects. Likewise, the Court had not yet clarified whether blood evidence taken against the wishes of a criminal suspect may be used against that suspect in the course of a criminal prosecution.  
   In a 5–4 opinion, the Court held that forced extraction and analysis of a blood sample is not compelled testimony; therefore, it does not violate the Fifth Amendment right against self-incrimination. The Court also held that intrusions into the human body ordinarily require a search warrant. However, the Court ruled that the involuntary, warrantless blood sample taken in this case was justified under the Fourth Amendment's exigent circumstances exception because evidence of blood alcohol would be destroyed by the body's natural metabolic processes if the officers were to wait for a warrant. In 2013, the Supreme Court clarified in Missouri v. McNeely that the natural metabolism of alcohol in the bloodstream is not a per se exigency that would always justify warrantless blood tests of individuals suspected of driving under the influence of alcohol.  
   In the years following the Court's decision in Schmerber, many legal scholars feared the ruling would be used to limit civil liberties. Other scholars, including Nita A. Farahany, Benjamin Holley, and John G. New, have suggested courts may use the ruling in Schmerber to justify the use of mind reading devices against criminal suspects. Because the Court's ruling in Schmerber prohibited the use of warrantless blood tests in most circumstances, some commentators argue that the decision was responsible for the proliferation of breathalyzers to test for alcohol and urine analyses to test for controlled substances in criminal investigations.
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 521:

**Lloyd Corp. v. Tanner, 407 U.S. 551 (1972), was a United States Supreme Court ruling that the passing out of anti-war leaflets at the Lloyd Center in Portland, Oregon, was an infringement on property rights. This differed from Marsh v. Alabama (1946) and Amalgamated Food Employees Union v. Logan Valley Plaza (1968) in that Marsh had the attributes of a municipality and Logan Valley related to picketing a particular store, while the current case, the distribution of leaflets, is unrelated to any activity in the property.**

1. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.
2. Kingsley Books, Inc. v. Brown, 354 U.S. 436 (1957), was a Supreme Court case that addressed issues of obscenity, free speech, and due process. The case stemmed from the confiscation and destruction of books from a New York City bookstore. The court's determination was that:   
     
   A state injunction against distribution of material designated as "obscene" does not violate freedom of speech and press protected by the First Amendment and the Due Process Clause of the Fourteenth Amendment.

# Text 522:

**Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976), was a case argued before the Supreme Court of the United States. Maryland created a program that, 1) purchased junked cars, 2) paid a bounty for those with Maryland license plates and, 3) imposed more stringent documentation requirements on out-of-state processors, in an effort to reduce the number of abandoned cars in Maryland.  
The Issue before the Court is whether such a program violates the Dormant Commerce Clause—essentially, whether Maryland could Constitutionally discriminate or burden interstate commerce by imposing more stringent documentation requirements on out-of-state processors or favoring in-state car dealerships when they purchase junk cars.  
Unlike previous Dormant Commerce Clause cases, Maryland was acting like a market participant (as opposed to a state regulator). In such instances, the Court determined that a state actor can favor its own citizens over the foreign citizens.  
This case created the "market participant" exception to the general restrictions on states imposed by the Dormant Commerce Clause.  
Determining when a state is acting like a "market participant" rather than as a regulator was not decided by this case, but found in South Central Timber Development v. Wunnicke.**

1. United States v. Students Challenging Regulatory Agency Procedures (SCRAP), 412 U.S. 669 (1973), was a landmark decision of the United States Supreme Court in which the Court held that the members of SCRAP—five law students from the George Washington University Law School—had standing to sue under Article III of the Constitution to challenge a nationwide railroad freight rate increase approved by the Interstate Commerce Commission (ICC). SCRAP was the first full-court consideration of the National Environmental Policy Act (NEPA). The Court also reversed the lower court decision that an injunction should be issued at the suspension stage of the ICC rate proceeding. The standing decision has retained its place as the high mark in the Court's standing jurisprudence.
2. Chemical Waste Management, Inc. v. Hunt, 504 U.S. 334 (1992), was a United States Supreme Court case that held that an Alabama law imposing a fee (of $72 per ton) on out-of-state hazardous waste being disposed of in-state violated the Dormant Commerce Clause.

# Text 523:

**Dean Witter Reynolds Inc. v. Byrd, 470 U.S. 213 (1985), is a United States Supreme Court case concerning arbitration. It arose from an interlocutory appeal of a lower court's denial of brokerage firm Dean Witter Reynolds' motion to compel arbitration of the claims under state law made against it by an aggrieved former client. The Court held unanimously that the Federal Arbitration Act required that those claims be heard that way when the parties were contractually obligated to do so, even where parallel claims made under federal law would still be heard in federal court.  
Justice Thurgood Marshall wrote for the court, resolving a conflict between the appellate circuits; Byron White added a concurrence in which he noted some issues with the underlying securities law that were not before the Court but, he felt, could in future cases make it harder for parties such as Byrd to claim that federal law always allowed them to litigate private actions for securities fraud. In the aftermath of the decision many district courts followed his opinion, leading to later Supreme Court rulings that greatly favored arbitration over litigation in securities disputes. It has been described as completing the federalization of American arbitration law.**

1. Shearson/American Express Inc. v. McMahon, 482 U.S. 220 (1987), is a United States Supreme Court decision concerning arbitration of private securities fraud claims arising under the Securities Exchange Act of 1934. By a 5–4 margin the Court held that its holding in a 1953 case, Wilko v. Swan, that the nonwaiver provisions of the Securities Act of 1933 prevented the mandatory arbitration of such claims, did not apply to claims under the 1934 Act due to differences in the corresponding language of the two statutes, reversing a decision of the Second Circuit Court of Appeals that had affirmed what had been considered settled law, despite the lack of a precedent. It likewise held that claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) were arbitrable, affirming an order from the district court that the Second Circuit had also upheld.  
   The question of whether claims under the 1934 Act were likewise exempt from the Federal Arbitration Act had first been raised in a 1974 case, Scherk v. Alberto-Culver Inc.. At that time Potter Stewart had found them not relevant to the case and upheld the arbitration order on the grounds that the case involved an international dispute. They had resurfaced in the previous term, in Justice Byron White's concurrence in Dean Witter Reynolds Inc. v. Byrd. Lower courts began embracing White's analysis, eventually creating a conflict in the circuits on appeal.  
   Justice Sandra Day O'Connor wrote the majority opinion, reiterating and deepening White's analysis. Harry Blackmun dissented for himself and justices Brennan and Marshall, who had written for a unanimous Court in Byrd. John Paul Stevens wrote a separate dissent. Both of those dissents concurred in the holding that the RICO claims were arbitrable. On remand, the case remained unresolved for another three years. The district judge fined the McMahons' counsel for filing frivolous motions, sanctions which were reversed on appeal, setting another precedent.  
   McMahon greatly expanded the use of arbitration in securities disputes, since many of them take place under the 1934 Act, which regulates the secondary market in which most investors trade. It also signaled a greater acceptance of arbitration as a desirable and fair method of dispute resolution. This was cited by the Court three years later in Rodriguez de Quijas v. Shearson/American Express Inc., when it overturned Wilko completely and held that claims under the 1933 Act could also be arbitrated if the parties had clearly chosen to do so. The expansion in securities arbitration as a result led to reforms during the 1990s to make the process more investor-friendly.
2. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.

# Text 524:

**Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.**

1. Okla. Tax Commission v. Citizen Band, Potawatomi Indian Tribe of Okla., 498 U.S. 505 (1991), was a case in which the Supreme Court of the United States held that the tribe was not subject to state sales taxes on sales made to tribal members, but that they were liable for taxes on sales to non-tribal members.
2. Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.

# Text 525:

**McKeiver v. Pennsylvania, 403 U.S. 528 (1971), is a decision of the United States Supreme Court. The Court held that juveniles in juvenile criminal proceedings were not entitled to a jury trial by the Sixth or Fourteenth Amendments. The Court's plurality opinion left the precise reasoning for the decision unclear.**

1. In re Gault, 387 U.S. 1 (1967), was a landmark U.S. Supreme Court decision which held the Due Process Clause of the 14th Amendment applies to juvenile defendants as well as to adult defendants. Juveniles accused of crimes in a delinquency proceeding must be afforded many of the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. The court's opinion was written by Justice Abe Fortas, a noted proponent of children's rights.
2. McGautha v. California, 402 U.S. 183 (1971), is a criminal case heard by the United States Supreme Court, in which the Court held that the lack of legal standards by which juries imposed the death penalty was not an unconstitutional violation of the due process clause portions of the Fourteenth Amendment.: 467  Justice Harlan wrote that writing rules for jury death penalty decisions was beyond current human ability.: 467  The context was public and philosophical scrutiny of the unequal application of the death penalty, especially in that blacks who killed whites were much more likely to have a death penalty imposed.: 467  McGautha was superseded one year later by Furman v. Georgia.

# Text 526:

**Braden v. United States, 365 U.S. 431 (1961), was a case in which the Supreme Court of the United States held that the conviction of the petitioner, Carl Braden, based on his refusal to answer questions posed to him by the House Un-American Activities Committee, did not violate his First Amendment rights and was constitutional.**

1. Barenblatt v. United States, 360 U.S. 109 (1959), was a case in which the Supreme Court of the United States ruled that the actions of the House Un-American Activities Committee did not violate the First Amendment and, thus, the Court upheld Lloyd Barenblatt's conviction for contempt of Congress. The Court held that the congressional committee had authority to compel a college professor to answer questions about his Communist Party membership.
2. Wilkinson v. United States, 365 U.S. 399 (1961), was a court case during the McCarthy Era in which the petitioner, Frank Wilkinson, an administrator with the Housing Authority of the City of Los Angeles, challenged his conviction under 2 U.S.C. § 192, which makes it a misdemeanor to refuse to answer any question pertinent to the question under inquiry for any person summoned as a witness by Congress. The petitioner's conviction was sustained in a 5–4 ruling, upholding a prior ruling in Barenblatt v. United States.  
   The petitioner was indeed summoned to testify before a Subcommittee of the House of Representatives' Un-American Activities Committee, which was investigating alleged Communist infiltration into basic industries and Communist Party propaganda activities. The petitioner refused to answer a question as to whether he was a member of the Communist Party, contending that the Subcommittee lacked legal authority to interrogate him and that its questioning violated his First Amendment rights. He was convicted of a misdemeanor violation of 2 U.S.C. § 192. The Court also, on February 27, 1961, denied Braden v. United States, a companion case appealing a similar 2 U.S.C. § 192 conviction.  
   The underlying activities of the FBI and government agencies later resulted in a case, Wilkinson v. FBI, in which it was revealed that the FBI believed the witness that provided the assertion of Wilkinson's association with the Communist Party was "unreliable and emotionally unstable."

# Text 527:

**North Carolina v. Pearce, 395 U.S. 711 (1969), is a United States Supreme Court case that forbids judicial “vindictiveness” from playing a role in the increased sentence a defendant receives after a new trial. In sum, due process requires that a defendant be “free of apprehension” of judicial vindictiveness. Time served for a new conviction of the same offense must be “fully credited,” and a trial judge seeking to impose a greater sentence on retrial must affirmatively state the reasons for imposing such a sentence. The companion case, Simpson v. Rice, was identical except that the defendant initially pleaded guilty and received only one trial after withdrawing that plea. Simpson was later overruled in Alabama v. Smith.**

1. Parker v. North Carolina, 397 U.S. 790 (1970), was a United States Supreme Court case in which the Court ruled that a plea agreement was valid even if the defendant entered into it in order to avoid the death penalty and even if his decision was based on a possibly mistaken belief on the part of the defendant and his lawyer that a confession the defendant had made would be admissible in court.
2. McGautha v. California, 402 U.S. 183 (1971), is a criminal case heard by the United States Supreme Court, in which the Court held that the lack of legal standards by which juries imposed the death penalty was not an unconstitutional violation of the due process clause portions of the Fourteenth Amendment.: 467  Justice Harlan wrote that writing rules for jury death penalty decisions was beyond current human ability.: 467  The context was public and philosophical scrutiny of the unequal application of the death penalty, especially in that blacks who killed whites were much more likely to have a death penalty imposed.: 467  McGautha was superseded one year later by Furman v. Georgia.

# Text 528:

**Kansas v. Hendricks, 521 U.S. 346 (1997), was a United States Supreme Court case in which the Court set forth procedures for the indefinite civil commitment of prisoners who are convicted of a sex offense and are deemed by the state to be dangerous because of a mental abnormality.**

1. Addington v. Texas, 441 U.S. 418 (1979), was a landmark decision of the US Supreme Court that set the standard for involuntary commitment for treatment by raising the burden of proof required to commit persons for psychiatric treatment from the usual civil burden of proof of "preponderance of the evidence" to "clear and convincing evidence".
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 529:

**Delaware Tribal Business Committee v. Weeks, 430 U.S. 73 (1977), was a case decided by the United States Supreme Court.**

1. Plains Commerce Bank v. Long Family Land and Cattle Co., Inc., 554 U.S. 316 (2008), is a decision by the Supreme Court of the United States holding that a tribal court had no jurisdiction to hear a case for discrimination against an Indian in the sale of non-Indian fee land located on a reservation.
2. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.

# Text 530:

**Chandler v. Miller, 520 U.S. 305 (1997), was a case before the United States Supreme Court concerning the Constitutionality under the Fourth Amendment of a state statute requiring drug tests of all candidates for certain state offices. The case is notable as being the only one in recent years where the Supreme Court has upheld a challenge to a ballot access restriction from members of a third party, in this case the Libertarian Party of Georgia.**

1. Chandler v. Florida, 449 U.S. 560 (1981), was a legal case in which the Supreme Court of the United States held that a state could allow the broadcast and still photography coverage of criminal trials. While refraining from formally overruling Estes v. Texas, which in 1965 held that media coverage was "infringing the fundamental right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment," it effectively did so.
2. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.

# Text 531:

**Huddleston v. United States, 485 U.S. 681 (1988), was a case in which the United States Supreme Court held that before admitting evidence of extrinsic acts under Rule 404(b) of the Federal Rules of Evidence, federal courts should assess the evidence's sufficiency under Federal Rule of Evidence 104(b). Under 104(b), "[w]hen the relevancy of evidence depends upon the fulfillment of a condition of fact, the court shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition."**

1. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.
2. Murray v. United States, 487 U.S. 533 (1988), was a United States Supreme Court decision that created the modern "independent source doctrine" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution inadmissible in criminal trials as "fruit of the poisonous tree". In Murray, the Court ruled that when officers conduct two searches, the first unlawful and the second lawful, evidence seized during the second search is admissible if the second search "is genuinely independent of [the] earlier one."

# Text 532:

**Warth v. Seldin, 422 U.S. 490 (1975), was a United States Supreme Court case in which the Court reviewed the concept of judicial standing and affirmed that if the plaintiffs lacked standing, they could not maintain a case against the defendants.**

1. Lefkowitz v. Newsome, 420 U.S. 283 (1975), is a U.S. Supreme Court case which held that when state law permits a defendant to plead guilty without giving up his right to judicial review of specified constitutional issues, such as the lawfulness of a search or the voluntariness of a confession, the defendant is not prevented from pursuing those constitutional claims in a federal habeas corpus proceeding.
2. Marks v. United States, 430 U.S. 188 (1977), is a case decided by the Supreme Court of the United States that explained how the holding of a case should be viewed where there is no majority supporting the rationale of any opinion.

# Text 533:

**City of Los Angeles v. Lyons, 461 U.S. 95 (1983), was a United States Supreme Court decision holding that the plaintiff, Adolph Lyons, lacked standing to challenge the Los Angeles city police department's use of chokeholds.**

1. Los Angeles County v. Humphries, 562 U.S. 29 (2010), is a decision by the Supreme Court of the United States that clarified one of the requirements for imposing liability on a municipality for violations of a federal right, in lawsuits brought under Section 1983 of the Civil Rights Act of 1871 (codified at 42 U.S.C. § 1983).  
   The Court had previously ruled in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), that municipalities could only be liable under Section 1983 if the injury was a result of that municipality's "policy or custom." In Los Angeles County v. Humphries, the Court ruled that this "policy or custom" requirement applied regardless of whether the relief the plaintiff sought was monetary or prospective.
2. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 534:

**Washington v. Glucksberg, 521 U.S. 702 (1997), was a landmark decision of the U.S. Supreme Court, which unanimously held that a right to assisted suicide in the United States was not protected by the Due Process Clause.  
Some legal experts have argued that this case was incorrectly decided stating that it failed to recognize the issue of assisted death as a "fundamental aspect of the right to privacy" and therefore, the Court should have used strict scrutiny rather than rational basis review.**

1. Vacco v. Quill, 521 U.S. 793 (1997), was a landmark decision of the Supreme Court of the United States regarding the right to die. It ruled 9–0 that a New York ban on physician-assisted suicide was constitutional, and preventing doctors from assisting their patients, even those terminally ill and/or in great pain, was a legitimate state interest that was well within the authority of the state to regulate. In brief, this decision established that, as a matter of law, there was no constitutional guarantee of a "right to die."
2. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.

# Text 535:

**Plains Commerce Bank v. Long Family Land and Cattle Co., Inc., 554 U.S. 316 (2008), is a decision by the Supreme Court of the United States holding that a tribal court had no jurisdiction to hear a case for discrimination against an Indian in the sale of non-Indian fee land located on a reservation.**

1. Delaware Tribal Business Committee v. Weeks, 430 U.S. 73 (1977), was a case decided by the United States Supreme Court.
2. Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
   The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
   Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.

# Text 536:

**Florida v. Bostick, 501 U.S. 429 (1991), was a United States Supreme Court case that overturned a per se rule imposed by the Florida Supreme Court that held consensual searches of passengers on buses were always unreasonable. The Court ruled that the fact that the search takes place on a bus is one factor in determining whether a suspect feels free to decline the search and walk away from the officers.**

1. Florida v. Royer, 460 U.S. 491 (1983), was a U.S. Supreme Court case dealing with issues involving the Fourth Amendment. Specifically, the case establishes a firm line in cases where police conduct search and seizure without a warrant. The court ruled that, while it is legal for authorities to target and approach a person based on their behavior, absent more, they cannot detain or search such individual without a warrant.
2. Florida v. Riley, 488 U.S. 445 (1989), was a United States Supreme Court decision which held that police officials do not need a warrant to observe an individual's property from public airspace.

# Text 537:

**Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.**

1. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.
2. Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), often shortened to Mt. Healthy v. Doyle, was a unanimous U.S. Supreme Court decision arising from a fired teacher's lawsuit against his former employer, the Mount Healthy City Schools. The Court considered three issues: whether federal-question jurisdiction existed in the case, whether the Eleventh Amendment barred federal lawsuits against school districts, and whether the First and Fourteenth Amendments prevented the district, as a government agency, from firing or otherwise disciplining an employee for constitutionally protected speech on a matter of public concern where the same action might have taken place for other, unprotected activities. Justice William Rehnquist wrote the opinion.  
   The case was first heard in the Southern District of Ohio. In 1971, Fred Doyle, who had been teaching social studies for five years in the Mount Healthy City Schools, learned his contract had not been renewed, not only denying him tenure but any further employment with the district. The superintendent's letter cited both an incident where he had made an obscene gesture to students and his sharing of a district dress code for teachers with a local radio station as displaying a "lack of tact". He took a position with another district and filed suit under Section 1983, arguing his constitutional rights to free speech had been violated, per the Court's 1967 decision in Pickering v. Board of Education, another case involving an untenured teacher fired for speaking out in the media. After the district court ruled in his favor, the school district appealed to the Sixth Circuit Court of Appeals, which partially vacated the decision in a brief per curiam opinion late in 1975.  
   The Supreme Court took the case and heard oral argument almost a year later. It handed down its decision early in 1977. On the jurisdictional question, Rehnquist held that although the school district had been created by state law, it was primarily a local entity and thus beyond the reach of the Eleventh Amendment, its first ruling in that area in 86 years. The Court did not, however, decide the question of whether Doyle had been fired legally, since there were other incidents suggesting he had difficulties in his relationships with students and fellow teachers which the district had introduced into the record. Instead, it remanded the case to the district court, ordering it to require the district to show by a preponderance of evidence that Doyle would have been fired regardless if he had not contacted the radio station. The school district was later able to do so, and in 1982 the Sixth Circuit upheld that decision.  
   The case introduced what has since become known as the "Mt. Healthy test" into similar cases that follow the Pickering line in asserting the First Amendment rights of public employees where the employer claims other, unprotected conduct motivated the adverse action, a two-prong process that shifts the burden of proof from plaintiff to defendant in the course of the action. First, the plaintiff must prove that the activity they were allegedly disciplined for was indeed protected speech. The defendant must then show by a preponderance that the adverse action would have occurred if the protected activity had never happened. This has been criticized as allowing public employers a way to circumvent restrictions on taking adverse action against whistleblowers, and more generally as incompatible with the underlying principles of tort law. The test has also been expanded into mixed motive discrimination cases in employment law.

# Text 538:

**Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.**

1. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.
2. Garner v. Louisiana, 368 U.S. 157 (1961), was a landmark case argued by Thurgood Marshall before the US Supreme Court. On December 11, 1961, the court unanimously ruled that Louisiana could not convict peaceful sit-in protesters who refused to leave dining establishments under the state's "disturbing the peace" laws.

# Text 539:

**United States v. Richardson, 418 U.S. 166 (1974), was a United States Supreme Court case concerning standing in which the Court held a taxpayer's interest in government spending was generalized, and too "undifferentiated" to confer Article III standing to challenge a law which exempted Central Intelligence Agency funding from Article I, Section 9 requirements that such expenditures be audited and reported to the public.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. Regan v. Taxation with Representation of Washington, 461 U.S. 540 (1983), was a case in which the United States Supreme Court upheld lobbying restrictions imposed on tax-exempt non-profit corporations.

# Text 540:

**Grove City College v. Bell, 465 U.S. 555 (1984), was a case in which the United States Supreme Court held that Title IX, which applies only to colleges and universities that receive federal funds, could be applied to a private school that refused direct federal funding but for which a large number of students had received federally funded scholarships. The Court also held that the federal government could require a statutorily mandated "assurance of compliance" with Title IX even though no evidence had been presented to suggest that Grove City College had discriminated. However, the Court also held that the regulation would apply only to the institution's financial aid department, not to the school as a whole.**

1. Norwood v. Harrison, 413 U.S. 455 (1973), is a United States Supreme Court decision in which the court held that a state cannot provide aid to a private school which discriminates on the basis of race.
2. Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.

# Text 541:

**Sicurella v. United States, 348 U.S. 385 (1955), was a case in which the Supreme Court of the United States held that willingness to fight in "theocratic" wars does not disqualify a Jehovah's Witness who would otherwise be eligible for exemption as a conscientious objector.**

1. Witmer v. United States, 348 U.S. 375 (1955), was a case in which the Supreme Court of the United States upheld a draft board's rejection of Jehovah's Witness claim of conscientious objector status as lacking sincerity.
2. Gonzales v. United States, 348 U.S. 407 (1955), was a case in which the Supreme Court of the United States held that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.

# Text 542:

**United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.**

1. Cuomo v. Clearing House Association, L.L.C., 557 U.S. 519 (2009), was a case decided by the United States Supreme Court. In a 5–4 decision, the court determined that a federal banking regulation did not pre-empt the ability of states to enforce their own fair-lending laws. The Court determined that the Office of the Comptroller of the Currency is the sole regulator of national banks but it does not have the authority under the National Bank Act to pre-empt state law enforcement against national banks.  
   The case came out of an interpretation of the US Treasury Department's Office of the Comptroller of the Currency which had blocked an investigation by New York into lending practices. The OCC claimed that the 1864 National Bank Act bars states from enforcing their own laws against national banks.  
   Justice Scalia stated in the opinion that while the OCC has "visitorial powers," the right to examine the affairs of a corporation, that does not mean that it has the exclusive right to enforcement. "A sovereign's 'visitorial powers' and its power to enforce the law are two different things. Contrary to what the [OCC's] regulation says, the National Bank Act pre-empts only the former." Scalia noted that states "have always enforced their general laws against national banks—and have enforced their banking-related laws against national banks for at least 85 years."  
   The case is notable for the justices composing the 5-4 majority, which included the liberal justices (John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer) along with the conservative Scalia, who authored the opinion. Justice Clarence Thomas, joined by Justices Samuel Alito, Anthony Kennedy, and Chief Justice John Roberts, wrote a dissent.  
   The case is further notable for the suggested relationship of this OCC decision to the financial crisis of 2007–2010.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 543:

**Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985), was a United States Supreme Court case in which the Court held that a state statute providing employees with an absolute right not to work on their chosen Sabbath violates the Establishment Clause of the First Amendment.**

1. Baggett v. Bullitt, 377 U.S. 360 (1964), was a United States Supreme Court case in which the Court held that a state cannot require an employee to take an unduly vague oath containing a promise of future conduct at the risk of prosecution for perjury or loss of employment, particularly where the exercise of First Amendment freedoms may thereby be deterred.
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 544:

**Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.**

1. J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.
2. Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991), was a United States Supreme Court case which held that peremptory challenges may not be used to exclude jurors on the basis of race in civil trials. Edmonson extended the court's similar decision in Batson v. Kentucky (1986), a criminal case. The Court applied the equal protection component of the Due Process Clause of the Fifth Amendment, as determined in Bolling v. Sharpe (1954), in finding that such race-based challenges violated the Constitution.

# Text 545:

**Davis v. Federal Election Commission, 554 U.S. 724 (2008), is a decision by the Supreme Court of the United States which held that section 319 (popularly known as the "Millionaire's Amendment") of the Bipartisan Campaign Reform Act of 2002 (popularly known as the McCain-Feingold law) unconstitutionally infringed on candidates' rights as provided by First Amendment.**

1. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".
2. FEC v. National Conservative PAC, 470 U.S. 480 (1985), was a decision by the Supreme Court of the United States striking down expenditure prohibitions of the Federal Election Campaign Act of 1971 (FECA), which regulates the fundraising and spending in political campaigns. The FECA is the primary law that places regulations on campaign financing by limiting the amount that may be contributed. The Act established that no independent political action committee may contribute more than $1,000 to any given presidential candidate in support of a campaign.  
   A political action committee is an organization that oversees contributions made by members for an electoral candidate. The committee then donates the funding to campaign for or against a candidate.  
   The Democratic Party of the United States and the Federal Election Commission (FEC) accused the National Conservative Political Action Committee (NCPAC) of violating the Federal Election Campaign Act in 1975. The defendants were accused of violating the expenditure limit implemented by the FECA, with the assertion that the independent contribution was in violation of the Act. The NCPAC expressed concern that the FECA violated the First Amendment.  
   In response, The Federal Election Commission claimed that the limitation of expenditures held by the FECA was not a violation of the First Amendment. The FEC said that because it is important to protect the integrity of the Government, as well as to uphold the public's perception of integrity, the limitation was necessary and still complied with the First Amendment. The FEC believed private financing could tarnish the protection of integrity and the public's perception. The Commission also believed the FECA would not hinder individual expression, and that ample room was left to freely express oneself under the Act.  
   Justice William H. Rehnquist concluded in the majority opinion that an attempt to limit spending in support of a presidential candidate, regardless of financial numerical amount, is still an attempt to regulate the First Amendment and the freedom of association, and is therefore unconstitutional.

# Text 546:

**Pearson v. Callahan, 555 U.S. 223 (2009), was a case decided by the United States Supreme Court dealing with the doctrine of qualified immunity.  
The case centered on the application of mandatory sequencing in determining qualified immunity as set by the 2001 decision, Saucier v. Katz, in which courts were to first ask whether a constitutional right was clearly violated by a government official at the time of the action before evaluating if a law had clearly been broken. The Court took to the unusual step of asking the parties to argue whether past precedent should be overturned. The theory under Saucier is that without courts first ruling on constitutional questions, the law would go undeveloped in many areas. Many legal commentators have criticized the ruling in Saucier.  
The Supreme Court, in its opinion, withdrew the mandatory sequencing required under Saucier, giving courts the discretion of asking the constitutional or law question first. While this discretionary approach can free resources of the court, it has led to additional criticism, as it can often favor defendants, particularly in cases involving excessive force and police brutality.**

1. Harlow v. Fitzgerald, 457 U.S. 800 (1982), was a case decided by the United States Supreme Court involving the doctrines of qualified immunity and absolute immunity.
2. Haynes v. United States, 390 U.S. 85 (1968), was a United States Supreme Court decision interpreting the Fifth Amendment to the United States Constitution's self-incrimination clause. Haynes extended the Fifth Amendment protections elucidated in Marchetti v. United States.

# Text 547:

**Symm v. United States, 439 U.S. 1105 (1979), was a United States Supreme Court case in which the Court summarily affirmed United States v. Texas, holding unconstitutional the denial to Prairie View students of the presumption of bona fide residency extended to other Waller County students.**

1. Witmer v. United States, 348 U.S. 375 (1955), was a case in which the Supreme Court of the United States upheld a draft board's rejection of Jehovah's Witness claim of conscientious objector status as lacking sincerity.
2. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.

# Text 548:

**Witters v. Washington Department of Services for the Blind, 474 U.S. 481 (1986), is a decision by the Supreme Court of the United States in which the Court ruled that the Establishment Clause did not prevent the state of Washington from providing financial vocational assistance to a blind man who sought to study at a Christian college to become a pastor, missionary, or youth pastor. The Court ruled that the Establishment Clause does not prevent financial assistance from a state vocational rehabilitation program from being used for religious instruction.**

1. Wisconsin v. Jonas Yoder, 406 U.S. 205 (1972), is the case in which the United States Supreme Court found that Amish children could not be placed under compulsory education past 8th grade. The parents' fundamental right to freedom of religion was determined to outweigh the state's interest in educating their children. The case is often cited as a basis for parents' right to educate their children outside of traditional private or public schools.  
   Like Sherbert v. Verner, the Court in Yoder required the government accommodate religious exercise by applying strict scrutiny to a neutral law that burdened religious exercise. Yoder differs from Sherbert v. Verner because the compulsory school attendance law was non-discriminatory and did not include a mechanism for individualized exemptions. Later, in Employment Division v. Smith Justice Antonin Scalia wrote that Yoder involved a "hybrid right" composed of parental rights and free exercise.   
   The Amish, who prevailed in the case, were represented by William Ball.
2. Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.

# Text 549:

**United States v. Huck Mfg. Co., 382 U.S. 197 (1965), is the most recent patent-license price-fixing case to reach the United States Supreme Court. It was inconclusive, as the Court split 4–4 and affirmed the decision of the lower court without opinion.**

1. Zenith Radio Corp. v. Hazeltine Research, Inc. is the caption of several United States Supreme Court patent–related decisions, the most significant of which is a 1969 patent–antitrust and patent–misuse decision concerning the levying of patent royalties on unpatented products.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 550:

**Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.**

1. United States v. R. Enterprises, Inc., 498 U.S. 292 (1991), was a United States Supreme Court case in which the court held that the three prong test for the issuance of a subpoena in United States v. Nixon does not apply to subpoenas issued by a grand jury. The Court concluded by stating that when a grand jury subpoena is challenged on relevancy grounds, the motion to quash must be denied "unless the district court determines that there is no reasonable possibility that the materials sought will produce information relevant to the grand jury's investigation."
2. Boyle v. United Technologies Corporation, 487 U.S. 500 (1988), is a United States Supreme Court case in which the Court held that government contractors are immune from liability for design defects in military equipment.  
   It came from a 1986 decision from the United States Court of Appeals for the Fourth Circuit reversing a jury verdict for Boyle on the grounds that government contractors are immune from liability for design defects in military equipment.

# Text 551:

**South Prairie Construction Co. v. Local No 627, International Union of Operating Engineers, AFL-CIO, 425 U.S. 800 (1976), is a US labor law case, concerning the scope of labor rights in the United States.**

1. Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. International Association of Machinists v. Street, 367 U.S. 740 (1961), was a United States labor law decision by the United States Supreme Court on labor union freedom to make collective agreements with employers to enroll workers in union membership, or collect fees for the service of collective bargaining.

# Text 552:

**Avery v. Midland County, 390 U.S. 474 (1968), is a United States Supreme Court case that ruled that local government districts had to be roughly equal in population.**

1. United States v. Montgomery Country Board of Education, 395 U.S. 225 (1969), was a case heard before the United States Supreme Court concerning the integration of public schools in Montgomery County, Alabama.
2. Rogers v. Lodge, 458 U.S. 613 (1982), was a United States Supreme Court case in which the Court held that an at-large election system for a large rural county with a large black population violated the Equal Protection Clause.

# Text 553:

**Stanton v. Stanton, 421 U.S. 7 (1975), is a United States Supreme Court case which struck down Utah's definitions of adulthood as a violation of equal protection: females reached adulthood at 18; males at 21.: 217–218**

1. Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.
2. Carey v. Population Services International, 431 U.S. 678 (1977), was a landmark decision of the U.S. Supreme Court in which the Court held that it was unconstitutional to prohibit anyone other than a licensed pharmacist to distribute nonprescription contraceptives to persons 16 years of age or over, to prohibit the distribution of nonprescription contraceptives by any adult to minors under 16 years of age, and to prohibit anyone, including licensed pharmacists, to advertise or display contraceptives.  
   The Court held that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution does not allow a state to intrude on an individual's decisions on matters of procreation which is protected as privacy rights.

# Text 554:

**Haywood v. Drown, 556 U.S. 729 (2009), was a United States Supreme Court case in which the Court held that a New York law preventing state trial courts from hearing claims for money damages against prison employees whether based on federal or state law violated the Supremacy Clause of the United States Constitution.**

1. Bounds v. Smith, 430 U.S. 817 (1977), was a United States Supreme Court case in which the Court tested the basic constitutional right of prison inmates’ access to legal documents prior to court. Prison authorities would consequently be required to provide legal assistance or counsel to inmates, whether it be through a trained legal professional or access to a legal library.   
   Multiple prisoners alleged that they were denied access to the courts due to lack of an adequate legal library and assistance with court related documents.
2. Pulley v. Harris, 465 U.S. 37 (1984), is a United States Supreme Court case in which the Court held that the Eighth Amendment to the United States Constitution does not require, as an invariable rule in every case, that a state appellate court, before it affirms a death sentence, proportionally compare the sentence in the case before it with the penalties imposed in similar cases if requested to do so by the prisoner.  
   The prisoner in the case, Robert Alton Harris, was ultimately executed in April 1992, after the U.S. Supreme Court reversed the Ninth Circuit several more times in the matter, including after Harris had been strapped into the gas chamber.

# Text 555:

**Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), was a landmark United States Supreme Court decision on compensation for regulatory takings. Penn Central sued New York City after the New York City Landmark Preservation Commission denied its bid to build a large office building on top of Grand Central Terminal. The Supreme Court ruled in the city's favor.**

1. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.
2. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.

# Text 556:

**Brown v. Socialist Workers '74 Campaign Committee, 459 U.S. 87 (1982), was a United States Supreme Court case that dealt with political speech, and whether a state could require a minor political party to disclose its membership, expenditures, and contributors.  
At the time, most states required political parties to disclose their contributions and expenditures; in 1982, the Court ruled that the Socialist Workers Party, a minor party in Ohio, was not required to disclose its contributors or recipients, on the basis of retributive animus and harassment if party functionaries did so.**

1. Storer v. Brown, 415 U.S. 724 (1974), was a case in which the Supreme Court of the United States upheld a California law that prohibited an individual from running for an elected office as an independent candidate if they were registered with a political party within the 12 months prior to the primary election.[1]
2. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.

# Text 557:

**Virginia State Pharmacy Board v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976), was a case in which the United States Supreme Court held that a state could not limit pharmacists' right to provide information about prescription drug prices. This was an important case in determining the application of the First Amendment to commercial speech.**

1. Bigelow v. Virginia, 421 U.S. 809 (1975), was a United States Supreme Court decision that established First Amendment protection for commercial speech. The ruling is an important precedent on challenges to government regulation of advertising, determining that such publications qualify as speech under the First Amendment.
2. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
   The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.

# Text 558:

**Hawaii v. Standard Oil Co. of Cal., 405 U.S. 251 (1972), was a decision by the United States Supreme Court which held that Section 4 of the Clayton Antitrust Act does not authorize a U.S. state to sue for damages for an injury to its general economy allegedly attributable to a violation of the United States antitrust law.**

1. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.
2. Exxon Corp. v. Governor of Maryland, 437 U.S. 117 (1978), was a case in which the Supreme Court of the United States upheld a Maryland law prohibiting oil producers and refiners from operating service stations within its borders. The challengers, including Exxon, claimed that the law violated the Dormant Commerce Clause. Justice Stevens wrote for the majority, which disagreed with Exxon et al.: "Since Maryland's entire gasoline supply flows in interstate commerce and since there are no local producers or refiners, such claims of disparate treatment between interstate and local commerce would be meritless." Exxon challenged the Maryland statute in Circuit Court which ruled the statute invalid. The Maryland Court of Appeals reversed the ruling.

# Text 559:

**Gregory v. Chicago, 394 U.S. 111 (1969), was a United States Supreme Court case in which the Court overturned the disorderly conduct charges against Dick Gregory and others for peaceful demonstrations in Chicago.**

1. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 560:

**Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.**

1. Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals. The Court held that, so long as they do not impose liability without fault, states are free to establish their own standards of liability for defamatory statements made about private individuals. However, the Court also ruled that if the state standard is lower than actual malice, the standard applying to public figures, then only actual damages may be awarded.  
   The consequence is that strict liability for defamation is unconstitutional in the United States; the plaintiff must be able to show that the defendant acted negligently or with an even higher level of mens rea. In many other common law countries, strict liability for defamation is still the rule.
2. Greenbelt Cooperative Publishing Association, Inc. v. Bresler, 398 U.S. 6 (1970), is a United States Supreme Court case in which the Court held that using the word "blackmail" in a newspaper article "was no more than rhetorical hyperbole" and that finding such usage as libel "would subvert the most fundamental meaning of a free press" guaranteed by the First Amendment to the United States Constitution. The ruling also touched on the plaintiff's status as a public figure.

# Text 561:

**United States v. Payner, 447 U.S. 727 (1980), is a United States Supreme Court case in which the Court reversed a district court's suppression of evidence in the criminal prosecution of an Ohio businessman charged with tax evasion. The case concerned both issues of criminal procedure and the application of the exclusionary rule derived from the Fourth Amendment. By a 6–3 margin the Court both reaffirmed its earlier rulings' holding that only the party whose Fourth Amendment protections may have been violated has standing to challenge the evidence seized in the search, and barred lower courts from exercising their supervisory power to exclude such evidence at the trial of third parties.  
The case had been brought as the fruit of Operation Trade Winds, a lengthy Internal Revenue Service (IRS) investigation into the use of offshore accounts in tax havens by American citizens attempting to evade tax liability and hide assets, some of which were believed to have been derived from criminal activities. At one point, a private investigator working with a Florida IRS agent had taken the executive's briefcase for the IRS to open and duplicate the documents within, then returned the briefcase. (This aspect was described by the district judge as the "briefcase caper", a sobriquet which has subsequently become attached to the case as a whole). Subpoenas based on the information in those documents yielded the documents used in a prosecution later of Ohio businessman Jack Payner.  
Lewis Powell wrote for the majority that prior case law gave Payner no reasonable expectation of privacy in the documents used to build the case against him. While the Court, too, was outraged by the IRS agent's disregard for the law, the judicial branch's supervisory power was meant to be used only against its own excesses, and Congress was better equipped to remedy such breaches of the Constitution since there were no ways to limit how a court might apply such a rule. Thurgood Marshall's dissent noted not only the extent to which the IRS had gone in planning the briefcase caper but that its agents had purposely been instructed to take advantage of the loophole created by the court's standing rule. Later commentators read the case as expanding the standing rule, and indicating a shift to focusing on the deterrence effect of applying the exclusionary rule instead of the courts' supervisory role.**

1. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.
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# Text 562:

**Clinton v. Jones, 520 U.S. 681 (1997), was a landmark United States Supreme Court case establishing that a sitting President of the United States has no immunity from civil law litigation, in federal court, for acts done before taking office and unrelated to the office. In particular, there is no temporary immunity and thus no delay of federal cases until the President leaves office.**

1. Nixon v. Fitzgerald, 457 U.S. 731 (1982), was a United States Supreme Court decision written by Justice Lewis Powell dealing with presidential immunity from civil liability for actions taken while in office. The Court found that a president "is entitled to absolute immunity from damages liability predicated on his official acts."
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 563:

**Indiana v. Edwards, 554 U.S. 164 (2008), was a United States Supreme Court case in which the Court held that the standard for competency to stand trial was not linked to the standard for competency to represent oneself.**

1. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.
2. Watts v. Indiana, 338 U.S. 49 (1949), was a United States Supreme Court case in which the court ruled that the use of a confession obtained through rigorous interrogation methods by Law Enforcement violates the Fourteenth Amendment.  
   In his concurrence/dissent, Justice Robert Jackson famously opined, "To bring in a lawyer means a real peril to solution of the crime because, under our adversary system, he deems that his sole duty is to protect his client—guilty or innocent—and that, in such a capacity, he owes no duty whatever to help society solve its crime problem. Under this conception of criminal procedure, any lawyer worth his salt will tell the suspect in no uncertain terms to make no statement to police under any circumstances."  
   In this case, a defendant was subjected to rigorous interrogation methods, including being forced to sleep on the floor, resulting in a confession to having committed murder. The Supreme Court ruled that the confession was involuntary and reversed his conviction.  
   Thurgood Marshall represented the defendant, Robert A. Watts, in Watts v. Indiana.

# Text 564:

**Crawford v. Nashville, 555 U.S. 271 (2009), is a United States Supreme Court case in which the Court unanimously ruled that Title VII of the Civil Rights Act of 1964 protects an employee who opposes unlawful sexual harassment, but does not report the harassment themself.**

1. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.
2. Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), is a US labor law case, where the United States Supreme Court, in a 9–0 decision, recognized sexual harassment as a violation of Title VII of the Civil Rights Act of 1964. The case was the first of its kind to reach the Supreme Court and would redefine sexual harassment in the workplace.  
   It established the standards for analyzing whether conduct was unlawful and when an employer would be liable. The court, for the first time, made sexual harassment an illegal form of discrimination.

# Text 565:

**Arizona Christian School Tuition Organization v. Winn, 563 U.S. 125 (2011), is a decision by the Supreme Court of the United States involving taxpayer standing under Article Three of the United States Constitution.  
A group of Arizona taxpayers challenged a state law providing tax credits to people who donate to school tuition organizations providing scholarships to students attending private or religious schools. The taxpayers claimed a violation of the Establishment Clause. The District Court dismissed the case, holding that the taxpayers did not state a valid claim. The decision was reversed by the Ninth Circuit, which ruled that the respondents had standing to sue, citing Flast v. Cohen.  
The Supreme Court ruled 5–4, in an opinion delivered by Justice Anthony Kennedy, that the plaintiffs did not have standing to bring suit. The Court stated that it had "rejected the general proposition that an individual who has paid taxes has a 'continuing, legally cognizable interest in ensuring that those funds are not used by the Government in a way that violates the Constitution.'" Ultimately, the Supreme Court found that any damages or harm claimed by the taxpayers by virtue of simply being a taxpayer would be pure speculation because the issue at hand was a tax credit and not a government expenditure. Justice Scalia filed a concurring opinion, joined by Justice Thomas.  
In her dissent, Justice Kagan said "cash grants and targeted tax breaks are means of accomplishing the same government objective—to provide financial support to select individuals or organizations." She further argued: "taxpayers should be able to challenge the subsidy." The dissent was joined by Justices Ginsburg, Breyer, and Sotomayor. Bruce Peabody, a political science professor at Fairleigh Dickinson University, remarked "the case brought out four dissents, a signal that those justices were prepared to decide the substantive issue." Equally, Peter Woolley, professor of political science and director of the PublicMind Poll, posited "in making this ruling on such narrow grounds, the court virtually guarantees that plaintiff in one guise or another will be back another day."**

1. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".
2. Mueller v. Allen, 463 U.S. 388 (1983), was a United States Supreme Court case examining the constitutionality of a state tax deduction granted to taxpaying parents for school-related expenses, including expenses incurred from private secular and religious schools. The plaintiffs claimed that a Minnesota statute, allowing tax deductions for both public and private school expenses, had the effect of subsidizing religious instruction since parents who paid tuition to religious schools received a larger deduction than parents of public school students, who incurred no tuition expenses.  
   In a 5–4 decision, the Court upheld the statute. The majority affirmed that the benefit was religiously neutral because the deduction applied equally to sectarian and nonsectarian tuition and that the choice of religious or nonreligious instruction was made by individual parents, not the state. Also, aid was given to parents, not schools.  
   The dissenting opinion argued that the tax deduction violated the US Constitution because it was an indirect government subsidy of religion, providing a financial incentive to parents to send their children to religious schools.

# Text 566:

**Afroyim v. Rusk, 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States, which ruled that citizens of the United States may not be deprived of their citizenship involuntarily. The U.S. government had attempted to revoke the citizenship of Beys Afroyim, a man born in Poland, because he had cast a vote in an Israeli election after becoming a naturalized U.S. citizen. The Supreme Court decided that Afroyim's right to retain his citizenship was guaranteed by the Citizenship Clause of the Fourteenth Amendment to the Constitution. In so doing, the Court struck down a federal law mandating loss of U.S. citizenship for voting in a foreign election—thereby overruling one of its own precedents, Perez v. Brownell (1958), in which it had upheld loss of citizenship under similar circumstances less than a decade earlier.  
The Afroyim decision opened the way for a wider acceptance of dual (or multiple) citizenship in United States law. The Bancroft Treaties—a series of agreements between the United States and other nations which had sought to limit dual citizenship following naturalization—were eventually abandoned after the Carter administration concluded that Afroyim and other Supreme Court decisions had rendered them unenforceable.  
The impact of Afroyim v. Rusk was narrowed by a later case, Rogers v. Bellei (1971), in which the Court determined that the Fourteenth Amendment safeguarded citizenship only when a person was born or naturalized in the United States, and that Congress retained authority to regulate the citizenship status of a person who was born outside the United States to an American parent. However, the specific law at issue in Rogers v. Bellei—a requirement for a minimum period of U.S. residence that Bellei had failed to satisfy—was repealed by Congress in 1978. As a consequence of revised policies adopted in 1990 by the United States Department of State, it is now (in the words of one expert) "virtually impossible to lose American citizenship without formally and expressly renouncing it."**

1. Schneider v. Rusk, 377 U.S. 163 (1964), was a 5–3 United States Supreme Court case that invalidated a law that stripped naturalized Americans of their citizenship as a result of extended or permanent residence abroad. Relying on the due process clause of the Fifth Amendment, the court ruled it generally was unconstitutional to treat naturalized and natural-born citizens differently.
2. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.

# Text 567:

**Whitus v. Georgia, 385 U.S. 545 (1967), found in favor of the petitioner (Whitus), who had been convicted for murder, and as such reversed their convictions. This was due to the Georgia jury selection policies, in which it was alleged racial discrimination had occurred.  
The plaintiffs argued that, as their county had a 45% population of African-Americans, it was discrimination and unfair to have been presented with all-white or nearly all-white juries each time. Thus, the Supreme Court – as well as overturning the convictions – ruled that Georgia renew its jury selection policies. Previous law meant tax returns would be sorted, and "Negroes" would have a '(c)' placed next to their name. In the conviction of Whitus, the jury had been selected via old lists.**

1. Georgia v. McCollum, 505 U.S. 42 (1992), was a case in which the Supreme Court of the United States held that a criminal defendant cannot make peremptory challenges based solely on race. The court had previously held in Batson v. Kentucky (1986) that prosecutors cannot make peremptory challenges based on race, but did not address whether defendants could use them. The court had already ruled in Edmonson v. Leesville Concrete Company (1991) that the Batson prohibition also applies to civil litigants because they are state actors during the jury selection process.  
   However, in Polk County v. Dodson, the court had held that a public defender is not a state actor in the context of a lawsuit for inadequate legal representation. McCollum argued that Polk County was the controlling precedent, so public defenders are not state actors during jury selection. Writing for the court, Justice Harry Blackmun disagreed. Blackmun found that whether a public defender is a state actor "depends on the nature and context of the function he is performing." Just as he is a state actor in the context of personnel decisions like hiring and firing attorneys in his office, a public defender is a state actor in the context of peremptory challenges. Like in Edmonson, Blackmun found that race-based peremptory challenges by the defendant violate the Equal Protection Clause and are therefore unconstitutional.
2. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.

# Text 568:

**Florida v. Jimeno, 500 U.S. 248 (1991), was a U.S. Supreme Court case involving the exclusionary rule of evidence under the Fourth Amendment.**

1. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.
2. Florida v. Royer, 460 U.S. 491 (1983), was a U.S. Supreme Court case dealing with issues involving the Fourth Amendment. Specifically, the case establishes a firm line in cases where police conduct search and seizure without a warrant. The court ruled that, while it is legal for authorities to target and approach a person based on their behavior, absent more, they cannot detain or search such individual without a warrant.

# Text 569:

**Carnival Cruise Lines, Inc. v. Shute, 499 U.S. 585 (1991), was a case in which the Supreme Court held that United States federal courts will enforce forum selection clauses so long as the clause is not unreasonably burdensome to the party seeking to escape it.**

1. Phillips Petroleum Co. v. Shutts, 472 U.S. 797 (1985), was a conflict of laws case decided by the United States Supreme Court.
2. The Bremen v. Zapata Off-Shore Company, 407 U.S. 1 (1972), was a United States Supreme Court case in which the Court considered when a U.S. court should uphold the validity of a contractual forum selection clause.  
   The parties had entered into an agreement for a drilling rig to be towed from Louisiana to Italy, which included a clause stating that disputes would be settled by a court in England. When a storm forced the towing party to make land in Tampa, Florida, the other party sued there. After the lower courts refused to uphold the forum selection clause, the Supreme Court held that it was enforceable unless the party seeking to avoid it could meet the high burden of showing it to be unreasonable or unjust.

# Text 570:

**Oyama v. State of California, 332 U.S. 633 (1948) was a United States Supreme Court decision that ruled that specific provisions of the 1913 and 1920 California Alien Land Laws abridged the rights and privileges guaranteed by the Fourteenth Amendment to Fred Oyama, a U.S. citizen in whose name his father, a Japanese citizen, had purchased land. In doing so, however, the court did not overturn the California Alien Land Laws as unconstitutional.**

1. Douglas v. California, 372 U.S. 353 (1963), was a case before the United States Supreme Court.
2. Adamson v. California, 332 U.S. 46 (1947), was a United States Supreme Court case regarding the incorporation of the Fifth Amendment of the Bill of Rights. Its decision is part of a long line of cases that eventually led to the Selective Incorporation Doctrine.

# Text 571:

**Gomillion v. Lightfoot, 364 U.S. 339 (1960), was a landmark decision of the Supreme Court of the United States that found an electoral district with boundaries created to disenfranchise African Americans violated the Fifteenth Amendment.**

1. Mobile v. Bolden, 446 U.S. 55 (1980), was a case in which the Supreme Court of the United States held that disproportionate effects alone, absent purposeful discrimination, are insufficient to establish a claim of racial discrimination affecting voting.  
   In Gomillion v. Lightfoot (1960), which challenged new city boundaries that excluded virtually all black voters from Tuskegee, Alabama, the court had held that creating electoral districts which disenfranchised blacks violated the Fifteenth Amendment.
2. Miller v. Johnson, 515 U.S. 900 (1995), was a United States Supreme Court case concerning "affirmative gerrymandering/racial gerrymandering", where racial minority-majority electoral districts are created during redistricting to increase minority Congressional representation.

# Text 572:

**Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.**

1. Griffin v. Maryland, 378 U.S. 130 (1964), was a case in which the Supreme Court of the United States reversed the convictions of five African Americans who were arrested during a protest of a privately owned amusement park by a park employee who was also a deputy sheriff. The Court found that the convictions violated the Equal Protection Clause of the Fourteenth Amendment.
2. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 573:

**Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.**

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2. Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995), was a landmark United States Supreme Court case which held that racial classifications, imposed by the federal government, must be analyzed under a standard of "strict scrutiny", the most stringent level of review which requires that racial classifications be narrowly tailored to further compelling governmental interests. Justice Sandra Day O'Connor wrote the majority opinion of the Court, which effectively overturned Metro Broadcasting, Inc. v. FCC, in which the Court had created a two tiered system for analyzing racial classifications. Adarand held the federal government to the same standards as the state and local governments through a process of "reverse incorporation," in which the 5th Amendment's Due Process Clause was held to bind the federal government to the same standards as state and local governments are bound under the 14th Amendment.

# Text 574:

**Commissioner v. Soliman, 506 U.S. 168 (1993), was a case heard before the United States Supreme Court in which the court decided whether a portion of a dwelling unit exclusively used as a principal place of business for any trade or business of a taxpayer would allow a deduction to the taxpayer's income taxes under Internal Revenue Code Section 280A(c)(1)(A).  
Soliman was an anesthesiologist who spent thirty to thirty-five hours per week with patients at three different hospitals but none of the hospitals provided him with an office. He used a spare bedroom in his house for contacting patients and surgeons, maintaining billing records, preparing for treatments, and reading medical journals.  
The Supreme Court denied Soliman's home office deduction setting forth a two consideration test for whether the home was the taxpayer's principal place of business: (1) the relative importance of the activities performed, and (2) time spent at each place.  
Congress's reaction to this decision was to amend Section 280A(c) in the Taxpayer Relief Act of 1997 so that a home office could meet the "principal place of business" test if it is the only fixed location where administrative or management activities are performed. This effectively nullified the Supreme Court's decision ruling in the Soliman case.**

1. Commissioner v. Kowalski, 434 U.S. 77 (1977), is a decision of the United States Supreme Court relating to taxation of meals furnished by an employer. In this case, the Court interpreted Internal Revenue Code §119(a)-(b)(4) and (d) and Treas. Reg. §1.119-1.  
   Most notably, the Court held that:  
     
   §119 was intended to exclude meals received "in kind," and so does not exclude cash reimbursements for meals like the one in question.
2. Commissioner v. Groetzinger, 480 U.S. 23 (1987), is a decision of the Supreme Court of the United States, which addressed the issue of what qualifies as being either a trade or business under Section 162(a) of the Internal Revenue Code. Under the terms of § 162(a), tax deductions should be granted "for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business for tax purposes." However, the term "trade or Business" is not defined anywhere in the Internal Revenue Code. The case of Commissioner v. Groetzinger examined what is required for an activity to rise to the level of a "trade or business" for tax purposes. The particular question presented in this case was whether a full-time gambler who made wagers for his own account was engaged in a "trade or business."

# Text 575:

**Cabell v. Chavez-Salido, 454 U.S. 432 (1982), was a case decided by the Supreme Court of the United States that upheld a state law as constitutional that excluded aliens from positions as probation officers. The Court found that probation officers fell within the political function exception to strict scrutiny equal protection analysis because probation officers exercise discretionary power involving a basic governmental function that gives them authority over the individual.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. United States v. Valenzuela-Bernal, 458 U.S. 858 (1982), is a United States Supreme Court case that determined the constitutionality of deporting aliens who might give testimony in criminal alien smuggling prosecutions. Because deporting alien witnesses might take away a testimony that would be both “material and favorable” to the defendant, it gives rise to a potential motion from the defense to dismiss the indictment under the Compulsory Process Clause of the Sixth Amendment and the Due Process Clause of the Fifth Amendment.  
   The Supreme Court held that because the defendant failed to make a “plausible suggestion that the deported aliens possessed any material evidence that was not merely cumulative of other evidence,” the District Court properly denied the respondent's motion to dismiss the indictment.

# Text 576:

**Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.**

1. Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.
2. United States v. Correll, 389 U.S. 299 (1967), is a case in which the United States Supreme Court ruled 5-3 that in order for the taxpayer to be allowed to deduct the cost of his meals incurred while on a business trip, the trip must have required him to stop for sleep or rest.

# Text 577:

**Howard Johnson Co. v. Detroit Local Joint Executive Board, 417 U.S. 249 (1974), is a US labor law case that decided that under the Labor Management Relations Act § 301 there can be no obligation on an employer to collectively bargain with employees of a business that has been transferred to him.**

1. Abood v. Detroit Board of Education, 431 U.S. 209 (1977), was a US labor law case where the United States Supreme Court upheld the maintaining of a union shop in a public workplace. Public school teachers in Detroit had sought to overturn the requirement that they pay fees equivalent to union dues on the grounds that they opposed public sector collective bargaining and objected to the political activities of the union. In a unanimous decision, the Court affirmed that the union shop, legal in the private sector, is also legal in the public sector. They found that non-members may be assessed agency fees to recover the costs of "collective bargaining, contract administration, and grievance adjustment purposes" while insisting that objectors to union membership or policy may not have their dues used for other ideological or political purposes.  
   Abood was overturned in the 2018 case Janus v. AFSCME, which found that Abood had failed to properly assess the First Amendment principles in its decision.
2. Lechmere, Inc. v. National Labor Relations Board, 502 U.S. 527 (1992), is a US labor law case of the Supreme Court of the United States on union rights and private property rights. It forbids nonemployee union organizers from soliciting support on private property unless no reasonable alternatives exist.

# Text 578:

**Lockett v. Ohio, 438 U.S. 586 (1978), is a United States Supreme Court case in which the Court held that sentencing authorities must have the discretion to consider at least some mitigating factors, rather than being limited to a specific list of factors.**

1. Skipper v. South Carolina, 476 U.S. 1 (1986), is a United States Supreme Court case in which the Court held that the rule from Lockett v. Ohio (1978) dictated that mitigating evidence not be subject to limitations based on relevance.
2. Stinson v. United States, 508 U.S. 36 (1993), is a decision of the United States Supreme Court that held Sentencing Commission guidelines may be cited as binding authority when courts issue sentences for criminal defendants.

# Text 579:

**Babbitt v. Youpee, 519 U.S. 234 (1997), was a United States Supreme Court case in which the Court held that a provision which escheats property to tribe upon owner's death any fractional interest in allotment which constitutes less than two percent of the allotment and has not produced $100 in income over the past five years, unless it is devised or descends to owner of another fractional interest in the allotment, works an unconstitutional taking.**

1. Babbitt, Secretary of the Interior v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687 (1995), is a US Supreme Court case, decided by a 6–3 vote, in which the plaintiffs challenged the Interior Department's interpretation of the word "harm" in the Endangered Species Act (ESA).
2. Hodel v. Irving, 481 U.S. 704 (1987), is a case in which the U.S. Supreme Court held that a statute ordering the escheat of fractional interests in real property which had been bequeathed to members of the Oglala Sioux tribe was an unconstitutional taking which required just compensation.

# Text 580:

**Santosky v. Kramer, 455 U.S. 745 (1982), is a Supreme Court case involving the burden of proof for the revocation of parental rights. The case arose when the Ulster County, New York, Department of Social Services sought to revoke John Santosky II and Annie Santosky's parental rights to their three children. Under Section 622 of the New York State Family Court Act, the state was permitted to revoke parental rights to a natural child if, after a fair preponderance of the evidence, a court found "permanent neglect." The New York State Family Court found such neglect by using the "fair preponderance" standard. The Appellate Division of the New York Supreme Court upheld the constitutionality of the burden of proof used.  
In a 5–4 opinion written by Associate Justice Harry Blackmun, the Supreme Court of the United States reversed and vacated the Appellate Division's ruling, holding that states seeking to sever parental rights irrevocably must show at least clear and convincing evidence of neglect. Justice William Rehnquist, joined by three others, dissented, on the grounds that the majority's focus on a single aspect of the law disregarded the fairness of the scheme as a whole. The ruling has since been criticized for its intrusion into state affairs. Because of the ruling, all states previously using the fair preponderance standard changed to the clear and convincing standard, but California has since abandoned the clear and convincing standard and returned to the fair preponderance standard.**

1. Kramer v. Union Free School District No. 15, 395 U.S. 621 (1969), was a United States Supreme Court decision in which the Court struck down a longstanding New York State statute requiring that to be eligible to vote in certain school district elections, an individual must either own or rent taxable real property within the school district, be the spouse of a property owner or lessor, or be the parent or guardian of a child attending a public school in the district. By a 5-to-3 vote, the court held that these voting requirements violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Patterson v. New York, 432 U.S. 197 (1977), was a legal case heard by the Supreme Court of the United States that stated that the Due Process Clause Fourteenth Amendment did not prevent the burdening of a defendant to prove the affirmative defense of extreme emotional disturbance as defined by law in the state of New York.  
   The court found that the State of New York had reclassified provocation ("extreme emotional disturbance") as an excuse (an affirmative defense requiring proof by preponderance of the evidence), rather than mens rea, which the prosecution had to prove beyond a reasonable doubt, as was the situation in Mullaney v. Wilbur (1975).: 18

# Text 581:

**Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals. The Court held that, so long as they do not impose liability without fault, states are free to establish their own standards of liability for defamatory statements made about private individuals. However, the Court also ruled that if the state standard is lower than actual malice, the standard applying to public figures, then only actual damages may be awarded.  
The consequence is that strict liability for defamation is unconstitutional in the United States; the plaintiff must be able to show that the defendant acted negligently or with an even higher level of mens rea. In many other common law countries, strict liability for defamation is still the rule.**

1. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 582:

**Bartkus v. Illinois, 359 U.S. 121 (1959), is a decision of the U.S. Supreme Court. The decision held that coordination of federal officials with state officials did not implicate the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution. It also held that a defendant may be acquitted of a federal crime and convicted of a state crime, even if those crimes share the same evidence, without violating the Due Process Clause of the Fourteenth Amendment.  
The case established the dual sovereign exception to the Double Jeopardy Clause, enabling state and federal prosecutions for substantially similar events.**

1. Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
   This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 583:

**Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996), is a United States Supreme Court case dealing with the scope of federal preemption.  
It was later limited by Riegel v. Medtronic, Inc.**

1. Eli Lilly and Company v. Medtronic, Inc., 496 U.S. 661 (1990), is a United States Supreme Court case related to patent infringement in the medical device industry. It held that 35 U.S.C. § 271(e)(1) of United States patent law exempted premarketing activity conducted to gain approval of a device under the Federal Food, Drug, and Cosmetic Act from a finding of infringement.
2. Diamond v. Diehr, 450 U.S. 175 (1981), was a United States Supreme Court decision which held that controlling the execution of a physical process, by running a computer program did not preclude patentability of the invention as a whole. The high court reiterated its earlier holdings that mathematical formulas in the abstract could not be patented, but it held that the mere presence of a software element did not make an otherwise patent-eligible machine or process patent ineligible. Diehr was the third member of a trilogy of Supreme Court decisions on the patent-eligibility of computer software related inventions.

# Text 584:

**Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987), decided on February 24, 1987, was a case decided by the United States Supreme Court, in which the court decided whether a foreign corporation, by merely being aware that its products could end up in the forum state and into the American "stream of commerce" which later caused injuries, satisfied the minimum contact necessary to satisfy jurisdictional due process requirements. The court was unanimous in the result, but issued a fractured decision with Associate Justice Sandra Day O'Connor writing for a plurality of the court.**

1. Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986), was an antitrust case decided by the Supreme Court of the United States. It raised the standard for surviving summary judgment to unambiguous evidence that tends to exclude an innocent interpretation. Specifically, the issue was whether there was a horizontal "agreement" between Matsushita Electric and other Japanese television manufacturers. The Court held that the evidence must tend to exclude the possibility of independent action to be sufficient to survive summary judgment.
2. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.

# Text 585:

**Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539 (1963), was a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a legislative committee cannot compel a subpoenaed witness to give up the membership lists of his organization.**

1. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.
2. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.

# Text 586:

**Imbler v. Pachtman, 424 U.S. 409 (1976), was a United States Supreme Court case in which district attorneys or prosecutors were found to have full immunity from civil suits resulting from their government duties.  
Imbler, a defendant in a murder trial, had been convicted and sentenced when the district attorney, Pachtman, revealed new evidence that he said had recently surfaced and which exonerated Imbler. Imbler used the new evidence to successfully free himself, then brought up a civil suit alleging that Pachtman had withheld evidence. The suit, however, was dismissed on the grounds that Pachtman had prosecutorial immunity, a finding which the Supreme Court affirmed.**

1. Clinton v. Jones, 520 U.S. 681 (1997), was a landmark United States Supreme Court case establishing that a sitting President of the United States has no immunity from civil law litigation, in federal court, for acts done before taking office and unrelated to the office. In particular, there is no temporary immunity and thus no delay of federal cases until the President leaves office.
2. Wainwright v. Greenfield, 474 U.S. 284 (1986), is a case in which the United States Supreme Court reversed the lower court's finding and overturned the petitioner's conviction, on the grounds that it was fundamentally unfair for the prosecutor to comment during the court proceedings on the petitioner's silence invoked as a result of a Miranda warning.

# Text 587:

**Greenbelt Cooperative Publishing Association, Inc. v. Bresler, 398 U.S. 6 (1970), is a United States Supreme Court case in which the Court held that using the word "blackmail" in a newspaper article "was no more than rhetorical hyperbole" and that finding such usage as libel "would subvert the most fundamental meaning of a free press" guaranteed by the First Amendment to the United States Constitution. The ruling also touched on the plaintiff's status as a public figure.**

1. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 588:

**Boutilier v. Immigration and Naturalization Service, 387 U.S. 118 (1967), was a United States Supreme Court case in which the Court upheld Clive Michael Boutilier's deportation from the United States under the Immigration and Nationality Act of 1952 due to his history of homosexual activities. The Act itself did not specify homosexuality among its exclusion criteria, but the Court held that Congress clearly intended that a homosexual individual be excluded from entry into the United States as one "afflicted with [a] psychopathic personality." The decision was abrogated by the Immigration Act of 1990, which rejected sexual orientation as a basis for excluding an individual from immigration.**

1. Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.
2. Immigration and Naturalization Service v. Elias-Zacarias, 502 U.S. 478 (1992), is a case in which the United States Supreme Court ruled that a Guatemalan man seeking asylum in the United States of America as a result of forced conscription in a guerrilla army did not establish persecution on account of political opinion, a legal requirement for asylum.

# Text 589:

**Ginzburg v. United States, 383 U.S. 463 (1966), was a decision by the United States Supreme Court involving the application of the First Amendment to Federal obscenity laws. One of a trio of cases (with Memoirs v. Massachusetts and Mishkin v. New York released on the same day), Ginzburg was part of the Supreme Court's attempt to refine the definitions of obscenity after the landmark 1957 case Roth v. United States.**

1. Ginsberg v. New York, 390 U.S. 629 (1968), was a United States Supreme Court case in which the Court ruled that material that is not obscene may nonetheless be harmful for children, and its marketing may be regulated.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 590:

**Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984), was a case in which the United States Supreme Court held that a state could use eminent domain to take land that was overwhelmingly concentrated in the hands of private landowners and redistribute it to the wider population of private residents.**

1. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.
2. Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009), was a United States Supreme Court case about the former crown lands of the Hawaiian monarchy, and whether the state's right to sell them was restricted by the 1993 Apology Resolution. The Court, in an opinion by Justice Samuel Alito, ruled unanimously that the state had the power to sell the lands free of encumbrances.

# Text 591:

**Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), is a decision by the Supreme Court of the United States involving the Freedom of Information Act. The Supreme Court ruled that Henry Kissinger was not required under the Act to turn over transcripts of phone conversations he made as an adviser to President Richard Nixon.  
By a 5–2 margin, the court overturned the decisions of two lower Federal courts and decided that Kissinger's removal of the transcripts from the State Department removed the documents from the purview of the Freedom of Information Act. In his opinion for the majority, Associate Justice William H. Rehnquist noted that once the documents had been withdrawn, "the agency has neither the custody or control necessary to enable it to withhold."  
Kissinger had removed thousands of pages of the phone transcripts in the waning days of his term as Secretary of State. The documents were first stored at Nelson Rockefeller's Kykuit estate in Westchester County, New York and were later given to the Library of Congress. In a decision affirmed by the United States Court of Appeals, the United States District Court ruled that Kissinger had "wrongfully removed" the documents and ordered the Library of Congress to return the papers to the State Department so that they could be processed for disclosure.  
The Supreme Court confirmed the decisions of the lower courts that Kissinger's transcripts when he was Richard Nixon's national security advisor did not fall under the purview of the Freedom of Information Act, nor would it apply to any other members of a President's executive office staff. The only documents that were legitimately covered by the request would have been from his term as Secretary of State from September 1973 to January 1977.**

1. United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989), was a case before the United States Supreme Court.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 592:

**Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981), is a United States labor law case of the United States Supreme Court.**

1. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.
2. Dunlop v. Bachowski, 421 U.S. 560 (1975), is a unanimous decision of the Supreme Court of the United States which held that the Labor-Management Reporting and Disclosure Act of 1959 gives federal courts jurisdiction to review decisions of the United States Department of Labor to proceed (or not) with prosecutions under the Act. In this case, there was a disputed election within the United Steelworkers. The Court declined to authorize a jury-type trial into the reasons for the department's decisions, and instead held that court may only review the department's rationales under the "arbitrary and capricious" test.

# Text 593:

**Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.**

1. Arizona v. Gant, 556 U.S. 332 (2009), was a United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law-enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.
2. Arizona v. Evans, 514 U.S. 1 (1995), was a United States Supreme Court case in which the Court instituted an exclusionary rule exception allowing evidence obtained through a warrantless search to be valid when a police record erroneously indicates the existence of an outstanding warrant due to negligent conduct of a Clerk of Court.

# Text 594:

**Nix v. Whiteside, 475 U.S. 157 (1986), was a United States Supreme Court decision that dealt with the effective assistance of counsel during a criminal trial.**

1. Nix v. Williams, 467 U.S. 431 (1984), was a U.S. Supreme Court case that created an "inevitable discovery" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution, which protects against unreasonable search and seizure, inadmissible in criminal trials as "fruit of the poisonous tree". In Nix, the Court ruled that evidence that would inevitably have been discovered by law enforcement through legal means remained admissible.
2. Strickland v. Washington, 466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.  
   The decision was a compromise by the majority in which the varying "tests for ineffective performance of counsel" among the federal circuits and state supreme courts were forced into a singular middle ground test. State governments are free to create a test even more favorable to an appellant.

# Text 595:

**Solem v. Stumes, 465 U.S. 638 (1984), was a United States Supreme Court case in which the Court held that its decision in Edwards v. Arizona (1980) should not be applied retroactively.**

1. Solem v. Bartlett, 465 U.S. 463 (1984), was a United States Supreme Court case involving Indian country jurisdiction in the United States that decided that opening up reservation lands for settlement by non-Indians does not constitute the intent to diminish reservation boundaries. Therefore, reservation boundaries would not be diminished unless specifically determined through acts of Congress.
2. Solem v. Helm, 463 U.S. 277 (1983), was a United States Supreme Court case concerned with the scope of the Eighth Amendment protection from cruel and unusual punishment. Mr. Helm, who had written a check from a fictitious account and had reached his seventh nonviolent felony conviction since 1964, received a mandatory sentence, under South Dakota law at that time, to life in prison with no parole. Petitioner Mr. Solem was the warden of the South Dakota State Penitentiary at the time.  
   The Court overturned the sentence on the grounds that it was "cruel and unusual". Justice Powell wrote for the five-member majority, while Chief Justice Burger wrote for the four-member dissent. Justice Powell reasoned that Helm had "received the penultimate sentence for relatively minor criminal conduct." Chief Justice Burger's concerns reflected his strict constructionist attitude: "Suppose several states punish severely a crime that the Court views as trivial or petty? I can see no limiting principle in the Court's holding."  
   The language of the opinion, however, refrained from striking down state statutes setting minimum sentencing guidelines for recidivism. The majority opinion only called for exceptions to the statutes protecting the constitutional freedom from cruel and unusual punishment.  
   In addition, the Court sought to use this particular case to clarify the Proportionality Doctrine previously proposed in Enmund v. Florida (1982) by setting precise guidelines for deciding whether a punishment is proportional to the specific crime committed. The Court ruled that all courts must do three things to decide whether a sentence is proportional to a specific crime:  
     
   Compare the nature and gravity of the offense and the harshness of the penalty,  
   Compare the sentences imposed on other criminals in the same jurisdiction; i.e., whether more serious crimes are subject to the same penalty or to less serious penalties, and  
   Compare the sentences imposed for commission of the same crime in other jurisdictions.

# Text 596:

**United States v. Feola, 420 U.S. 671 (1975), is a United States Supreme Court case in which the court held that conspiracy to assault a federal officer, like the substantive crime of assaulting a federal officer, doesn't require knowledge that the victims were federal officers.  
The case involved a drug "rip-off" in which the defendant and his co-conspirators agreed to sell sugar as heroin to unsuspecting buyers. They agreed that if the buyers discovered their ruse, they would jump the buyers and take their money. The sellers didn't know that the buyers were all undercover federal narcotics agents. Although the sellers tried to assault one of the agents, another agent pulled out his revolver and the agents eventually arrested the sellers.  
The court's opinion addressed—and eventually dispensed with—Judge Learned Hand's famous analogy in United States v. Crimmins 123 F.2d 271, 273 (2d Cir. 1941). Hand noted that conspiracy to commit mail fraud was akin to conspiracy to run a red light - both substantive crimes don't require knowledge beforehand. But agreement or conspiracy requires knowledge that there is such a red light, or that the mails will be used. The Court characterized this analogy as "effective prose...[but]...bad law." 420, at 689-90. The court argued that conspiracy agreements don't require agreement on every point of the crime, and so imposing a higher agreement requirement for a conspiracy to assault was illogical in light of the policy reasons for criminalizing conspiracy. The court identified these reasons as protecting society from concerted criminal activity and the social threat posed even by an inchoate crime.  
Instead the court reasoned that because the conspiracy statute didn't require a higher mens rea than the substantive crime, the same mens rea requirement applies to both by default. The court reasoned that one purpose of the assault statute was to provide a federal forum (specific jurisdiction) for assaults on federal officers. Therefore, conspiracy to assault a federal officer didn't require proof that the defendant knew that his intended victim was a federal officer.  
Justice Potter Stewart dissented, arguing that the structure of the assault statute and legislative history of its predecessor supported his interpretation that the statute only applied if the defendant knew his victim was a federal officer.**

1. United States v. Shabani, 513 U.S. 10 (1994), was a court case in which the Supreme Court of the United States clarified standards for conspiracy liability under a federal drug conspiracy statute. In a unanimous opinion written by Justice Sandra Day O'Connor, the Court held that government prosecutors need not prove evidence of an overt act in furtherance of the conspiracy when prosecuting individuals under the drug conspiracy statute codified at 21 U.S.C. § 846. Justice O'Connor wrote that Congress intended to "adopt the common law definition" of conspiracy for section 846, which did not require an overt act as a precondition of liability. Justice O'Connor's opinion also compared the drug conspiracy statute to the general conspiracy statute, which requires that a conspirator commit an overt act in furtherance of the conspiracy, noting that "[i]n light of this additional element in the general conspiracy statute, Congress' silence in § 846 speaks volumes."
2. Abbate v. United States, 359 U.S. 187 (1959), is a decision of the U.S. Supreme Court. The decision held that the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution does not prohibit the prosecution of a conspiracy in federal court under federal law when that same conspiracy has already resulted in a conviction in state court under state law.

# Text 597:

**San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973), was a case in which the Supreme Court of the United States held that San Antonio Independent School District's financing system, which was based on local property taxes, was not a violation of the Fourteenth Amendment's equal protection clause.  
The majority opinion, reversing the District Court, stated that the appellees did not sufficiently prove a textual basis, within the U.S. Constitution, supporting the principle that education is a fundamental right. Urging that the school financing system led to wealth-based discrimination, the plaintiffs had argued that the fundamental right to education should be applied to the States, through the Fourteenth Amendment. The Court found that there was no such fundamental right and that the unequal school financing system was not subject to strict scrutiny.**

1. Fitzgerald v. Barnstable School Committee, 555 U.S. 246 (2009), is a case in which the United States Supreme Court held that parents could sue a school committee under grounds of the Equal Protection Clause of the 14th Amendment.
2. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.

# Text 598:

**United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.**

1. United States v. Antelope, 430 U.S. 641 (1977), was a United States Supreme Court case in which the Court held that American Indians convicted on reservation land were not deprived of the equal protection of the laws; (a) the federal criminal statutes are not based on impermissible racial classifications but on political membership in an Indian tribe or nation; and (b) the challenged statutes do not violate equal protection. Indians or non-Indians can be charged with first-degree murder committed in a federal enclave.
2. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.

# Text 599:

**Tenet v. Doe, 544 U.S. 1 (2005), is a United States Supreme Court case in which the court ruled unanimously that spies (those recruited for espionage by the Central Intelligence Agency) cannot sue the CIA or the United States government to enforce an espionage contract. The court ruled that allowing such suits jeopardize the protection of state secrets.**

1. Webster v. Doe, 486 U.S. 592 (1988), is a case decided by the United States Supreme Court that presented statutory and constitutional claims by a former CIA employee who alleged that his termination was the result of discrimination based on sexual orientation.
2. United States v. Reynolds, 345 U.S. 1 (1953), is a landmark legal case decided in 1953, which saw the formal recognition of the state secrets privilege, a judicially recognized extension of presidential power. The US Supreme Court confirmed that "the privilege against revealing military secrets ... is well established in the law of evidence".

# Text 600:

**Board of Estimate of City of New York v. Morris, 489 U.S. 688 (1989), was a case argued before the United States Supreme Court regarding the structure of the New York City Board of Estimate.**

1. Wisconsin v. City of New York, 517 U.S. 1 (1996), was a United States Supreme Court case that held that under the Constitution's Census Clause, Congress is granted with the authority to conduct an "actual enumeration" of the American society, chiefly for the purpose of allocating congressional representation among the states.  
   Congress assigned the responsibility of conducting an "actual enumeration" of the American society to the Secretary of Commerce, who in the 1990 census, decided not to implement the statistical correction, better known as the post-enumeration survey (PES) to adjust an undercount in the initial population count.  
   Furthermore, following several citizens' groups, states, and cities, Wisconsin disputed the Secretary's decision not to use PES declaring that it resulted in an undercounting of certain identifiable minority groups.
2. Board of Trustees of State University of New York v. Fox, 492 U.S. 469 (1989), is a United States Supreme Court case in which the Court instructed a lower court to reevaluate the compatibility of a resolution of the State University of New York that prohibited private commercial enterprises from operating in SUNY facilities with the First Amendment. The Court instructed the lower court to use the standard outlined in Central Hudson Gas & Electric Corp. v. Public Service Commission (1980) and determine whether the restriction on speech advanced the state's interest and, if so, whether the state's method was the least restrictive means to that end. This approach ensures a balanced consideration, safeguarding the fundamental right to free speech while addressing the state's concerns in the most efficient and non-restrictive manner possible.

# Text 601:

**Apodaca v. Oregon, 406 U.S. 404 (1972), was a United States Supreme Court case in which the Court held that state juries may convict a defendant by a less-than-unanimous verdict in a felony criminal case. The four-justice plurality opinion of the court, written by Justice White, affirmed the judgment of the Oregon Court of Appeals and held that there was no constitutional right to a unanimous verdict. Although federal law requires federal juries to reach criminal verdicts unanimously, the Court held Oregon's practice did not violate the Sixth Amendment right to trial by jury and so allowed it to continue. In Johnson v. Louisiana, a case decided on the same day, the Court held that Louisiana's similar practice of allowing criminal convictions by a jury vote of 9–3 did not violate due process or equal protection under the Fourteenth Amendment.  
Justice Powell, in his concurring opinion, argued that there was a constitutional right to a unanimous jury in the Sixth Amendment, but that the Fourteenth Amendment's Due Process Clause does not incorporate that right as applied to the states. This case is part of a line of cases interpreting if and how the Sixth Amendment is applied against the states through the Fourteenth Amendment for the purposes of incorporation doctrine, although the division of opinions prevented a clear-cut answer to that question in this case.  
Apodaca v. Oregon was overruled by Ramos v. Louisiana (2020).**

1. Leland v. Oregon, 343 U.S. 790 (1952), was a United States Supreme Court case in which the Court upheld the constitutionality of placing the burden of persuasion on the defendant when they argue an insanity defense in a criminal trial. This differed from previous federal common law established in Davis v. United States, in which the court held that if the defense raised an insanity defense, the prosecution must prove sanity beyond a reasonable doubt, but Davis was not a United States constitutional ruling, so only limited federal cases, but not state cases.: 17  Oregon had a very high burden on defense, that insanity be proved beyond a reasonable doubt.: 17  At that time, twenty other states also placed the burden of persuasion on the defense for an insanity defense.: 17   
   The defendant was convicted of killing a fifteen-year-old girl in Multnomah County. After being arrested for auto theft, the defendant asked for a homicide officer, verbally confessed to the murder, took the police to the scene of the crime, and signed a written confession. After being indicted, he then spoke to a lawyer for the first time. At trial, a jury convicted him and recommended the death penalty.  
   Oregon law required the defendant required proof of insanity beyond a reasonable doubt. The case claimed that the "statute in effect requires a defendant pleading insanity to establish his innocence by disproving beyond a reasonable doubt elements of the crime necessary to a verdict of guilty, and that the statute is therefore violative of that due process of law secured by the Fourteenth Amendment."
2. Duncan v. Louisiana, 391 U.S. 145 (1968), was a significant United States Supreme Court decision which incorporated the Sixth Amendment right to a jury trial and applied it to the states.

# Text 602:

**Anders v. California, 386 U.S. 738 (1967), was a United States Supreme Court case in which a court-appointed attorney filed a motion to withdraw from the appeal of a criminal case because of his belief that any grounds for appeal were frivolous.  
The Supreme Court ruled that any such motion must be accompanied by a brief (commonly referred to as an Anders brief) outlining the case and any potential (albeit possibly frivolous) grounds for appeal, that the appellate court must independently review the case, and that a defendant must be allowed the right to appeal either pro se or by other counsel.**

1. Douglas v. California, 372 U.S. 353 (1963), was a case before the United States Supreme Court.
2. Giles v. California, 554 U.S. 353 (2008), was a case decided by the Supreme Court of the United States that held that for testimonial statements to be admissible under the forfeiture exception to hearsay, the defendant must have intended to make the witness unavailable for trial.

# Text 603:

**United States v. Carmack, 329 U.S. 230 (1946), was a unanimous decision of the Supreme Court of the United States which held that the United States federal government was empowered by Condemnation Act of August 1, 1888; the Public Buildings Act of 1926; and the United States Constitution to exercise its right of eminent domain over land containing buildings owned by a state or local government.**

1. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.
2. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.

# Text 604:

**Milkovich v. Lorain Journal Co., 497 U.S. 1 (1990), was a United States Supreme Court case that rejected the argument that a separate opinion privilege existed against libel. It was seen by legal commentators as the end of an era that began with New York Times Co. v. Sullivan and continued with Gertz v. Robert Welch, Inc., in which the court clarified and greatly expanded the range and scope of what could be said in the press without fear of litigation.  
The case took a long time to come before the court, which twice declined to hear it. When it finally did, the justices suggested they would clarify once and for all the extent to which opinions could be expressed without fear of being held libellous. The actual decision, however, was regarded as having confused the issue somewhat instead. Several state courts have responded by recognizing an opinion privilege in some way as part of their state constitution.**

1. Gertz v. Robert Welch, Inc., 418 U.S. 323 (1974), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals. The Court held that, so long as they do not impose liability without fault, states are free to establish their own standards of liability for defamatory statements made about private individuals. However, the Court also ruled that if the state standard is lower than actual malice, the standard applying to public figures, then only actual damages may be awarded.  
   The consequence is that strict liability for defamation is unconstitutional in the United States; the plaintiff must be able to show that the defendant acted negligently or with an even higher level of mens rea. In many other common law countries, strict liability for defamation is still the rule.
2. New York Times Co. v. Sullivan, 376 U.S. 254 (1964), was a landmark U.S. Supreme Court decision ruling that the freedom of speech protections in the First Amendment to the U.S. Constitution restrict the ability of public officials to sue for defamation. The decision held that if a plaintiff in a defamation lawsuit is a public official or candidate for public office, then not only must they prove the normal elements of defamation—publication of a false defamatory statement to a third party—they must also prove that the statement was made with "actual malice", meaning the defendant either knew the statement was false or recklessly disregarded whether it might be false. New York Times Co. v. Sullivan is frequently ranked as one of the greatest Supreme Court decisions of the modern era.  
   The underlying case began in 1960, when The New York Times published a full-page advertisement by supporters of Martin Luther King Jr. that criticized the police in Montgomery, Alabama, for their treatment of civil rights movement protesters. The ad had several inaccuracies regarding facts such as the number of times King had been arrested during the protests, what song the protesters had sung, and whether students had been expelled for participating. Based on the inaccuracies, Montgomery police commissioner L. B. Sullivan sued the Times for defamation in the local Alabama county court. After the judge ruled that the advertisement's inaccuracies were defamatory per se, the jury returned a verdict in favor of Sullivan and awarded him $500,000 in damages. The Times appealed first to the Supreme Court of Alabama, which affirmed the verdict, and then to the U.S. Supreme Court, which agreed to hear the case.  
   In March 1964, the Court issued a 9–0 decision holding that the Alabama court's verdict violated the First Amendment. The Court reasoned that defending the principle of wide-open debate will inevitably include "vehement, caustic, and...unpleasantly sharp attacks on government and public officials." The Supreme Court's decision, and its adoption of the actual malice standard, reduced the financial exposure from potential defamation claims and frustrated efforts by public officials to use these claims to suppress political criticism. The Supreme Court has since extended Sullivan's higher legal standard for defamation to all "public figures". This has made it extremely difficult for a public figure to win a defamation lawsuit in the United States.

# Text 605:

**DeFunis v. Odegaard, 416 U.S. 312 (1974), was a United States Supreme Court case in which the Court held that the case had become moot and so declined to render a decision on the merits. American student Marco DeFunis, who had been denied admission to the University of Washington School of Law in the state of Washington before he was provisionally admitted during the pendency of the case, was slated to graduate within a few months of the decision being rendered.  
The Court rejected the assertion that the case was in one of two exceptions to the mootness doctrine that were raised by the plaintiff. The case did not constitute "voluntary cessation" on the part of the defendant law school, as the plaintiff was now in his final quarter, and the law school could take no action to deny him the ability to graduate. Also, it was not a question that was "capable of repetition, yet evading review" because the plaintiff would never again face the situation, and others who might raise the same complaint in the future might be able to receive the courts' full review.  
DeFunis argued that materials brought to light during discovery and entered into evidence in the trial court showed that his initial denial of admission to the law school was the result of the operation of the law school's affirmative action policy, favoring the admission of minority applicants over better-qualified white candidates. Although the Court refused to consider the case on the merits in DeFunis, the issue of affirmative action returned to the Court without any problem of mootness, with an opinion on the merits achieved in Regents of the University of California v. Bakke.**

1. Regents of the University of California v. Bakke, 438 U.S. 265 (1978), was a landmark decision by the Supreme Court of the United States that involved a dispute of whether preferential treatment for minorities could reduce educational opportunities for whites without violating the Constitution. It upheld affirmative action, allowing race to be one of several factors in college admission policy. However, the court ruled that specific racial quotas, such as the 16 out of 100 seats set aside for minority students by the University of California, Davis, School of Medicine, were impermissible.  
   Although the Supreme Court had outlawed segregation in schools by the Brown v. Board of Education decision and had ordered school districts to take steps to assure integration, the question of the legality of voluntary affirmative action programs initiated by universities remained unresolved. Proponents deemed such programs necessary to make up for past discrimination, while opponents believed they were illegal and a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. An earlier case that the Supreme Court had taken in an attempt to address the issue, DeFunis v. Odegaard (1974), was dismissed on procedural grounds.  
   Allan P. Bakke (), an engineer and former Marine officer, sought admission to medical school but was rejected for admission partly because of his age — Bakke was in his early 30s while applying, which at least two institutions considered too old. After twice being rejected by the University of California, Davis, he brought suit in state court challenging the constitutionality of the school's affirmative-action program. The California Supreme Court struck down the program as violative of the rights of white applicants and ordered Bakke admitted. The U.S. Supreme Court accepted the case amid wide public attention.  
   The ruling on the case was highly fractured. The nine justices issued a total of six opinions. The judgment of the court was written by Justice Lewis F. Powell Jr.; two different blocs of four justices joined various parts of Powell's opinion. Finding diversity in the classroom to be a compelling state interest, Powell opined that affirmative action in general was allowed under the Constitution and the Title VI of the Civil Rights Act of 1964. Nevertheless, UC Davis's program went too far for a majority of justices; it was struck down and Bakke was admitted. The practical effect of Bakke was that most affirmative action programs continued without change. Questions about whether the Bakke case was merely a plurality opinion or binding precedent were addressed in 2003 when the court upheld Powell's position in the majority opinion of Grutter v. Bollinger. However, in 2023, the Supreme Court reversed that position, finding that affirmative action in student admissions impermissibly violated the Equal Protection Clause of the Fourteenth Amendment in Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina.
2. United States v. Fordice, 505 U.S. 717 (1992), is a United States Supreme Court case that resulted in an eight to one ruling that the eight public universities in Mississippi had not sufficiently integrated and that the state must take affirmative action to change this under the Equal Protection Clause. The Court found that, although the state had eliminated explicit prohibitions on the admission of black students to institutions including the University of Mississippi, Mississippi State University, and the University of Southern Mississippi, the Court of Appeals had not properly reviewed the set of discriminatory policies used by the state to suppress black enrollment at these schools. On this point, the Court stated that "[i]f the State perpetuates policies and practices traceable to its prior system that continue to have segregative effects – whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system – and such policies are without sound educational justification and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system."  
   Four opinions were filed in the case. In addition to Justice White's majority opinion, Justice O'Connor and Justice Thomas filed concurring opinions. Thomas, in particular, expressed a concern that the strict review of policies that divided students by race should not be used against historically black universities in the state.  
   Justice Scalia filed a separate opinion concurring in part and dissenting in part, expressing his disagreement with the burden that the Court imposed on universities and his concern that the standards set forth by the Court would create confusion and lead to more litigation.

# Text 606:

**Florida v. Riley, 488 U.S. 445 (1989), was a United States Supreme Court decision which held that police officials do not need a warrant to observe an individual's property from public airspace.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Florida v. Royer, 460 U.S. 491 (1983), was a U.S. Supreme Court case dealing with issues involving the Fourth Amendment. Specifically, the case establishes a firm line in cases where police conduct search and seizure without a warrant. The court ruled that, while it is legal for authorities to target and approach a person based on their behavior, absent more, they cannot detain or search such individual without a warrant.

# Text 607:

**Niemotko v. Maryland, 340 U.S. 268 (1951), was a case in which the Supreme Court of the United States held that the city of Havre de Grace, Maryland had violated the free exercise of Niemotko's religion by not issuing a permit for him and his religious group (the Jehovah's Witnesses) to meet in a public park when other religious and civic groups had been given permits for holding their meetings there.**

1. McGowan v. Maryland, 366 U.S. 420 (1961), was a United States Supreme Court case that affirmed the Maryland State Supreme Court's decision that the state's Sunday closing laws did not have a religious purpose to aid religion and that the secular purpose of the legislation to set aside a day of rest and recreation did not violate the Establishment Clause.
2. Poulos v. New Hampshire, 345 U.S. 395 (1953), was a case in which the Supreme Court of the United States held that a New Hampshire city ordinance regarding permission to hold a meeting in a public park did not violate the appellant's rights to Free Exercise of Religion even if he and his group were arbitrarily and unlawfully denied a license to hold a religious meeting in that public park.

# Text 608:

**Edelman v. Jordan, 415 U.S. 651 (1974), was a United States Supreme Court case that held that the sovereign immunity recognized in the Eleventh Amendment prevented a federal court from ordering a state from paying back funds that had been unconstitutionally withheld from parties to whom they had been due.**

1. Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985), was a United States Supreme Court case regarding Congress' power to abrogate the Eleventh Amendment sovereign immunity of the states.  
   Ordinarily, sovereign immunity prohibits the states from being sued, and the Eleventh Amendment prohibits states from being sued without consent in federal court; however, there are exceptions. A state can waive its sovereign immunity, and in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), the Supreme Court had emphasized that Congress could abrogate state sovereign immunity pursuant to powers granted it by the Civil War Amendments. The Court noted that Edelman v. Jordan, 415 U.S. 651 (1974), however, had recognized that "the Eleventh Amendment implicates the fundamental constitutional balance between the Federal Government and the States," Atascadero, at 238, the Court had applied a clear statement rule to waiver. The Court will only deem the state to have waived its immunity when the waiver is couched in "the most express language or by such overwhelming implication from the text as [will] leave no room for any other reasonable construction." Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909).  
   In Atascadero, the Court made the rule symmetrical: just as purported waiver requires a clear statement, so too a purported abrogation requires a clear statement. Reiterating its "reluctance to infer that a State's immunity from suit in the federal courts has been negated[,] stem[ming] from recognition of the vital role of the doctrine of sovereign immunity in our federal system," Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 98 (1984) (Pennhurst II), and citing "[t]he fundamental nature of the interests implicated by the Eleventh Amendment," Atascadero, at 242, the court held "that Congress may abrogate the States' constitutionally secured immunity from suit in federal court only by making its intention unmistakably clear in the language of the statute." Id.  
   In response to Atascadero, Congress enacted a statute providing the clear language that the Court had demanded. The Rehabilitation Act Amendments of 1986 stated that "a State shall not be immune under the Eleventh Amendment... from suit in Federal court for a violation" of relevant provisions of federal law.
2. Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), was a United States Supreme Court decision that determined that the U.S. Congress has the power to abrogate the Eleventh Amendment sovereign immunity of the states, if this is done pursuant to its Fourteenth Amendment power to enforce upon the states the guarantees of the Fourteenth Amendment.[1]

# Text 609:

**Wright v. Rockefeller, 376 U.S. 52 (1964), was a case in which the Supreme Court of the United States held that in cases involving allegations of improper racial gerrymandering, where the evidence was "equally, or more, persuasive" that racial considerations had not motivated the state legislature, the court will give deference to the findings of the district court.**

1. Miller v. Johnson, 515 U.S. 900 (1995), was a United States Supreme Court case concerning "affirmative gerrymandering/racial gerrymandering", where racial minority-majority electoral districts are created during redistricting to increase minority Congressional representation.
2. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.

# Text 610:

**Williams v. Lee, 358 U.S. 217 (1959), was a landmark case in which the Supreme Court of the United States held that the State of Arizona does not have jurisdiction to try a civil case between a non-Indian doing business on a reservation with tribal members who reside on the reservation, the proper forum for such cases being the tribal court.  
The Navajo tribe has lived in the southwestern United States and first came into contact with the United States government in 1846, signing a treaty with the government in 1849. In the early 1860s, the government removed the tribe from their traditional area to eastern New Mexico at the Bosque Redondo. In 1868, the United States and the tribe signed a new treaty to put it back on a reservation in their traditional lands, where the tribe focused on raising sheep and goats.**

1. Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985), was a case in which the Supreme Court of the United States held that an Indian tribe is not required to obtain the approval of the Secretary of the Interior in order to impose taxes on non-tribal persons or entities doing business on a reservation.
2. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.

# Text 611:

**Eastman Kodak Co. v. Image Technical Servs., Inc., 504 U.S. 451 (1992), is a 1992 Supreme Court decision in which the Court held that even though an equipment manufacturer lacked significant market power in the primary market for its equipment—copier-duplicators and other imaging equipment—nonetheless, it could have sufficient market power in the secondary aftermarket for repair parts to be liable under the antitrust laws for its exclusionary conduct in the aftermarket. The reason was that it was possible that, once customers were committed to the particular brand by having purchased a unit, they were "locked in" and no longer had any realistic alternative to turn to for repair parts.**

1. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.
2. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.

# Text 612:

**TSC Industries, Inc. v. Northway, Inc., 426 U.S. 438 (1976), was a case in which the Supreme Court of the United States articulated the requirement of materiality in securities fraud cases.**

1. Basic Inc. v. Levinson, 485 U.S. 224 (1988), was a case in which the Supreme Court of the United States articulated the "fraud-on-the-market theory" as giving rise to a rebuttable presumption of reliance in securities fraud cases.
2. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.

# Text 613:

**National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.

# Text 614:

**Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.**

1. Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 615:

**Tafflin v. Levitt, 493 U.S. 455 (1990), was a United States Supreme Court case in which the Court held that state courts have concurrent jurisdiction to decide civil claims brought under the Racketeer Influenced and Corrupt Organizations Act (RICO).**

1. Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.
2. Babbitt v. Youpee, 519 U.S. 234 (1997), was a United States Supreme Court case in which the Court held that a provision which escheats property to tribe upon owner's death any fractional interest in allotment which constitutes less than two percent of the allotment and has not produced $100 in income over the past five years, unless it is devised or descends to owner of another fractional interest in the allotment, works an unconstitutional taking.

# Text 616:

**KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.**

1. United States v. Adams, 383 U.S. 39 (1966), is a United States Supreme Court decision in the area of patent law. This case was later cited in KSR v. Teleflex as an example of a case satisfying the requirement for non-obviousness of a combination of known elements. It also features one of the great stories of patent litigation lore, with Adams's attorney utilizing an innovative and unique method of non-oral advocacy at oral argument in front of the Supreme Court.
2. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).

# Text 617:

**Bigelow v. Virginia, 421 U.S. 809 (1975), was a United States Supreme Court decision that established First Amendment protection for commercial speech. The ruling is an important precedent on challenges to government regulation of advertising, determining that such publications qualify as speech under the First Amendment.**

1. Virginia State Pharmacy Board v. Virginia Citizens Consumer Council, 425 U.S. 748 (1976), was a case in which the United States Supreme Court held that a state could not limit pharmacists' right to provide information about prescription drug prices. This was an important case in determining the application of the First Amendment to commercial speech.
2. Landmark Communications v. Virginia, 435 U.S. 829 (1978), was a United States Supreme Court case that was argued on January 11, 1978 and decided on May 1, 1978.  
   The court reversed a lower court's conviction of the publisher of Norfolk's The Virginian-Pilot for illegal disclosure of confidential proceedings before the Judicial Inquiry and Review Commission about a judge's misconduct.

# Text 618:

**Staub v. Proctor Hospital, 562 U.S. 411 (2011), is a United States Supreme Court case in which the Court held that an employer may be held liable for employment discrimination under the Uniformed Services Employment and Reemployment Rights Act (USERRA) if a biased supervisor's actions are a proximate cause of an adverse employment action, even if the ultimate decision-maker was not personally biased. This case affirmed the 'Cat's Paw' theory of liability.**

1. Waters v. Churchill, 511 U.S. 661 (1994), is a United States Supreme Court case concerning the First Amendment rights of public employees in the workplace. By a 7–2 margin the justices held that it was not necessary to determine what a nurse at a public hospital had actually said while criticizing a supervisor's staffing practices to coworkers, as long as the hospital had formed a reasonable belief as to the content of her remarks and reasonably believed that they could be disruptive to its operations. They vacated a Seventh Circuit Court of Appeals ruling in her favor, and ordered the case remanded to district court to determine instead if the nurse had been fired for the speech or other reasons, per the Court's ruling two decades prior in Mt. Healthy City School District Board of Education v. Doyle.  
   The case had first been brought by Cheryl Churchill, a nurse in the obstetrics ward at McDonough District Hospital, operated by the city of Macomb, Illinois. During a dinner break one night in early 1987, she had been talking with another nurse who was considering transferring to obstetrics. In that conversation she made statements critical of cross-training practices recently implemented by the hospital's nursing supervisor, Cindy Waters, and referred to personal issues between the two. Another nurse who overheard the conversation believed Churchill's comments about Waters had dissuaded her interlocutor from the transfer, and reported it to Waters. After an investigation in which Churchill alleged she was never asked about what she had said, she was fired.  
   There were four separate opinions. Sandra Day O'Connor wrote for a four-justice plurality that the government has a lower obligation to respect constitutional rights when it acts as employer rather than as the sovereign. Accordingly, in that situation it should not be required to meet a due process standard greater than the reasonableness of its own finding of fact. David Souter added a short concurring opinion qualifying the plurality, which he said was in fact a majority, with his insistence that in such cases the government must demonstrate that its understanding of what the employee said was not only a reasonable belief but a truthful one. Antonin Scalia concurred as well, but harshly criticized O'Connor's opinion. He read it as requiring a procedural handling of every possible adverse personnel action where First Amendment rights might be implicated, providing "more questions than answers". John Paul Stevens' dissent argued that the First Amendment required that the lower court determine exactly what Churchill had said before ruling on whether it was protected.  
   Outside commentators have also been critical of the decision, since it might discourage whistleblowers. In addition to echoing Stevens' concerns, they have seen it as abandoning any concern for the truth, imposing a heavy burden on a plaintiff, relying on an overly narrow conception of the public's interest, and possibly discouraging people from entering public service. The decision resulted in a lower court changing its ruling in a high-profile case involving controversial academic Leonard Jeffries.
2. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.

# Text 619:

**Skinner v. Switzer, 562 U.S. 521 (2011), is a decision by the U.S. Supreme Court regarding the route through which a prisoner may obtain biological DNA material for testing to challenge his conviction; whether through a civil rights suit or a habeas corpus petition. A majority of the Court held that the civil rights path was the appropriate path.**

1. Skinner v. Railway Labor Executives Association, 489 U.S. 602 (1989), was the U.S. Supreme Court case that paved the way for random drug testing of public employees in "safety sensitive" positions.
2. Turner v. Safley, 482 U.S. 78 (1987), was a U.S. Supreme Court decision involving the constitutionality of two Missouri prison regulations. One of the prisoners' claims related to the fundamental right to marry, and the other related to freedom of speech (in sending/receiving letters). The court held that a regulation preventing inmates from marrying without permission violated their constitutional right to marry because it was not logically related to a legitimate penological concern, but a prohibition on inmate-to-inmate correspondence was justified by prison security needs.  
   The case has been cited as precedent, establishing the "Turner Test" for constitutional challenges to prison regulations. According to the test, a prison regulation is constitutional if it satisfies four factors:  
     
   There is a rational connection to a legitimate government interest;  
   There are alternative means for prisoners to exercise their right(s);  
   Accommodation of the right(s) would have excessive "ripple effects"; and  
   There are no "ready alternatives."  
   This test has been used for decades by US courts, but it has also been criticized by legal scholars for being too deferential to prison administrators.

# Text 620:

**Fitzgerald v. Barnstable School Committee, 555 U.S. 246 (2009), is a case in which the United States Supreme Court held that parents could sue a school committee under grounds of the Equal Protection Clause of the 14th Amendment.**

1. Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964), is a case decided by the Supreme Court of the United States that held that the County School Board of Prince Edward County, Virginia's decision to close all local, public schools and provide vouchers to attend private schools were constitutionally impermissible as violations of the Equal Protection Clause of the Fourteenth Amendment.
2. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

# Text 621:

**Shuttlesworth v. Birmingham, 394 U.S. 147 (1969), was a United States Supreme Court case in which the Supreme Court struck down a Birmingham, Alabama ordinance that prohibited citizens from holding parades and processions on city streets without first obtaining a permit.**

1. Edwards v. South Carolina, 372 U.S. 229 (1963), was a landmark decision of the US Supreme Court ruling that the First and Fourteenth Amendments to the U.S. Constitution forbade state government officials to force a crowd to disperse when they are otherwise legally marching in front of a state house.
2. Coates v. City of Cincinnati, 402 U.S. 611 (1971), is a United States Supreme Court case in which the Court held that a local city ordinance that made it a criminal offense for three or more persons to assemble on a sidewalk and "annoy" any passersby was unconstitutionally vague and overbroad.

# Text 622:

**Bond v. Floyd, 385 U.S. 116 (1966), was a United States Supreme Court case.**

1. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.
2. Abel v. United States, 362 U.S. 217 (1960), was a United States Supreme Court case.

# Text 623:

**Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."**

1. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.
2. Griffin v. California, 380 U.S. 609 (1965), was a United States Supreme Court case in which the Court ruled, by a 6–2 vote, that it is a violation of a defendant's Fifth Amendment rights for the prosecutor to comment to the jury on the defendant's declining to testify, or for the judge to instruct the jury that such silence is evidence of guilt.  
   The ruling specified that this new extension to defendants' Fifth Amendment rights was binding on all States through the Due Process Clause of the Fourteenth Amendment. This "no-comment rule" had already been binding on the federal government's courts because of an 1878 law.

# Text 624:

**Keyishian v. Board of Regents, 385 U.S. 589 (1967), was a United States Supreme Court case in which the Court held that states cannot prohibit employees from being members of the Communist Party and that this law was overbroad and too vague.**

1. Communist Party of the United States v. Subversive Activities Control Board, 351 U.S. 115 (1956) and 367 U.S. 1 (1961), was a federal court case in the United States involving the compelled registration of the Communist Party of the United States, under a statute requiring that all organizations determined to be directed or controlled by the "world Communist movement" publicly disclose detailed information as to their officers, funds, and membership.  
   The case resulted in two opinions from the Supreme Court of the United States, the second of which upheld the constitutionality of the registration requirement against challenges brought under the First and Fifth Amendments.
2. McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), was a United States Supreme Court case that prohibited racial segregation in state supported graduate or professional education. The unanimous decision was delivered on the same day as another case involving similar issues, Sweatt v. Painter.

# Text 625:

**Taylor v. United States, 495 U.S. 575 (1990), was a U.S. Supreme Court decision that filled in an important gap in the federal criminal law of sentencing. The federal criminal code does not contain a definition of many crimes, including burglary, the crime at issue in this case. Yet sentencing enhancements applicable to federal crimes allow for the enhancement of a defendant's sentence if he has been convicted of prior felonies. The Court addressed in this case how "burglary" should be defined for purposes of such sentencing enhancements when the federal criminal code contained no definition of "burglary." The approach the Court adopted in this case has guided the lower federal courts in interpreting other provisions of the criminal code that also refer to generic crimes not otherwise defined in federal law.**

1. James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.
2. Bailey v. United States, 516 U.S. 137 (1995), was a United States Supreme Court case in which the Court interpreted a frequently used section of the federal criminal code. At the time of the decision, 18 U.S.C. § 924(c) imposed a mandatory, consecutive five-year prison term on anyone who "during and in relation to any... drug trafficking crime... uses a firearm." The lower court had sustained the defendants' convictions, defining "use" in such a way as to mean little more than mere possession. The Supreme Court ruled instead that "use" means "active employment" of a firearm, and sent the cases back to the lower court for further proceedings. As a result of the Court's decision in Bailey, Congress amended the statute to expressly include possession of a firearm as requiring the additional five-year prison term.

# Text 626:

**Dames & Moore v. Regan, 453 U.S. 654 (1981), was a United States Supreme Court case dealing with President Jimmy Carter's Executive Order 12170, which froze Iranian assets in the United States on November 14, 1979, in response to the Iran hostage crisis, which began on November 4, 1979.**

1. Nixon v. Fitzgerald, 457 U.S. 731 (1982), was a United States Supreme Court decision written by Justice Lewis Powell dealing with presidential immunity from civil liability for actions taken while in office. The Court found that a president "is entitled to absolute immunity from damages liability predicated on his official acts."
2. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.

# Text 627:

**Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.**

1. Florida v. Rodriguez, 469 U.S. 1 (1984), was a United States Supreme Court case concerning the Fourth Amendment rights of protection from search and seizure. The case involved defendant Damasco Vincente Rodriguez against the State of Florida. After the Florida State Court and the District Court of Appeal of Florida both judged in favor of the defendant, the State of Florida appealed for a writ of Certiorari. The Supreme Court sided with the State of Florida, overturning the decision of the Florida state courts.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 628:

**Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1971), is a landmark decision by the Supreme Court of the United States that established the basic legal framework for judicial review of the actions of administrative agencies. It substantially narrowed the Administrative Procedure Act's Section 701(a)(2) exception from judicial review. It also stands as a notable example of the power of litigation by grassroots citizen movements to block government action.**

1. Heckler v. Chaney, 470 U.S. 821 (1985), is a decision of the Supreme Court of the United States which held that a federal agency's decision to not take an enforcement action is presumptively unreviewable by the courts under section 701(a)(2) of the Administrative Procedure Act (APA). The case arose out of a group of death row inmates' petition to the Food and Drug Administration (FDA), seeking to have the agency thwart the state governments' plans to execute the inmates by lethal injection. The FDA declined to interfere, a decision the inmates appealed unsuccessfully to the District Court for the District of Columbia. On further review, the D.C. Circuit Court of Appeals held that the FDA's action was reviewable and that its denial was "arbitrary and capricious". The Supreme Court unanimously reversed the appeals court and declared in an 8–1 decision that agency nonenforcement decisions were presumptively unreviewable.  
   The case hinged on various interpretations of sections 706 and 701(a) of the APA. Section 706 makes agency actions reviewable and empowers courts to set them aside when they are found to be "arbitrary, capricious, [or] an abuse of discretion", while section 701(a) lists two exceptions to section 706, preventing review where it is prevented by another statute or "committed to agency discretion by law". These two exceptions, fairly similar in scope, raised questions for courts attempting to interpret them. In Citizens to Preserve Overton Park v. Volpe (1971), the court ruled that the section 701(a)(2) exemption applies only where "statutes are drawn in such broad terms that in a given case there is no law to apply" that might constrain the agency's discretion, a holding which provoked some criticism from lower courts and the wider legal community.  
   The D.C. Circuit Court of Appeals reacted to Overton Park by holding that practical considerations should be used in determining whether to grant review, rather than looking at the laws relevant to the agency in question – in Chaney, they did precisely this in overturning the district court. The Supreme Court overturned the appeals court's decision and upheld Overton Park's emphasis on statutory considerations, but the presumption of unreviewability it created in this case was largely based on practical factors rather than statutory factors. It reasoned that, in general, an agency's decision not to enforce does not easily lend itself to manageable standards of judicial review, likening such a decision to one a prosecutor might make. It highlighted, however, that the presumption of unreviewability can be rebutted where the plaintiffs provide a relevant statute ("law to apply") that limits the discretion of the agency.  
   Justice William J. Brennan Jr. concurred with the majority and emphasized that the court was not closing off all avenues of review for nonenforcement decisions. Justice Thurgood Marshall concurred in the judgment only, criticizing the majority's decision to create a presumption of unreviewability and instead arguing that the FDA's decision should have been held to be reviewable and upheld on the merits. Lower courts largely accepted the ruling, albeit with varying interpretations of scope; the wider legal community criticized the majority's rationale for a presumption of unreviewability while agreeing with the result immediately concerning the inmates.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 629:

**Jenkins v. Georgia, 418 U.S. 153 (1974), was a United States Supreme Court case overturning a Georgia Supreme Court ruling regarding the depiction of sexual conduct in the film Carnal Knowledge.  
The changes in the morals of American society of the 1960s and 1970s and the general receptiveness to the public to frank discussion of sexual issues was sometimes at odds with local community standards. A theatre in Albany, Georgia showed the film. On January 13, 1972, the local police served a search warrant on the theatre, and seized the film. In March 1972, the theatre manager, Mr. Jenkins, was convicted of the crime of "distributing obscene material". His conviction was upheld by the Supreme Court of Georgia.  
On June 24, 1974, the U.S. Supreme Court ruled that the State of Georgia had gone too far in classifying material as obscene in view of the Court's prior landmark decision in Miller v. California, 413 U.S. 15 (1973) (the Miller standard), and overturned the conviction. The court said,  
  
Our own viewing of the film satisfies us that Carnal Knowledge could not be found ... to depict sexual conduct in a patently offensive way. Nothing in the movie falls within ... material which may constitutionally be found ... "patently offensive" ... While the subject matter of the picture is, in a broader sense, sex, and there are scenes in which sexual conduct including "ultimate sexual acts" is to be understood to be taking place, the camera does not focus on the bodies of the actors at such times. There is no exhibition whatever of the actors' genitals, lewd or otherwise, during these scenes. There are occasional scenes of nudity, but nudity alone is not enough to make material legally obscene ... Appellant's showing of the film Carnal Knowledge is simply not the "public portrayal of hard core sexual conduct for its own sake, and for the ensuing commercial gain" which we said was punishable ...**

1. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.
2. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.

# Text 630:

**United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.**

1. United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."
2. Kentucky v. King, 563 U.S. 452 (2011), was a decision by the US Supreme Court, which held that warrantless searches conducted in police-created exigent circumstances do not violate the Fourth Amendment as long as the police did not create the exigency by violating or threatening to violate the Fourth Amendment.

# Text 631:

**In Nollan v. California Coastal Commission, 483 U.S. 825 (1987), the United States Supreme Court ruled that a California Coastal Commission regulation which required private homeowners to dedicate a public easement along valuable beachfront property as a condition of approval for a construction permit to renovate their beach bungalow was unconstitutional. The Coastal Commission had asserted that the public-easement condition was a legitimate state interest of diminishing the "blockage of the view of the ocean" caused by the home renovation, even though the easement would not have created any additional public view of the ocean. The Court held that in evaluating such claims, there must be an "essential nexus" between a legitimate state interest and the actual conditions of the permit being issued.  
In a 5–4 ruling, the Supreme Court ruled that a requirement by the CCC was a taking in violation of the Takings Clause of the Fifth Amendment, as incorporated against the states by the Fourteenth Amendment.**

1. Stop the Beach Renourishment v. Florida Department of Environmental Protection, 560 U.S. 702 (2010), was a United States Supreme Court case in which the Court held that the Florida Supreme Court did not effect an unconstitutional taking of littoral property owners' rights to future accretions and to contact the water by upholding Florida's beach renourishment program.  
   At issue was whether the Florida Supreme Court violated the United States Constitution's Takings Clause when it upheld a plan to create a state-owned public beach between private waterfront property and the Gulf of Mexico through its beach nourishment program.
2. California Coastal Commission v. Granite Rock Co., 480 U.S. 572 (1987), is a United States Supreme Court case addressing the question of whether United States Forest Service regulations, federal land use statutes and regulations, or the Coastal Zone Management Act of 1972, preempt the California Coastal Commission's imposition of a permit requirement on operation of an unpatented mining claim in a national forest. The court ruled that even if federal land is not included in the Coastal Zone Management Act's interpretation of "coastal zone," the act does not automatically preempt all state regulation of activities on federal lands.

# Text 632:

**Beal v. Doe, 432 U.S. 438 (1977), was a United States Supreme Court case that concerned the disbursement of federal funds in Pennsylvania. Pennsylvania statute restricted federal funding to abortion clinics. The Supreme Court ruled states are not required to treat abortion in the same manner as potential motherhood. The opinion of the Court left the central holding of the Roe v. Wade decision – abortion as a right – intact. The statute was upheld, with Justice Powell writing the majority opinion.**

1. Doe v. Bolton, 410 U.S. 179 (1973), was a decision of the Supreme Court of the United States overturning the abortion law of Georgia. The Supreme Court's decision was released on January 22, 1973, the same day as the decision in the better-known case of Roe v. Wade.
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 633:

**McDonald v. Smith, 472 U.S. 479 (1985), was a United States Supreme Court case in which the Court held that the right to petition does not provide absolute immunity to petitioners; it is subject to the same restrictions as other First Amendment rights.**

1. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.
2. McDonald v. City of Chicago, 561 U.S. 742 (2010), was a landmark decision of the Supreme Court of the United States that found that the right of an individual to "keep and bear arms", as protected under the Second Amendment, is incorporated by the Fourteenth Amendment and is thereby enforceable against the states. The decision cleared up the uncertainty left in the wake of District of Columbia v. Heller (2008) as to the scope of gun rights in regard to the states.  
   Initially, the Court of Appeals for the Seventh Circuit had upheld a Chicago ordinance banning the possession of handguns as well as other gun regulations affecting rifles and shotguns, citing United States v. Cruikshank (1876), Presser v. Illinois (1886), and Miller v. Texas (1894). The petition for certiorari was filed by Alan Gura, the attorney who had successfully argued Heller, and Chicago-area attorney David G. Sigale. The Second Amendment Foundation and the Illinois State Rifle Association sponsored the litigation on behalf of several Chicago residents, including retiree Otis McDonald.  
   The oral arguments took place on March 2, 2010. On June 28, 2010, the Supreme Court, in a 5–4 decision, reversed the Seventh Circuit's decision, holding that the Second Amendment was incorporated under the Fourteenth Amendment, thus protecting those rights from infringement by state and local governments. It then remanded the case back to the Seventh Circuit to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.

# Text 634:

**United States v. Olano, 507 U.S. 725 (1993), was a United States Supreme Court case that distinguished between forfeiture and waiver. Quoting from Johnson v. Zerbst, 304 U.S. 458 (1938), the Court noted, "Whereas forfeiture is the failure to make the timely assertion of a right, waiver is the "intentional relinquishment or abandonment of a known right.... Whether a particular right is waivable; whether the defendant must participate personally in the waiver; whether certain procedures are required for waiver; and whether the defendant's choice must be particularly informed or voluntary, all depend on the right at stake."  
According to the Court, mere forfeiture, as opposed to waiver, does not extinguish an "error" under Rule 52(b) of the Federal Rules of Criminal Procedure. If a legal rule was violated during the District Court proceedings, and if the defendant did not waive the rule, then there has been an "error" within the meaning of Rule 52(b) despite the absence of a timely objection.**

1. Ullmann v. United States, 350 U.S. 422 (1956), was a United States Supreme Court case in which the court held that a person given immunity from prosecution loses their Fifth Amendment right against self-incrimination, thus upholding the Constitutionality of the Immunity Act of 1954.  
   The Court stated, "This command of the Fifth Amendment ('nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . .') registers an important advance in the development of our liberty — 'one of the great landmarks in man's struggle to make himself civilized.' "
2. Stovall v. Denno, 388 U.S. 293 (1967), was a case decided by the Supreme Court of the United States that held that a pretrial identification not covered by the Sixth Amendment right to counsel should be excluded if it was so unnecessarily suggestive as to violate due process.

# Text 635:

**National Railroad Passenger Corporation v. Boston & Maine Corp., 503 U.S. 407 (1992), was a case in which the Supreme Court of the United States ruled that the National Railroad Passenger Corporation (better known as Amtrak), could condemn railroad property from Boston and Maine Railroad and convey it to another railroad in order to continue passenger rail service over that route.**

1. Lebron v. National Railroad Passenger Corporation, 513 U.S. 374 (1995), is a United States Supreme Court case in which the Court held that Amtrak is a government agency and is thus subject to the First Amendment. The Court issued its decision in a 8–1 vote, with seven justices joining the majority opinion authored by Antonin Scalia. The lone dissent came from Justice Sandra Day O'Connor.
2. Union Pacific Railroad v. Brotherhood of Locomotive Engineers, 558 U.S. 67 (2009), was a United States Supreme Court decision on labor disputes.

# Text 636:

**Silver v. New York Stock Exchange, 373 U.S. 341 (1963), was a case of the United States Supreme Court which was decided May 20, 1963. It held that the duty of self-regulation imposed upon the New York Stock Exchange by the Securities Exchange Act of 1934 did not exempt it from the antitrust laws nor justify it in denying petitioners the direct-wire connections without the notice and hearing which they requested. Therefore, the Exchange's action in this case violated 1 of the Sherman Antitrust Act, and the NYSE is liable to petitioners under 4 and 16 of the Clayton Act.**

1. Shearson/American Express Inc. v. McMahon, 482 U.S. 220 (1987), is a United States Supreme Court decision concerning arbitration of private securities fraud claims arising under the Securities Exchange Act of 1934. By a 5–4 margin the Court held that its holding in a 1953 case, Wilko v. Swan, that the nonwaiver provisions of the Securities Act of 1933 prevented the mandatory arbitration of such claims, did not apply to claims under the 1934 Act due to differences in the corresponding language of the two statutes, reversing a decision of the Second Circuit Court of Appeals that had affirmed what had been considered settled law, despite the lack of a precedent. It likewise held that claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) were arbitrable, affirming an order from the district court that the Second Circuit had also upheld.  
   The question of whether claims under the 1934 Act were likewise exempt from the Federal Arbitration Act had first been raised in a 1974 case, Scherk v. Alberto-Culver Inc.. At that time Potter Stewart had found them not relevant to the case and upheld the arbitration order on the grounds that the case involved an international dispute. They had resurfaced in the previous term, in Justice Byron White's concurrence in Dean Witter Reynolds Inc. v. Byrd. Lower courts began embracing White's analysis, eventually creating a conflict in the circuits on appeal.  
   Justice Sandra Day O'Connor wrote the majority opinion, reiterating and deepening White's analysis. Harry Blackmun dissented for himself and justices Brennan and Marshall, who had written for a unanimous Court in Byrd. John Paul Stevens wrote a separate dissent. Both of those dissents concurred in the holding that the RICO claims were arbitrable. On remand, the case remained unresolved for another three years. The district judge fined the McMahons' counsel for filing frivolous motions, sanctions which were reversed on appeal, setting another precedent.  
   McMahon greatly expanded the use of arbitration in securities disputes, since many of them take place under the 1934 Act, which regulates the secondary market in which most investors trade. It also signaled a greater acceptance of arbitration as a desirable and fair method of dispute resolution. This was cited by the Court three years later in Rodriguez de Quijas v. Shearson/American Express Inc., when it overturned Wilko completely and held that claims under the 1933 Act could also be arbitrated if the parties had clearly chosen to do so. The expansion in securities arbitration as a result led to reforms during the 1990s to make the process more investor-friendly.
2. United States v. O'Hagan, 521 U.S. 642 (1997), was a United States Supreme Court case concerning insider trading and breach of U.S. Securities and Exchange Commission Rule 10(b) and 10(b)-5. In an opinion written by Justice Ruth Bader Ginsburg, the Court held that an individual may be found liable for violating Rule 10(b)-5 by misappropriating confidential information. The Court also held that the Securities and Exchange Commission did not exceed its rulemaking authority when it adopted Rule 14e-3(a), "which proscribes trading on undisclosed information in the tender offer setting, even in the absence of a duty to disclose".

# Text 637:

**Board of Airport Commissioners of Los Angeles v. Jews for Jesus, Inc., 482 U.S. 569 (1987), was a case in which the United States Supreme Court held that an ordinance prohibiting all "First Amendment activities" in the Los Angeles International Airport was facially unconstitutional due to its overbreadth.  
The unanimous opinion of the Court was written by Justice O'Connor. O'Connor wrote that the ordinance "reaches the universe of expressive activity, and, by prohibiting all protected expression, purports to create a virtual 'First Amendment Free Zone' at LAX". The Airport Commissioners argued that the ordinance would only be applied against activities that were related to the airport, but O'Connor pointed out that "wearing of a T-shirt or button that contains a political message" would still fall within the prohibition.  
In a brief concurrence, Justice White expressed his concern that the decision did not address the question of whether the airport constituted a public forum.**

1. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. Lebron v. National Railroad Passenger Corporation, 513 U.S. 374 (1995), is a United States Supreme Court case in which the Court held that Amtrak is a government agency and is thus subject to the First Amendment. The Court issued its decision in a 8–1 vote, with seven justices joining the majority opinion authored by Antonin Scalia. The lone dissent came from Justice Sandra Day O'Connor.

# Text 638:

**California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.**

1. United States v. Chadwick, 433 U.S. 1 (1977), was a decision by the United States Supreme Court, which held that, absent exigency, the warrantless search of double-locked luggage just placed in the trunk of a parked vehicle is a violation of the Fourth Amendment and not justified under the automobile exception. The Court reasoned that while luggage is movable like an automobile, it does not have the lesser expectation of privacy associated with an automobile.  
   Chadwick was later abrogated on other grounds by California v. Acevedo (1991), in which the Court overruled Chadwick's holding with respect to containers within a vehicle, holding that police may search a container within a vehicle without a warrant if they have probable cause to believe that the container itself holds contraband or evidence.  
   The holding in Chadwick that a search incident to arrest must not be too remote in time or place is still good law.
2. California v. Carney, 471 U.S. 386 (1985), was a United States Supreme Court case which held that a motor home was subject to the automobile exception to the search warrant requirement of the Fourth Amendment to the United States Constitution because the motor home was readily movable.  
   The dissent argues that this is contrary to the bright line rule established in Katz v. United States and that the majority opinion violates the protection of privacy rights provided by the Fourth Amendment.

# Text 639:

**Commodity Futures Trading Commission v. Schor, 478 U.S. 833 (1986), was a case in which the Supreme Court of the United States held an administrative agency may, in some cases, exert jurisdiction over state-law counterclaims.**

1. Corn Products Refining Company v. Commissioner, 350 U.S. 46 (1955), is a United States Supreme Court decision that helps taxpayers classify whether or not the disposition of a commodity futures contract by a business of raw materials as part of its hedging of business risk is an ordinary or capital gain or loss for income tax purposes.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 640:

**Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009), is a United States Supreme Court case in which the Court held that it was a violation of the Sixth Amendment right of confrontation for a prosecutor to submit a chemical drug test report without the testimony of the person who performed the test. While the court ruled that the then-common practice of submitting these reports without testimony was unconstitutional, it also held that so called "notice-and-demand" statutes are constitutional. A state would not violate the Constitution through a "notice-and-demand" statute by both putting the defendant on notice that the prosecution would submit a chemical drug test report without the testimony of the scientist and also giving the defendant sufficient time to raise an objection.**

1. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.
2. Pointer v. Texas, 380 U.S. 400 (1965), was a decision by the United States Supreme Court involving the application of the right of to confront accusers in state court proceedings. The Sixth Amendment in the Bill of Rights states that, in criminal prosecutions, the defendant has a right "...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor..." In this case, a person arrested in Texas for robbery was deprived of the ability to cross-examine a witness when the lower court allowed the introduction of a transcript of that witness's earlier testimony at a preliminary proceeding instead of compelling attendance by the witness at trial.

# Text 641:

**Poulos v. New Hampshire, 345 U.S. 395 (1953), was a case in which the Supreme Court of the United States held that a New Hampshire city ordinance regarding permission to hold a meeting in a public park did not violate the appellant's rights to Free Exercise of Religion even if he and his group were arbitrarily and unlawfully denied a license to hold a religious meeting in that public park.**

1. Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.
2. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.

# Text 642:

**Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969), was a United States Supreme Court case in which the Court ordered immediate desegregation of public schools in the American South. It followed 15 years of delays to integrate by most Southern school boards after the Court's ruling in Brown v. Board of Education (1954) that segregated public schools were unconstitutional.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. United States v. Montgomery Country Board of Education, 395 U.S. 225 (1969), was a case heard before the United States Supreme Court concerning the integration of public schools in Montgomery County, Alabama.

# Text 643:

**Blue Chip Stamps v. Manor Drug Stores, 421 U.S. 723 (1975), was a decision by the United States Supreme Court, which ruled that only those suffering direct loss from the purchase or sale of stock had standing to sue under federal securities law. The Court noted that under the Securities Exchange Act of 1934, derivative investors are considered buyers or sellers of securities for application of SEC Rule 10b-5.**

1. Chiarella v. United States, 445 U.S. 222 (1980), is a case in which the Supreme Court of the United States held that an employee of a printer handling corporate takeover bids who deduced target companies' identities and dealt in their stock without disclosing his knowledge of impending takeovers, had not violated § 10(b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5.
2. Janus Capital Group, Inc. v. First Derivative Traders, 564 U.S. 135 (2011), was a case before the Supreme Court of the United States in which the Court held that a service provider cannot be held liable in a private action under SEC Rule 10b-5.

# Text 644:

**United States v. Stanley, 483 U.S. 669 (1987), was a United States Supreme Court case in which the Court held that a serviceman could not file a tort action against the federal government even though the government secretly administered doses of LSD to him as part of an experimental program, because his injuries were found by the lower court to be service-related.**

1. United States v. Russell, 411 U.S. 423 (1973), is a Supreme Court case dealing with the entrapment defense. The court split 5-4 and maintained the subjective theory that had first been adopted in Sorrells v. United States, 287 U.S. 435 (1932). Although an undercover federal agent had helped procure a key ingredient for an illegal methamphetamine manufacturing operation, and assisted in the process, the Court followed its earlier rulings on the subject and found that the defendant had a predisposition to make and sell illegal drugs whether he worked with the government or not.  
   Russell had admitted to that during his appeal, but he and his lawyers argued that the entrapment defense should focus entirely on what the federal operatives did and not his state of mind. They asked the Court to overrule two previous cases that had established this "subjective" test in favor of the "objective" one they advocated. It declined to do so. But Justice William Rehnquist pondered the possibility that what has become known as "outrageous government conduct" might force a judicial hand in an entrapment case regardless of any specific rights that had been or not been violated. While he backed away from it in a later opinion, his words have become a rallying point for advocates of the objective entrapment standard.
2. United States v. Sisson, 399 U.S. 267 (1970), was a legal case decided by the United States Supreme Court in 1970. The case is related to Selective Service law.  
   In this case, the jury recorded a verdict of guilt, but the judge then ordered an acquittal. The government appealed, but the Supreme Court held that the government had no power to appeal a verdict of acquittal, no matter how wrong the legal basis was for the acquittal.  
   Sisson was "the first important case won by a selective conscientious objector", a person who asserted that they were not opposed to serving in a war generally, but objected to serving in a specific war which they believed to be immoral.

# Text 645:

**Foman v. Davis, 371 U.S. 178 (1962), was a case in which the Supreme Court of the United States interpreted Fed. R. Civ. P. 15(a) to require that federal courts grant a party leave to amend a pleading absent special circumstances such as bad faith or prejudice to the opposing party. It has been recognized by both other courts and secondary sources as a leading decision on the interpretation of Rule 15(a).**

1. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.
2. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.

# Text 646:

**Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991), was a United States Supreme Court case which held that peremptory challenges may not be used to exclude jurors on the basis of race in civil trials. Edmonson extended the court's similar decision in Batson v. Kentucky (1986), a criminal case. The Court applied the equal protection component of the Due Process Clause of the Fifth Amendment, as determined in Bolling v. Sharpe (1954), in finding that such race-based challenges violated the Constitution.**

1. J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.
2. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.

# Text 647:

**Kassel v. Consolidated Freightways Corp., 450 U.S. 662 (1981), was a United States Supreme Court case involving the application of the Dormant Commerce Clause to an Iowa state statute restricting the length of tractor-trailers.**

1. Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959), is a United States Supreme Court case in which the Court held that the Illinois law requiring trucks to have unique mudguards was unconstitutional under the Commerce clause.
2. California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972), was a landmark decision of the US Supreme Court involving the right to make petitions to the government. The right to petition is enshrined in the First Amendment to the United States Constitution as: "Congress shall make no law...abridging...the right of the people...to petition the Government for a redress of grievances." This case involved an accusation that one group of companies was using state and federal regulatory actions to eliminate competitors. The Supreme Court ruled that the right to petition is integral to the legal system but using lawful means to achieve unlawful restraint of trade is not protected.

# Text 648:

**United States v. Matlock, 415 U.S. 164 (1974), was a Supreme Court of the United States case in which the Court ruled that the Fourth Amendment prohibition on unreasonable searches and seizures was not violated when the police obtained voluntary consent from a third party who possessed common authority over the premises sought to be searched. The ruling of the court established the "co-occupant consent rule," which was later explained by Illinois v. Rodriguez, 497 U.S. 177 (1990) and distinguished later by Georgia v. Randolph (2006), in which the court held that a third party could not consent over the objections of a present co-occupant, and Fernandez v. California (2014), where the court held when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.**

1. United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 649:

**Addington v. Texas, 441 U.S. 418 (1979), was a landmark decision of the US Supreme Court that set the standard for involuntary commitment for treatment by raising the burden of proof required to commit persons for psychiatric treatment from the usual civil burden of proof of "preponderance of the evidence" to "clear and convincing evidence".**

1. Perry v. Louisiana, 498 U.S. 38 (1990), was a United States Supreme Court case over the legality of forcibly medicating a death row inmate with a mental disorder, to render him competent to be executed.
2. Foucha v. Louisiana, 504 U.S. 71 (1992), was a U.S. Supreme Court case in which the court addressed the criteria for the continued commitment of an individual who had been found not guilty by reason of insanity. The individual remained involuntarily confined on the justification that he was potentially dangerous even though he no longer suffered from the mental illness that served as a basis for his original commitment.

# Text 650:

**Illinois v. Gates, 462 U.S. 213 (1983), is a Fourth Amendment case. Gates overruled Aguilar v. Texas and Spinelli v. United States, thereby replacing the Aguilar–Spinelli test for probable cause with the "totality of the circumstances" test.**

1. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.
2. Aguilar v. Texas, 378 U.S. 108 (1964), was a decision by the United States Supreme Court, which held that "[a]lthough an affidavit supporting a search warrant may be based on hearsay information and need not reflect the direct personal observations of the affiant, the magistrate must be informed of some of the underlying circumstances relied on by the person providing the information and some of the underlying circumstances from which the affiant concluded that the informant, whose identity was not disclosed, was credible or his information reliable." Along with Spinelli v. United States (1969), Aguilar established the Aguilar–Spinelli test, a judicial guideline for evaluating the validity of a search warrant based on information provided by a confidential informant or an anonymous tip. The test developed in this case was subsequently rejected and replaced in Illinois v. Gates, 462 U.S. 213 (1983).

# Text 651:

**Tee-Hit-Ton Indians v. United States, 348 U.S. 272 (1955), is a United States Supreme Court case involving a suit by the Tee-Hit-Ton, a subgroup of the Tlingit people. The Tee-Hit-Ton sought compensation from Congress for lumber taken from lands they occupied. The court ruled against the Tee-Hit-Ton.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.

# Text 652:

**Marrama v. Citizens Bank of Massachusetts, 549 U.S. 365 (2007), is a United States Supreme Court case about bad faith in bankruptcy.**

1. First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), is a U.S. constitutional law case which defined the free speech right of corporations for the first time. The United States Supreme Court held that corporations have a First Amendment right to make contributions to ballot initiative campaigns. The ruling came in response to a Massachusetts law that prohibited corporate donations in ballot initiatives unless the corporation's interests were directly involved.  
   In 1976 several corporations, including the First National Bank of Boston, were barred from contributing to a Massachusetts referendum regarding tax policy and subsequently sued. The case was successfully appealed to the Supreme Court, which heard oral arguments in November 1977. On April 26, 1978, the Court ruled 5–4 against the Massachusetts law.  
   As a result of the ruling, states could no longer impose specific regulations on donations from corporations in ballot initiative campaigns. While the Bellotti decision did not directly affect federal law, it has been cited by other Supreme Court cases such as McConnell v. FEC and Citizens United v. FEC.
2. Nobelman v. American Savings Bank, 508 U.S. 324 (1993), was a United States Supreme Court case in which the Court disallowed cram-downs (the involuntary imposition by a court of a reorganization plan over the objections of creditors in a bankruptcy proceeding) for primary residences. Michael J. Schroeder argued on behalf of the mortgage creditor, American Savings Bank.

# Text 653:

**Beck v. Ohio, 379 U.S. 89 (1964), is a United States Supreme Court decision concerning evidence obtained as part of an unlawful arrest. Reversing the Ohio Supreme Court's decision, the U.S. Supreme Court held that Ohio police arrested defendant without probable cause, so the criminally-punishable evidence found on his person during an incidental search was inadmissible. Accordingly, the U.S. Supreme Court vacated defendant's conviction.**

1. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.
2. Beck v. Alabama, 447 U.S. 625 (1980), was a United States Supreme Court case in which the Court held that a jury must be allowed to consider lesser included offenses, not just capital offense or acquittal.

# Text 654:

**Posadas de Puerto Rico Associates v. Tourism Co. of Puerto Rico, 478 U.S. 328 (1986), was a 1986 appeal to the Supreme Court of the United States to determine whether Puerto Rico's Games of Chance Act of 1948 is in legal compliance with the United States Constitution, specifically as regards freedom of speech, equal protection and due process. In a 5–4 decision, the Supreme Court held that the Puerto Rico government (law) could restrict advertisement for casino gambling from being targeted to residents, even if the activity itself was legal and advertisement to tourists was permitted. The U.S. Supreme Court affirmed the Puerto Rico Supreme Court conclusion, as construed by the Puerto Rico Superior Court, that the Act and regulations do not facially violate the First Amendment, nor did it violate the due process or Equal Protection Clauses of the Fourteenth Amendment.  
The controversial case has been subsequently referenced with respect to the legality of bans on tobacco advertising, liquor advertising and other advertisement related to gambling. It is regarded as a landmark case in illustrating the elasticity of the Central Hudson standards for regulating commercial speech, as the Court did not request evidence or argument supporting the need of Puerto Rico to regulate such advertisement, but merely accepted that such regulations seemed reasonable. It also implicitly allowed for more strict regulations on commercial speech related to legal but presumably dangerous "vice" activities. Although there have been calls to overturn Posadas and it has been ignored as precedent in some, if not all, subsequent cases, the case has never been officially overruled.**

1. Torres v. Puerto Rico, 442 U.S. 465 (1979), was a United States Supreme Court case holding that the Fourth Amendment guarantee against unreasonable search and seizure applies to Puerto Rico.
2. Puerto Rico v. Branstad, 483 U.S. 219 (1987), was a case decided by the Supreme Court of the United States that ruled unanimously that federal courts have the power to enforce extraditions based on the Extradition Clause of Article Four of the United States Constitution. The decision overruled a 1861 decision in Kentucky v. Dennison, which had made federal courts powerless to order governors of other U.S. states to fulfill their obligations in the Extradition Clause.

# Text 655:

**Coker v. Georgia, 433 U.S. 584 (1977), held that the death penalty for rape of an adult was grossly disproportionate and excessive punishment, and therefore unconstitutional under the Eighth Amendment to the U.S. Constitution.   
The "evolving standards of decency" test has since been applied in other cases including Atkins v. Virginia (overturning Penry v. Lynaugh) Stanford v. Kentucky, and Roper v. Simmons.  
Because only a few states continued to have child rape statutes that authorized the death penalty, the Court applied the "evolving standards of decency" review in Kennedy v. Louisiana (2008) to expand Coker, ruling that the death penalty is unconstitutional for the rape of a child where there was no intention to kill the child.**

1. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"
2. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.

# Text 656:

**Horne v. Flores, 557 U.S. 433 (2009), is a case in which the United States Supreme Court remanded the case to determine whether Arizona's general education funding budget supports Equal Educational Opportunities Act of 1974 (EEOA)-compliant English Language Learner (ELL) programming.**

1. Arizonans for Official English v. Arizona, 520 U.S. 43 (1996), was a United States Supreme Court decision that held that Article III required standing for each stage of litigation, rather than just when a complaint is filed.
2. Lau v. Nichols, 414 U.S. 563 (1974), was a United States Supreme Court case in which the Court unanimously decided that the lack of supplemental language instruction in public school for students with limited English proficiency violated the Civil Rights Act of 1964. The court held that since non-English speakers were denied a meaningful education, the disparate impact caused by the school policy violated Title VI of the Civil Rights Act of 1964 and the case was remanded to the District Court "for the fashioning of appropriate relief".

# Text 657:

**Andresen v. Maryland, 427 U.S. 463 (1976), was a United States Supreme Court case in which the Court held that search of petitioner's offices for business records, their seizure, and subsequent introduction into evidence did not offend the Fifth Amendment's proscription that "[n]o person ... shall be compelled in any criminal case to be a witness against himself." Although the records seized contained statements that petitioner voluntarily had committed to writing, he was never required to say anything.**

1. Smith v. Maryland, 442 U.S. 735 (1979), was a Supreme Court case holding that the installation and use of a pen register by the police to obtain information on a suspect's telephone calls was not a "search" within the meaning of the Fourth Amendment to the United States Constitution, and hence no search warrant was required. In the majority opinion, Justice Harry Blackmun rejected the idea that the installation and use of a pen register constitutes a violation of the suspect's reasonable expectation of privacy since the telephone numbers would be available to and recorded by the phone company anyway.  
   The Smith ruling was the Supreme Court's first significant articulation of the third-party doctrine in which government investigators may be permitted to search a person's private information by obtaining it not from the person directly, but from a business or other party with which the person has traded such information voluntarily.
2. Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
   Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
   The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.

# Text 658:

**Lowenfield v. Phelps, 484 U.S. 231 (1988), is a United States Supreme Court case. The Court held that the two jury polls and the supplemental charge did not unlawfully pressure the jury to give a death sentence. The Court also stated that the death sentence does not violate the Eighth Amendment. This is simply because the single statutory "aggravating circumstance" found by the jury duplicates an element of the underlying offense of first-degree murder.**

1. Snyder v. Phelps, 562 U.S. 443 (2011), is a landmark decision by the Supreme Court of the United States in which the Court held that speech made in a public place on a matter of public concern cannot be the basis of liability for a tort of emotional distress, even if the speech is viewed as offensive or outrageous.  
   On March 10, 2006, seven members of the Westboro Baptist Church (WBC), led by the church's founder Fred Phelps, picketed the funeral of U.S. Marine Matthew Snyder, who was killed in a non-combat accident during the Iraq War. On public land about 1,000 feet from where the funeral was being held, protesters displayed placards that read "Thank God for Dead Soldiers", "God Hates Fags", and "You're Going to Hell", among others. Snyder's father, Albert Snyder, filed a lawsuit seeking damages from Phelps and the Westboro Baptist Church, claiming that their picketing was meant to intentionally inflict emotional distress. Phelps defended the picketing as an appropriate use of their right to free speech and right to peacefully protest as protected by the First Amendment to the U.S. Constitution.  
   The District Court of Maryland ruled in Snyder's favor and awarded him a total of $10.9 million in damages, but the Fourth Circuit Court of Appeals reversed, holding that the protesters' signs were "rhetorical hyperbole" and "figurative expression" and were therefore protected speech under the First Amendment. On appeal to the U.S. Supreme Court, the Court ruled in favor of Phelps, holding that speech made in a public place on a matter of public concern cannot be the basis for a claim of tort liability for intentional infliction of emotional distress. In an 8–1 decision delivered by Chief Justice John Roberts, the Court wrote that the First Amendment "shield[s] Westboro from tort liability for its picketing" because the speech was made on a matter of public concern and did not disrupt the funeral. The First Amendment provides special protection to public issues because it serves "the principle that debate on public issues should be uninhibited, robust, and wide-open."
2. Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
   The Court said,  
     
   Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
   The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.

# Text 659:

**Altria Group v. Good, 555 U.S. 70 (2008), was a United States Supreme Court case in which the Court held that a state law prohibiting deceptive tobacco advertising was not preempted by a federal law regulating cigarette advertising.**

1. Cipollone v. Liggett Group, Inc., 505 U.S. 504 (1992), was a United States Supreme Court case. In a split opinion, the Court held that the Surgeon General's warning did not preclude lawsuits by smokers against tobacco companies on the basis of several claims. The case examined whether tobacco companies could be liable for not warning the consumer "adequately" of the dangers of cigarettes as well as ultimately held the stance that smoking was in fact a free choice. The ruling also questioned the Cigarette Labeling and Advertising Act of 1965 to determine whether the warning labels on the cigarette products by law had to be less or more alarming than the warning issued.  
   The warning at issue said: "Warning: The Surgeon General has determined that cigarette smoking is dangerous to your health."  
     
   The court's holding and some of Justice Stevens's reasoning enjoyed majority support, but the opinion eventually gained full majority support 16 years later in Altria Group v. Good.
2. Brooke Group Ltd. v. Brown & Williamson Tobacco Corp., 509 U.S. 209 (1993), was a United States Supreme Court case in which the court required that an antitrust plaintiff alleging predatory pricing must show not only changes in market conditions adverse to its interests, as a threshold matter, but must show on the merits that (1) the prices complained of are below an appropriate measure of its rival's costs, and (2) that the competitor had a reasonable prospect or a "dangerous probability" of recouping its investment in the alleged scheme.

# Text 660:

**McDonald v. City of Chicago, 561 U.S. 742 (2010), was a landmark decision of the Supreme Court of the United States that found that the right of an individual to "keep and bear arms", as protected under the Second Amendment, is incorporated by the Fourteenth Amendment and is thereby enforceable against the states. The decision cleared up the uncertainty left in the wake of District of Columbia v. Heller (2008) as to the scope of gun rights in regard to the states.  
Initially, the Court of Appeals for the Seventh Circuit had upheld a Chicago ordinance banning the possession of handguns as well as other gun regulations affecting rifles and shotguns, citing United States v. Cruikshank (1876), Presser v. Illinois (1886), and Miller v. Texas (1894). The petition for certiorari was filed by Alan Gura, the attorney who had successfully argued Heller, and Chicago-area attorney David G. Sigale. The Second Amendment Foundation and the Illinois State Rifle Association sponsored the litigation on behalf of several Chicago residents, including retiree Otis McDonald.  
The oral arguments took place on March 2, 2010. On June 28, 2010, the Supreme Court, in a 5–4 decision, reversed the Seventh Circuit's decision, holding that the Second Amendment was incorporated under the Fourteenth Amendment, thus protecting those rights from infringement by state and local governments. It then remanded the case back to the Seventh Circuit to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.**

1. District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
   Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
   On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.
2. McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969), was a unanimous decision by the Supreme Court of the United States that an Illinois law that denied absentee ballots to inmates awaiting trial did not violate their constitutional rights under the Fourteenth Amendment. The Court declined to apply strict scrutiny, and found that the distinctions drawn by the law were rational. The Court particularly noted that the inmates had not shown they could not vote, but rather only that they could not receive absentee ballots.

# Text 661:

**Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.**

1. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.
2. Levy v. Louisiana, 391 U.S. 68 (1968), is a decision of the Supreme Court of the United States. This decision deals primarily with the civil rights of illegitimate children, specifically regarding their ability to sue on a deceased parent's behalf. It held that the right of recovery may not be denied merely because a person is the illegitimate child of the deceased because such a law would violate the Equal Protection Clause of the Fourteenth Amendment.

# Text 662:

**Torres v. Puerto Rico, 442 U.S. 465 (1979), was a United States Supreme Court case holding that the Fourth Amendment guarantee against unreasonable search and seizure applies to Puerto Rico.**

1. Florida v. Rodriguez, 469 U.S. 1 (1984), was a United States Supreme Court case concerning the Fourth Amendment rights of protection from search and seizure. The case involved defendant Damasco Vincente Rodriguez against the State of Florida. After the Florida State Court and the District Court of Appeal of Florida both judged in favor of the defendant, the State of Florida appealed for a writ of Certiorari. The Supreme Court sided with the State of Florida, overturning the decision of the Florida state courts.
2. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.

# Text 663:

**United States v. Southwestern Cable Co., 392 U.S. 157 (1968), is a case in the development of American administrative law.**

1. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.
2. Continental Television v. GTE Sylvania, 433 U.S. 36 (1977), was an antitrust decision of the Supreme Court of the United States. It widened the scope of the "rule of reason" to exclude the jurisdiction of antitrust laws.

# Text 664:

**Machinists v. Wisconsin Employment Relations Commission, 427 U.S. 132 (1976), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. International Association of Machinists v. Street, 367 U.S. 740 (1961), was a United States labor law decision by the United States Supreme Court on labor union freedom to make collective agreements with employers to enroll workers in union membership, or collect fees for the service of collective bargaining.
2. Chamber of Commerce v. Brown, 554 U.S. 60 (2008), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 665:

**IBP, Inc. v. Alvarez, 546 U.S. 21 (2005), is a US labor law case of the a United States Supreme Court, interpreting the Federal Labor Standards Act (FLSA) of 1938, as amended by the Portal-to-Portal Act of 1947.**

1. Watson v. Fort Worth Bank & Trust, 487 U.S. 977 (1988), is a United States Supreme Court case on United States labor law, concerning proof of disparate treatment under the Civil Rights Act of 1964.
2. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.

# Text 666:

**Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 (1947), is a case in which the U.S. Supreme Court was asked whether imposing capital punishment (the electric chair) a second time, after it failed in an attempt to execute Willie Francis in 1946, constituted a violation of the United States Constitution. The issues raised surrounded the double jeopardy clause of the Fifth Amendment, and the cruel and unusual punishment clause of the Eighth Amendment, as made applicable to the State of Louisiana via the due process clause of the Fourteenth Amendment.  
In an opinion by Justice Stanley Forman Reed, which three other justices (Chief Justice Vinson and Associate Justices Hugo Black and Robert H. Jackson) joined, and with which Justice Felix Frankfurter concurred, the Court held that re-executing Francis did not constitute double jeopardy or cruel and unusual punishment. Justice Reed wrote,  
  
Our minds rebel against permitting the same sovereignty to punish an accused twice for the same offense. But where the accused successfully seeks review of a conviction, there is no double jeopardy upon a new trial. Even where a state obtains a new trial after conviction because of errors, while an accused may be placed on trial a second time, it is not the sort of hardship to the accused that is forbidden by the Fourteenth Amendment ... For we see no difference from a constitutional point of view between a new trial for error of law at the instance of the state that results in a death sentence instead of imprisonment for life and an execution that follows a failure of equipment. When an accident, with no suggestion of malevolence, prevents the consummation of a sentence, the state's subsequent course in the administration of its criminal law is not affected on that account by any requirement of due process under the Fourteenth Amendment. We find no double jeopardy here which can be said to amount to a denial of federal due process in the proposed execution. (Citations omitted).  
Dissenting, however, Justice Harold Burton (joined by Justices William O. Douglas, Frank Murphy, and Wiley Rutledge) argued,   
  
How many deliberate and intentional reapplications of electric current does it take to produce a cruel, unusual and unconstitutional punishment? While five applications would be more cruel and unusual than one, the uniqueness of the present case demonstrates that, today, two separated applications are sufficiently 'cruel and unusual' to be prohibited. If five attempts would be 'cruel and unusual,' it would be difficult to draw the line between two, three, four and five. It is not difficult, however, as we here contend, to draw the line between the one continuous application prescribed by statute and any other application of the current. Lack of intent that the first application be less than fatal is not material. The intent of the executioner cannot lessen the torture or excuse the result.  
Francis was successfully executed the following year.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 667:

**FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.**

1. Federal Trade Commission v. Sperry & Hutchinson Trading Stamp Co., 405 U.S. 233 (1972), is a decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may act against a company's “unfair” business practices even though the practice is none of the following: an antitrust violation, an incipient antitrust violation, a violation of the “spirit” of the antitrust laws, or a deceptive practice. This legal theory is termed the "unfairness doctrine."
2. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.

# Text 668:

**Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Oregon v. Bradshaw, 462 U.S. 1039 (1983), applied the rule first announced in Edwards v. Arizona (1981) and clarified the manner in which a suspect may waive his right under Miranda v. Arizona (1966) to have counsel present during interrogation by the police.

# Text 669:

**United States v. Chadwick, 433 U.S. 1 (1977), was a decision by the United States Supreme Court, which held that, absent exigency, the warrantless search of double-locked luggage just placed in the trunk of a parked vehicle is a violation of the Fourth Amendment and not justified under the automobile exception. The Court reasoned that while luggage is movable like an automobile, it does not have the lesser expectation of privacy associated with an automobile.  
Chadwick was later abrogated on other grounds by California v. Acevedo (1991), in which the Court overruled Chadwick's holding with respect to containers within a vehicle, holding that police may search a container within a vehicle without a warrant if they have probable cause to believe that the container itself holds contraband or evidence.  
The holding in Chadwick that a search incident to arrest must not be too remote in time or place is still good law.**

1. Arkansas v. Sanders, 442 U.S. 753 (1979), was a decision by the United States Supreme Court, which held that absent exigency, the warrantless search of personal luggage merely because it was located in an automobile lawfully stopped by the police, is a violation of the Fourth Amendment and not justified under the automobile exception. Similar to United States v. Chadwick (1977), the luggage was the subject of police suspicion before being placed in the vehicle.  
   Sanders resolved two distinct lines of cases: on the one hand, Carroll v. United States (1925) laid down the automobile exception which allowed for warrantless searches of automobiles; on the other hand, Chadwick did not allow for a warrantless search of luggage. Sanders declined to extend the automobile exception here, again stressing, as in Chadwick, the heightened expectation of privacy in one's luggage.
2. California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
   It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.

# Text 670:

**Martin v. Wilks, 490 U.S. 755 (1989), was a U.S. Supreme Court case brought by Robert K. Wilks challenging the validity of race-based hiring practices.**

1. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.
2. Wygant v. Jackson Board of Education, 476 U.S. 267 (1986), was a case before the United States Supreme Court. It is the seminal case for the "strong-basis-in-evidence standard" for affirmative action programs.

# Text 671:

**Pepper v. United States, 562 U.S. 476 (2011), is a 2011 decision by the Supreme Court of the United States concerning whether a United States District Court properly handled the sentencing of a former methamphetamine dealer. He was originally sentenced to 24 months in prison, far shorter than what federal guidelines generally specify for crimes of that nature. Prosecutors appealed the case to the United States Court of Appeals for the Eighth Circuit, which remanded the case back to the United States District Court for the Northern District of Iowa, which affirmed the original sentence after testimony relating the defendant's rehabilitation. The case was appealed to the Eighth Circuit again, and was again remanded. A different District Court judge gave him a 65-month sentence. The defendant then brought the case back to the Eighth Circuit, which confirmed the later ruling, and to then to the Supreme Court. Sonia Sotomayor wrote the opinion of the court, which ruled in favor of the defendant.**

1. Mistretta v. United States, 488 U.S. 361 (1989), is a case decided by the United States Supreme Court concerning the constitutionality of the United States Sentencing Commission.
2. Abbott v. United States, 562 U.S. 8 (2010), is a decision by the Supreme Court of the United States that addressed the mandatory sentencing increase under federal law for the possession or use of a deadly weapon in drug trafficking and violent crimes. In an 8–0 decision, the Court ruled that 18 U.S.C. § 924(c), which required a minimum five-year prison sentence, was to be imposed in addition to any other mandatory sentence given for another crime, including the underlying drug-related or violent offense. The only exception to the five-year addition applied only when another provision required a longer mandatory term for conduct violating §924(c) specifically, rather than a mandatory sentence for another crime as the defendants had unsuccessfully argued.  
   Abbott was the first signed opinion of the Court's 2010 term. The newly appointed Justice Elena Kagan did not participate, having disqualified herself because she had worked on the case as Solicitor General of the United States prior to joining the Court.

# Text 672:

**Wong Sun v. United States, 371 U.S. 471 (1963), is a United States Supreme Court decision excluding the presentation of verbal evidence and recovered narcotics where they were both fruits of an illegal entry. Narcotics agents unlawfully entered Toy's laundry at which point Toy indicated that Jonny was selling narcotics. The drug agents then went to Jonny and found the narcotics. Jonny made a deal to give up his supplier, Wong Sun. The agents then arrested Wong Sun. All were arraigned and released on their own recognizance. Several days later, Wong Sun voluntarily returned to the police station to make a statement, during the process of which he confessed.  
In a trial in a Federal District Court without a jury, they were convicted of fraudulent and knowing transportation and concealment of illegally imported heroin, in violation of 21 U.S.C. §174. Although the Court of Appeals held that the arrests of both petitioners without warrants were illegal, because not based on "probable cause" within the meaning of the Fourth Amendment nor "reasonable grounds" within the meaning of the Narcotics Control Act of 1956, it affirmed their convictions.**

1. Hampton v. United States, 425 U.S. 484 (1976), is a United States Supreme Court decision on the subject of Entrapment. By a 5–3 margin, the Court upheld the conviction of a Missouri man for selling heroin even though all the drug sold was supplied to him, he claimed, by a Drug Enforcement Administration informant who had, in turn, gotten it from the DEA. The majority held that the record showed Hampton was predisposed to sell drugs no matter his source.  
   The case came before the court when the defendant argued that while he was predisposed, it was irrelevant since the government's possible role as sole supplier in the case constituted the sort of "outrageous government conduct" that Justice William Rehnquist had speculated could lead to the reversal of a conviction in the court's last entrapment case, United States v. Russell. Rehnquist was not impressed and rejected the argument in his majority opinion.  
   The dissents agreed that the government's purported action was outrageous and that the conviction should be overturned on those grounds. The justices were among those who had said in Russell that the "subjective" entrapment standard adopted by the Court since it first recognized entrapment as a valid defense in Sorrells v. United States, was less fair and appropriate than the "objective" standard of evaluating official conduct, which dissents and concurrences in entrapment cases over the years had argued for. However, this was the last entrapment case to feature that conflict.
2. Leary v. United States, 395 U.S. 6 (1969), is a U.S. Supreme Court case dealing with the constitutionality of the Marihuana Tax Act of 1937. Timothy Leary, a professor and activist, was arrested for the possession of marijuana in violation of the Marihuana Tax Act. Leary challenged the act on the ground that the act required self-incrimination, which violated the Fifth Amendment. The unanimous opinion of the court was penned by Justice John Marshall Harlan II and declared the Marihuana Tax Act unconstitutional. Thus, Leary's conviction was overturned. Congress responded shortly thereafter by replacing the Marihuana Tax Act with the newly written Controlled Substances Act while continuing the prohibition of certain drugs in the United States.

# Text 673:

**Bearden v. Georgia, 461 U.S. 660 (1983), was a landmark U.S. Supreme Court case holding that a local government can only imprison or jail someone for not paying a fine if it can be shown, by means of a hearing, that the person in question could have paid it but "willfully" chose not to do so.: 232**

1. Godfrey v. Georgia, 446 U.S. 420 (1980), was a United States Supreme Court case in which the Court held that a death sentence could not be granted for a murder when the only aggravating factor was that the murder was found to be "outrageously or wantonly vile."  
   The Court reversed and remanded the Georgia death penalty sentence because, under Furman v. Georgia, such a factor did not help sentencing judges or juries avoid arbitrary and capricious infliction of the death penalty.
2. Griffin v. Illinois, 351 U.S. 12 (1956), was a case in which United States Supreme Court held that a criminal defendant may not be denied the right to appeal by inability to pay for a trial transcript.

# Text 674:

**Wolf v. Colorado, 338 U.S. 25 (1949), was a United States Supreme Court case in which the Court held 6—3 that, while the Fourth Amendment was applicable to the states, the exclusionary rule was not a necessary ingredient of the Fourth Amendment's right against warrantless and unreasonable searches and seizures. In Weeks v. United States, 232 U.S. 383 (1914), the Court held that as a matter of judicial implication the exclusionary rule was enforceable in federal courts but not derived from the explicit requirements of the Fourth Amendment. The Wolf Court decided not to incorporate the exclusionary rule as part of the Fourteenth Amendment in large part because the states which had rejected the Weeks Doctrine (the exclusionary rule) had not left the right to privacy without other means of protection (i.e. the States had their own rules to deter police officers from conducting warrantless and unreasonable searches and seizures). However, because most of the states' rules proved to be ineffective in deterrence, the Court overruled Wolf in Mapp v. Ohio, 367 U.S. 643 (1961). That landmark case made history as the exclusionary rule enforceable against the states through the Due Process clause of the Fourteenth Amendment to the same extent that it applied against the federal government.**

1. Mapp v. Ohio, 367 U.S. 643 (1961), was a landmark U.S. Supreme Court decision in which the Court ruled that the exclusionary rule, which prevents a prosecutor from using evidence that was obtained by violating the Fourth Amendment to the U.S. Constitution, applies to states as well as the federal government.   
   The Supreme Court accomplished this by use of a principle known as selective incorporation. In Mapp, this involved the incorporation of the provisions, as interpreted by the Court, of the 4th Amendment, which applies only to actions of the federal government into the 14th Amendment's due process clause. Citing Boyd v. United States, the Court opined, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property."
2. Colorado v. Bertine, 479 U.S. 367 (1987), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the State from proving charges with the evidence discovered during an inventory search.  
   This case is controlled by the principles governing inventory searches of automobiles and of an arrestee's personal effects, as set forth in South Dakota v. Opperman, and Illinois v. Lafayette, rather than those governing searches of closed trunks and suitcases conducted solely for the purpose of investigating criminal conduct. United States v. Chadwick, and Arkansas v. Sanders, distinguished.

# Text 675:

**Lauro Lines s.r.l. v. Chasser, 490 U.S. 495 (1989), is the touchstone case in which the United States Supreme Court laid out the law of interlocutory appeals for United States federal courts.**

1. Connecticut National Bank v. Germain, 503 U.S. 249 (1992), was a case in which the Supreme Court of the United States held that an interlocutory order of a district court, sitting as an appellate court in a bankruptcy case, is in turn reviewable by the court of appeals when authorized under 28 U.S.C. § 1292. Although the Justices were unanimous in deciding the specific statutory interpretation issue concerning bankruptcy appeals that the case presented, they disagreed on the extent to which it was appropriate to refer to the legislative history of the statute in resolving the case.
2. Shaffer v. Heitner, 433 U.S. 186 (1977), is a United States corporate law case in which the Supreme Court of the United States established that a defendant's ownership of stock in a corporation incorporated within a state, without more, is insufficient to allow that state's courts to exercise jurisdiction over the defendant. The case set forth a framework for evaluating when a defendant will be deemed to have minimum contacts with the forum state sufficient for the exercise of jurisdiction to be consistent with due process under the Fourteenth Amendment.

# Text 676:

**Sullivan v. Zebley, 493 U.S. 521 (1990), was a landmark decision by the United States Supreme Court involving the determination of childhood Social Security Disability benefits. In the decision, the Supreme Court ruled that substantial parts of the Supplemental Security Income program's regulation on determining disability for children were inconsistent with the Social Security Act, particularly the statutory standard of "comparable severity". The suit highlighted what some felt was the need for a step in the evaluation of childhood disability claims that would be akin to the functional evaluation considered in many adult claims. It resulted in the addition of a consideration of functioning, and not merely medical severity, in children's SSI claims. The decision was rendered on February 20, 1990.**

1. Richardson v. Perales, 402 U.S. 389 (1971), was a case heard by the United States Supreme Court to determine and delineate several questions concerning administrative procedure in Social Security disability cases. Among the questions considered was the propriety of using physicians' written reports generated from medical examinations of a disability claimant, and whether these could constitute "substantial evidence" supportive of finding nondisability under the Social Security Act.
2. Mathews v. Eldridge, 424 U.S. 319 (1976), is a case in which the United States Supreme Court held that individuals have a statutorily granted property right in Social Security benefits, and the termination of such benefits implicates due process but does not require a pre-termination hearing. The case is significant in the development of American administrative law.

# Text 677:

**New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.**

1. United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007), was a United States Supreme Court case about interstate commerce. Chief Justice John Roberts wrote the opinion of the Court, holding that New York county ordinances forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. Justice Samuel Alito wrote a dissent.
2. New York v. Ferber, 458 U.S. 747 (1982), was a landmark decision of the U.S Supreme Court, unanimously ruling that the First Amendment to the United States Constitution did not protect the sale or manufacture of child sexual abuse material (also known as child pornography) and that states could outlaw it.

# Text 678:

**Stone v. Powell, 428 U.S. 465 (1976), was decision of the Supreme Court of the United States that limited which claims of Fourth Amendment violations could be made by state prisoners in habeas corpus petitions in federal courts. Specifically, a claim that the exclusionary rule had been broken would be barred if state courts had already given it a full and fair hearing. The decision combined two cases that were argued before the Supreme Court on the same day with similar issues, one filed by Lloyd Powell (convicted of murder in California) and the other, titled Wolff v. Rice, filed by David Rice (convicted of murder in Nebraska).**

1. Powell v. Texas, 392 U.S. 514 (1968), was a United States Supreme Court case that ruled that a Texas statute criminalizing public intoxication did not violate the Eighth Amendment protection against cruel and unusual punishment. The 5–4 decision's plurality opinion was by Justice Thurgood Marshall. Justice Hugo Black and Byron White each wrote separate concurring opinions while Justice Abe Fortas dissented.
2. Stone v. Graham, 449 U.S. 39 (1980), was a court case in which the Supreme Court of the United States ruled that a Kentucky statute was unconstitutional and in violation of the Establishment Clause of the First Amendment, because it lacked a nonreligious, legislative purpose. The statute required the posting of a copy of the Ten Commandments on the wall of each public classroom in the state. The copies of the Ten Commandments were purchased with private funding, but the Court ruled that because they were being placed in public classrooms they were in violation of the First Amendment.

# Text 679:

**Agins v. City of Tiburon, 447 U.S. 255 (1980), was a United States Supreme Court case in which the Court held that the test for determining whether a zoning ordinance or governmental regulation will be considered a taking is whether such action “substantially advances” a legitimate state interest.  
The Court subsequently overruled this decision twenty-five years later in Lingle v. Chevron U.S.A. Inc., 554 U.S. 528 (2005).**

1. Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.
2. Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.

# Text 680:

**South Dakota v. Neville, 459 U.S. 553 (1983), was a United States Supreme Court case in which the Court held that prosecutors may use a suspect's refusal to submit to a blood-alcohol test as evidence of guilt and that the introduction of such evidence at trial does not violate the suspect's Fifth Amendment privilege against self incrimination.**

1. South Dakota v. Dole, 483 U.S. 203 (1987), was a case in which the United States Supreme Court considered the limitations that the Constitution places on the authority of the United States Congress to influence state lawmaking. The Court upheld the constitutionality of a federal statute that withheld federal funds from states whose legal drinking age did not conform to federal policy. The dissent argued that the minimum drinking age condition for states to receive federal highway funds was not sufficiently related to Congress' interests in expending the funds and consequently exceeded Article 1, Section 8, spending power.
2. Jenkins v. Anderson, 447 U.S. 231 (1980), is a United States Supreme Court case regarding the Fifth Amendment right against self-incrimination.

# Text 681:

**City of New Orleans v. Dukes, 427 U.S. 297 (1976), was a 1976 United States Supreme Court decision.**

1. Burch v. Louisiana, 441 U.S. 130 (1979), was a case decided by the United States Supreme Court that invalidated a Louisiana statute allowing a conviction upon a nonunanimous verdict from a jury of six for a petty offense. The statute allowed for conviction if only five jurors agreed, and this was held to be a violation of the Sixth Amendment.
2. Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.

# Text 682:

**United States v. Place, 462 U.S. 696 (1983), is a decision by the Supreme Court of the United States in which the Court held that it does not violate the Fourth Amendment to the U.S. Constitution for a trained police dog to sniff of a person's luggage or property in a public place.  
On August 17, 1979, suspected drug trafficker Raymond Place had his luggage seized at LaGuardia Airport by agents with the Drug Enforcement Administration, which they kept for several days and exposed to a drug-sniffing dog without a search warrant. Justice Sandra Day O'Connor wrote for the unanimous Court that the sniff of a dog is sui generis, or "uniquely pervasive", and thus police do not need probable cause for their dogs to sniff a person's belongings in a public place. The Court did rule, however, that detaining a person's belongings while waiting for a police dog to arrive did constitute a "seizure" under the Fourth Amendment.  
The decision was the first case to uphold the constitutionality of police use of drug-sniffing dogs, and the Court would revisit the decision several times in the following decades. In Illinois v. Caballes (2005), the Court held that it did not violate the Fourth Amendment to use a drug-detection dog during a legal traffic stop, as long as it did not unreasonably prolong the duration of it. In 2013, the Court held that the police may not bring a police dog to the front door of a private residence without reasonable suspicion (Florida v. Jardines), but upheld that police dogs are generally accurate enough of the time for evidence gathered from them to stand in court (Florida v. Harris).**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Florida v. Riley, 488 U.S. 445 (1989), was a United States Supreme Court decision which held that police officials do not need a warrant to observe an individual's property from public airspace.

# Text 683:

**Barr v. City of Columbia, 378 U.S. 146 (1964), is a United States Supreme Court decision that reversed the breach of peace and criminal trespass convictions of five African Americans who were refused service at a lunch counter of a department store. The Court held that there was insufficient evidence to support the breach of peace convictions, and reversed the criminal trespass convictions for the reasons stated in another case that was decided that same day, Bouie v. City of Columbia, which held that the retroactive application of an expanded construction of a criminal statute was barred by due process of ex post facto laws.**

1. Bouie v. City of Columbia, 378 U.S. 347 (1964), was a case in which the US Supreme Court held that due process prohibits retroactive application of any judicial construction of a criminal statute that is unexpected and indefensible by reference to the law that has been expressed prior to the conduct in issue. The holding is based on the Fourteenth Amendment prohibition by the Due Process Clause of ex post facto laws.
2. Wolfe v. North Carolina, 364 U.S. 177 (1960), is a 1960 United States Supreme Court case in which the court, in a 5–4 decision, upheld the trespassing conviction of six African-American men who were barred from a golf course because of their race.

# Text 684:

**United States v. Cors, 337 U.S. 325 (1949), was a United States Supreme Court case interpreting the Merchant Marine Act of 1936 and the Takings Clause of the 5th amendment to the U.S. Constitution.**

1. Atlantic Sounding Co. v. Townsend, 557 U.S. 404 (2009), was a decision by the Supreme Court of the United States holding that a seaman may recover punitive damages from his employer for failure to pay maintenance and cure. Townsend reversed a line of cases, starting with Guevara v. Maritime Overseas Corp. in the United States Court of Appeals for the Fifth Circuit (New Orleans), that restricted damages in maritime personal injury cases only to "pecuniary" damages. Consequently, a seaman can now recover both attorney's fees and punitive damages for the willful and wanton refusal of a shipowner to provide medical care to a seaman injured on the job. The Court's 5-4 opinion was delivered by Justice Clarence Thomas.  
   The Court explained that Congress never used the words "pecuniary" or "non-pecuniary" to describe the damages available for personal injuries (injuries not causing death) under either the Jones Act or the Federal Employers Liability Act. Congress merely said "damages"; hence, any limitation on those damages to "pecuniary damages" was a creation of the courts, not Congress. The Court stated that it "will not attribute words to Congress that Congress did not say."
2. Polar Tankers, Inc. v. City of Valdez, 557 U.S. 1 (2009), was a decision by the Supreme Court of the United States involving the tonnage clause of the United States Constitution.  
   The City of Valdez in Alaska imposed a property tax that, in practice, applied only to large oil tankers. Polar Tankers, a ConocoPhillips subsidiary, sued, arguing that the tax violated the Tonnage Clause of the Constitution, which forbids a state, "without the Consent of Congress, [to] lay any Duty of Tonnage."  
   The Supreme Court agreed with Polar Tankers. The court noted that the original meaning of the clause was as a term of art for a tax imposed that varies with "the internal cubic capacity of a vessel," but emphasized that a consistent line of cases had read the clause broadly, "forbidding a State to do that indirectly which she is forbidden ... to do directly." Those cases, the court concluded, stood for the proposition that the tonnage clause's prohibition reaches any taxes or duties on a ship, "whether a fixed sum upon its whole tonnage, or a sum to be ascertained by comparing the amount of tonnage with the rate of duty[,] ... regardless of [the tax or duty's] name or form ... which operate to impose a charge for the privilege of entering, trading in, or lying in a port."  
   With this premise in mind, the court concluded that because Valdez taxes "ships and to no other property at all[,] ... in order to obtain revenue for general city purposes[, this was] ... the kind of tax that the Tonnage Clause forbids Valdez to impose without the consent of Congress, consent that Valdez lacks."

# Text 685:

**Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.**

1. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.
2. Adamson v. California, 332 U.S. 46 (1947), was a United States Supreme Court case regarding the incorporation of the Fifth Amendment of the Bill of Rights. Its decision is part of a long line of cases that eventually led to the Selective Incorporation Doctrine.

# Text 686:

**Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.**

1. Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.
2. Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.

# Text 687:

**Rochin v. California, 342 U.S. 165 (1952), was a case decided by the Supreme Court of the United States that added behavior that "shocks the conscience" into tests of what violates due process clause of the 14th Amendment. This balancing test is often criticized as having subsequently been used in a particularly subjective manner.**

1. Adamson v. California, 332 U.S. 46 (1947), was a United States Supreme Court case regarding the incorporation of the Fifth Amendment of the Bill of Rights. Its decision is part of a long line of cases that eventually led to the Selective Incorporation Doctrine.
2. Douglas v. California, 372 U.S. 353 (1963), was a case before the United States Supreme Court.

# Text 688:

**Breithaupt v. Abram, 352 U.S. 432 (1957), was a United States Supreme Court case in which the Court ruled that involuntary blood samples, taken by a skilled technician to determine intoxication, do not violate substantive due process under the Fourteenth Amendment of the United States Constitution. This case was only the second time the Court considered whether police could forcibly enter inside a suspect's body to extract evidence. Writing for a 6–3 majority, Justice Tom C. Clark argued that blood tests were necessary as a matter of public policy to ensure traffic safety on roads and highways, and that "modern community living requires modern scientific methods of crime detection." Chief Justice Earl Warren and Justice William O. Douglas both wrote dissenting opinions in which they argued that the involuntary blood sample taken in this case was "repulsive" and violated substantive due process.**

1. Schmerber v. California, 384 U.S. 757 (1966), was a landmark United States Supreme Court case in which the Court clarified the application of the Fourth Amendment's protection against warrantless searches and the Fifth Amendment right against self-incrimination for searches that intrude into the human body. Until Schmerber, the Supreme Court had not yet clarified whether state police officers must procure a search warrant before taking blood samples from criminal suspects. Likewise, the Court had not yet clarified whether blood evidence taken against the wishes of a criminal suspect may be used against that suspect in the course of a criminal prosecution.  
   In a 5–4 opinion, the Court held that forced extraction and analysis of a blood sample is not compelled testimony; therefore, it does not violate the Fifth Amendment right against self-incrimination. The Court also held that intrusions into the human body ordinarily require a search warrant. However, the Court ruled that the involuntary, warrantless blood sample taken in this case was justified under the Fourth Amendment's exigent circumstances exception because evidence of blood alcohol would be destroyed by the body's natural metabolic processes if the officers were to wait for a warrant. In 2013, the Supreme Court clarified in Missouri v. McNeely that the natural metabolism of alcohol in the bloodstream is not a per se exigency that would always justify warrantless blood tests of individuals suspected of driving under the influence of alcohol.  
   In the years following the Court's decision in Schmerber, many legal scholars feared the ruling would be used to limit civil liberties. Other scholars, including Nita A. Farahany, Benjamin Holley, and John G. New, have suggested courts may use the ruling in Schmerber to justify the use of mind reading devices against criminal suspects. Because the Court's ruling in Schmerber prohibited the use of warrantless blood tests in most circumstances, some commentators argue that the decision was responsible for the proliferation of breathalyzers to test for alcohol and urine analyses to test for controlled substances in criminal investigations.
2. Brinegar v. United States, 338 U.S. 160 (1949), was a United States Supreme Court case employing the "reasonableness test" in warrantless searches. The Court held that while the police need not always be factually correct in conducting a warrantless search, such a search must always be reasonable.

# Text 689:

**United States v. Johnson, 390 U.S. 563 (1968), was a United States Supreme Court case.**

1. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.
2. United States v. Johnson, 457 U.S. 537 (1982), was a United States Supreme Court case.

# Text 690:

**Beauharnais v. Illinois, 343 U.S. 250 (1952), was a case that came before the United States Supreme Court in 1952. It upheld an Illinois law making it illegal to publish or exhibit any writing or picture portraying the "depravity, criminality, unchastity, or lack of virtue of a class of citizens of any race, color, creed or religion". It is most known for giving a legal basis to some degree that forms of hate speech that may be deemed to breach US libel law are not protected by the First Amendment.  
The petitioner, Joseph Beauharnais, who served as the president of the White Circle League of America, a white supremacist group, had distributed a leaflet "setting forth a petition calling on the Mayor and City Council of Chicago 'to halt the further encroachment, harassment and invasion of white people, their property, neighborhoods and persons, by the Negro.'" His criminal conviction by the trial court and $200 fine was sustained by the Illinois Supreme Court, and upheld by the U.S. Supreme Court after it rejected a Fourteenth Amendment due process challenge.  
In his opinion, Justice Frankfurter argued that the speech conducted by the defendant had breached libel and so was reasoned to be outside the protection of the First and Fourteenth Amendments.  
In his dissenting opinion, Associate Justice Black quoted Pyrrhus of Epirus by alluding to the term Pyrrhic victory: "If minority groups hail this holding as their victory, they might consider the possible relevancy of this ancient remark: 'Another such victory and I am undone'".**

1. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.
2. Chicago Police Dept. v. Mosley, 408 U.S. 92 (1972), was a United States Supreme Court case which concerned freedom of speech under the First Amendment. Oral argument for this case was consolidated with Grayned v. City of Rockford, but separate opinions were issued for each. Earl Mosley had protested employment discrimination by carrying a sign on the sidewalk in front of a Chicago high school, until the city of Chicago made it illegal to do so. Although Chicago believed that its ordinance was a time, place, or manner restriction, and therefore was a constitutional law, the Supreme Court ruled that it was a content-based restriction, because it treated labor-related protests differently from other protests. Since the ordinance did not meet the higher standards for content-based restrictions, it was ruled unconstitutional.

# Text 691:

**Vacco v. Quill, 521 U.S. 793 (1997), was a landmark decision of the Supreme Court of the United States regarding the right to die. It ruled 9–0 that a New York ban on physician-assisted suicide was constitutional, and preventing doctors from assisting their patients, even those terminally ill and/or in great pain, was a legitimate state interest that was well within the authority of the state to regulate. In brief, this decision established that, as a matter of law, there was no constitutional guarantee of a "right to die."**

1. Washington v. Glucksberg, 521 U.S. 702 (1997), was a landmark decision of the U.S. Supreme Court, which unanimously held that a right to assisted suicide in the United States was not protected by the Due Process Clause.  
   Some legal experts have argued that this case was incorrectly decided stating that it failed to recognize the issue of assisted death as a "fundamental aspect of the right to privacy" and therefore, the Court should have used strict scrutiny rather than rational basis review.
2. Cruzan v. Director, Missouri Department of Health, 497 U.S. 261 (1990), was a landmark decision of the Supreme Court of the United States involving a young adult incompetent. The first "right to die" case ever heard by the Court, Cruzan was argued on December 6, 1989, and decided on June 25, 1990. In a 5–4 decision, the Court affirmed the earlier ruling of the Supreme Court of Missouri and ruled in favor of the State of Missouri, finding it was acceptable to require "clear and convincing evidence" of a patient's wishes for removal of life support. A significant outcome of the case was the creation of advance health directives.

# Text 692:

**United States v. Loew's Inc., 371 U.S. 38 (1962), was an antitrust case in which the Supreme Court of the United States held that block booking of movies—the offer of only a combined assortment of movies to an exhibitor—violates the Sherman Antitrust Act.  
Besides its legal consequences, the court's decision affected economic theory, explaining product bundling as a form of price discrimination.**

1. United States v. Wise, 370 U.S. 405 (1962), was a case in which the Supreme Court of the United States held that corporate officers acting in their duties could be subject to sanctions under the Sherman Antitrust Act.
2. Klor's, Inc. v. Broadway-Hale Stores, Inc., 359 U.S. 207 (1959), is a United States Supreme Court decision holding that a retail chain's persuasion of a number of suppliers not to deal with a competitive retailer was a per se illegal boycott – under a hub-and-spoke conspiracy theory.

# Text 693:

**Nishikawa v. Dulles, 356 U.S. 129 (1958), is a United States Supreme Court case in which the Court ruled that a dual United States/Japanese citizen who had served in the Japanese military during World War II could not be denaturalized unless the United States could prove that he had acted voluntarily.  
Mitsugi Nishikawa, born in California to Japanese parents, went to Japan to study, and he was conscripted into the Japanese military in early 1941. After the end of the war, Nishikawa was informed by US officials that he had lost his citizenship because he had served in a foreign army. His case was eventually reviewed by the Supreme Court, which decided that the burden of proof must be on the government to prove that Nishikawa's Japanese military service was undertaken voluntarily before he could be stripped of his citizenship.**

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2. Trop v. Dulles, 356 U.S. 86 (1958), was a United States Supreme Court case in which the Court ruled that it was unconstitutional to revoke citizenship as a punishment for a crime. The ruling's reference to "evolving standards of decency" is frequently cited in Eighth Amendment jurisprudence.  
   Albert Trop was a natural born citizen of the United States who, while serving as a private in the United States Army in 1944, escaped from an Army stockade in Casablanca, Morocco. The next day, he willingly surrendered to an army officer and was taken back to the base, where he was subsequently court-martialed, convicted of desertion, and sentenced to three years at hard labor, forfeiture of pay, and a dishonorable discharge.  
   In 1952, Trop applied for a US passport, which was denied because §401(g) of the Nationality Act of 1940 provided that members of the armed forces of the United States who were convicted and dishonorably discharged for wartime desertion would lose their citizenship.  
   Trop filed suit in US federal courts seeking declaratory judgment that he was a US citizen.  
   The US district court ruled in favor of the government, and the United States Court of Appeals for the Second Circuit upheld the decision of the district court. The Supreme court granted certiorari. The petitioner was represented by Osmond K. Fraenkel.

# Text 694:

**Solem v. Bartlett, 465 U.S. 463 (1984), was a United States Supreme Court case involving Indian country jurisdiction in the United States that decided that opening up reservation lands for settlement by non-Indians does not constitute the intent to diminish reservation boundaries. Therefore, reservation boundaries would not be diminished unless specifically determined through acts of Congress.**

1. Solem v. Stumes, 465 U.S. 638 (1984), was a United States Supreme Court case in which the Court held that its decision in Edwards v. Arizona (1980) should not be applied retroactively.
2. United States v. John, 437 U.S. 634 (1978), was a case in which the Supreme Court of the United States held that lands designated as a reservation in Mississippi are "Indian country" as defined by statute, although the reservation was established nearly a century after Indian removal and related treaties. The court ruled that, under the Major Crimes Act, the State has no jurisdiction to try a Native American for crimes covered by that act that occurred on reservation land.

# Text 695:

**Cincinnati v. Discovery Network, Inc., 507 U.S. 410 (1993), was a case in which the Supreme Court of the United States held that a ban by the city of Cincinnati on the distribution of commercial material via news racks violated the First Amendment.**

1. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.
2. Reno v. American Civil Liberties Union, 521 U.S. 844 (1997), was a landmark decision of the Supreme Court of the United States, unanimously ruling that anti-indecency provisions of the 1996 Communications Decency Act violated the First Amendment's guarantee of freedom of speech. This was the first major Supreme Court ruling on the regulation of materials distributed via the Internet.

# Text 696:

**Garner v. Teamsters Local 776, 346 U.S. 485 (1953), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. Chauffeurs, Teamsters, and Helpers Local No. 391 v. Terry, 494 U.S. 558 (1990), was a case in which the United States Supreme Court held that an action by an employee for a breach of a labor union's duty of fair representation entitled him to a jury trial under the Seventh Amendment.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 697:

**Michael M. v. Superior Court of Sonoma County, 450 U.S. 464 (1981), was a United States Supreme Court case over the issue of gender bias in statutory rape laws. The petitioner argued that the statutory rape law discriminated based on gender and was unconstitutional. The court ruled that this differentiation passes intermediate scrutiny under the Equal Protection Clause because it serves an important state goal, stating that sexual intercourse entails a higher risk for women than men. Thus, the court found the law justified.**

1. Mississippi University for Women v. Hogan, 458 U.S. 718 (1982), was a landmark decision of the Supreme Court of the United States, decided 5–4, which ruled that the single-sex admissions policy of the Mississippi University for Women violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.

# Text 698:

**Minnesota v. Dickerson, 508 U.S. 366 (1993), was a decision by the Supreme Court of the United States. The Court unanimously held that, when a police officer who is conducting a lawful patdown search for weapons feels something that plainly is contraband, the object may be seized even though it is not a weapon. By a 6-to-3 vote, however, the court held that the officer in this case had gone beyond the limits of a lawful patdown search before he could determine that the object was contraband, making the search and the subsequent seizure unlawful under the Fourth Amendment.  
Associate Justice Byron White gave the opinion of the court.**

1. Minnesota v. Olson, 495 U.S. 91 (1990), is a landmark search and seizure case decided by the Supreme Court of the United States. In a 7-2 decision, the court held that a person staying as a guest in the house of another had a legal expectation of privacy, and that a warrantless entry into that house to arrest the person tainted the arrest and the individual's subsequent statements.
2. Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.

# Text 699:

**Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.**

1. Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.
2. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.

# Text 700:

**United States v. Shabani, 513 U.S. 10 (1994), was a court case in which the Supreme Court of the United States clarified standards for conspiracy liability under a federal drug conspiracy statute. In a unanimous opinion written by Justice Sandra Day O'Connor, the Court held that government prosecutors need not prove evidence of an overt act in furtherance of the conspiracy when prosecuting individuals under the drug conspiracy statute codified at 21 U.S.C. § 846. Justice O'Connor wrote that Congress intended to "adopt the common law definition" of conspiracy for section 846, which did not require an overt act as a precondition of liability. Justice O'Connor's opinion also compared the drug conspiracy statute to the general conspiracy statute, which requires that a conspirator commit an overt act in furtherance of the conspiracy, noting that "[i]n light of this additional element in the general conspiracy statute, Congress' silence in § 846 speaks volumes."**

1. Abbate v. United States, 359 U.S. 187 (1959), is a decision of the U.S. Supreme Court. The decision held that the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution does not prohibit the prosecution of a conspiracy in federal court under federal law when that same conspiracy has already resulted in a conviction in state court under state law.
2. United States v. Feola, 420 U.S. 671 (1975), is a United States Supreme Court case in which the court held that conspiracy to assault a federal officer, like the substantive crime of assaulting a federal officer, doesn't require knowledge that the victims were federal officers.  
   The case involved a drug "rip-off" in which the defendant and his co-conspirators agreed to sell sugar as heroin to unsuspecting buyers. They agreed that if the buyers discovered their ruse, they would jump the buyers and take their money. The sellers didn't know that the buyers were all undercover federal narcotics agents. Although the sellers tried to assault one of the agents, another agent pulled out his revolver and the agents eventually arrested the sellers.  
   The court's opinion addressed—and eventually dispensed with—Judge Learned Hand's famous analogy in United States v. Crimmins 123 F.2d 271, 273 (2d Cir. 1941). Hand noted that conspiracy to commit mail fraud was akin to conspiracy to run a red light - both substantive crimes don't require knowledge beforehand. But agreement or conspiracy requires knowledge that there is such a red light, or that the mails will be used. The Court characterized this analogy as "effective prose...[but]...bad law." 420, at 689-90. The court argued that conspiracy agreements don't require agreement on every point of the crime, and so imposing a higher agreement requirement for a conspiracy to assault was illogical in light of the policy reasons for criminalizing conspiracy. The court identified these reasons as protecting society from concerted criminal activity and the social threat posed even by an inchoate crime.  
   Instead the court reasoned that because the conspiracy statute didn't require a higher mens rea than the substantive crime, the same mens rea requirement applies to both by default. The court reasoned that one purpose of the assault statute was to provide a federal forum (specific jurisdiction) for assaults on federal officers. Therefore, conspiracy to assault a federal officer didn't require proof that the defendant knew that his intended victim was a federal officer.  
   Justice Potter Stewart dissented, arguing that the structure of the assault statute and legislative history of its predecessor supported his interpretation that the statute only applied if the defendant knew his victim was a federal officer.

# Text 701:

**Heller v. New York, 413 U.S. 483 (1973), was a United States Supreme Court decision which upheld that states could make laws limiting the distribution of obscene material, provided that these laws were consistent with the Miller test for obscene material established by the Supreme Court in Miller v. California, 413 U.S. 15 (1973). Heller was initially convicted for showing a sexually explicit film in the movie theater which he owned, under New York Penal Law § 235.0 which stated that and individual “is guilty of obscenity when, knowing its content and character, he 1. Promotes, or possesses with intent to promote, any obscene material; or 2. Produces, presents or directs an obscene performance or participates in a portion thereof which is obscene or which contributes to its obscenity."  
Heller appealed this ruling to the supreme court, claiming that his first amendment rights had been violated due to the broad nature of New York's obscenity laws. The defendant also claimed that his 14th amendment rights had been violated due to the fact the film was seized prior to him receiving a hearing of any kind. The Supreme Court ruled in favor of Heller in a 5–4 decision, with the majority decision delivered by Justice Burger. The Court found the procedure by which the film was seized to be constitutional but ruled in favor of Heller in order to afford New York a chance to bring their obscenity laws in line with the guidelines established by the Supreme Court in Miller v. California]]. The dissenting opinions were written by Justices William O. Douglas and William J. Brennan Jr., the latter of which was joined by Justices Potter Stewart and Thurgood Marshall. These dissenting opinions argued that the obscenity laws that Heller was convicted under were themselves unconstitutional and thus the seizure of the film was unconstitutional. This case was one of several cases that the Burger court ruled on concerning obscenity laws in the early 1970s.**

1. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.
2. United States v. 12 200-ft. Reels of Film, 413 U.S. 123 (1973), was an in rem case decided by the United States Supreme Court that considered the question of whether the First Amendment required that citizens be allowed to import obscene material for their personal and private use at home, which was already held to be protected several years earlier. By a 5–4 margin, the Court held that it did not.  
   This case was very similar to United States v. Thirty-seven Photographs, a case the Court had heard two years earlier. It began when the films, and other visual and textual material with predominant explicit sexual content, were seized by customs agents from Paladini, a California man returning from Mexico. Federal law at the time prohibited the import of any material that might be judged to be obscene. Paladini challenged the forfeiture proceedings the government initiated, on the grounds that he intended the material for his personal use in the privacy of his own home, an activity the Court had ruled was protected under the First Amendment in Stanley v. Georgia. Thus, he argued, he had a right to obtain such material abroad for that purpose.  
   After a district court panel agreed with him and declared the statute unconstitutional, the case went to the Supreme Court directly. Its opinion was one of four obscenity cases handed down, along with Miller v. California, in which the Court announced a new standard of obscenity for the first time since Roth v. United States 17 years before. By a 5–4 margin, the Court held that the statute was constitutional, but it also ordered the district court to review the material under its new standard and consider whether it was still obscene.  
   Chief Justice Warren Burger wrote for the majority, reaffirming a similar holding in Thirty-seven Photographs that the right to possess something in one's home which might otherwise be unlawful outside of it did not give rise to a right to import it. William O. Douglas wrote a lengthy dissent, responding as much to the majority holding in Miller, arguing that history showed obscenity laws were not vigorously enforced at the time the Bill of Rights was adopted and thus could not be justified on traditionalist grounds. William Brennan wrote a shorter dissent, joined by the other two justices, calling the statute overbroad.

# Text 702:

**Pulley v. Harris, 465 U.S. 37 (1984), is a United States Supreme Court case in which the Court held that the Eighth Amendment to the United States Constitution does not require, as an invariable rule in every case, that a state appellate court, before it affirms a death sentence, proportionally compare the sentence in the case before it with the penalties imposed in similar cases if requested to do so by the prisoner.  
The prisoner in the case, Robert Alton Harris, was ultimately executed in April 1992, after the U.S. Supreme Court reversed the Ninth Circuit several more times in the matter, including after Harris had been strapped into the gas chamber.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 703:

**Metromedia, Inc. v. San Diego, 453 U.S. 490 (1981), was a United States Supreme Court case in which it was decided that cities could regulate billboards, and that municipal governments could not treat commercial outdoor advertising more harshly than noncommercial messages.**

1. Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.
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# Text 704:

**Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984), also known as the "Betamax case", is a decision by the Supreme Court of the United States which ruled that the making of individual copies of complete television shows for purposes of time shifting does not constitute copyright infringement, but can instead be defended as fair use. The court also ruled that the manufacturers of home video recording devices, such as Betamax or other VCRs (referred to as VTRs in the case), cannot be liable for contributory infringement. The case was a boon to the home video market, as it created a legal safe harbor for the technology.  
The broader legal consequence of the Supreme Court's decision was its establishment of a general test for determining whether a device with copying or recording capabilities ran afoul of copyright law. This test has created some interpretative challenges for courts when applying the precedent to more recent file sharing technologies available for use on home computers and over the Internet.**

1. Fortnightly Corp. v. United Artists Television, Inc., 392 U.S. 390 (1968), was a United States Supreme Court case in which the Court held that receiving a television broadcast does not constitute a "performance" of a work.  
   In 1968, the United States Copyright Office called this case "the most important American copyright case of the 1960s."
2. Mazer v. Stein, 347 U.S. 201 (1954), was a copyright case decided by the United States Supreme Court. In an opinion written by Justice Stanley F. Reed, the Supreme Court held that the statuettes—male and female dancing figures made of semivitreous china—used as bases for fully equipped electric lamps were copyrightable, even though the lamp itself was a utilitarian mass-produced item.  
   The case is notable for the quotation, "Unlike a patent, a copyright gives no exclusive right to the art disclosed; protection is given only to the expression of the idea—not the idea itself." 347 U.S. at 217 (citing F. W. Woolworth Co. v. Contemporary Arts, 193 F.2d 162; Ansehl v. Puritan Pharmaceutical Co., 61 F.2d 131; Fulmer v. United States, 122 Ct. Cl. 195, 103 F.Supp. 1021; Muller v. Triborough Bridge Authority, 43 F.Supp. 298.)  
   Congress incorporated the Mazer decision into the Copyright Act of 1976 as the concept of separability. For many years, there was confusion over how to determine separability, so tests proliferated and competed against one another. The Supreme Court addressed this issue in the 2017 case Star Athletica, LLC v. Varsity Brands, Inc. and created a canonical test for separability.

# Text 705:

**Piper Aircraft Co. v. Reyno, 454 U.S. 235 (1981), was a case decided by the United States Supreme Court, in which the court considered the lower court's application of its power of forum non conveniens, a common law legal doctrine whereby courts may refuse to take jurisdiction over matters where there is a more appropriate forum available to the parties.**

1. Beech Aircraft Corporation v. Rainey, 488 U.S. 153 (1988), was a United States Supreme Court case that addressed a longstanding conflict among the Federal Courts of Appeals over whether Federal Rule of Evidence 803(8)(C), which provides an exception to the hearsay rule for public investigatory reports containing "factual findings," extends to conclusions and opinions contained in such reports. The court also considered whether the trial court abused its discretion in refusing to admit, on cross-examination, testimony intended to provide a more complete picture of a document about which the witness had testified on direct.
2. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).

# Text 706:

**Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974), found that overly restrictive maternity leave regulations in public schools violate the Due Process Clause of the Fifth Amendment and the Fourteenth Amendment.**

1. AT&T Corporation v. Hulteen, 556 U.S. 701 (2009), is a US labor law case of the United States Supreme Court, holding that maternity leave taken before the passage of the 1978 Pregnancy Discrimination Act needed not to be considered in calculating employee pension benefits.
2. Hortonville Joint School District No. 1 v. Hortonville Education Association, 426 U.S. 482 (1976), was a United States Supreme Court case in which the Court ruled that a public school board did not violate the due process clause of the Fourteenth Amendment of the United States Constitution when it fired teachers who went on strike after contract negotiations with the board broke down.

# Text 707:

**Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), was a United States Supreme Court decision that held that the First Amendment forbids a government entity from basing its decision to promote, transfer, recall, or hire low-level public employees based upon their party affiliation.**

1. Elrod v. Burns, 427 U.S. 347 (1976), is a United States Supreme Court decision regarding political speech of public employees. The Court ruled in this case that public employees may be active members in a political party, but cannot allow patronage to be a deciding factor in work related decisions. The court upheld the decision by the 7th Circuit Court of Appeals ruling in favor of the respondent.
2. Rust v. Sullivan, 500 U.S. 173 (1991), was a case in the United States Supreme Court that upheld Department of Health and Human Services regulations prohibiting employees in federally funded family-planning facilities from counseling a patient on abortion. The department had removed all family planning programs that involving abortions. Physicians and clinics challenged this decision within the Supreme Court, arguing that the First Amendment was violated due to the implementation of this new policy. The Supreme Court, by a 5–4 verdict, allowed the regulation to go into effect, holding that the regulation was a reasonable interpretation of the Public Health Service Act, and that the First Amendment is not violated when the government merely chooses to "fund one activity to the exclusion of another".

# Text 708:

**Dann v. Johnston, 425 U.S. 219 (1976), is a decision of the United States Supreme Court on the patentability of a claim for a business method patent.**

1. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).
2. World-Wide Volkswagen Corp v. Woodson, 444 U.S. 286 (1980), is a United States Supreme Court case involving strict products liability, personal injury and various procedural issues and considerations. The 1980 opinion, written by Justice Byron White, is included in the first-year civil procedure curriculum at nearly every American law school for its focus on personal jurisdiction.

# Text 709:

**Sierra Club v. Morton, 405 U.S. 727 (1972), is a Supreme Court of the United States case on the issue of standing under the Administrative Procedure Act. The Court rejected a lawsuit by the Sierra Club seeking to block the development of a ski resort at Mineral King valley in the Sierra Nevada Mountains because the club had not alleged any injury.  
The case prompted a famous dissent by Justice William O. Douglas suggesting that in response to ecological concerns, environmental objects (such as a valley, an alpine meadow, a river, or a lake) should be granted legal personhood by the public.**

1. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.
2. Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1971), is a landmark decision by the Supreme Court of the United States that established the basic legal framework for judicial review of the actions of administrative agencies. It substantially narrowed the Administrative Procedure Act's Section 701(a)(2) exception from judicial review. It also stands as a notable example of the power of litigation by grassroots citizen movements to block government action.

# Text 710:

**Public Citizen v. Department of Justice, 491 U.S. 440 (1989), is a United States Supreme Court case in which the Court interpreted the Federal Advisory Committee Act as well as Article II of the United States Constitution.**

1. United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989), was a case before the United States Supreme Court.
2. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".

# Text 711:

**Caperton v. A. T. Massey Coal Co., 556 U.S. 868 (2009), is a case in which the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires judges to recuse themselves not only when actual bias has been demonstrated or when the judge has an economic interest in the outcome of the case but also when "extreme facts" create a "probability of bias."**

1. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.
2. Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.

# Text 712:

**H. L. v. Matheson, 450 U.S. 398 (1981), was a United States Supreme Court abortion rights case, according to which a state may require a doctor to inform a teenaged girl's parents before performing an abortion or face criminal penalty.**

1. Bellotti v. Baird, 443 U.S. 622 (1979), is a United States Supreme Court case that ruled 8-1 that teenagers do not have to secure parental consent to obtain an abortion.  
   The Court elaborated on its parental consent decision of 1976. It implies that states may be able to require a pregnant, unmarried minor to obtain parental consent to an abortion if the state law provides an alternative procedure to parental approval, such as letting the minor seek a state judge's approval instead. The plurality opinion declined to extend the full right to minors to seek and obtain an abortion, which was granted to adult women in Roe v. Wade. The Court rejected the extension to minors by placing emphasis on the especially vulnerable nature of children, their "inability to make critical decisions in an informed and mature manner; and the importance of the parental role in child rearing." Ironically, the plurality opinion allows a judge to determine that a pregnant minor is unable to make critical decisions regarding a fetus and must instead become a parent—thereby forcing the minor to make critical decisions regarding another child.  
   Consent must be obtained from the parent(s) for a minor to have a nonemergency abortion and the parent(s) must know about the judicial proceedings, unless no parent(s) are available. If the judge decides the minor is mature and making an informed and capable decision, he can still deny the abortion based on his own decision.  
   Justice Lewis F. Powell Jr., joined by Chief Justice Warren E. Burger, Justice Potter Stewart, and Justice William Rehnquist argued there are three reasons why children aren't like adults: the vulnerability of children, the lack of critical decision making, and reliance on parents guidance for their children upbringing.  
   Justice John P. Stevens, joined by Justice William J. Brennan Jr., Justice Thurgood Marshall, and Justice Harry Blackmun, concluded that the Massachusetts statute was unconstitutional because first it allows for the court to deny the abortion despite the courts decision on the minor's maturity. Second, consent was required in every case without giving the minor an option to an independent case to prove she was mature, leading to an 'absolute third-party veto'.  
   If a state requires a pregnant minor to obtain consent of one or both parents, another alternative option must be available for the minor to receive the abortion. The alternative process has four requirements: (1) the minor is permitted to demonstrate her maturity and informed decision making on having the abortion without parental consent, (2) if the minor does not prove maturity, she has the ability to convince the judge that the abortion would be the best decision for her (3) the minor must remain anonymous, and (4) the process must be expedited to ensure the abortion will be possible to obtain.  
   Justice Rehnquist concurred on stare decisis grounds while continuing to oppose the constitutional right to an abortion.
2. Hodgson v. Minnesota, 497 U.S. 417 (1990), was a United States Supreme Court abortion rights case that dealt with whether a state law may require notification of both parents before a minor can obtain an abortion. The law in question provided a judicial alternative.

# Text 713:

**Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), was a case in which the Supreme Court of the United States held that localities may impose regulations prohibiting adult theaters from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction. The specific restriction at issue was established by Renton, Washington, and prohibited adult theaters within 1,000 feet from any residential zone, single- or multiple-family dwelling, church, park, or school.**

1. Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973), was a case in which the U.S. Supreme Court upheld a state court's injunction against the showing of obscene films in a movie theatre restricted to consenting adults. The Court distinguished the case from Stanley v. Georgia, saying that the privacy of the home that was controlling in Stanley was not present in the commercial exhibition of obscene movies in a theatre.
2. Young v. American Mini Theatres, 427 U.S. 50 (1976), is a case in which the Supreme Court of the United States upheld a city ordinance of Detroit, Michigan requiring dispersal of adult businesses throughout the city.  
   Justice Stevens (writing for the plurality) reasoned that the speech involved here is of lower value, and the city also has a compelling interest in protecting quality of life.  
   Justice Powell (concurring) disagreed with Stevens' "lower value speech" argument (thus limiting Part III of the opinion to a plurality), but wrote that this is only a place restriction with a limited effect on speech.

# Text 714:

**Mandoli v. Acheson, 344 U.S. 133 (1952), was a United States Supreme Court case in which the Court held that a person born in the United States, with both U.S. citizenship and a foreign citizenship obtained via an alien parent or parents, does not need to live in or return to the United States as an adult in order to retain U.S. citizenship.  
The citizenship status of Joseph Mandoli, a man born in the U.S. to Italian parents who took him as a baby to live with them in Italy, was challenged on several grounds, including primarily the fact that he had remained in Italy as an adult and had not returned to live in the United States upon reaching adulthood. Lower courts had rejected Mandoli's claim to U.S. citizenship on the basis of a 1939 Supreme Court case, Perkins v. Elg, which had suggested that a person born in the U.S. with both U.S. and foreign citizenship needed to affirmatively choose U.S. citizenship (by returning to and establishing residence in the U.S.) as an adult, but the Court rejected this interpretation in the Mandoli case.  
Mandoli's claim to U.S. citizenship was originally also challenged because he had served in the Italian armed forces and sworn an oath of allegiance to the Italian king while living in Italy. However, the government dropped these reasons on appeal, apparently because it was considered likely that Mandoli had not performed these actions voluntarily, as the conscription laws under the Benito Mussolini government in Italy would have made it effectively impossible for Mandoli to avoid military service.**

1. Rogers v. Bellei, 401 U.S. 815 (1971), was a decision by the United States Supreme Court, which held that an individual who received an automatic congressional grant of citizenship at birth, but who was born outside the United States, may lose his citizenship for failure to fulfill any reasonable residence requirements which the United States Congress may impose as a condition subsequent to that citizenship.
2. Kleindienst v. Mandel, 408 U.S. 753 (1972), was a decision by the United States Supreme Court, which held that the United States Attorney General has the right to refuse somebody's entry to the United States, as he has been empowered to do so in § 212(a)(28) of the Immigration and Nationality Act of 1952.  
   This action was brought to compel Attorney General Richard Kleindienst to grant a temporary nonimmigrant visa to a Belgian journalist and Marxian theoretician whom the American plaintiff-appellees, Ernest Mandel et al., had invited to participate in academic conferences and discussions in the US. The alien had been found ineligible for admission under §§ 212(a)(28)(D) and (G)(v) of the Immigration and Nationality Act of 1952, barring those who advocate or publish "the economic, international, and governmental doctrines of world communism." Kleindienst had declined to waive ineligibility as he has the power to do under § 212(d) of the Act, basing his decision on unscheduled activities engaged in by the alien on a previous visit to the United States, when a waiver was granted.

# Text 715:

**Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.**

1. Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.
2. Immigration and Naturalization Service v. Abudu, 485 U.S. 94 (1988), was a United States Supreme Court case in which the Court shifted the balance toward adjudications made by the INS and away from those made by the federal courts of appeals when aliens who had been ordered deported seek to present new evidence in order to avoid deportation. The Court ruled that courts must review the Board of Immigration Appeals's decision to deny motions to reopen immigration proceedings—the name of the procedural device used to present new evidence to immigration officials—for abuse of discretion.

# Text 716:

**Williamson v. Lee Optical Co., 348 U.S. 483 (1955), was a case in which the Supreme Court of the United States held that state laws regulating business are subject to only rational basis review and that the Court need not contemplate all possible reasons for legislation.**

1. Williamson v. Mazda Motor of America, Inc., 562 U.S. 323 (2011), was a decision by the Supreme Court of the United States, in which the Court unanimously held that Federal Motor Vehicle Safety Standard 208, promulgated by the National Highway Traffic Safety Administration, does not federally preempt state tort lawsuits against auto manufacturers from injuries caused by a defective lack of certain types of seat belts.  
   The case arose when Thanh Williamson died in a 2002 auto accident from seat-belt related injuries. Williamson's family filed suit against Mazda Motor of America in California state court, claiming a defective design leading to a wrongful death. However, the California trial court dismissed the suit on the pleadings, agreeing with Mazda that the action was preempted by federal law, and the California Court of Appeal affirmed the dismissal. The California Supreme Court declined to review the case, but the U.S. Supreme Court accepted the Williamson's petition for certiorari.  
   In a unanimous decision handed down on February 23, 2011, the Court unanimously (8-0, with Justice Elena Kagan not taking part in this case) reversed the California courts and held that federal preemption does not apply. Justice Stephen Breyer wrote the decision of the court. Justice Sonia Sotomayor wrote a concurring opinion, and Justice Clarence Thomas wrote an opinion concurring in the judgment.
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 717:

**Jones v. North Carolina Prisoners' Labor Union, 433 U.S. 119 (1977), was a United States Supreme Court case where the court held that prison inmates do not have a right under the First Amendment to join labor unions.**

1. Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 718:

**AT&T Corporation v. Hulteen, 556 U.S. 701 (2009), is a US labor law case of the United States Supreme Court, holding that maternity leave taken before the passage of the 1978 Pregnancy Discrimination Act needed not to be considered in calculating employee pension benefits.**

1. Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974), found that overly restrictive maternity leave regulations in public schools violate the Due Process Clause of the Fifth Amendment and the Fourteenth Amendment.
2. United Automobile Workers v. Johnson Controls, Inc., 499 U.S. 187 (1991), was a decision by the Supreme Court of the United States establishing that private sector policies prohibiting women from knowingly working in potentially hazardous occupations are discriminatory and in violation of Title VII and the Pregnancy Discrimination Act of 1978. The case revolved around Johnson Controls' policy of excluding fertile women from working in battery manufacturing jobs because batteries contain high amounts of lead, which entails health risks to people's reproductive systems (both men and women) and fetuses. At the time the case was heard, it was considered one of the most important sex-discrimination cases since the passage of Title VII.

# Text 719:

**International Association of Machinists v. Street, 367 U.S. 740 (1961), was a United States labor law decision by the United States Supreme Court on labor union freedom to make collective agreements with employers to enroll workers in union membership, or collect fees for the service of collective bargaining.**

1. Machinists v. Wisconsin Employment Relations Commission, 427 U.S. 132 (1976), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.
2. South Prairie Construction Co. v. Local No 627, International Union of Operating Engineers, AFL-CIO, 425 U.S. 800 (1976), is a US labor law case, concerning the scope of labor rights in the United States.

# Text 720:

**Dombrowski v. Pfister, 380 U.S. 479 (1965), was a landmark United States Supreme Court case brought forth by Dr. James Dombrowski along with William Kunstler, founder of the Center for Constitutional Rights, against the governor of Louisiana, law enforcement officers, and the chairperson of the state's Legislative Joint Committee on Un-American Activities for prosecuting or threatening to prosecute his organization under several state subversion statutes.**

1. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.
2. Klopfer v. North Carolina, 386 U.S. 213 (1967), was a decision by the United States Supreme Court involving the application of the Speedy Trial Clause of the United States Constitution in state court proceedings. The Sixth Amendment in the Bill of Rights states that in criminal prosecutions "...the accused shall enjoy the right to a speedy trial" In this case, a defendant was tried for trespassing and the initial jury could not reach a verdict. The prosecutor neither dismissed nor reinstated the case but used an unusual procedure to leave it open, potentially indefinitely. Klopfer argued that this denied him his right to a speedy trial. In deciding in his favor, the Supreme Court incorporated the speedy trial protections of the Sixth Amendment against the states.

# Text 721:

**Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights. Additionally, the Court held that §1983 claims against municipal entities must be based on implementation of a policy or custom.**

1. Los Angeles County v. Humphries, 562 U.S. 29 (2010), is a decision by the Supreme Court of the United States that clarified one of the requirements for imposing liability on a municipality for violations of a federal right, in lawsuits brought under Section 1983 of the Civil Rights Act of 1871 (codified at 42 U.S.C. § 1983).  
   The Court had previously ruled in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), that municipalities could only be liable under Section 1983 if the injury was a result of that municipality's "policy or custom." In Los Angeles County v. Humphries, the Court ruled that this "policy or custom" requirement applied regardless of whether the relief the plaintiff sought was monetary or prospective.
2. Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.

# Text 722:

**Pickering v. Board of Education, 391 U.S. 563 (1968), was a case in which the Supreme Court of the United States held that in the absence of proof of the teacher knowingly or recklessly making false statements the teacher had a right to speak on issues of public importance without being dismissed from their position. The case was later distinguished by Garcetti v. Ceballos, where the Court held that statements by public employees made pursuant to their employment have no First Amendment protection.  
Pickering involved a Township High School teacher who was dismissed after writing a letter to a local newspaper which criticised how the Township Board of Education and the district superintendent had handled past proposals to raise new revenue for the schools. The claim that his writing the letter was protected by the First and Fourteenth Amendments was rejected by the Board of Education. He appealed the Board's action to the Circuit Court of Will County and then to the Supreme Court of Illinois, which both affirmed his dismissal. The Supreme Court of the United States agreed the teacher's First Amendment right to free speech was violated and reversed the decision of the Illinois Supreme Court.**

1. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.
2. Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), often shortened to Mt. Healthy v. Doyle, was a unanimous U.S. Supreme Court decision arising from a fired teacher's lawsuit against his former employer, the Mount Healthy City Schools. The Court considered three issues: whether federal-question jurisdiction existed in the case, whether the Eleventh Amendment barred federal lawsuits against school districts, and whether the First and Fourteenth Amendments prevented the district, as a government agency, from firing or otherwise disciplining an employee for constitutionally protected speech on a matter of public concern where the same action might have taken place for other, unprotected activities. Justice William Rehnquist wrote the opinion.  
   The case was first heard in the Southern District of Ohio. In 1971, Fred Doyle, who had been teaching social studies for five years in the Mount Healthy City Schools, learned his contract had not been renewed, not only denying him tenure but any further employment with the district. The superintendent's letter cited both an incident where he had made an obscene gesture to students and his sharing of a district dress code for teachers with a local radio station as displaying a "lack of tact". He took a position with another district and filed suit under Section 1983, arguing his constitutional rights to free speech had been violated, per the Court's 1967 decision in Pickering v. Board of Education, another case involving an untenured teacher fired for speaking out in the media. After the district court ruled in his favor, the school district appealed to the Sixth Circuit Court of Appeals, which partially vacated the decision in a brief per curiam opinion late in 1975.  
   The Supreme Court took the case and heard oral argument almost a year later. It handed down its decision early in 1977. On the jurisdictional question, Rehnquist held that although the school district had been created by state law, it was primarily a local entity and thus beyond the reach of the Eleventh Amendment, its first ruling in that area in 86 years. The Court did not, however, decide the question of whether Doyle had been fired legally, since there were other incidents suggesting he had difficulties in his relationships with students and fellow teachers which the district had introduced into the record. Instead, it remanded the case to the district court, ordering it to require the district to show by a preponderance of evidence that Doyle would have been fired regardless if he had not contacted the radio station. The school district was later able to do so, and in 1982 the Sixth Circuit upheld that decision.  
   The case introduced what has since become known as the "Mt. Healthy test" into similar cases that follow the Pickering line in asserting the First Amendment rights of public employees where the employer claims other, unprotected conduct motivated the adverse action, a two-prong process that shifts the burden of proof from plaintiff to defendant in the course of the action. First, the plaintiff must prove that the activity they were allegedly disciplined for was indeed protected speech. The defendant must then show by a preponderance that the adverse action would have occurred if the protected activity had never happened. This has been criticized as allowing public employers a way to circumvent restrictions on taking adverse action against whistleblowers, and more generally as incompatible with the underlying principles of tort law. The test has also been expanded into mixed motive discrimination cases in employment law.

# Text 723:

**Almeida-Sanchez v. United States, 413 U.S. 266 (1973), was a United States Supreme Court case holding that the search of an automobile by the United States Border Patrol without a warrant or probable cause violates the Fourth Amendment. The vehicle was stopped and searched for illegal aliens twenty-five miles (40 km) from the Mexican border. The Court approached the search from four views: automobile search, administrative inspection, heavily regulated industry inspection, and border search. As to the validity of the search under the automobile exception, the Court found no justification for the search under the Carroll doctrine because there was no probable cause. As to the validity of the search under various administrative inspection doctrines, the Court found that the officers lacked an area warrant. As to the validity of the heavily regulated industry inspection, the Court found that the doctrine is not applicable to traveling on a state highway. As to the validity of a border search, the Court found that the site of the stop and the entirety of the road on which the stop occurred was too far from the border to be considered a border search.**

1. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.
2. United States v. Martinez-Fuerte, 428 U.S. 543 (1976), was a decision of the United States Supreme Court that allowed the United States Border Patrol to set up permanent or fixed checkpoints on public highways leading to or away from the Mexican border and that the checkpoints are not a violation of the Fourth Amendment.

# Text 724:

**Nixon v. Fitzgerald, 457 U.S. 731 (1982), was a United States Supreme Court decision written by Justice Lewis Powell dealing with presidential immunity from civil liability for actions taken while in office. The Court found that a president "is entitled to absolute immunity from damages liability predicated on his official acts."**

1. Harlow v. Fitzgerald, 457 U.S. 800 (1982), was a case decided by the United States Supreme Court involving the doctrines of qualified immunity and absolute immunity.
2. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.

# Text 725:

**Payne v. Tennessee, 501 U.S. 808 (1991), was a United States Supreme Court case authored by Chief Justice William Rehnquist which held that testimony in the form of a victim impact statement is admissible during the sentencing phase of a trial and, in death penalty cases, does not violate the Cruel and Unusual Punishment Clause of the Eighth Amendment. Payne overturned two of the Courts' precedents: Booth v. Maryland (1987) and South Carolina v. Gathers (1989).**

1. South Carolina v. Gathers, 490 U.S. 805 (1989), was a United States Supreme Court case which held that testimony in the form of a victim impact statement is admissible during the sentencing phase of a trial only if it directly relates to the "circumstances of the crime." This case was later overruled by the Supreme Court decision in Payne v. Tennessee.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 726:

**James v. United States, 366 U.S. 213 (1961), was a case in which the United States Supreme Court held that the receipt of money obtained by a taxpayer illegally was taxable income even though the law might require the taxpayer to repay the ill-gotten gains to the person from whom they had been taken.**

1. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.
2. James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.

# Text 727:

**BP America Production Co. v. Burton, 549 U.S. 84 (2006), was a United States Supreme Court case about whether a statute of limitations on government actions for contract claims applies to actions by a federal administrative agency to recover royalties on federal oil and gas leases. After two members recused themselves, the court ruled unanimously that it does not apply, in an opinion by Justice Samuel Alito.**

1. Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
   The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
   After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
   Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
   Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
   Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."
2. Robinson v. Shell Oil Company, 519 U.S. 337 (1997), is US labor law case in the United States Supreme Court in which the Court unanimously held that under federal law, U.S. employers must not engage in workplace discrimination such as writing bad job references, or otherwise retaliating against former employees as a punishment for filing job discrimination complaints.

# Text 728:

**Reid v. Covert, 354 U.S. 1 (1957), was a 6–2 landmark decision of the United States Supreme Court holding that United States citizen civilians outside of the territorial jurisdiction of the United States cannot be tried by a United States military tribunal, but instead retain the protections guaranteed by the United States Constitution, in this case, trial by jury. Additionally, a plurality of the Court also reaffirmed the president’s ability to enter into international executive agreements, though it held that such agreements cannot contradict federal law or the Constitution.**

1. Reid v. Covert, 354 U.S. 1 (1957), was a 6–2 landmark decision of the United States Supreme Court holding that United States citizen civilians outside of the territorial jurisdiction of the United States cannot be tried by a United States military tribunal, but instead retain the protections guaranteed by the United States Constitution, in this case, trial by jury. Additionally, a plurality of the Court also reaffirmed the president’s ability to enter into international executive agreements, though it held that such agreements cannot contradict federal law or the Constitution.
2. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.

# Text 729:

**United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.**

1. James v. United States, 366 U.S. 213 (1961), was a case in which the United States Supreme Court held that the receipt of money obtained by a taxpayer illegally was taxable income even though the law might require the taxpayer to repay the ill-gotten gains to the person from whom they had been taken.
2. Flora v. United States, 357 U.S. 63 (1958), affirmed on rehearing, 362 U.S. 145 (1960), was a case in which the Supreme Court of the United States held that a taxpayer generally must pay the full amount of an income tax deficiency assessed by the Commissioner of Internal Revenue before he may challenge its correctness by a suit in a federal district court for refund under 28 U.S.C. § 1346(a)(1). The Supreme Court agreed with the Commissioner of Internal Revenue, stating that the full payment rule requires the entire amount of an asserted deficiency to be paid before a refund suit may be maintained.

# Text 730:

**Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985), was a case in which the Supreme Court of the United States held that an Indian tribe is not required to obtain the approval of the Secretary of the Interior in order to impose taxes on non-tribal persons or entities doing business on a reservation.**

1. McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973), was a case in which the Supreme Court of the United States holding that Arizona has no jurisdiction to impose a tax on the income of Navajo Indians residing on the Navajo Reservation if their income is wholly derived from reservation sources.
2. Ramah Navajo School Board, Inc. v. Bureau of Revenue of New Mexico, 458 U.S. 832 (1982), is a United States Supreme Court case in which the Court held that the state was not authorized to impose taxes on a construction company building a school on a Native American (Indian) reservation.  
   The board operates Pine Hill Schools.

# Text 731:

**Goldblatt v. Hempstead, 369 U.S. 590 (1962), was a United States Supreme Court case concerning whether a town ordinance regulating a use of a property was unconstitutional under the Fourteenth Amendment, finding the law in question was constitutional as an exercise of the town's police powers.**

1. Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.
2. Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.

# Text 732:

**New York v. Ferber, 458 U.S. 747 (1982), was a landmark decision of the U.S Supreme Court, unanimously ruling that the First Amendment to the United States Constitution did not protect the sale or manufacture of child sexual abuse material (also known as child pornography) and that states could outlaw it.**

1. Ginsberg v. New York, 390 U.S. 629 (1968), was a United States Supreme Court case in which the Court ruled that material that is not obscene may nonetheless be harmful for children, and its marketing may be regulated.
2. Osborne v. Ohio, 495 U.S. 103 (1990), is a U.S. Supreme Court case in which the Court held that the First Amendment to the United States Constitution allows states to outlaw the possession, as distinct from the distribution, of child pornography. In doing so, the Court extended the holding of New York v. Ferber, which had upheld laws banning the distribution of child pornography against a similar First Amendment challenge, and distinguished Stanley v. Georgia, which had struck down a Georgia law forbidding the possession of pornography by adults in their own homes. The Court also determined that the Ohio law at issue was not overbroad, relying on a narrowing interpretation of the law the Ohio Supreme Court had adopted in prior proceedings in the case; however, because it was unclear whether the state had proved all the elements of the crime, the Court ordered a new trial.

# Text 733:

**Sacher v. United States, 343 U.S. 1 (1952), was a United States Supreme Court case in which the Court upheld the convictions of five attorneys for contempt of court.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994), was a case in which the United States Supreme Court laid out the constitutional limitations for the use of contempt powers by courts.

# Text 734:

**Arnett v. Kennedy, 416 U.S. 134 (1974), was a United States Supreme Court case in which the Court rejected a nonprobationary federal civil service employee's claim to a full hearing prior to dismissal over charges he had brought the government into disrepute by recklessly accusing a superior of corruption. The governing federal law prescribed not only grounds for removal but also removal procedures. The employee could only be removed for "cause," but the procedures did not provide for an adversarial hearing prior to termination. The Court also rejected the respondent's claim that his First Amendment rights were violated.  
The 6–3 decision was widely criticized by legal scholars for Justice William Rehnquist's controversial conceptualization of Kennedy's due process rights in his plurality opinion, joined by only two other justices and explicitly rejected by the others. Rehnquist reasoned that since the state creates property interests such as that Arnett held in his job through its statutes, any procedures the state creates to allow an employee to appeal a termination are thus sufficient to constitute due process. Thus, he wrote, those with such interests "must take the bitter with the sweet".  
Justices Byron White and Thurgood Marshall disapprovingly quoted that line in their separate opinions (White concurring that Kennedy's First Amendment rights had not been violated but dissenting from the rest of the holding, while Marshall dissented entirely, joined by two other justices). Justice Lewis Powell, concurring with another justice, also rejected Rehnquist's theory. A later case, Logan v. Zimmerman Brush Co., held differently without explicitly overruling Arnett; in 1985's Cleveland Board of Education v. Loudermill, the Court held that public employees are entitled to some form of hearing before dismissal and formally rejected his "bitter with the sweet" formulation, with Rehnquist (by then Chief Justice) as the only dissenter. Some legal scholars have argued it should have been retained, or that the Court's subsequent disinterest in engaging this question has been to the detriment of its jurisprudence.  
The First Amendment aspect of the holding—that the FFLA's provisions that covered employees could only be dismissed for "such cause as will promote the efficiency of the service" was neither overbroad nor so vague that employees lacked notice that speech such as Arnett's could lead to discipline—remains, although it has not been relied on much. After the case was remanded to the district court, Kennedy was again fired. He appealed that to the federal Civil Service Commission and was reinstated with back pay within a year.**

1. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.
2. Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.

# Text 735:

**Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989), is a US copyright law and labor law case of a United States Supreme Court case regarding ownership of copyright.**

1. Stewart v. Abend, 495 U.S. 207 (1990), was a United States Supreme Court decision holding that a successor copyright owner (one who obtains ownership later on, such as the heirs of a copyright owner who dies) has the exclusive right to permit the creation and exploitation of derivative works, regardless of potentially conflicting agreements by prior copyright holders.
2. Reed Elsevier, Inc. v. Muchnick, 559 U.S. 154 (2010), was a decision by the Supreme Court of the United States involving copyright law. The Court held that failure to register a copyright under Section 411 (a) of the United States Copyright Act does not limit a Federal Court's jurisdiction over claims of infringement regarding unregistered works.

# Text 736:

**Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993), is a US labor law case in which the Supreme Court of the United States clarified the definition of a "hostile" or "abusive" work environment under Title VII of the Civil Rights Act of 1964. In a unanimous opinion written by Justice Sandra Day O'Connor, the Court held that a determination about whether a work environment is hostile or abusive requires a consideration of all relevant circumstances.**

1. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.
2. Crawford v. Nashville, 555 U.S. 271 (2009), is a United States Supreme Court case in which the Court unanimously ruled that Title VII of the Civil Rights Act of 1964 protects an employee who opposes unlawful sexual harassment, but does not report the harassment themself.

# Text 737:

**Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29 (1983), commonly known in U.S. administrative law as State Farm, is a United States Supreme Court decision concerning regulations requiring passive restraints in cars. Decided in 1983, one year before Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., the Court found that the National Highway Traffic Safety Administration had not provided a "reasoned analysis" for rescinding regulations that required either airbags or automatic seat belts in new cars.  
It held that the arbitrary and capricious standard for reviewing agency action to enact regulations also applied to changing regulations. It held the rescinding the standard was arbitrary and capricious because the NHTSA did not provide evidence for the decision for two reasons: 1) The agency did not consider alternatives like requiring all cars to have airbags 2) The agency did not provide any evidence for its findings that automatic seat belts would not increase seat belt usage, even though the record evidence included surveys of drivers showing that seat belt usage more than doubled over manual seat belts.  
The case is noteworthy not only for its effects on car safety but also in clarifying the Court's approach to reviewing agency actions under the Administrative Procedure Act.**

1. Williamson v. Mazda Motor of America, Inc., 562 U.S. 323 (2011), was a decision by the Supreme Court of the United States, in which the Court unanimously held that Federal Motor Vehicle Safety Standard 208, promulgated by the National Highway Traffic Safety Administration, does not federally preempt state tort lawsuits against auto manufacturers from injuries caused by a defective lack of certain types of seat belts.  
   The case arose when Thanh Williamson died in a 2002 auto accident from seat-belt related injuries. Williamson's family filed suit against Mazda Motor of America in California state court, claiming a defective design leading to a wrongful death. However, the California trial court dismissed the suit on the pleadings, agreeing with Mazda that the action was preempted by federal law, and the California Court of Appeal affirmed the dismissal. The California Supreme Court declined to review the case, but the U.S. Supreme Court accepted the Williamson's petition for certiorari.  
   In a unanimous decision handed down on February 23, 2011, the Court unanimously (8-0, with Justice Elena Kagan not taking part in this case) reversed the California courts and held that federal preemption does not apply. Justice Stephen Breyer wrote the decision of the court. Justice Sonia Sotomayor wrote a concurring opinion, and Justice Clarence Thomas wrote an opinion concurring in the judgment.
2. Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961), was a United States Supreme Court case that decided that the Equal Protection Clause applies to private business that operates in a relationship to a government that is close to the point that it becomes a "state actor."

# Text 738:

**Skinner v. Railway Labor Executives Association, 489 U.S. 602 (1989), was the U.S. Supreme Court case that paved the way for random drug testing of public employees in "safety sensitive" positions.**

1. Skinner v. Switzer, 562 U.S. 521 (2011), is a decision by the U.S. Supreme Court regarding the route through which a prisoner may obtain biological DNA material for testing to challenge his conviction; whether through a civil rights suit or a habeas corpus petition. A majority of the Court held that the civil rights path was the appropriate path.
2. National Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989), was a United States Supreme Court case involving the Fourth Amendment and its implication on drug testing programs. The majority of the Court upheld the drug testing program in the United States Customs Service.

# Text 739:

**McGowan v. Maryland, 366 U.S. 420 (1961), was a United States Supreme Court case that affirmed the Maryland State Supreme Court's decision that the state's Sunday closing laws did not have a religious purpose to aid religion and that the secular purpose of the legislation to set aside a day of rest and recreation did not violate the Establishment Clause.**

1. Niemotko v. Maryland, 340 U.S. 268 (1951), was a case in which the Supreme Court of the United States held that the city of Havre de Grace, Maryland had violated the free exercise of Niemotko's religion by not issuing a permit for him and his religious group (the Jehovah's Witnesses) to meet in a public park when other religious and civic groups had been given permits for holding their meetings there.
2. Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.

# Text 740:

**Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.**

1. Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.
2. United States v. Correll, 389 U.S. 299 (1967), is a case in which the United States Supreme Court ruled 5-3 that in order for the taxpayer to be allowed to deduct the cost of his meals incurred while on a business trip, the trip must have required him to stop for sleep or rest.

# Text 741:

**Lyng v. Castillo, 477 U.S. 635 (1986), reversed a lower court's decision that the change in the statutory definition of a household violated the appellee's due process rights. The program rules for food stamps were changed in 1981 and 1982 which changed the definitions of households. The Supreme Court of the United States ruled that the District Court erred in using heightened scrutiny to analyze the validity of the household definition.  
Earlier, the Supreme Court ruled in Department of Agriculture v. Moreno (1973) that a provision of the Food Stamp Act of 1971 was unconstitutional because a household, if an unrelated individual lived in it, would have its benefits reduced or eliminated.**

1. Department of Agriculture v. Moreno, 413 U.S. 528 (1973), was a United States Supreme Court case that declared a provision of the Food Stamp Act denying food stamps to households of "unrelated persons" to be a violation of the U.S. Constitution. The Court held that provision to be irrelevant to the stated purpose of the statute and in violation of the Due Process Clause of the Fifth Amendment.
2. Flemming v. Nestor, 363 U.S. 603 (1960), was a United States Supreme Court case in which the Court upheld the constitutionality of Section 1104 of the 1935 Social Security Act. In this Section, Congress reserved to itself the power to amend and revise the schedule of benefits. The Court rejected that Social Security is a system of 'accrued property rights' and held that those who pay into the system have no contractual right to receive what they have paid into it.

# Text 742:

**Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Briggs v. Elliott, 342 U.S. 350 (1952), on appeal from the U.S. District Court for the Eastern District of South Carolina, challenged school segregation in Summerton, South Carolina. It was the first of the five cases combined into Brown v. Board of Education (1954), the famous case in which the U.S. Supreme Court declared racial segregation in public schools to be unconstitutional by violating the Fourteenth Amendment's Equal Protection Clause. Following the Brown decision, the district court issued a decree that struck down the school segregation law in South Carolina as unconstitutional and required the state's schools to integrate. Harry and Eliza Briggs, Reverend Joseph A. DeLaine, and Levi Pearson were awarded Congressional Gold Medals posthumously in 2003.

# Text 743:

**Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.
2. Chamber of Commerce v. Brown, 554 U.S. 60 (2008), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 744:

**De Sylva v. Ballentine, 351 U.S. 570 (1956), was a United States Supreme Court case in which the Court held after the death of an author, the widow and children are eligible to renew copyright, equally as a class. Additionally, conditional on state laws, illegitimate children are also eligible for a share of the copyright.  
This extension to children and widows was not considered retroactive by courts, however. In Easton v. Universal Pictures Co., 288 N.Y.S. 2d 776 (1968), a 1951 document assigning control of a copyright from the author's family after his death was invalidated because "they had, in fact, as the law then appeared to be, nothing to assign." Another limitation to this new right of inheritance was that the family would not be eligible to renew the copyright if it had been passed permanently to another party, which was in line with Fred Fisher Music Co. v. M. Witmark & Sons.**

1. Stewart v. Abend, 495 U.S. 207 (1990), was a United States Supreme Court decision holding that a successor copyright owner (one who obtains ownership later on, such as the heirs of a copyright owner who dies) has the exclusive right to permit the creation and exploitation of derivative works, regardless of potentially conflicting agreements by prior copyright holders.
2. Miller Music Corp. v. Charles N. Daniels, Inc., 362 U.S. 373 (1960), was a United States Supreme Court case in which the Court held the executor of a copyright holder's will is eligible to renew that copyright.

# Text 745:

**Smith v. Goguen, 415 U.S. 566 (1974), is a United States Supreme Court case in which the Court held that flag desecration laws that prohibit "contemptuous" treatment of the flag are overly broad.**

1. Texas v. Johnson, 491 U.S. 397 (1989), is a landmark decision by the Supreme Court of the United States in which the Court held, 5–4, that burning the Flag of the United States was protected speech under the First Amendment to the U.S. Constitution, as doing so counts as symbolic speech and political speech.  
   In the case, activist Gregory Lee Johnson was convicted for burning an American flag during a protest outside the 1984 Republican National Convention in Dallas, Texas, and was fined $2,000 and sentenced to one year in jail in accordance with Texas law. Justice William Brennan wrote for the five-justice majority that Johnson's flag burning was protected under the freedom of speech, and therefore the state could not censor Johnson nor punish him for his actions.  
   The ruling invalidated prohibitions on desecrating the American flag, which at the time were enforced in 48 of the 50 states. The ruling was unpopular with the general public and lawmakers, with President George H. W. Bush calling flag burning "dead wrong". The ruling was challenged by Congress, which passed the Flag Protection Act later that year, making flag desecration a federal crime. The law's constitutionality was contested before the Supreme Court, which again affirmed in United States v. Eichman (1990) that flag burning was a protected form of free speech and struck down the Flag Protection Act as violating the   
     
   First Amendment. In the years following the ruling, Congress several times considered the Flag Desecration Amendment, which would have amended the Constitution to make flag burning illegal, but never passed it. The issue of flag burning remained controversial decades later, and it is still used as a form of protest.  
   Time magazine described it as one of the best Supreme Court decisions since 1960, with legal scholars since stating about it that "Freedom of speech applies to symbolic expression, such as displaying flags, burning flags, wearing armbands, burning crosses, and the like."
2. Street v. New York, 394 U.S. 576 (1969), was a United States Supreme Court case in which the Court held that a New York state law making it a crime "publicly [to] mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act [any flag of the United States]" was, in part, unconstitutional because it prohibited speech against the flag. The Court left for a later day the question of whether it is constitutional or unconstitutional to prohibit, without reference to the utterance of words, the burning of the flag (see Texas v. Johnson and United States v. Eichman).

# Text 746:

**Sykes v. United States, 564 U.S. 1 (2011), was a case in which the Supreme Court of the United States held that felony vehicle flight, as proscribed by Indiana law, is a violent felony for purposes of the residual clause of the Armed Career Criminal Act (ACCA). Writing for the majority, Justice Kennedy wrote that vehicle flight requires officers to give chase, resulting in more injuries on average than burglary. Dissenting, Justice Scalia criticized the majority for producing an ad hoc judgment based on vague legislation, suggesting they should declare the residual clause of the law unconstitutionally vague. The court would follow that advice several years later in Johnson v. United States and declare the residual clause unconstitutionally vague.**

1. James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.
2. Chambers v. United States, 555 U.S. 122 (2009), was a case in which the Supreme Court of the United States held that failing to report for incarceration does not qualify as a "violent felony" for the purposes of the Armed Career Criminal Act.

# Text 747:

**Healy v. James, 408 U.S. 169 (1972), was a United States Supreme Court case in which the Court held that Central Connecticut State College's refusal to recognize a campus chapter of Students for a Democratic Society was unconstitutional. The denial of official recognition was found to violate the First Amendment.  
The crux of the ruling was that the onus was on the college to provide valid reasons for denial, rather than insisting that the organization provide evidence that their recognition would not be harmful.**

1. Christian Legal Society v. Martinez, 561 U.S. 661 (2010), is a United States Supreme Court case in which the Court upheld, against a First Amendment challenge, the policy of the University of California, Hastings College of the Law, governing official recognition of student groups, which required the groups to accept all students regardless of their status or beliefs in order to obtain recognition.
2. James v. Illinois, 493 U.S. 307 (1990), was a United States Supreme Court case in which the Court forbade the admission of evidence obtained in violation of the Fourth Amendment for the use of impeaching statements made by a defense witness.

# Text 748:

**Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.**

1. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.
2. Sun Oil Co. v. Wortman, 486 U.S. 717 (1988), was a conflict of laws case decided by the United States Supreme Court.

# Text 749:

**Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964), is a case decided by the Supreme Court of the United States that held that the County School Board of Prince Edward County, Virginia's decision to close all local, public schools and provide vouchers to attend private schools were constitutionally impermissible as violations of the Equal Protection Clause of the Fourteenth Amendment.**

1. Griffin v. Maryland, 378 U.S. 130 (1964), was a case in which the Supreme Court of the United States reversed the convictions of five African Americans who were arrested during a protest of a privately owned amusement park by a park employee who was also a deputy sheriff. The Court found that the convictions violated the Equal Protection Clause of the Fourteenth Amendment.
2. Fitzgerald v. Barnstable School Committee, 555 U.S. 246 (2009), is a case in which the United States Supreme Court held that parents could sue a school committee under grounds of the Equal Protection Clause of the 14th Amendment.

# Text 750:

**Sheppard v. Maxwell, 384 U.S. 333 (1966), was a United States Supreme Court case that examined a defendant's right to a fair trial as required by the Sixth Amendment and the due process clause of the Fourteenth Amendment.  
In particular, the court sought to determine whether or not Sam Sheppard, the defendant, was denied fair trial for the second-degree murder of his wife, of which he was convicted, because of the trial judge's failure to protect him sufficiently from the massive, pervasive, and prejudicial publicity that attended his prosecution.**

1. Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.
2. Strickland v. Washington, 466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.  
   The decision was a compromise by the majority in which the varying "tests for ineffective performance of counsel" among the federal circuits and state supreme courts were forced into a singular middle ground test. State governments are free to create a test even more favorable to an appellant.

# Text 751:

**Coolidge v. New Hampshire, 403 U.S. 443 (1971), was a United States Supreme Court case dealing with the Fourth Amendment and the automobile exception.  
The state sought to justify the search of a car owned by Edward Coolidge, suspected of killing 14-year-old Pamela Mason in January 1964, on three theories: automobile exception, search incident to arrest and plain view.**

1. Ohio v. Robinette, 519 U.S. 33 (1996), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not require police officers to inform a motorist at the end of a traffic stop that they are free to go before seeking permission to search the motorist's car.
2. United States v. Johns, 469 U.S. 478 (1985), was a United States Supreme Court criminal law case holding that a three-day delay in searching a motor vehicle under government control did not violate the Fourth Amendment to the United States Constitution.

# Text 752:

**Karcher v. May, 484 U.S. 72 (1987), was a school prayer case in which the Supreme Court of the United States held that the former presiding officers of the New Jersey legislature did not have Article III standing to appeal a case, as that standing had passed on to their legislative successors.**

1. Karcher v. Daggett, 462 U.S. 725 (1983), was a United States Supreme Court case involving the legality of redistricting, and possibly gerrymandering, in the state of New Jersey.
2. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.

# Text 753:

**Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.**

1. Taylor v. Illinois, 484 U.S. 400 (1988), is a United States Supreme Court decision in which the Court held that defense witnesses can be prevented from testifying under certain circumstances, even if that hurts the defense's case. Taylor was the first case to hold that there is no absolute bar to blocking the testimony of a surprise witness, even if that is an essential witness for the defendant, a limitation of the broad right to present a defense recognized in Washington v. Texas (1967).  
   Taylor was the first Compulsory Process Clause case since Washington v. Texas to provide a specific limitation on the right of defendants to force their witnesses to testify. In that case, the Court construed a defendant's right very broadly in his ability to present a defense. Here, however, the Court restricted that ability to comply with court rules, especially if those rules were of equal consequence upon both the prosecution and the defense. This decision was reached over the dissent of three Justices, all of whom felt a defendant's case should not be limited based on an error solely by the defendant's attorney to list appropriate witnesses.
2. Pointer v. Texas, 380 U.S. 400 (1965), was a decision by the United States Supreme Court involving the application of the right of to confront accusers in state court proceedings. The Sixth Amendment in the Bill of Rights states that, in criminal prosecutions, the defendant has a right "...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor..." In this case, a person arrested in Texas for robbery was deprived of the ability to cross-examine a witness when the lower court allowed the introduction of a transcript of that witness's earlier testimony at a preliminary proceeding instead of compelling attendance by the witness at trial.

# Text 754:

**Ullmann v. United States, 350 U.S. 422 (1956), was a United States Supreme Court case in which the court held that a person given immunity from prosecution loses their Fifth Amendment right against self-incrimination, thus upholding the Constitutionality of the Immunity Act of 1954.  
The Court stated, "This command of the Fifth Amendment ('nor shall any person . . . be compelled in any criminal case to be a witness against himself. . . .') registers an important advance in the development of our liberty — 'one of the great landmarks in man's struggle to make himself civilized.' "**

1. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.
2. Haynes v. United States, 390 U.S. 85 (1968), was a United States Supreme Court decision interpreting the Fifth Amendment to the United States Constitution's self-incrimination clause. Haynes extended the Fifth Amendment protections elucidated in Marchetti v. United States.

# Text 755:

**Webster v. Doe, 486 U.S. 592 (1988), is a case decided by the United States Supreme Court that presented statutory and constitutional claims by a former CIA employee who alleged that his termination was the result of discrimination based on sexual orientation.**

1. Tenet v. Doe, 544 U.S. 1 (2005), is a United States Supreme Court case in which the court ruled unanimously that spies (those recruited for espionage by the Central Intelligence Agency) cannot sue the CIA or the United States government to enforce an espionage contract. The court ruled that allowing such suits jeopardize the protection of state secrets.
2. Doe v. Bolton, 410 U.S. 179 (1973), was a decision of the Supreme Court of the United States overturning the abortion law of Georgia. The Supreme Court's decision was released on January 22, 1973, the same day as the decision in the better-known case of Roe v. Wade.

# Text 756:

**Sandstrom v. Montana, 442 U.S. 510 (1979), is a United States Supreme Court case that reaffirmed the prosecution's burden of proof of the mental element of a crime by striking down a jury instruction that "the law presumes that a person intends the ordinary consequences of his voluntary acts". In Francis v. Franklin, 471 U.S. 307 (1985), Justice Brennan wrote about "Sandstrom and the wellspring due process principal from which it is drawn" as follows:   
  
Sandstrom v. Montana made clear that the Due Process Clause of the Fourteenth Amendment prohibits a State from making use of jury instructions that have the effect of relieving the State of the burden of proof on the critical question of intent in a criminal prosecution.**

1. Francis v. Franklin, 471 U.S. 307 (1985), is a United States Supreme Court decision reaffirming due process principles elucidated in Sandstrom v. Montana, that the prosecution bears the burden of proof of establishing the mental element of intent.: 341–346  Justice Brennan wrote that under the Due Process Clause of the Fourteenth Amendment, a jury instruction saying that "a person of sound mind is presumed to intend the natural and probable consequences of his acts, but the presumption may be rebutted" is unconstitutional, because the burden of proof is shifted from the prosecution to the defense.: 341–346
2. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4

# Text 757:

**Lockheed Corp. v. Spink, 517 U.S. 882 (1996), is a US labor law case, concerning occupational pensions.**

1. Mead Corp. v. Tilley, 490 U.S. 714 (1989), is a US labor law case, concerning occupational pensions.
2. Boggs v. Boggs, 520 U.S. 833 (1997), was a United States Supreme Court case in which the Court held that a spouse that is not a participant in an ERISA account cannot will part or all of it before distribution of the pension plan.

# Text 758:

**United States v. Felix, 503 U.S. 378 (1992), was a decision by the United States Supreme Court, which held that "a[n]…offense and a conspiracy to commit that offense are not the same offense for double jeopardy purposes." The Supreme Court rejected the Tenth Circuit's reversal of Felix's conviction, finding that the Court of Appeals read the holding in Grady v. Corbin (1990) too broadly.**

1. Grady v. Corbin, 495 U.S. 508 (1990), was a United States Supreme Court decision holding that: "the Double Jeopardy Clause bars a subsequent prosecution if, to establish an essential element of an offense charged in that prosecution, the government will prove conduct that constitutes an offense for which the defendant has already been prosecuted."
2. United States v. Dixon, 509 U.S. 688 (1993), was a decision of the United States Supreme Court concerning double jeopardy. The case overruled Grady v. Corbin (1990) and revived the traditional Blockburger standard. The case held that subsequent convictions for offenses that contained the same elements were violative of the Double Jeopardy Clause.

# Text 759:

**Commissioner v. LoBue, 351 U.S. 243 (1956), was an income tax case before the United States Supreme Court.**

1. Schlude v. Commissioner, 372 U.S. 128 (1963), is a decision by the United States Supreme Court in which the Court held that, under the accrual method, taxpayers must include as income in a particular year advance payments by way of cash, negotiable notes, and contract installments falling due but remaining unpaid during that year. In doing so, the Court tossed aside the matching principle in favor of the earlier-of test.
2. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.

# Text 760:

**United States v. Reidel, 402 U.S. 351 (1971), was a United States Supreme Court case in which the Court held that a postal regulation that banned the sale of adult materials was constitutionally permissible.**

1. Rowan v. Post Office Dept., 397 U.S. 728 (1970), is a case in which the United States Supreme Court ruled that an addressee of postal mail has sole, complete, unfettered and unreviewable discretion to decide whether he or she wishes to receive further material from a particular sender, and that the sender does not have a constitutional right to send unwanted material into someone's home. It thus created a quasi-exception to free speech in cases in which a person is held as a "captive audience".
2. MANual Enterprises, Inc. v. Day, 370 U.S. 478 (1962), is a decision by the Supreme Court of the United States in which the Court held that magazines consisting largely of photographs of nude or near-nude male models are not considered "obscene" within the meaning of 18 U.S.C. § 1461, which prohibits the mailing of obscene material. It was the first case in which the Court engaged in plenary review of a Post Office Department order holding obscene matter "nonmailable".  
   The case is notable for its ruling that photographs of nude men are not obscene, an implication which opened the U.S. mail to nude male pornographic magazines, especially those catering to gay men.

# Text 761:

**Pereira v. United States, 347 U.S. 1 (1954), was a United States Supreme Court case in which the Court held that the word "knowingly" in the federal mail fraud statute, 18 U.S.C. § 1341, should extend to all reasonably foreseeable consequences, even ones not specifically intended.**

1. McNally v. United States, 483 U.S. 350 (1987), was a case in which the United States Supreme Court decided that the federal statute criminalizing mail fraud applied only to the schemes and artifices defrauding victims of money or property, as opposed to those defrauding citizens of their rights to good government. The case was superseded one year later when the United States Congress amended the law to specifically include honest services fraud in the mail and wire fraud statutes.
2. Skilling v. United States, 561 U.S. 358 (2010), is a United States Supreme Court case interpreting the honest services fraud statute, 18 U.S.C. § 1346. The case involves former Enron CEO Jeffrey Skilling and the honest services fraud statute, which prohibits "a scheme or artifice to deprive another of the intangible right of honest services". The Court found the statute vague, meaning it was written in a manner that almost anyone could be convicted of the statute by engaging in most legal activities. However, the Court refused to void the statute as unconstitutionally vague. The Court decided to limit the application of the statute only to defendants who hold a fiduciary duty and they participate in bribery and kickback schemes. The Court supported its decision not to rule the statute void for vagueness on its obligation to construe and not condemn Congress' laws. Ultimately, Skilling's sentence was reduced by 10 years as a result.

# Text 762:

**Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.**

1. Bronston v. United States, 409 U.S. 352 (1973), is a seminal United States Supreme Court decision strictly construing the federal perjury statute. Chief Justice Warren Burger wrote for a unanimous Court that responses to questions made under oath that relayed truthful information in and of themselves but were intended to mislead or evade the examiner could not be prosecuted. Instead, the criminal-justice system had to rely on more carefully worded follow-up questions.  
   The decision has been cited in many cases since then and has become the controlling legal standard of perjury in federal jurisprudence. It was invoked during Bill Clinton's impeachment proceedings in 1998 as a defense to charges of perjury against him.  
   It has long been criticized for the loophole it creates in the perjury statutes as essentially allowing a witness to lie without consequences. Nevertheless, later Courts have refused to overrule or otherwise limit it despite some moves in that direction by lower courts.
2. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.

# Text 763:

**United States v. 50 Acres of Land, 469 U.S. 24 (1985), was a United States Supreme Court case regarding whether a public condemnee is entitled to consequential damages measured by the cost of acquiring a substitute facility if it has a duty to replace the condemned facility. The Court declined to award the costs of the substitute facility, holding that the Fifth Amendment does not require consequential damages when the market value of the condemned property is ascertainable and when there is no showing of manifest injustice.**

1. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.
2. United States v. Mitchell, 463 U.S. 206 (1983), was a case in which the Supreme Court of the United States held that the United States is accountable in money damages for alleged breaches of trust in connection with its management of forest resources on allotted lands of the Quinault Reservation.

# Text 764:

**Gonzales v. Carhart, 550 U.S. 124 (2007), was a landmark decision of the U.S. Supreme Court that upheld the Partial-Birth Abortion Ban Act of 2003. The case reached the high court after U.S. Attorney General, Alberto Gonzales, appealed a ruling of the U.S. Court of Appeals for the Eighth Circuit in favor of LeRoy Carhart that struck down the Act. Also before the Supreme Court was the consolidated appeal of Gonzales v. Planned Parenthood from the U.S. Court of Appeals for the Ninth Circuit, whose ruling had the same effect as that of the Eighth Circuit.  
The Supreme Court's decision upheld Congress's ban and held that it did not impose an undue burden on the due process right of women to obtain an abortion, "under precedents we here assume to be controlling", such as the Court's prior decisions in Roe v. Wade and Planned Parenthood v. Casey. In a legal sense, the case distinguished but did not overrule Stenberg v. Carhart (2000), in which the Court dealt with related issues. Gonzales was widely interpreted as signaling a shift in Supreme Court jurisprudence toward a restriction of abortion rights, occasioned in part by the retirement of Sandra Day O'Connor and her replacement by Samuel Alito.  
The Court found that there is "uncertainty [in the medical community] over whether the barred procedure is ever necessary to preserve a woman's health", and in the past the Court "has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific uncertainty."**

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   The Court found that there is "uncertainty [in the medical community] over whether the barred procedure is ever necessary to preserve a woman's health", and in the past the Court "has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific uncertainty."
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 765:

**United Mine Workers of America v. Gibbs, 383 U.S. 715 (1966), was a case in which the Supreme Court of the United States held that in order for a United States district court to have pendent jurisdiction over a state-law cause of action, state and federal claims must arise from the same "common nucleus of operative fact" and the plaintiff must expect to try them all at once. This case was decided before the existence of the current supplemental jurisdiction statute, 28 U.S.C. § 1367.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
2. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.

# Text 766:

**Thompson v. Keohane, 516 U.S. 99 (1995), was a case in which the Supreme Court of the United States held that 28 U.S.C. § 2254(d) does not apply in custody rulings for Miranda.**

1. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 767:

**United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994), was a case in which the United States Supreme Court laid out the constitutional limitations for the use of contempt powers by courts.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
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# Text 768:

**Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Kentucky v. King, 563 U.S. 452 (2011), was a decision by the US Supreme Court, which held that warrantless searches conducted in police-created exigent circumstances do not violate the Fourth Amendment as long as the police did not create the exigency by violating or threatening to violate the Fourth Amendment.

# Text 769:

**Mobile v. Bolden, 446 U.S. 55 (1980), was a case in which the Supreme Court of the United States held that disproportionate effects alone, absent purposeful discrimination, are insufficient to establish a claim of racial discrimination affecting voting.  
In Gomillion v. Lightfoot (1960), which challenged new city boundaries that excluded virtually all black voters from Tuskegee, Alabama, the court had held that creating electoral districts which disenfranchised blacks violated the Fifteenth Amendment.**

1. Gomillion v. Lightfoot, 364 U.S. 339 (1960), was a landmark decision of the Supreme Court of the United States that found an electoral district with boundaries created to disenfranchise African Americans violated the Fifteenth Amendment.
2. Rogers v. Lodge, 458 U.S. 613 (1982), was a United States Supreme Court case in which the Court held that an at-large election system for a large rural county with a large black population violated the Equal Protection Clause.

# Text 770:

**Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979), was a United States Supreme Court case in which the Court held that when state law requires the state to grant parole whenever a prisoner satisfies certain conditions, due process requires the state to allow the prisoner to present evidence in support of his request for parole and to furnish a written explanation of the reasons why his request has been denied.**

1. Greenlaw v. United States, 554 U.S. 237 (2008), was a United States Supreme Court case in which the Court held that a federal appeals court may not sua sponte increase a defendant's sentence unless the government first files a notice of appeal.
2. Superintendent v. Hill, 472 U.S. 445 (1985), was a United States Supreme Court case in which the Court held that due process required that prison disciplinary decisions to revoke good-time credits must be supported by "some evidence."

# Text 771:

**Kramer v. Union Free School District No. 15, 395 U.S. 621 (1969), was a United States Supreme Court decision in which the Court struck down a longstanding New York State statute requiring that to be eligible to vote in certain school district elections, an individual must either own or rent taxable real property within the school district, be the spouse of a property owner or lessor, or be the parent or guardian of a child attending a public school in the district. By a 5-to-3 vote, the court held that these voting requirements violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.**

1. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
2. Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964), is a case decided by the Supreme Court of the United States that held that the County School Board of Prince Edward County, Virginia's decision to close all local, public schools and provide vouchers to attend private schools were constitutionally impermissible as violations of the Equal Protection Clause of the Fourteenth Amendment.

# Text 772:

**England v. Louisiana State Board of Medical Examiners, 375 U.S. 411 (1964), was a United States Supreme Court decision that refined the procedures for U.S. federal courts to abstain from deciding issues of state law, pursuant to the doctrine set forth in Railroad Commission v. Pullman Co., 312 U.S. 496 (1941).[1]**

1. Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
   The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.
2. Burch v. Louisiana, 441 U.S. 130 (1979), was a case decided by the United States Supreme Court that invalidated a Louisiana statute allowing a conviction upon a nonunanimous verdict from a jury of six for a petty offense. The statute allowed for conviction if only five jurors agreed, and this was held to be a violation of the Sixth Amendment.

# Text 773:

**Central Bank of Denver v. First Interstate Bank of Denver, 511 U.S. 164 (1994), was a decision by the United States Supreme Court, which held private plaintiffs may not maintain aiding and abetting suits under Securities Exchange Act § 10(b).  
The majority opinion in the case established that liability did not extend to "aiders or abettors" that participate in misstatements or omissions in connection with the sale of securities. The Supreme Court held that "private civil liability under Rule 10b-5 does not extend to those who do not engage in a manipulative or deceptive practice but who aid and abet such a violation of 10(b)." This distinguished between the primary liability of violators of Rule 10b-5 and non-primary defendants, who had not directly deceived investors. This was a more literal reading than hitherto of Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b-5, which prohibit fraud or deceit in connection with the purchase or sale of securities.  
The Supreme Court's ruling reversed a long history of court decisions and SEC enforcement actions where aiders and abettors, often banks, accountants, trustees, and attorneys, were found liable under Rule 10b-5. The case makes the distinction between primary violators, who directly misstate or omit material facts that are relied upon by investors, and aiders and abettors. According to the court: "A plaintiff must show reliance on the defendant's misstatement or omission to recover under 10b-5. Basic Inc. v. Levinson, supra, at 243. Were we to allow the aiding and abetting action proposed in this case, the defendant could be liable without any showing that the plaintiff relied upon the aider and abettor's statement or actions. . . .". When investors relied on such statements or actions, the court extends Rule 10b-5 liability to these secondary participants. The Court stated that "any person or entity, including a lawyer, accountant, or bank, who employs a manipulative device or makes a material misstatement (or omission) on which a purchaser or seller of securities relies may be liable as a primary violator under 10b-5. . .."**

1. Janus Capital Group, Inc. v. First Derivative Traders, 564 U.S. 135 (2011), was a case before the Supreme Court of the United States in which the Court held that a service provider cannot be held liable in a private action under SEC Rule 10b-5.
2. Basic Inc. v. Levinson, 485 U.S. 224 (1988), was a case in which the Supreme Court of the United States articulated the "fraud-on-the-market theory" as giving rise to a rebuttable presumption of reliance in securities fraud cases.

# Text 774:

**Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), was a landmark decision of the Supreme Court of the United States holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in public accommodations.**

1. Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.
2. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 775:

**Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.**

1. Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.
2. Goldblatt v. Hempstead, 369 U.S. 590 (1962), was a United States Supreme Court case concerning whether a town ordinance regulating a use of a property was unconstitutional under the Fourteenth Amendment, finding the law in question was constitutional as an exercise of the town's police powers.

# Text 776:

**New York v. Belton, 453 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that when a police officer has made a lawful custodial arrest of the occupant of an automobile, the officer may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile. Therefore, Belton extended the so-called "Chimel rule" of searches incident to a lawful arrest, established in Chimel v. California (1969), to vehicles. The Supreme Court sought to establish bright line rules to govern vehicle search incident to eliminate some confusion in the cases.**

1. Chimel v. California, 395 U.S. 752 (1969), was a 1969 United States Supreme Court case in which the court held that police officers arresting a person at his home could not search the entire home without a search warrant, but that police may search the area within immediate reach of the person without a warrant. The rule on searches incident to a lawful arrest within the home is now known as the Chimel rule.  
   Ronald M. George, the young deputy attorney general who unsuccessfully argued California's case, ultimately became chief justice of the Supreme Court of California.
2. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.

# Text 777:

**Wilson v. Girard, 354 U.S. 524 (1957), was a United States Supreme Court case in which the Court refused to stop the executive branch from handing United States Army soldier William S. Girard over to Japanese authorities for trial. Girard was accused of killing a Japanese woman while assigned to the U.S. Army in Japan, precipitating a major international incident remembered as the "Girard incident."**

1. Nishikawa v. Dulles, 356 U.S. 129 (1958), is a United States Supreme Court case in which the Court ruled that a dual United States/Japanese citizen who had served in the Japanese military during World War II could not be denaturalized unless the United States could prove that he had acted voluntarily.  
   Mitsugi Nishikawa, born in California to Japanese parents, went to Japan to study, and he was conscripted into the Japanese military in early 1941. After the end of the war, Nishikawa was informed by US officials that he had lost his citizenship because he had served in a foreign army. His case was eventually reviewed by the Supreme Court, which decided that the burden of proof must be on the government to prove that Nishikawa's Japanese military service was undertaken voluntarily before he could be stripped of his citizenship.
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# Text 778:

**Soldal v. Cook County, 506 U.S. 56 (1992), was a United States Supreme Court case in which the Court held that a seizure of property like that which occurs during an eviction, even absent a search or an arrest, implicates the Fourth Amendment. The Court also held that the Amendment protects property as well as privacy interests, in both criminal as well as civil contexts. Finally, saying that "certain wrongs affect more than a single right", the Court left open the possibility that the Fourteenth Amendment's protections against deprivation of property without due process of law may also be implicated.**

1. McDonald v. Board of Election Commissioners of Chicago, 394 U.S. 802 (1969), was a unanimous decision by the Supreme Court of the United States that an Illinois law that denied absentee ballots to inmates awaiting trial did not violate their constitutional rights under the Fourteenth Amendment. The Court declined to apply strict scrutiny, and found that the distinctions drawn by the law were rational. The Court particularly noted that the inmates had not shown they could not vote, but rather only that they could not receive absentee ballots.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 779:

**Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977), was an important U.S. Supreme Court case concerning rights of publicity. The Court held that the First and Fourteenth Amendments do not immunize the news media from civil liability when they broadcast a performer's entire act without his consent, and the Constitution does not prevent a state from requiring broadcasters to compensate performers. It was the first time (and so far the only time) the Supreme Court heard a case on rights of publicity.**

1. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.
2. Red Lion Broadcasting Co. v. Federal Communications Commission, 395 U.S. 367 (1969), was a seminal First Amendment ruling at the United States Supreme Court. The Supreme Court held that radio broadcasters enjoyed free speech rights under the First Amendment, but those rights could be partially restricted by the Federal Communications Commission (FCC) to maintain the public interest in equitable use of scarce broadcasting frequencies. As a result, the FCC's Fairness Doctrine was found to be constitutional.

# Text 780:

**Baggett v. Bullitt, 377 U.S. 360 (1964), was a United States Supreme Court case in which the Court held that a state cannot require an employee to take an unduly vague oath containing a promise of future conduct at the risk of prosecution for perjury or loss of employment, particularly where the exercise of First Amendment freedoms may thereby be deterred.**

1. United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994), was a case in which the United States Supreme Court laid out the constitutional limitations for the use of contempt powers by courts.
2. Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985), was a United States Supreme Court case in which the Court held that a state statute providing employees with an absolute right not to work on their chosen Sabbath violates the Establishment Clause of the First Amendment.

# Text 781:

**Ward v. Rock Against Racism, 491 U.S. 781 (1989), was a United States Supreme Court case.  
In an opinion by Justice Kennedy, the Court rejected a First Amendment challenge to a New York City regulation that mandated the use of city-provided sound systems and technicians to control the volume of concerts in New York City's Central Park. The Court found that the city had a substantial interest in limiting excessive noise and the regulation was "content neutral." The court found that "narrow tailoring" would be satisfied if the regulation promoted a substantial government interest that would be achieved less effectively without the regulation.  
Justices Marshall, Brennan, and Stevens dissented.  
In his dissent, Marshall agreed with the majority that the government has a substantial interest in controlling noise but believed that it may not advance that interest by actually asserting control over the amplification equipment and thus over private expression itself. The government has an obligation to adopt the least intrusive restriction necessary to achieve its goals such as enforcing the noise ordinance that has already been adopted.**

1. Saia v. New York, 334 U.S. 558 (1948), was a case in which the Supreme Court of the United States held that an ordinance which prohibited the use of sound amplification devices except with permission of the Chief of Police was unconstitutional on its face because it established a prior restraint on the right of free speech in violation of the First Amendment.
2. New York Times Co. v. Sullivan, 376 U.S. 254 (1964), was a landmark U.S. Supreme Court decision ruling that the freedom of speech protections in the First Amendment to the U.S. Constitution restrict the ability of public officials to sue for defamation. The decision held that if a plaintiff in a defamation lawsuit is a public official or candidate for public office, then not only must they prove the normal elements of defamation—publication of a false defamatory statement to a third party—they must also prove that the statement was made with "actual malice", meaning the defendant either knew the statement was false or recklessly disregarded whether it might be false. New York Times Co. v. Sullivan is frequently ranked as one of the greatest Supreme Court decisions of the modern era.  
   The underlying case began in 1960, when The New York Times published a full-page advertisement by supporters of Martin Luther King Jr. that criticized the police in Montgomery, Alabama, for their treatment of civil rights movement protesters. The ad had several inaccuracies regarding facts such as the number of times King had been arrested during the protests, what song the protesters had sung, and whether students had been expelled for participating. Based on the inaccuracies, Montgomery police commissioner L. B. Sullivan sued the Times for defamation in the local Alabama county court. After the judge ruled that the advertisement's inaccuracies were defamatory per se, the jury returned a verdict in favor of Sullivan and awarded him $500,000 in damages. The Times appealed first to the Supreme Court of Alabama, which affirmed the verdict, and then to the U.S. Supreme Court, which agreed to hear the case.  
   In March 1964, the Court issued a 9–0 decision holding that the Alabama court's verdict violated the First Amendment. The Court reasoned that defending the principle of wide-open debate will inevitably include "vehement, caustic, and...unpleasantly sharp attacks on government and public officials." The Supreme Court's decision, and its adoption of the actual malice standard, reduced the financial exposure from potential defamation claims and frustrated efforts by public officials to use these claims to suppress political criticism. The Supreme Court has since extended Sullivan's higher legal standard for defamation to all "public figures". This has made it extremely difficult for a public figure to win a defamation lawsuit in the United States.

# Text 782:

**Mississippi Band of Choctaw Indians v. Holyfield, 490 U.S. 30 (1989), was a case in which the Supreme Court of the United States held that the Indian Child Welfare Act governed adoptions of Indian children. It ruled that a tribal court had jurisdiction over a state court, regardless of the location of birth of the child, if the child or the natural parents resided on the reservation.**

1. United States v. John, 437 U.S. 634 (1978), was a case in which the Supreme Court of the United States held that lands designated as a reservation in Mississippi are "Indian country" as defined by statute, although the reservation was established nearly a century after Indian removal and related treaties. The court ruled that, under the Major Crimes Act, the State has no jurisdiction to try a Native American for crimes covered by that act that occurred on reservation land.
2. Plains Commerce Bank v. Long Family Land and Cattle Co., Inc., 554 U.S. 316 (2008), is a decision by the Supreme Court of the United States holding that a tribal court had no jurisdiction to hear a case for discrimination against an Indian in the sale of non-Indian fee land located on a reservation.

# Text 783:

**Wilko v. Swan, 346 U.S. 427 (1953), is a United States Supreme Court decision on the arbitration of securities fraud claims. It had originally been brought by an investor who claimed his broker at Hayden Stone had sold stock to him without disclosing that he and the firm were the primary sellers. By a 7–2 margin the Court held that the provisions of the Securities Act of 1933 barring any waiver of rights under that statute took precedence over the Federal Arbitration Act's (FAA) requirement that arbitration clauses in contracts be given full effect by federal courts. It reversed a decision to the contrary by a divided panel of the Second Circuit Court of Appeals.  
Justice Stanley Forman Reed wrote the majority opinion that relied on the explicit wording in the Securities Act and expressed doubt as to whether arbitration could truly protect the rights of investors. Robert H. Jackson wrote a short concurrence distancing himself slightly from that latter opinion. Felix Frankfurter dissented, taking issue with the majority's hostility to arbitration.  
Later the logic of the decision was extended by an appeals court to cover claims made under the Securities Exchange Act of 1934. The Supreme Court itself later expressed doubt as to the legal soundness of that holding, and in the 1985 case Shearson/American Express Inc. v. McMahon expressly held that it did not. This led lower courts to begin to overrule Wilko as well, and in 1989 the Court itself did so in Rodriguez de Quijas v. Shearson/American Express Inc., part of a series of decisions in the 1980s and ever since that greatly expanded the use of arbitration in dispute resolution.  
Although the decision was overruled, one aspect of it survived Rodriguez de Quijas: Reed's dictum that "manifest disregard" for the law would be enough to justify a court's overturning an arbitral award. Later courts and commentators have puzzled over what that meant and whether it arose from the text of the FAA or independently. The Court itself would face that question in the 2008 Hall Street Associates, L.L.C. v. Mattel, Inc., although without resolving it to much satisfaction.**

1. Rodriguez de Quijas v. Shearson/American Express Inc., 490 U.S. 477 (1989), is a United States Supreme Court decision concerning the arbitration of securities fraud claims. It was originally brought by a group of Texas investors against their brokerage house. By a 5–4 margin the Court affirmed the Fifth Circuit Court of Appeals and ruled that their claims under the Securities Act of 1933, which regulates trading in the primary market, must be arbitrated as stipulated in their customer agreements.  
   The decision overruled a 1953 case, Wilko v. Swan. Justice Anthony Kennedy's majority opinion found that arbitration procedures offered more adequate protection for investors than they had when that case was decided. John Paul Stevens's short dissent criticized the majority for taking it upon itself to overturn a precedent that, he argued, Congress had purposely left intact during a major overhaul of the securities laws in the mid-1970s. Both criticized the Fifth Circuit for having overruled Wilko before the Court itself did, reminding lower courts that only the Supreme Court could overrule itself, an aspect of the decision that has come in for some criticism.  
   Many courts besides the Fifth Circuit had chosen to disregard Wilko after the Supreme Court's own decision in Shearson/American Express Inc. v. McMahon that claims under the Securities Exchange Act of 1934, which applies to the secondary market, were also arbitrable if a contract so provided cast serious doubt on the logic of the older case. As a result of Rodriguez de Quijas, many more securities fraud claims were heard in arbitration instead of the courts, an intended outcome that has supporters and critics and led to long-term changes in how the securities industry conducts arbitration. The decision was the last in the Mitsubishi trilogy, which expanded the use of arbitration from contractual disputes to statutory claims during the 1980s.
2. Shearson/American Express Inc. v. McMahon, 482 U.S. 220 (1987), is a United States Supreme Court decision concerning arbitration of private securities fraud claims arising under the Securities Exchange Act of 1934. By a 5–4 margin the Court held that its holding in a 1953 case, Wilko v. Swan, that the nonwaiver provisions of the Securities Act of 1933 prevented the mandatory arbitration of such claims, did not apply to claims under the 1934 Act due to differences in the corresponding language of the two statutes, reversing a decision of the Second Circuit Court of Appeals that had affirmed what had been considered settled law, despite the lack of a precedent. It likewise held that claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) were arbitrable, affirming an order from the district court that the Second Circuit had also upheld.  
   The question of whether claims under the 1934 Act were likewise exempt from the Federal Arbitration Act had first been raised in a 1974 case, Scherk v. Alberto-Culver Inc.. At that time Potter Stewart had found them not relevant to the case and upheld the arbitration order on the grounds that the case involved an international dispute. They had resurfaced in the previous term, in Justice Byron White's concurrence in Dean Witter Reynolds Inc. v. Byrd. Lower courts began embracing White's analysis, eventually creating a conflict in the circuits on appeal.  
   Justice Sandra Day O'Connor wrote the majority opinion, reiterating and deepening White's analysis. Harry Blackmun dissented for himself and justices Brennan and Marshall, who had written for a unanimous Court in Byrd. John Paul Stevens wrote a separate dissent. Both of those dissents concurred in the holding that the RICO claims were arbitrable. On remand, the case remained unresolved for another three years. The district judge fined the McMahons' counsel for filing frivolous motions, sanctions which were reversed on appeal, setting another precedent.  
   McMahon greatly expanded the use of arbitration in securities disputes, since many of them take place under the 1934 Act, which regulates the secondary market in which most investors trade. It also signaled a greater acceptance of arbitration as a desirable and fair method of dispute resolution. This was cited by the Court three years later in Rodriguez de Quijas v. Shearson/American Express Inc., when it overturned Wilko completely and held that claims under the 1933 Act could also be arbitrated if the parties had clearly chosen to do so. The expansion in securities arbitration as a result led to reforms during the 1990s to make the process more investor-friendly.

# Text 784:

**Lucy v. Adams, 350 U.S. 1 (1955), was a U.S. Supreme Court case that successfully established the right of all citizens to be accepted as students at the University of Alabama.  
The case involved African American citizens Autherine Lucy and Polly Anne Myers, who were refused admission to the University of Alabama solely on account of their race or color.  
The Supreme Court affirmed the lower court decision, saying that it enjoins and restrains the respondent and others designated from denying these petitioners, solely on account of their race or color, the right to enroll in the University of Alabama and pursue courses of study there.**

1. National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.
2. Mississippi University for Women v. Hogan, 458 U.S. 718 (1982), was a landmark decision of the Supreme Court of the United States, decided 5–4, which ruled that the single-sex admissions policy of the Mississippi University for Women violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 785:

**New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.**

1. Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.
2. United States v. Jicarilla Apache Nation, 564 U.S. 162 (2011), is a United States Supreme Court case in which the Court held that the fiduciary exception to attorney–client privilege does not apply to the general trust relationship between the United States and Indian tribes.

# Text 786:

**Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950), was a case in which the Supreme Court of the United States set forth the constitutional requirements for notice of judicial proceedings to a potential party under the Fourteenth Amendment to the United States Constitution.**

1. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.
2. Katzenbach v. Morgan, 384 U.S. 641 (1966), was a landmark decision of the Supreme Court of the United States regarding the power of Congress, pursuant to Section 5 of the Fourteenth Amendment, to enact laws that enforce and interpret provisions of the Constitution.

# Text 787:

**County of Allegheny v. American Civil Liberties Union, 492 U.S. 573 (1989), was a United States Supreme Court case in which the Court considered the constitutionality of two recurring Christmas and Hanukkah holiday displays located on public property in downtown Pittsburgh. The first, a nativity scene (crèche), was placed on the grand staircase of the Allegheny County Courthouse. The second of the holiday display in question was an 18-foot (5.5 m) public Hanukkah menorah, which was placed just outside the City-County Building next to the city's 45-foot (14 m) decorated Christmas tree and a sign saluting liberty. The legality of the Christmas tree display was not considered in this case.  
In a complex and fragmented decision, the majority held that the County of Allegheny violated the Establishment Clause by displaying a crèche in the county courthouse, because the "principal or primary effect" of the display was to advance religion within the meaning of Lemon v. Kurtzman (1971), when viewed in its overall context. Moreover, in contrast to Lynch v. Donnelly (1984), nothing in the crèche's setting detracted from that message.  
A different majority held that the menorah display did not have the prohibited effect of endorsing religion, given its "particular physical setting". Its combined display with a Christmas tree and a sign saluting liberty did not impermissibly endorse both the Christian and Jewish faiths, but simply recognized that both Christmas and Hanukkah are part of the same winter-holiday season, which, the Court found, had attained a secular status in U.S. society.**

1. Lynch v. Donnelly, 465 U.S. 668 (1984), was a United States Supreme Court case challenging the legality of Christmas decorations on town property. All plaintiffs, including lead plaintiff Daniel Donnelly, were members of the Rhode Island chapter of the ACLU. The lead defendant was Dennis Lynch, then mayor of Pawtucket, Rhode Island.
2. Board of Trustees of Scarsdale v. McCreary, 471 U.S. 83 (1985), was a United States Supreme Court case in which an evenly split Court upheld per curiam a lower court's decision that the display of a privately sponsored nativity scene on public property does not violate the Establishment Clause of the First Amendment.

# Text 788:

**Lemon v. Kurtzman, 403 U.S. 602 (1971), was a case argued before the Supreme Court of the United States. The court ruled in an 8–0 decision that Pennsylvania's Nonpublic Elementary and Secondary Education Act (represented through David Kurtzman) from 1968 was unconstitutional and in an 8–1 decision that Rhode Island's 1969 Salary Supplement Act was unconstitutional, violating the Establishment Clause of the First Amendment. The act allowed the Superintendent of Public Schools to reimburse private schools (mostly Catholic) for the salaries of teachers who taught in these private elementary schools from public textbooks and with public instructional materials.**

1. Winkelman v. Parma City School District, 550 U.S. 516 (2007), is a civil suit under the Individuals with Disabilities Education Act decided by the Supreme Court of the United States. Justice Kennedy held for the seven-justice majority that parents may file suit under IDEA pro se. Justice Kennedy declined to reach the question whether parents may represent the interests of their children pro se, instead concluding that IDEA created a set of independently enforceable rights in parents.
2. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.

# Text 789:

**Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), was a case in which the US Supreme Court ruled that an implied cause of action existed for an individual whose Fourth Amendment protection against unreasonable search and seizures had been violated by the Federal Bureau of Narcotics.[1] The victim of such a deprivation could sue for the violation of the Fourth Amendment itself despite the lack of any federal statute authorizing such a suit. The existence of a remedy for the violation was implied by the importance of the right violated.  
The case was understood to create a cause of action against the federal government similar to the one in 42 U.S.C. § 1983 against the states. However, the Supreme Court has sharply limited new Bivens claims.  
The Supreme Court has upheld Bivens claims only three times: in Bivens (1971), Davis v. Passman (1979), and Carlson v. Green (1980). Under Ziglar v. Abbasi (2017) and Egbert v. Boule (2022), any claim that is not highly similar to the facts in Bivens (excessive force during arrest), Davis (sex discrimination in federal employment), or Carlson (inadequate care in prison) is a "new context" to which Bivens will not be extended if "there is any reason to think that Congress might be better equipped to create a damages remedy."**

1. Schweiker v. Chilicky, 487 U.S. 412 (1988), was a United States Supreme Court decision that established limitations on implied causes of action. The Court determined that a cause of action would not be implied for the violation of rights where the U.S. Congress had already provided a remedy for the violation of rights at issue, even if the remedy was inadequate.  
   In this case, seriously disabled people were wrongfully being denied federal benefits (although, on appeal to an Administrative Law Judge, two-thirds had their payments restored). Although Congress provides for the return of back-pay, no provision is made for pain and suffering or other economic losses. The injured parties sued responsible agency personnel, under the theory that pursuant to Bivens v. Six Unknown Named Agents they could allege a private right of action for deprivation of due process.  
   The Court examined whether Congress intended a private right of action under these circumstances, and concluded that if Congress has created a meaningful remedy – even if it is incomplete – then no Bivens-type remedy is available. Special factors counseling hesitation included judicial deference to a combination of:   
     
   some indication that Congress considered providing a cause of action, and chose not to; and  
   the design of some government program containing what Congress considers an adequate remedial mechanism.  
   Here Congress has provided a great deal of process, and some relief, and has been otherwise silent as to a remedy, which the Court found to be enough to foreclose a Bivens remedy.
2. Whren v. United States, 517 U.S. 806 (1996), was a unanimous United States Supreme Court decision that "declared that any traffic offense committed by a driver was a legitimate legal basis for a stop."  
   In an opinion authored by Antonin Scalia, the court held that a search and seizure is not a violation of the Fourth Amendment in cases where the police officers have a "reasonable suspicion" that a traffic violation has occurred. The personal, or subjective, motives of an officer are not a factor in the Court's Fourth Amendment analysis of whether the cause for a stop is sufficient. The standard for reasonable suspicion is purely an objective one.  
   A major concern with this case's ruling is that police conducting traffic stops may racially profile the stopped persons. Similar to the controversy around New York City's Stop and Frisk program, some believe that the ruling in Whren will lead to an increase in racial profiling towards young African American males.

# Text 790:

**Beck v. Alabama, 447 U.S. 625 (1980), was a United States Supreme Court case in which the Court held that a jury must be allowed to consider lesser included offenses, not just capital offense or acquittal.**

1. Swain v. Alabama, 380 U.S. 202 (1965), was a case heard before the Supreme Court of the United States regarding the legality of a struck jury.
2. Boykin v. Alabama, 395 U.S. 238 (1969), is a United States Supreme Court case in which the Court determined that when a defendant enters into a plea bargain, they waive their Sixth Amendment right to a trial by jury. A defendant may not waive this Constitutional right unless he does so knowingly, voluntarily and intelligently. The defendant was an African-American charged with robbery, which carried a death sentence in Alabama at the time. He pled guilty.

# Text 791:

**Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.**

1. Mt. Healthy City School District Board of Education v. Doyle, 429 U.S. 274 (1977), often shortened to Mt. Healthy v. Doyle, was a unanimous U.S. Supreme Court decision arising from a fired teacher's lawsuit against his former employer, the Mount Healthy City Schools. The Court considered three issues: whether federal-question jurisdiction existed in the case, whether the Eleventh Amendment barred federal lawsuits against school districts, and whether the First and Fourteenth Amendments prevented the district, as a government agency, from firing or otherwise disciplining an employee for constitutionally protected speech on a matter of public concern where the same action might have taken place for other, unprotected activities. Justice William Rehnquist wrote the opinion.  
   The case was first heard in the Southern District of Ohio. In 1971, Fred Doyle, who had been teaching social studies for five years in the Mount Healthy City Schools, learned his contract had not been renewed, not only denying him tenure but any further employment with the district. The superintendent's letter cited both an incident where he had made an obscene gesture to students and his sharing of a district dress code for teachers with a local radio station as displaying a "lack of tact". He took a position with another district and filed suit under Section 1983, arguing his constitutional rights to free speech had been violated, per the Court's 1967 decision in Pickering v. Board of Education, another case involving an untenured teacher fired for speaking out in the media. After the district court ruled in his favor, the school district appealed to the Sixth Circuit Court of Appeals, which partially vacated the decision in a brief per curiam opinion late in 1975.  
   The Supreme Court took the case and heard oral argument almost a year later. It handed down its decision early in 1977. On the jurisdictional question, Rehnquist held that although the school district had been created by state law, it was primarily a local entity and thus beyond the reach of the Eleventh Amendment, its first ruling in that area in 86 years. The Court did not, however, decide the question of whether Doyle had been fired legally, since there were other incidents suggesting he had difficulties in his relationships with students and fellow teachers which the district had introduced into the record. Instead, it remanded the case to the district court, ordering it to require the district to show by a preponderance of evidence that Doyle would have been fired regardless if he had not contacted the radio station. The school district was later able to do so, and in 1982 the Sixth Circuit upheld that decision.  
   The case introduced what has since become known as the "Mt. Healthy test" into similar cases that follow the Pickering line in asserting the First Amendment rights of public employees where the employer claims other, unprotected conduct motivated the adverse action, a two-prong process that shifts the burden of proof from plaintiff to defendant in the course of the action. First, the plaintiff must prove that the activity they were allegedly disciplined for was indeed protected speech. The defendant must then show by a preponderance that the adverse action would have occurred if the protected activity had never happened. This has been criticized as allowing public employers a way to circumvent restrictions on taking adverse action against whistleblowers, and more generally as incompatible with the underlying principles of tort law. The test has also been expanded into mixed motive discrimination cases in employment law.
2. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.

# Text 792:

**Nix v. Williams, 467 U.S. 431 (1984), was a U.S. Supreme Court case that created an "inevitable discovery" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution, which protects against unreasonable search and seizure, inadmissible in criminal trials as "fruit of the poisonous tree". In Nix, the Court ruled that evidence that would inevitably have been discovered by law enforcement through legal means remained admissible.**

1. Murray v. United States, 487 U.S. 533 (1988), was a United States Supreme Court decision that created the modern "independent source doctrine" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution inadmissible in criminal trials as "fruit of the poisonous tree". In Murray, the Court ruled that when officers conduct two searches, the first unlawful and the second lawful, evidence seized during the second search is admissible if the second search "is genuinely independent of [the] earlier one."
2. Arizona v. Evans, 514 U.S. 1 (1995), was a United States Supreme Court case in which the Court instituted an exclusionary rule exception allowing evidence obtained through a warrantless search to be valid when a police record erroneously indicates the existence of an outstanding warrant due to negligent conduct of a Clerk of Court.

# Text 793:

**Perry v. Louisiana, 498 U.S. 38 (1990), was a United States Supreme Court case over the legality of forcibly medicating a death row inmate with a mental disorder, to render him competent to be executed.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Foucha v. Louisiana, 504 U.S. 71 (1992), was a U.S. Supreme Court case in which the court addressed the criteria for the continued commitment of an individual who had been found not guilty by reason of insanity. The individual remained involuntarily confined on the justification that he was potentially dangerous even though he no longer suffered from the mental illness that served as a basis for his original commitment.

# Text 794:

**Wal-Mart v. Dukes, 564 U.S. 338 (2011), was a United States Supreme Court case in which the Court ruled that a group of roughly 1.5 million women could not be certified as a valid class of plaintiffs in a class-action lawsuit for employment discrimination against Walmart. Lead plaintiff Betty Dukes, a Walmart employee, and others alleged gender discrimination in pay and promotion policies and practices in Walmart stores.  
The Court agreed to hear argument on whether Federal Rule of Civil Procedure, Rule 23(b)(2), which provides for class-actions if the defendant's actions make injunctive relief appropriate, can be used to file a class action that demands monetary damages. The Court also asked the parties to argue whether the class meets the traditional requirements of numerosity, commonality, typicality, and adequacy of representation.  
The Supreme Court ruled unanimously that the class should not be certified in its current form but was only 5–4 on why so and whether the class could continue in a different form.**

1. Griggs v. Duke Power Co., 401 U.S. 424 (1971), was a court case argued before the Supreme Court of the United States on December 14, 1970. It concerned employment discrimination and the disparate impact theory, and was decided on March 8, 1971. It is generally considered the first case of its type.  
   The Supreme Court ruled that the company's employment requirements did not pertain to applicants' ability to perform the job, and so were unintentionally discriminating against black employees. The judgment famously held that "Congress has now provided that tests or criteria for employment or promotion may not provide equality of opportunity merely in the sense of the fabled offer of milk to the stork and the fox."
2. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.

# Text 795:

**Withrow v. Williams, 507 U.S. 680 (1993), was a United States Supreme Court case in which the Court held that Fifth Amendment Miranda v. Arizona arguments can be raised again in federal habeas corpus proceedings, even if a criminal defendant had a fair chance to argue those claims in state court. The Court rejected the state's argument that Stone v. Powell, a case holding the opposite in the context of Fourth Amendment claims on habeas review, applied in Williams' case.**

1. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.
2. Brewer v. Williams, 430 U.S. 387 (1977), is a decision by the United States Supreme Court that clarifies what constitutes "waiver" of the right to counsel for the purposes of the Sixth Amendment. Under Miranda v. Arizona, evidence obtained by police during interrogation of a suspect before he has been read his Miranda rights is inadmissible. Here, however, the defendant had been indicted in court and had asserted his desire to have counsel, thus his Sixth Amendment right to counsel had attached. At issue was whether a voluntary admission of incriminating facts in response to police statements made while the defendant was in custody and outside the presence of his lawyer constituted a waiver of this right to counsel.

# Text 796:

**In Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954), the Supreme Court ruled 5-4 that a mail order reseller was not required to collect a use tax unless it had sufficient contact with the state.**

1. In National Bellas Hess v. Department of Revenue of Illinois, 386 U.S. 753 (1967), the Supreme Court ruled that a mail order reseller was not required to collect sales tax unless it had some physical contact with the state.
2. Quill Corp. v. North Dakota, 504 U.S. 298 (1992), was a United States Supreme Court ruling, since overturned, concerning use tax. The decision effectively prevented states from collecting any sales tax from retail purchases made over the Internet or other e-Commerce route unless the seller had a physical presence in the state. The ruling was based on the Dormant Commerce Clause, preventing states from interfering with interstate commerce unless authorized by the United States Congress. The case resulted from an attempt by North Dakota seeking to collect sales tax on licensed computer software offered by the Quill Corporation, an office supply retailer with no North Dakota presence, that allowed users to place orders directly with Quill.  
   Quill modified an earlier court decision, National Bellas Hess, Inc. v. Department of Revenue of Illinois, which dealt with a state imposing the duty of use tax collection on a mail order reseller. The decision in Quill has been a point of contention for states as e-Commerce had grown greatly during the 21st century. Spurred by Justice Anthony Kennedy's concurrence in Direct Marketing Ass'n v. Brohl, which spoke to a review of Quill, several states passed "kill Quill" laws to bring such a review to the Supreme Court. In the first such challenge, South Dakota v. Wayfair, Inc., heard in the 2018 term, the Court found that the physical presence rule defined by Quill was "unsound and incorrect", and overturned both Quill and the remaining portions of National Bellas Hess.

# Text 797:

**Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.**

1. Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984), was a case in which the United States Supreme Court held that a state could use eminent domain to take land that was overwhelmingly concentrated in the hands of private landowners and redistribute it to the wider population of private residents.
2. Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.

# Text 798:

**Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.**

1. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.
2. In Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission, 461 U.S. 190 (1983), the United States Supreme Court held that a state statute regulating economic aspects of nuclear generating plants was not preempted by the federal Atomic Energy Act of 1954. The case provides a framework that has guided other cases involving preemption of federal authority.

# Text 799:

**Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954), was a case decided by the Supreme Court of the United States holding that sale of natural gas at the wellhead was subject to regulation under the Natural Gas Act. Prior to this case, independent producers sold natural gas to interstate pipelines at unregulated prices with any subsequent sales for resale being regulated. The State of Wisconsin sought to close this regulatory loophole in order to keep consumer prices low. Natural gas producers argued that wellhead sales were exempt from federal regulation as "production and gathering." Below, the Federal Power Commission compiled an evidentiary record 10,000 pages long before deciding not to regulate wellhead sales. However, the courts reversed, and the case resulted in federal price controls on wellhead gas prices for the next 40 years.**

1. Phillips Petroleum Co. v. Shutts, 472 U.S. 797 (1985), was a conflict of laws case decided by the United States Supreme Court.
2. United Gas Pipe Line Co. v. Memphis Light, Gas, and Water Division, 358 U.S. 103 (1958), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as allowing a gas supply company to unilaterally modify a rate in a natural gas supply contract if the contract specified that the rate was that of the rate schedule filed with the Federal Power Commission (FPC) and the gas company filed a new rate schedule. This case clarified the Mobile-Sierra doctrine established by United Gas Pipe Line Co. v. Mobile Gas Service Corp. (1956) and its companion case Federal Power Commission v. Sierra Pacific Power Co. (1956), which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).

# Text 800:

**Federal Trade Commission v. Sperry & Hutchinson Trading Stamp Co., 405 U.S. 233 (1972), is a decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may act against a company's “unfair” business practices even though the practice is none of the following: an antitrust violation, an incipient antitrust violation, a violation of the “spirit” of the antitrust laws, or a deceptive practice. This legal theory is termed the "unfairness doctrine."**

1. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.
2. Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), is a United States Supreme Court case that involved issues concerning statutory standing in antitrust law.  
   The decision established the rule that indirect purchasers of goods or services along a supply chain cannot seek damages for antitrust violations committed by the original manufacturer or service provider, but it permitted such claims by direct purchasers. Several courts recognize exceptions to the rule.  
   The decision has become known as the "Illinois Brick doctrine" and is applied to determine whether a plaintiff has standing to bring claims under various federal antitrust statutes.

# Text 801:

**Burger King v. Rudzewicz, 471 U.S. 462 (1985), is a notable case in United States civil procedure that came before the Supreme Court of the United States addressing personal jurisdiction.**

1. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.
2. Pike v. Bruce Church, Inc., 397 U.S. 137 (1970), was a case in which the Supreme Court of the United States held that power of states to pass laws interfering with interstate commerce is limited when the law poses an undue burden on businesses.

# Text 802:

**United States v. New York Telephone Co., 434 U.S. 159 (1977), was a United States Supreme Court case in which the Court held that law enforcement officials may obtain a court order forcing telephone companies to install pen registers in order to record the numbers called from a particular telephone.**

1. Berger v. New York, 388 U.S. 41 (1967), was a United States Supreme Court decision invalidating a New York law under the Fourth Amendment, because the statute authorized electronic eavesdropping without required procedural safeguards.
2. Smith v. Maryland, 442 U.S. 735 (1979), was a Supreme Court case holding that the installation and use of a pen register by the police to obtain information on a suspect's telephone calls was not a "search" within the meaning of the Fourth Amendment to the United States Constitution, and hence no search warrant was required. In the majority opinion, Justice Harry Blackmun rejected the idea that the installation and use of a pen register constitutes a violation of the suspect's reasonable expectation of privacy since the telephone numbers would be available to and recorded by the phone company anyway.  
   The Smith ruling was the Supreme Court's first significant articulation of the third-party doctrine in which government investigators may be permitted to search a person's private information by obtaining it not from the person directly, but from a business or other party with which the person has traded such information voluntarily.

# Text 803:

**Michigan Dept. of State Police v. Sitz, 496 U.S. 444 (1990), was a United States Supreme Court case involving the constitutionality of police sobriety checkpoints. The Court held 6-3 that these checkpoints met the Fourth Amendment standard of "reasonable search and seizure."**

1. Will v. Michigan Dept. of State Police, 491 U.S. 58 (1989), was a case decided by the United States Supreme Court, in which the Court held that States and their officials acting in their official capacity are not persons when sued for monetary damages under the Civil Rights Act of 1871.
2. Michigan v. Long, 463 U.S. 1032 (1983), was a decision by the United States Supreme Court that extended Terry v. Ohio, 392 U.S. 1 (1968) to allow searches of car compartments during a stop with reasonable suspicion. The case also clarified and narrowed the extent of adequate and independent state ground, allowing U.S. Supreme Court review of state supreme court decisions unless they explicitly appealed to state laws.

# Text 804:

**Cotton Petroleum Corp. v. New Mexico, 490 U.S. 163 (1989), was a United States Supreme Court case that decided states may impose taxes on non-tribal commercial activity that takes place on tribal land.**

1. Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.
2. Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
   The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
   Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.

# Text 805:

**Richardson v. Perales, 402 U.S. 389 (1971), was a case heard by the United States Supreme Court to determine and delineate several questions concerning administrative procedure in Social Security disability cases. Among the questions considered was the propriety of using physicians' written reports generated from medical examinations of a disability claimant, and whether these could constitute "substantial evidence" supportive of finding nondisability under the Social Security Act.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. Sullivan v. Zebley, 493 U.S. 521 (1990), was a landmark decision by the United States Supreme Court involving the determination of childhood Social Security Disability benefits. In the decision, the Supreme Court ruled that substantial parts of the Supplemental Security Income program's regulation on determining disability for children were inconsistent with the Social Security Act, particularly the statutory standard of "comparable severity". The suit highlighted what some felt was the need for a step in the evaluation of childhood disability claims that would be akin to the functional evaluation considered in many adult claims. It resulted in the addition of a consideration of functioning, and not merely medical severity, in children's SSI claims. The decision was rendered on February 20, 1990.

# Text 806:

**Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), was an important case decided by the United States Supreme Court that laid out a four-part test for determining when restrictions on commercial speech violated the First Amendment of the United States Constitution. Justice Powell wrote the opinion of the court. Central Hudson Gas & Electric Corp. had challenged a Public Service Commission regulation that prohibited promotional advertising by electric utilities. Justice Brennan, Justice Blackmun, and Justice Stevens wrote separate concurring opinions, and the latter two were both joined by Justice Brennan. Justice Rehnquist dissented.  
The case presented the question whether a regulation of the New York Public Service Commission violates the First and Fourteenth Amendments because it completely bans promotional advertising by an electrical utility.**

1. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.
2. Pacific Gas & Electric v. Public Utilities Commission, 475 U.S. 1 (1986), was a United States Supreme Court case involving a dispute over newsletters that the San Francisco–based privately-owned public utility Pacific Gas and Electric Company (PG&E) had included with its monthly bills to customers. The special interest group Toward Utility Rate Normalization (TURN) sued PG&E, arguing that the extra space in the billing envelope taken by the newsletters constituted a form of political speech whose cost the public should not have to bear.  
   The California Public Utilities Commission mediated the dispute and initially determined that, since the space in the envelope ostensibly belonged to the general public, PG&E could be compelled to carry a message supplied by TURN in rebuttal to the messages supplied in the newsletter. The rationale used by the regulatory agency was that the space in the billing envelope which could have material added that did not increase postage belonged to the ratepayers rather than the utility; thus the commission could order the utility to allow other groups to use that space subject to restrictions.   
   PG&E responded to the decision by suing California's Public Utilities Commission, invoking a First Amendment right against compelled speech. Among other arguments, PG&E contended that it should not be compelled to carry messages it disagrees with, that the inclusion only of critical viewpoints was discriminatory, and that it was being compelled to formulate and include a rebuttal to TURN's comments with each mailing.  
   The U.S. Supreme Court found the order of the California Public Utilities Commission to be unconstitutional, as the right to speak includes the right not to carry messages one disagrees with. As the court stated, "the choice to speak includes within it the choice of what not to say." The case became an important precedent for cases involving the free speech rights of private corporations. It also critically granted, with very limited exceptions, the absolute right of a publisher to choose not to carry messages it does not agree with.

# Text 807:

**Whalen v. Roe, 429 U.S. 589 (1977), was a case brought before the Supreme Court of the United States. The case involved a New York state prescription monitoring law requiring reporting and storing of information concerning all Schedule II drug prescriptions. Physicians were required to report the name of the prescribing physician; the dispensing pharmacy; the drug and dosage; and the patient's name, address, and age. This information was then stored by the New York Department of State.  
A group of patients, several doctors who prescribe such drugs, and two associations of physicians brought suit against the New York State Department of Health commissioner, seeking to enjoin the State from enforcing the Act.  
A three-judge panel of the United States District Court for the Southern District of New York, held the statutes unconstitutional and enjoined enforcement of the challenged provisions. On appeal, the Supreme Court reversed the decision of the district court, holding that the statutes were within the state's police power. The Supreme Court held that the state need not show the State action was necessary to solve the identified problem and that there was no basis for assuming that the state security provisions would be improperly administered. The Court dismissed the plaintiff's key concerns, holding that the statutes would not significantly deter patients from seeking necessary medication nor would the statutes impair physicians' right to practice medicine free from unwarranted state interference.**

1. Wyeth v. Levine, 555 U.S. 555 (2009), is a United States Supreme Court case holding that Federal regulatory approval of a medication does not shield the manufacturer from liability under state law.
2. Poe v. Ullman, 367 U.S. 497 (1961), was a United States Supreme Court case, seeking pre-enforcement review, that held in the majority that plaintiffs (because the law had never been enforced) lacked standing to challenge a Connecticut law that banned the use of contraceptives and banned doctors from advising their use. Therefore, any challenge to the law was deemed unripe because there was no actual threat of injury to anyone who disobeyed the law. The same statute would be challenged again (this time successfully) just five years later in Griswold v. Connecticut.  
   The Supreme Court cites the fact that the law prohibiting use of contraceptives had been on the books since 1879 and that during the near-century of its having been enacted, only one prosecution, in 1940, was ever initiated. Furthermore, the Court cites the fact that Connecticut drug stores openly sold contraceptives, and such an act invited enforcement far more than the private conduct being sued to allow, thus Connecticut is really not enforcing the law and the mere existence of the law does not give the Supreme Court cause to exercise its judicial review.

# Text 808:

**Barber v. Thomas, 560 U.S. 474 (2010), is a United States Supreme Court case in which the Court held, 6–3, that prisoners incarcerated in federal prisons are entitled to up to 54 days of "good time credits" for every year they are incarcerated, allowing federal inmates to reduce their sentence by up to 54 days per year of imprisonment for exhibiting good behavior. The case concerned how the United States Federal Bureau of Prisons should calculate "good time credits": whether they should be calculated based on the length of the sentence levied by the judge, or by the time actually served by the inmate.**

1. Tapia v. United States, 564 U.S. 319 (2011), was a United States Supreme Court case in which the Court held that a federal court cannot give a criminal defendant a longer sentence to promote rehabilitation.
2. Superintendent v. Hill, 472 U.S. 445 (1985), was a United States Supreme Court case in which the Court held that due process required that prison disciplinary decisions to revoke good-time credits must be supported by "some evidence."

# Text 809:

**Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.**

1. National League of Cities v. Usery, 426 U.S. 833 (1976), was a case in which the Supreme Court of the United States held that the Fair Labor Standards Act could not constitutionally be applied to state governments. The decision was overruled by the U.S. Supreme Court in Garcia v. San Antonio Metropolitan Transit Authority.
2. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 810:

**Forsyth County, Georgia v. The Nationalist Movement, 505 U.S. 123 (1992), was a case in which the United States Supreme Court limited the ability of local governments to charge fees for the use of public places for private activities. By a 5–4 vote, the court ruled that an ordinance allowing the local government to set varying fees for different events violated the First Amendment due to the lack of "narrowly drawn, reasonable, and definite standards" governing the amount of the fee.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Bearden v. Georgia, 461 U.S. 660 (1983), was a landmark U.S. Supreme Court case holding that a local government can only imprison or jail someone for not paying a fine if it can be shown, by means of a hearing, that the person in question could have paid it but "willfully" chose not to do so.: 232

# Text 811:

**Parker v. North Carolina, 397 U.S. 790 (1970), was a United States Supreme Court case in which the Court ruled that a plea agreement was valid even if the defendant entered into it in order to avoid the death penalty and even if his decision was based on a possibly mistaken belief on the part of the defendant and his lawyer that a confession the defendant had made would be admissible in court.**

1. North Carolina v. Alford, 400 U.S. 25 (1970), was a case in which the Supreme Court of the United States affirmed that there are no constitutional barriers in place to prevent a judge from accepting a guilty plea from a defendant who wants to plead guilty, while still protesting his innocence, under duress, as a detainee status. This type of plea has become known as an Alford plea, differing slightly from the nolo contendere plea in which the defendant agrees to being sentenced for the crime, but does not admit guilt. Alford died in prison in 1975.
2. Parker v. Ellis, 362 U.S. 574 (1960), was a United States Supreme Court decision (per curiam) in which the court granted certiorari to review dismissal of petitioner's application for a habeas corpus review. The petitioner claimed that his conviction in a state court had violated the Fourteenth Amendment's Due Process Clause. However, the petitioner was released from incarceration before his case could be heard.

# Text 812:

**Smiley v. Citibank, 517 U.S. 735 (1996), is a U.S. Supreme Court decision upholding a regulation of the Comptroller of Currency which included credit card late fees and other penalties within the definition of interest and thus prevented individual states from limiting them when charged by nationally-chartered banks. Justice Antonin Scalia wrote for a unanimous court that the regulation was reasonable enough under the Court's own Chevron standard for the justices to defer to the Comptroller.  
The decision, which had begun as a class action in California, was seen as a victory for banks and credit-card issuers, who could mostly charge late fees as they pleased. For that same reason consumer advocates were displeased, warning that late fees could rise to previously unseen levels. They did, and one of the Citibank attorneys has expressed regret for his involvement.**

1. Cuomo v. Clearing House Association, L.L.C., 557 U.S. 519 (2009), was a case decided by the United States Supreme Court. In a 5–4 decision, the court determined that a federal banking regulation did not pre-empt the ability of states to enforce their own fair-lending laws. The Court determined that the Office of the Comptroller of the Currency is the sole regulator of national banks but it does not have the authority under the National Bank Act to pre-empt state law enforcement against national banks.  
   The case came out of an interpretation of the US Treasury Department's Office of the Comptroller of the Currency which had blocked an investigation by New York into lending practices. The OCC claimed that the 1864 National Bank Act bars states from enforcing their own laws against national banks.  
   Justice Scalia stated in the opinion that while the OCC has "visitorial powers," the right to examine the affairs of a corporation, that does not mean that it has the exclusive right to enforcement. "A sovereign's 'visitorial powers' and its power to enforce the law are two different things. Contrary to what the [OCC's] regulation says, the National Bank Act pre-empts only the former." Scalia noted that states "have always enforced their general laws against national banks—and have enforced their banking-related laws against national banks for at least 85 years."  
   The case is notable for the justices composing the 5-4 majority, which included the liberal justices (John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer) along with the conservative Scalia, who authored the opinion. Justice Clarence Thomas, joined by Justices Samuel Alito, Anthony Kennedy, and Chief Justice John Roberts, wrote a dissent.  
   The case is further notable for the suggested relationship of this OCC decision to the financial crisis of 2007–2010.
2. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.

# Text 813:

**Dowling v. United States, 473 U.S. 207 (1985), was a United States Supreme Court case that discussed whether copies of copyrighted works could be regarded as stolen property for the purposes of a law which criminalized the interstate transportation of property that had been "stolen, converted or taken by fraud" and holding that they could not be so regarded under that law.**

1. United States v. Thirty-seven Photographs, 402 U.S. 363 (1971), is a United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.  
   The case began with the seizure of the photographs, depicting various sexual positions, from Milton Luros, a Southern California publisher who was returning from Europe. He had intended to use them to illustrate a volume of the Kama Sutra, or failing that, to keep them for his own personal use. A district court panel, guided by the Court's Freedman v. Maryland decision of several years before, rejected his claims that the First Amendment allowed citizens to import obscene material, but found the statute unconstitutional due to the lack of time limits and ordered the Customs Service to return the images to Luros. The government appealed directly to the Supreme Court.  
   Justice Byron White wrote for the majority, distinguishing the case from Freedman v. Maryland, which had also involved time limits, by noting that it was a federal statute rather than a state one and therefore the Court could give it an authoritative construction. John Marshall Harlan and Potter Stewart also wrote concurring opinions expanding on aspects of the majority holding. Stewart did not agree with the majority that the ban on personal importation of obscene material was consistent with Stanley v. Georgia.  
   The dissenting justices wrote two opinions. Hugo Black and William O. Douglas took issue with every aspect of the holding, believing the government had no power to regulate obscenity. Thurgood Marshall agreed with them and Stewart that the blanket importation ban was constitutional. That issue would be reconsidered in a similar case two years later, United States v. 12 200-ft. Reels of Film. The case would have little impact on the future development of obscenity law. It has, however, been cited as the first forfeiture case to deal with the question of time limits, and also reaffirmed a principle by which the Court avoids dealing with constitutional questions when it can through alternative constructions.
2. United States v. Reidel, 402 U.S. 351 (1971), was a United States Supreme Court case in which the Court held that a postal regulation that banned the sale of adult materials was constitutionally permissible.

# Text 814:

**United States v. Dunn, 480 U.S. 294 (1987), is a U.S. Supreme Court decision relating to the open fields doctrine limiting the Fourth Amendment of the U.S. Constitution.**

1. Oliver v. United States, 466 U.S. 170 (1984), is a United States Supreme Court decision relating to the open fields doctrine limiting the Fourth Amendment to the United States Constitution.
2. United States v. Hayes, 555 U.S. 415 (2009), is a United States Supreme Court case interpreting Section 921(a)(33)(A) of the federal Gun Control Act of 1968, as amended in 1996. The Court held that a domestic relationship is not necessarily a defining element of the predicate offense to support a conviction for possession of a firearm by a person previously convicted of a misdemeanor crime of domestic violence.

# Text 815:

**Reid v. Covert, 354 U.S. 1 (1957), was a 6–2 landmark decision of the United States Supreme Court holding that United States citizen civilians outside of the territorial jurisdiction of the United States cannot be tried by a United States military tribunal, but instead retain the protections guaranteed by the United States Constitution, in this case, trial by jury. Additionally, a plurality of the Court also reaffirmed the president’s ability to enter into international executive agreements, though it held that such agreements cannot contradict federal law or the Constitution.**

1. Reid v. Covert, 354 U.S. 1 (1957), was a 6–2 landmark decision of the United States Supreme Court holding that United States citizen civilians outside of the territorial jurisdiction of the United States cannot be tried by a United States military tribunal, but instead retain the protections guaranteed by the United States Constitution, in this case, trial by jury. Additionally, a plurality of the Court also reaffirmed the president’s ability to enter into international executive agreements, though it held that such agreements cannot contradict federal law or the Constitution.
2. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.

# Text 816:

**United States v. Mandujano, 425 U.S. 564 (1976), was a United States Supreme Court case that determined that it is not necessary to provide full Miranda warnings to a person called to testify before a grand jury; and that false statements given during that testimony may not be suppressed in a subsequent prosecution for perjury.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. Bronston v. United States, 409 U.S. 352 (1973), is a seminal United States Supreme Court decision strictly construing the federal perjury statute. Chief Justice Warren Burger wrote for a unanimous Court that responses to questions made under oath that relayed truthful information in and of themselves but were intended to mislead or evade the examiner could not be prosecuted. Instead, the criminal-justice system had to rely on more carefully worded follow-up questions.  
   The decision has been cited in many cases since then and has become the controlling legal standard of perjury in federal jurisprudence. It was invoked during Bill Clinton's impeachment proceedings in 1998 as a defense to charges of perjury against him.  
   It has long been criticized for the loophole it creates in the perjury statutes as essentially allowing a witness to lie without consequences. Nevertheless, later Courts have refused to overrule or otherwise limit it despite some moves in that direction by lower courts.

# Text 817:

**District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983), was a case decided by the United States Supreme Court in which the Court enunciated a rule of civil procedure known as the Rooker-Feldman doctrine (also named for the earlier case of Rooker v. Fidelity Trust Co.). The doctrine holds that lower United States federal courts may not sit in direct review of state court decisions.**

1. Ford v. Wainwright, 477 U.S. 399 (1986), was a landmark U.S. Supreme Court case that upheld the common law rule that the insane cannot be executed; therefore the petitioner is entitled to a competency evaluation and to an evidentiary hearing in court on the question of their competency to be executed.
2. District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
   Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
   On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.

# Text 818:

**First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), is a U.S. constitutional law case which defined the free speech right of corporations for the first time. The United States Supreme Court held that corporations have a First Amendment right to make contributions to ballot initiative campaigns. The ruling came in response to a Massachusetts law that prohibited corporate donations in ballot initiatives unless the corporation's interests were directly involved.  
In 1976 several corporations, including the First National Bank of Boston, were barred from contributing to a Massachusetts referendum regarding tax policy and subsequently sued. The case was successfully appealed to the Supreme Court, which heard oral arguments in November 1977. On April 26, 1978, the Court ruled 5–4 against the Massachusetts law.  
As a result of the ruling, states could no longer impose specific regulations on donations from corporations in ballot initiative campaigns. While the Bellotti decision did not directly affect federal law, it has been cited by other Supreme Court cases such as McConnell v. FEC and Citizens United v. FEC.**

1. Citizens Against Rent Control v. City of Berkeley, 454 U.S. 290 (1981), was a case in which the Supreme Court of the United States invalidated a California law that set limits on contributions to ballot issue campaigns. The ruling relies heavily on the Court's earlier decisions in Buckley v. Valeo, holding that limits on contributions to political candidates implicate the First Amendment, and First National Bank of Boston v. Bellotti, holding that the state governments have no compelling interest in limiting spending on speech about ballot issues.
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 819:

**Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.**

1. Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights. Additionally, the Court held that §1983 claims against municipal entities must be based on implementation of a policy or custom.
2. Los Angeles County v. Humphries, 562 U.S. 29 (2010), is a decision by the Supreme Court of the United States that clarified one of the requirements for imposing liability on a municipality for violations of a federal right, in lawsuits brought under Section 1983 of the Civil Rights Act of 1871 (codified at 42 U.S.C. § 1983).  
   The Court had previously ruled in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), that municipalities could only be liable under Section 1983 if the injury was a result of that municipality's "policy or custom." In Los Angeles County v. Humphries, the Court ruled that this "policy or custom" requirement applied regardless of whether the relief the plaintiff sought was monetary or prospective.

# Text 820:

**Phillips Petroleum Co. v. Shutts, 472 U.S. 797 (1985), was a conflict of laws case decided by the United States Supreme Court.**

1. Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954), was a case decided by the Supreme Court of the United States holding that sale of natural gas at the wellhead was subject to regulation under the Natural Gas Act. Prior to this case, independent producers sold natural gas to interstate pipelines at unregulated prices with any subsequent sales for resale being regulated. The State of Wisconsin sought to close this regulatory loophole in order to keep consumer prices low. Natural gas producers argued that wellhead sales were exempt from federal regulation as "production and gathering." Below, the Federal Power Commission compiled an evidentiary record 10,000 pages long before deciding not to regulate wellhead sales. However, the courts reversed, and the case resulted in federal price controls on wellhead gas prices for the next 40 years.
2. Sun Oil Co. v. Wortman, 486 U.S. 717 (1988), was a conflict of laws case decided by the United States Supreme Court.

# Text 821:

**Brown v. Allen, 344 U.S. 443 (1953), is a landmark United States Supreme Court case about habeas corpus.**

1. Darr v. Burford, 339 U.S. 200 (1950), was a United States Supreme Court case about habeas corpus.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 822:

**Freedman v. Maryland, 380 U.S. 51 (1965), was a United States Supreme Court case that ended government-operated rating boards with a decision that a rating board could only approve a film and had no power to ban a film. The ruling also concluded that a rating board must either approve a film within a reasonable time, or go to court to stop a film from being shown in theatres. Other court cases determined that television stations are federally licensed, so local rating boards have no jurisdiction over films shown on television. When the movie industry set up its own rating system—the Motion Picture Association of America—most state and local boards ceased operating.**

1. Rabe v. Washington, 405 U.S. 313 (1972), was a decision by the United States Supreme Court involving the application of obscenity laws and criminal procedure to the states. On 29 August 1968, William Rabe, the manager of a drive-in movie theater in Richland, Washington, was arrested on obscenity charges for showing the film Carmen, Baby. Due to First Amendment concerns, the local court convicted Rabe not on the basis that the film as a whole was obscene, but that exhibiting it in a drive-in theater was. The Supreme Court reversed the conviction holding that the citizens of Washington had no notice under the Sixth Amendment that the place where a film was shown was an element of the offense.
2. Heller v. New York, 413 U.S. 483 (1973), was a United States Supreme Court decision which upheld that states could make laws limiting the distribution of obscene material, provided that these laws were consistent with the Miller test for obscene material established by the Supreme Court in Miller v. California, 413 U.S. 15 (1973). Heller was initially convicted for showing a sexually explicit film in the movie theater which he owned, under New York Penal Law § 235.0 which stated that and individual “is guilty of obscenity when, knowing its content and character, he 1. Promotes, or possesses with intent to promote, any obscene material; or 2. Produces, presents or directs an obscene performance or participates in a portion thereof which is obscene or which contributes to its obscenity."  
   Heller appealed this ruling to the supreme court, claiming that his first amendment rights had been violated due to the broad nature of New York's obscenity laws. The defendant also claimed that his 14th amendment rights had been violated due to the fact the film was seized prior to him receiving a hearing of any kind. The Supreme Court ruled in favor of Heller in a 5–4 decision, with the majority decision delivered by Justice Burger. The Court found the procedure by which the film was seized to be constitutional but ruled in favor of Heller in order to afford New York a chance to bring their obscenity laws in line with the guidelines established by the Supreme Court in Miller v. California]]. The dissenting opinions were written by Justices William O. Douglas and William J. Brennan Jr., the latter of which was joined by Justices Potter Stewart and Thurgood Marshall. These dissenting opinions argued that the obscenity laws that Heller was convicted under were themselves unconstitutional and thus the seizure of the film was unconstitutional. This case was one of several cases that the Burger court ruled on concerning obscenity laws in the early 1970s.

# Text 823:

**Adams v. Texas, 448 U.S. 38 (1980), was a United States Supreme Court case in which the Court held on an 8–1 vote that, consistent with its prior opinion in Witherspoon v. Illinois, a Texas requirement that jurors swear an oath that the mandatory imposition of a death sentence would not interfere with their consideration of factual matters such as guilt or innocence during a trial was unconstitutional.  
The surrounding factual issues (involving defendant Randall Dale Adams) were the subject of a partially autobiographical book of the same name, and were featured in the 1988 movie The Thin Blue Line.**

1. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.
2. Powell v. Texas, 392 U.S. 514 (1968), was a United States Supreme Court case that ruled that a Texas statute criminalizing public intoxication did not violate the Eighth Amendment protection against cruel and unusual punishment. The 5–4 decision's plurality opinion was by Justice Thurgood Marshall. Justice Hugo Black and Byron White each wrote separate concurring opinions while Justice Abe Fortas dissented.

# Text 824:

**Shearson/American Express Inc. v. McMahon, 482 U.S. 220 (1987), is a United States Supreme Court decision concerning arbitration of private securities fraud claims arising under the Securities Exchange Act of 1934. By a 5–4 margin the Court held that its holding in a 1953 case, Wilko v. Swan, that the nonwaiver provisions of the Securities Act of 1933 prevented the mandatory arbitration of such claims, did not apply to claims under the 1934 Act due to differences in the corresponding language of the two statutes, reversing a decision of the Second Circuit Court of Appeals that had affirmed what had been considered settled law, despite the lack of a precedent. It likewise held that claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) were arbitrable, affirming an order from the district court that the Second Circuit had also upheld.  
The question of whether claims under the 1934 Act were likewise exempt from the Federal Arbitration Act had first been raised in a 1974 case, Scherk v. Alberto-Culver Inc.. At that time Potter Stewart had found them not relevant to the case and upheld the arbitration order on the grounds that the case involved an international dispute. They had resurfaced in the previous term, in Justice Byron White's concurrence in Dean Witter Reynolds Inc. v. Byrd. Lower courts began embracing White's analysis, eventually creating a conflict in the circuits on appeal.  
Justice Sandra Day O'Connor wrote the majority opinion, reiterating and deepening White's analysis. Harry Blackmun dissented for himself and justices Brennan and Marshall, who had written for a unanimous Court in Byrd. John Paul Stevens wrote a separate dissent. Both of those dissents concurred in the holding that the RICO claims were arbitrable. On remand, the case remained unresolved for another three years. The district judge fined the McMahons' counsel for filing frivolous motions, sanctions which were reversed on appeal, setting another precedent.  
McMahon greatly expanded the use of arbitration in securities disputes, since many of them take place under the 1934 Act, which regulates the secondary market in which most investors trade. It also signaled a greater acceptance of arbitration as a desirable and fair method of dispute resolution. This was cited by the Court three years later in Rodriguez de Quijas v. Shearson/American Express Inc., when it overturned Wilko completely and held that claims under the 1933 Act could also be arbitrated if the parties had clearly chosen to do so. The expansion in securities arbitration as a result led to reforms during the 1990s to make the process more investor-friendly.**

1. Rodriguez de Quijas v. Shearson/American Express Inc., 490 U.S. 477 (1989), is a United States Supreme Court decision concerning the arbitration of securities fraud claims. It was originally brought by a group of Texas investors against their brokerage house. By a 5–4 margin the Court affirmed the Fifth Circuit Court of Appeals and ruled that their claims under the Securities Act of 1933, which regulates trading in the primary market, must be arbitrated as stipulated in their customer agreements.  
   The decision overruled a 1953 case, Wilko v. Swan. Justice Anthony Kennedy's majority opinion found that arbitration procedures offered more adequate protection for investors than they had when that case was decided. John Paul Stevens's short dissent criticized the majority for taking it upon itself to overturn a precedent that, he argued, Congress had purposely left intact during a major overhaul of the securities laws in the mid-1970s. Both criticized the Fifth Circuit for having overruled Wilko before the Court itself did, reminding lower courts that only the Supreme Court could overrule itself, an aspect of the decision that has come in for some criticism.  
   Many courts besides the Fifth Circuit had chosen to disregard Wilko after the Supreme Court's own decision in Shearson/American Express Inc. v. McMahon that claims under the Securities Exchange Act of 1934, which applies to the secondary market, were also arbitrable if a contract so provided cast serious doubt on the logic of the older case. As a result of Rodriguez de Quijas, many more securities fraud claims were heard in arbitration instead of the courts, an intended outcome that has supporters and critics and led to long-term changes in how the securities industry conducts arbitration. The decision was the last in the Mitsubishi trilogy, which expanded the use of arbitration from contractual disputes to statutory claims during the 1980s.
2. Wilko v. Swan, 346 U.S. 427 (1953), is a United States Supreme Court decision on the arbitration of securities fraud claims. It had originally been brought by an investor who claimed his broker at Hayden Stone had sold stock to him without disclosing that he and the firm were the primary sellers. By a 7–2 margin the Court held that the provisions of the Securities Act of 1933 barring any waiver of rights under that statute took precedence over the Federal Arbitration Act's (FAA) requirement that arbitration clauses in contracts be given full effect by federal courts. It reversed a decision to the contrary by a divided panel of the Second Circuit Court of Appeals.  
   Justice Stanley Forman Reed wrote the majority opinion that relied on the explicit wording in the Securities Act and expressed doubt as to whether arbitration could truly protect the rights of investors. Robert H. Jackson wrote a short concurrence distancing himself slightly from that latter opinion. Felix Frankfurter dissented, taking issue with the majority's hostility to arbitration.  
   Later the logic of the decision was extended by an appeals court to cover claims made under the Securities Exchange Act of 1934. The Supreme Court itself later expressed doubt as to the legal soundness of that holding, and in the 1985 case Shearson/American Express Inc. v. McMahon expressly held that it did not. This led lower courts to begin to overrule Wilko as well, and in 1989 the Court itself did so in Rodriguez de Quijas v. Shearson/American Express Inc., part of a series of decisions in the 1980s and ever since that greatly expanded the use of arbitration in dispute resolution.  
   Although the decision was overruled, one aspect of it survived Rodriguez de Quijas: Reed's dictum that "manifest disregard" for the law would be enough to justify a court's overturning an arbitral award. Later courts and commentators have puzzled over what that meant and whether it arose from the text of the FAA or independently. The Court itself would face that question in the 2008 Hall Street Associates, L.L.C. v. Mattel, Inc., although without resolving it to much satisfaction.

# Text 825:

**Compco Corp. v. Day-Brite Lighting, Inc., 376 U.S. 234 (1964), was a United States Supreme Court decision that was a companion case to Sears, Roebuck & Co. v. Stiffel Co. that the Court decided on the same day. Like Sears, Compco held that state law that in effect duplicates the protections of the US patent law is pre-empted by federal law.**

1. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.
2. Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485 (1984), was a product disparagement case ultimately decided by the Supreme Court of the United States. The Court held, on a 6–3 vote, in favor of Consumers Union, the publisher of Consumer Reports magazine, ruling that proof of "actual malice" was necessary in product disparagement cases raising First Amendment issues, as set out by the case of New York Times Co. v. Sullivan (1964). The Court ruled that the First Circuit Court of Appeals had correctly concluded that Bose had not presented proof of actual malice.  
   The magazine Consumer Reports had published in 1970 a review of an unusual loudspeaker system manufactured by Bose Corporation, called the Bose 901. The review expressed skepticism of the system's quality and recommended that consumers delay purchase until they had investigated for themselves whether the loudspeaker system's unusual attributes would suit them. Bose objected to numerous statements in the article, including the sentences, "Worse, individual instruments heard through the Bose system seemed to grow to gigantic proportions and tended to wander about the room. For instance, a violin appeared to be 10 feet (3.0 m) wide and a piano stretched from wall to wall." Bose demanded a retraction when they learned that Consumer Reports changed what the original reviewer wrote about the speakers in his pre-publication draft, which the magazine refused to do.

# Text 826:

**United States v. Gilmore, 372 U.S. 39 (1963), was a federal income tax case before the United States Supreme Court.**

1. United States v. Kaiser, 363 U.S. 299 (1960), was an income tax case before the United States Supreme Court.
2. James v. United States, 366 U.S. 213 (1961), was a case in which the United States Supreme Court held that the receipt of money obtained by a taxpayer illegally was taxable income even though the law might require the taxpayer to repay the ill-gotten gains to the person from whom they had been taken.

# Text 827:

**Irvin v. Dowd, 359 U.S. 394 (1959), was a United States Supreme Court case. It involved the denial of appeal of an escaped convict, Leslie Irvin. The convict sought a federal writ of habeas corpus.  
Irvin v. Dowd was one of the first of many cases to underscore the "swing vote" role played by Justice Potter Stewart, who recently had come to the Supreme Court and was caught between the two warring camps of justices: the liberal camp of Justices Earl Warren and William Brennan and the conservative camp headed by Justice Felix Frankfurter.**

1. Witherspoon v. Illinois, 391 U.S. 510 (1968), was a U.S. Supreme Court case where the court ruled that a state statute providing the state unlimited challenge for cause of jurors who might have any objection to the death penalty gave too much bias in favor of the prosecution.  
   The Court said,  
     
   Whatever else might be said of capital punishment, it is at least clear that its imposition by a hanging jury cannot be squared with the Constitution. The State of Illinois has stacked the deck against the petitioner. To execute this death sentence would deprive him of his life without due process of law.  
   The decision in this case would cause the Supreme Court of California to order a retrial on the penalty phase in the 1972 case of California v. Anderson, and when the case was heard for the third time, would find the imposition of the death penalty was unconstitutional on the grounds of the penalty being cruel or unusual punishment, in violation of the State Constitution. The decision would become national in scale when the U.S. Supreme Court also in 1972 ruled in Furman v. Georgia that all death penalty cases were in violation of the 8th Amendment's prohibition on cruel and unusual punishment.
2. Bartkus v. Illinois, 359 U.S. 121 (1959), is a decision of the U.S. Supreme Court. The decision held that coordination of federal officials with state officials did not implicate the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution. It also held that a defendant may be acquitted of a federal crime and convicted of a state crime, even if those crimes share the same evidence, without violating the Due Process Clause of the Fourteenth Amendment.  
   The case established the dual sovereign exception to the Double Jeopardy Clause, enabling state and federal prosecutions for substantially similar events.

# Text 828:

**Winter v. Natural Resources Defense Council, 555 U.S. 7 (2008), was a decision by the United States Supreme Court concerning whether federal law restricted the United States Navy's ability to use sonar during drills given the possibility of a harmful effect on marine mammals such as whales.  
In balancing military preparedness against environmental concerns, the majority came down solidly on the side of national security. Chief Justice Roberts wrote in his opinion, "the most serious possible injury would be harm to an unknown number of marine mammals that they study and observe". By contrast, he continued, "forcing the Navy to deploy an inadequately trained antisubmarine force jeopardizes the safety of the fleet".**

1. Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87 (1983), is a United States Supreme Court decision that held valid a Nuclear Regulatory Commission (NRC) rule that during the licensing of nuclear power plants, the permanent storage of nuclear waste should be assumed to have no environmental impact.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 829:

**Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."**

1. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.
2. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.

# Text 830:

**South Dakota v. Bourland, 508 U.S. 679 (1993), was a case in which the Supreme Court of the United States held that Congress specifically abrogated treaty rights with the Cheyenne River Sioux Tribe as to hunting and fishing rights on reservation lands that were acquired for a reservoir.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
   The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.

# Text 831:

**Lambert v. California, 355 U.S. 225 (1957), was a United States Supreme Court case regarding the defense of ignorance of the law when there is no legal notice. The court held that when one is required to register one's presence, failure to register may be punished only when there is a probability that the accused party had knowledge of the law before committing the crime of failing to register.**

1. California v. Byers, 402 U.S. 424 (1971), was a case in which the Supreme Court of the United States decided that providing personal information at the scene of an accident does not infringe on one's Fifth Amendment privilege against self-incrimination.
2. Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
   The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.

# Text 832:

**Perpich v. Department of Defense, 496 U.S. 334 (1990), was a case decided by the United States Supreme Court concerning the Militia Clauses of Article I, Section 8, of the United States Constitution, in which the court held that Congress may authorize members of the National Guard to be ordered to active federal duty for purposes of training outside the United States without either the consent of the governor of the affected state or the declaration of a national emergency. The plaintiff was Rudy Perpich, governor of Minnesota at the time.  
In 1986, after governors George Deukmejian of California and Joseph E. Brennan of Maine refused to allow the deployment of their states' National Guard units to Central America for training, Congress passed the Montgomery Amendment, which prohibited state governors from withholding their consent. Massachusetts governor Michael Dukakis had also challenged the law, but lost in U.S. District Court in Boston in 1988.**

1. Gillette v. United States, 401 U.S. 437 (1971), is a decision from the Supreme Court of the United States, adding constraints on the terms of conscientious objection resulting from draftees in the Selective Service.
2. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.

# Text 833:

**Wilbur-Ellis Co. v. Kuther, 377 U.S. 422 (1964), is a United States Supreme Court decision that extended the repair-reconstruction doctrine of Aro Mfg. Co. v. Convertible Top Replacement Co. to enhancement of function.**

1. Aro Manufacturing Co. v. Convertible Top Replacement Co., 365 U.S. 336 (1961), is a United States Supreme Court case in which the Court redefined the U.S. patent law doctrine of repair and reconstruction. The decision is sometimes referred to as Aro I because several years later the Supreme Court readdressed the same issues in a second case in 1964 involving the same parties—Aro II.
2. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.

# Text 834:

**Maryland v. Shatzer, 559 U.S. 98 (2010), was a United States Supreme Court case in which the Court held that police may re-open questioning of a suspect who has asked for counsel (thereby under Edwards v. Arizona ending questioning) if there has been a 14-day or more break in Miranda custody. The ruling distinguished Edwards, which had not specified a limit.**

1. Maryland v. Garrison, 480 U.S. 79 (1987), is a United States Supreme Court case dealing with the Fourth Amendment of the United States Constitution and the extent of discretion given to police officers acting in good faith. The Court held that where police reasonably believe their warrant was valid during a search, execution of the warrant does not violate respondent's Fourth Amendment rights.
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 835:

**Bray v. Alexandria Women's Health Clinic, 506 U.S. 263 (1993) is a United States Supreme Court case in which the court held that Section 1985(3) of The Civil Rights Act of 1871 does not provide a federal cause of action against persons obstructing access to abortion clinics. Alexandria Health Clinic, along with several other abortion clinics, sued to prevent Jayne Bray and other anti-abortion protesters from blocking the entrance to clinics in Washington D.C.  
Alexandria Women's Health Clinic claimed that the protesters violated Section 1985 of The Civil Rights Act of 1871, which prohibits two or more people on a highway or other premises from depriving “any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws.”**

1. Madsen v. Women's Health Center, Inc., 512 U.S. 753 (1994), is a United States Supreme Court case where Petitioners challenged the constitutionality of an injunction entered by a Florida state court which prohibits antiabortion protesters from demonstrating in certain places, and in various ways outside of a health clinic that performs abortions.  
   The Petitioners, Madsen and other abortion protesters (Petitioners) regularly protested the Respondents, the Women’s Health Center and other abortion clinics (Respondent), in Melbourne, Florida as well as in front of the homes of clinic employees. The Respondents then sought and were granted, by a Florida trial court, an injunction on several grounds, restraining the Petitioner’s ability to protest, which was upheld by the Florida Supreme Court. The Petitioner’s appeal to the United States Supreme Court claimed that the injunction restricted their rights to free speech under the First Amendment of the United States Constitution. The U.S. Supreme Court affirmed in part and reversed in part.
2. Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), was a United States Supreme Court case involving a challenge to Pennsylvania's Abortion Control Act of 1982.

# Text 836:

**Clark v. Community for Creative Non-Violence, 468 U.S. 288 (1984), is a United States Supreme Court case with the National Park Service's regulation which specifically prohibited sleeping in Lafayette Park and the National Mall at issue. The Community for Creative Non-Violence (CCNV) group had planned to hold a demonstration on the National Mall and Lafayette Park where they would erect tent cities to raise awareness of the situation of the homeless. The group obtained the correct permits for a seven-day demonstration starting on the first day of winter. The Park Service however denied the request that participants be able to sleep in the tents. The CCNV challenged this regulation on the basis that it violated their First Amendment right.**

1. Community for Creative Non-Violence v. Reid, 490 U.S. 730 (1989), is a US copyright law and labor law case of a United States Supreme Court case regarding ownership of copyright.
2. Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439 (1988), was a United States Supreme Court landmark case in which the Court ruled on the applicability of the Free Exercise Clause to the practice of religion on Native American sacred lands, specifically in the Chimney Rock area of the Six Rivers National Forest in California. This area, also known as the High Country, was used by the Yurok, Karuk, and Tolowa tribes as a religious site.  
   The ruling is considered a key example of judicial restraint by the Supreme Court.

# Text 837:

**United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
2. United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994), was a case in which the United States Supreme Court laid out the constitutional limitations for the use of contempt powers by courts.

# Text 838:

**Clay v. United States, 403 U.S. 698 (1971), was Muhammad Ali's appeal of his conviction in 1967 for refusing to report for induction into the United States military forces during the Vietnam War. His local draft board had rejected his application for conscientious objector classification. In a unanimous 8–0 ruling (Thurgood Marshall recused himself due to his previous involvement in the case as a U.S. Department of Justice official), the United States Supreme Court reversed the conviction that had been upheld by the Fifth Circuit.  
The Supreme Court found the government had failed to properly specify why Ali's application had been denied, thereby requiring the conviction to be overturned: "the court said the record shows that [Ali's] beliefs are founded on tenets of the Muslim religion as he understands them."**

1. United States v. Sisson, 399 U.S. 267 (1970), was a legal case decided by the United States Supreme Court in 1970. The case is related to Selective Service law.  
   In this case, the jury recorded a verdict of guilt, but the judge then ordered an acquittal. The government appealed, but the Supreme Court held that the government had no power to appeal a verdict of acquittal, no matter how wrong the legal basis was for the acquittal.  
   Sisson was "the first important case won by a selective conscientious objector", a person who asserted that they were not opposed to serving in a war generally, but objected to serving in a specific war which they believed to be immoral.
2. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.

# Text 839:

**United States v. Gouveia, 467 U.S. 180 (1984), was a case in which the United States Supreme Court held that prisoners in administrative segregation pending the investigation of crimes committed within the prison had no Sixth Amendment entitlement to counsel prior to the initiation of adversary judicial proceedings against them. In an opinion written by Justice William Rehnquist, the Court stated that the right to counsel may extend to "'critical' pretrial proceedings" that are adversarial in nature, but the Sixth Amendment right to counsel "attaches at the initiation of adversary judicial criminal proceedings".**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 840:

**Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 (1978), was a case in which the United States Supreme Court overturned the United States District Court for the Western District of North Carolina's decision that the Price Anderson Act violated equal protection by treating victims of nuclear accidents differently from the victims of other industrial accidents.**

1. Environmental Defense v. Duke Energy Corporation, 549 U.S. 561 (2007), is a United States Supreme Court case in which the Court held that while a term may be used more than once in a statute, an agency has the discretion to interpret each use of the term in a different way based on the context. It involved the Environmental Defense Fund and Duke Energy. In a unanimous decision, the court held in favor of the plaintiff's (Environmental Defense) argument.  
   This case addressed the Clean Air Act (CAA) and two of its programs, Prevention of Significant Deterioration (PSD) and New Source Performance Standard (NSPS). PSD applies to regulating annual emissions; NSPS pertains to regulating hourly emissions, although the defendants argued that the hourly emissions of their facilities remained unchanged. Each section of the Clean Air Act, that outlines the provisions of the PSD and the NSPS, defines "modification" differently. As a result, the inconsistency of the term "modification" in the CAA becomes the main debate of the case and the main argument for both the plaintiffs and defendants.
2. South Carolina v. North Carolina, 558 U.S. 256 (2010), is a case in which the Supreme Court of the United States settled a dispute between the states of South Carolina and North Carolina regarding which parties may intervene in litigation between two states over water rights. By a 5–4 vote, the Court held that an interstate water authority and the Duke Energy Corporation could intervene, while ruling unanimously that the city of Charlotte, North Carolina, could not.

# Text 841:

**Griffin v. Maryland, 378 U.S. 130 (1964), was a case in which the Supreme Court of the United States reversed the convictions of five African Americans who were arrested during a protest of a privately owned amusement park by a park employee who was also a deputy sheriff. The Court found that the convictions violated the Equal Protection Clause of the Fourteenth Amendment.**

1. Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.
2. Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964), is a case decided by the Supreme Court of the United States that held that the County School Board of Prince Edward County, Virginia's decision to close all local, public schools and provide vouchers to attend private schools were constitutionally impermissible as violations of the Equal Protection Clause of the Fourteenth Amendment.

# Text 842:

**Rizzo v. Goode, 423 U.S. 362 (1976), was a United States Supreme Court case in which the Court held that a prophylactic injunction against non-culpable state executive officials was an overbroad interference by the Federal Courts in the state executive branches. In doing so, the court created a limit on the federal injunctive power in matters of state agency internal affairs.**

1. Haywood v. Drown, 556 U.S. 729 (2009), was a United States Supreme Court case in which the Court held that a New York law preventing state trial courts from hearing claims for money damages against prison employees whether based on federal or state law violated the Supremacy Clause of the United States Constitution.
2. Herring v. United States, 555 U.S. 135 (2009), was a case decided by the Supreme Court of the United States on January 14, 2009. The court decided that the good-faith exception to the exclusionary rule applies when a police officer makes an arrest based on an outstanding warrant in another jurisdiction, but the information regarding that warrant is later found to be incorrect because of a negligent error by that agency.

# Text 843:

**Lear, Inc. v. Adkins, 395 U.S. 653 (1969), is a decision of the U.S. Supreme Court overturning the doctrine of licensee estoppel and holding that public interest considerations require that licensees be free to challenge the validity of possibly spurious patents under which they are licensed. This entailed the overruling of Automatic Radio Mfg. Co. v. Hazeltine Research, Inc. and prior cases that it had reaffirmed.**

1. MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007), was a decision by the Supreme Court of the United States involving patent law. It arose from a lawsuit filed by MedImmune which challenged one of the Cabilly patents issued to Genentech. One of the central issues was whether a licensee retained the right to challenge a licensed patent, or whether this right was forfeited upon signing of the license agreement. The case related indirectly to past debate over whether the US should change to a first to file patent system - in 2011, President Obama signed the Leahy-Smith America Invents Act, which shifted the United States to a first-inventor-to-file patent system.
2. Zenith Radio Corp. v. Hazeltine Research, Inc. is the caption of several United States Supreme Court patent–related decisions, the most significant of which is a 1969 patent–antitrust and patent–misuse decision concerning the levying of patent royalties on unpatented products.

# Text 844:

**Wygant v. Jackson Board of Education, 476 U.S. 267 (1986), was a case before the United States Supreme Court. It is the seminal case for the "strong-basis-in-evidence standard" for affirmative action programs.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Runyon v. McCrary, 427 U.S. 160 (1976), was a landmark case by the United States Supreme Court, which ruled that private schools that discriminate on the basis of race or establish racial segregation are in violation of federal law. Whereas Brown v. Board of Education barred segregation by public schools, this case barred segregation in private schools. This decision is built on Jones v. Alfred H. Mayer Co. another landmark civil rights case that affirmed the federal government's ability to penalize racist acts by private actors.  
   Dissenting Justices Byron White and William Rehnquist (who allegedly opposed Brown v. Board of Education for parts of his life) argued that the legislative history of 42 U.S.C. § 1981 (popularly known as the Civil Rights Act of 1866) indicated that the Act was not designed to prohibit private racial discrimination, but only state-sponsored racial discrimination (as had been held in the Civil Rights Cases of 1883).

# Text 845:

**Snyder v. Phelps, 562 U.S. 443 (2011), is a landmark decision by the Supreme Court of the United States in which the Court held that speech made in a public place on a matter of public concern cannot be the basis of liability for a tort of emotional distress, even if the speech is viewed as offensive or outrageous.  
On March 10, 2006, seven members of the Westboro Baptist Church (WBC), led by the church's founder Fred Phelps, picketed the funeral of U.S. Marine Matthew Snyder, who was killed in a non-combat accident during the Iraq War. On public land about 1,000 feet from where the funeral was being held, protesters displayed placards that read "Thank God for Dead Soldiers", "God Hates Fags", and "You're Going to Hell", among others. Snyder's father, Albert Snyder, filed a lawsuit seeking damages from Phelps and the Westboro Baptist Church, claiming that their picketing was meant to intentionally inflict emotional distress. Phelps defended the picketing as an appropriate use of their right to free speech and right to peacefully protest as protected by the First Amendment to the U.S. Constitution.  
The District Court of Maryland ruled in Snyder's favor and awarded him a total of $10.9 million in damages, but the Fourth Circuit Court of Appeals reversed, holding that the protesters' signs were "rhetorical hyperbole" and "figurative expression" and were therefore protected speech under the First Amendment. On appeal to the U.S. Supreme Court, the Court ruled in favor of Phelps, holding that speech made in a public place on a matter of public concern cannot be the basis for a claim of tort liability for intentional infliction of emotional distress. In an 8–1 decision delivered by Chief Justice John Roberts, the Court wrote that the First Amendment "shield[s] Westboro from tort liability for its picketing" because the speech was made on a matter of public concern and did not disrupt the funeral. The First Amendment provides special protection to public issues because it serves "the principle that debate on public issues should be uninhibited, robust, and wide-open."**

1. Lowenfield v. Phelps, 484 U.S. 231 (1988), is a United States Supreme Court case. The Court held that the two jury polls and the supplemental charge did not unlawfully pressure the jury to give a death sentence. The Court also stated that the death sentence does not violate the Eighth Amendment. This is simply because the single statutory "aggravating circumstance" found by the jury duplicates an element of the underlying offense of first-degree murder.
2. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.

# Text 846:

**Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974), was a seminal First Amendment ruling by the United States Supreme Court. The Supreme Court overturned a Florida state law that required newspapers to offer equal space to political candidates who wished to respond to election-related editorials or endorsements. The Supreme Court ruled that law was an unconstitutional restriction of freedom of the press under the First Amendment.**

1. Florida Star v. B.J.F., 491 U.S. 524 (1989), is a United States Supreme Court case involving freedom of the press and privacy rights. After The Florida Star newspaper revealed the full name of a rape victim it got from a police report, the victim sued for damages. State law made it illegal for a publication to print a rape victim's name, and the victim was awarded damages. On appeal, the Supreme Court ruled the imposition of damages for truthfully publishing public information violates the First Amendment.
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 847:

**Miller v. Johnson, 515 U.S. 900 (1995), was a United States Supreme Court case concerning "affirmative gerrymandering/racial gerrymandering", where racial minority-majority electoral districts are created during redistricting to increase minority Congressional representation.**

1. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.
2. Wright v. Rockefeller, 376 U.S. 52 (1964), was a case in which the Supreme Court of the United States held that in cases involving allegations of improper racial gerrymandering, where the evidence was "equally, or more, persuasive" that racial considerations had not motivated the state legislature, the court will give deference to the findings of the district court.

# Text 848:

**California v. Carney, 471 U.S. 386 (1985), was a United States Supreme Court case which held that a motor home was subject to the automobile exception to the search warrant requirement of the Fourth Amendment to the United States Constitution because the motor home was readily movable.  
The dissent argues that this is contrary to the bright line rule established in Katz v. United States and that the majority opinion violates the protection of privacy rights provided by the Fourth Amendment.**

1. California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
   It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.
2. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.

# Text 849:

**Cruz v. Beto, 405 U.S. 319 (1972), was a United States Supreme Court case in which the court upheld a Free Exercise claim based on the allegations that the state of Texas had discriminated against a Buddhist prisoner by "denying him a reasonable opportunity to pursue his Buddhist faith comparable to that offered other prisoners adhering to conventional religious precepts."**

1. Brown v. Texas, 443 U.S. 47 (1979), was a United States Supreme Court case in which the Court determined that the defendant's arrest in El Paso, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment. It is an important case for Stop and Identify statutes in the United States.  
   The decision was written by Chief Justice Warren Burger and unanimously supported by the other justices. His summary of the factual elements of the case includes the following:  
     
   Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area with a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation "looked suspicious and we had never seen that subject in that area before." The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer "who has lawfully stopped him and requested the information."  
   The finding held that:  
     
   The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable."  
   While the application of the relevant Texas law was held unconstitutional in the case, the constitutional status of the law itself was not addressed.  
   The statute in question, Tex. Penal Code § 38.02(a) has since been revised to only make it a crime to refuse to identify oneself after being lawfully arrested.
2. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.

# Text 850:

**New York City Transit Authority v. Beazer, 440 U.S. 568 (1979), was a case decided by the United States Supreme Court in which the constitutionality of an employer's refusal to hire methadone users was upheld.**

1. Skinner v. Railway Labor Executives Association, 489 U.S. 602 (1989), was the U.S. Supreme Court case that paved the way for random drug testing of public employees in "safety sensitive" positions.
2. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.

# Text 851:

**Jimenez v. Quarterman, 555 U.S. 113 (2009), was a decision in which the Supreme Court of the United States held that under 28 U.S.C. § 2244(d)(1)(A), the conviction of a state defendant is not "final" if a state court grants an "out-of-time" appeal and the defendant has not yet filed a federal habeas petition.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. United States v. Morgan, 346 U.S. 502 (1954), is a landmark decision by the United States Supreme Court which provides the writ of coram nobis as the proper application to request federal post-conviction judicial review for those who have completed the conviction's incarceration in order to challenge the validity of a federal criminal conviction.

# Text 852:

**Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.**

1. Camara v. Municipal Court, 387 U.S. 523 (1967), is a United States Supreme Court case that overruled a previous case (Frank v. Maryland, 1959) and established the ability of a resident to deny entry to a building inspector without a warrant.
2. Maryland v. Garrison, 480 U.S. 79 (1987), is a United States Supreme Court case dealing with the Fourth Amendment of the United States Constitution and the extent of discretion given to police officers acting in good faith. The Court held that where police reasonably believe their warrant was valid during a search, execution of the warrant does not violate respondent's Fourth Amendment rights.

# Text 853:

**United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."**

1. Abbott Laboratories v. Gardner, 387 U.S. 136 (1967), was a case heard before the United States Supreme Court. The Court held that drug companies were not prohibited by the ripeness doctrine from challenging a U.S. Food and Drug Administration (FDA) regulation requiring a prescription drug's generic name to appear on all related printed materials. The government argued that the case was not ripe because the regulation had yet to be enforced. That argument failed as the Court found the issues to be fit for judicial resolution, and that the drug companies would experience substantial hardship if denied a pre-enforcement challenge to the statute. Prosecution for non-compliance was likely, civil and criminal penalties could be imposed, and the drug companies would suffer reputational damage if required to violate the regulation before challenging it in court.
2. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.

# Text 854:

**Board of Trustees of State University of New York v. Fox, 492 U.S. 469 (1989), is a United States Supreme Court case in which the Court instructed a lower court to reevaluate the compatibility of a resolution of the State University of New York that prohibited private commercial enterprises from operating in SUNY facilities with the First Amendment. The Court instructed the lower court to use the standard outlined in Central Hudson Gas & Electric Corp. v. Public Service Commission (1980) and determine whether the restriction on speech advanced the state's interest and, if so, whether the state's method was the least restrictive means to that end. This approach ensures a balanced consideration, safeguarding the fundamental right to free speech while addressing the state's concerns in the most efficient and non-restrictive manner possible.**

1. Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), was an important case decided by the United States Supreme Court that laid out a four-part test for determining when restrictions on commercial speech violated the First Amendment of the United States Constitution. Justice Powell wrote the opinion of the court. Central Hudson Gas & Electric Corp. had challenged a Public Service Commission regulation that prohibited promotional advertising by electric utilities. Justice Brennan, Justice Blackmun, and Justice Stevens wrote separate concurring opinions, and the latter two were both joined by Justice Brennan. Justice Rehnquist dissented.  
   The case presented the question whether a regulation of the New York Public Service Commission violates the First and Fourteenth Amendments because it completely bans promotional advertising by an electrical utility.
2. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.

# Text 855:

**Wilson v. Omaha Tribe, 442 U.S. 653 (1979), was a case in which the Supreme Court of the United States held that in a land dispute, 25 U.S.C. § 194 applied only to individuals and not a state, that federal law governed the tribe's right to possession, but that state law was to be used in determining how that applied to the natural movement of a river's boundaries.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. Antoine v. Washington, 420 U.S. 194 (1975), was a United States Supreme Court case in which the Court held that treaties and laws must be construed in favor of Native Americans (Indians); that the Supremacy Clause precludes the application of state game laws to the tribe; that Congress showed no intent to subject the tribe to state jurisdiction for hunting; and while the state can regulate non-Indians in the ceded area, Indians must be exempted from such regulations.

# Text 856:

**Oregon v. Ice, 555 U.S. 160 (2009), was a legal case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution does not inhibit states from assigning to judges, rather than juries, the finding of facts necessary to the imposition of consecutive, rather than concurrent, sentences for multiple offenses.[1]  
Ice, a supervisor of an apartment complex, twice entered a residence and, on each occasion, touched the breasts and vagina of an 11-year-old girl. For each incident, a jury found him guilty of first-degree burglary for entering with the intent to commit sexual assault, as well as two counts of sexual abuse.  
The statute under which Ice was sentenced, Oregon Revised Statutes 137.123, generally provided for concurrent sentences. However, it allowed for consecutive sentencing when the offenses did not arise from the same course of conduct. The statute also allowed for such sentencing when the offense was indicative of a willingness to commit more than one offense, or the offense caused or created a risk of greater or qualitatively different harm to the victim.  
The trial judge found that Ice's conduct satisfied these criteria and ordered that his sentences for the two burglaries and the two sexual assaults, in which he touched the girl's vagina, to be served consecutively. The judge allowed the two sexual assault sentences for touching the girl's breasts to be served concurrently. Thus, the judge's action nearly quadrupled his sentence from 7.5 years to over 28 years.**

1. Oregon v. Kennedy, 456 U.S. 667 (1982), was a United States Supreme Court decision dealing with the appropriate test for determining whether a criminal defendant has been "goaded" by the prosecution's bad actions into motioning for a mistrial. This matters because the answer determines whether a defendant can be retried. Ordinarily, a defendant who requests a mistrial can be forced to stand trial a second time, see United States v. Dinitz. However, if the prosecution's conduct was "intended to provoke the defendant into moving for a mistrial," double jeopardy protects the defendant from retrial. The Court emphasized that only prosecutorial actions where the intent is to provoke a mistrial — and not mere "harassment" or "overreaching" — trigger the double jeopardy protection.
2. Leland v. Oregon, 343 U.S. 790 (1952), was a United States Supreme Court case in which the Court upheld the constitutionality of placing the burden of persuasion on the defendant when they argue an insanity defense in a criminal trial. This differed from previous federal common law established in Davis v. United States, in which the court held that if the defense raised an insanity defense, the prosecution must prove sanity beyond a reasonable doubt, but Davis was not a United States constitutional ruling, so only limited federal cases, but not state cases.: 17  Oregon had a very high burden on defense, that insanity be proved beyond a reasonable doubt.: 17  At that time, twenty other states also placed the burden of persuasion on the defense for an insanity defense.: 17   
   The defendant was convicted of killing a fifteen-year-old girl in Multnomah County. After being arrested for auto theft, the defendant asked for a homicide officer, verbally confessed to the murder, took the police to the scene of the crime, and signed a written confession. After being indicted, he then spoke to a lawyer for the first time. At trial, a jury convicted him and recommended the death penalty.  
   Oregon law required the defendant required proof of insanity beyond a reasonable doubt. The case claimed that the "statute in effect requires a defendant pleading insanity to establish his innocence by disproving beyond a reasonable doubt elements of the crime necessary to a verdict of guilty, and that the statute is therefore violative of that due process of law secured by the Fourteenth Amendment."

# Text 857:

**Bell v. Wolfish, 441 U.S. 520 (1979), is a case in which the United States Supreme Court addressed the constitutionality of various conditions of confinement of inmates held in federal short-term detention facilities. The Court narrowly found that while treatment of pre-trial detainees is subject to constraint by the First, Fifth, and Fourteenth Amendments,[2] all of the policies challenged in the case passed constitutional scrutiny.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.

# Text 858:

**Johnson v. Robison, 415 U.S. 361 (1974), was a case heard before the United States Supreme Court. The court held that the Veterans' Administrations' allocation of greater educational benefits to combat veterans than conscientious objectors was consistent with the United States Constitution. Robison, a conscientious objector, argued that such unequal benefits violated his 5th Amendment right to Equal Protection and his First Amendment right to free exercise of religion. The court rejected both arguments.**

1. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.
2. United States v. Johnson, 390 U.S. 563 (1968), was a United States Supreme Court case.

# Text 859:

**Wilkinson v. United States, 365 U.S. 399 (1961), was a court case during the McCarthy Era in which the petitioner, Frank Wilkinson, an administrator with the Housing Authority of the City of Los Angeles, challenged his conviction under 2 U.S.C. § 192, which makes it a misdemeanor to refuse to answer any question pertinent to the question under inquiry for any person summoned as a witness by Congress. The petitioner's conviction was sustained in a 5–4 ruling, upholding a prior ruling in Barenblatt v. United States.  
The petitioner was indeed summoned to testify before a Subcommittee of the House of Representatives' Un-American Activities Committee, which was investigating alleged Communist infiltration into basic industries and Communist Party propaganda activities. The petitioner refused to answer a question as to whether he was a member of the Communist Party, contending that the Subcommittee lacked legal authority to interrogate him and that its questioning violated his First Amendment rights. He was convicted of a misdemeanor violation of 2 U.S.C. § 192. The Court also, on February 27, 1961, denied Braden v. United States, a companion case appealing a similar 2 U.S.C. § 192 conviction.  
The underlying activities of the FBI and government agencies later resulted in a case, Wilkinson v. FBI, in which it was revealed that the FBI believed the witness that provided the assertion of Wilkinson's association with the Communist Party was "unreliable and emotionally unstable."**

1. Barenblatt v. United States, 360 U.S. 109 (1959), was a case in which the Supreme Court of the United States ruled that the actions of the House Un-American Activities Committee did not violate the First Amendment and, thus, the Court upheld Lloyd Barenblatt's conviction for contempt of Congress. The Court held that the congressional committee had authority to compel a college professor to answer questions about his Communist Party membership.
2. Braden v. United States, 365 U.S. 431 (1961), was a case in which the Supreme Court of the United States held that the conviction of the petitioner, Carl Braden, based on his refusal to answer questions posed to him by the House Un-American Activities Committee, did not violate his First Amendment rights and was constitutional.

# Text 860:

**United States v. Comstock, 560 U.S. 126 (2010), was a decision by the Supreme Court of the United States, which held that the federal government has authority under the Necessary and Proper Clause to require the civil commitment of individuals already in Federal custody. The practice, introduced by the Adam Walsh Child Protection and Safety Act, was upheld against a challenge that it fell outside the enumerated powers granted to Congress by the Constitution. The decision did not rule on any other aspect of the law's constitutionality, because only the particular issue of Congressional authority was properly before the Court.**

1. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.
2. O'Connor v. Donaldson, 422 U.S. 563 (1975), was a landmark decision of the US Supreme Court in mental health law ruling that a state cannot constitutionally confine a non-dangerous individual who is capable of surviving safely in freedom by themselves or with the help of willing and responsible family members or friends. Since the trial court jury found, upon ample evidence, that petitioner did so confine respondent, the Supreme Court upheld the trial court's conclusion that petitioner had violated respondent's right to liberty. The case was important in the deinstitutionalization movement in the United States.

# Text 861:

**Exxon Corp. v. Governor of Maryland, 437 U.S. 117 (1978), was a case in which the Supreme Court of the United States upheld a Maryland law prohibiting oil producers and refiners from operating service stations within its borders. The challengers, including Exxon, claimed that the law violated the Dormant Commerce Clause. Justice Stevens wrote for the majority, which disagreed with Exxon et al.: "Since Maryland's entire gasoline supply flows in interstate commerce and since there are no local producers or refiners, such claims of disparate treatment between interstate and local commerce would be meritless." Exxon challenged the Maryland statute in Circuit Court which ruled the statute invalid. The Maryland Court of Appeals reversed the ruling.**

1. Chick Kam Choo v. Exxon Corp., 486 U.S. 140 (1988), was a United States Supreme Court case in which the Court held that a federal court's dismissal of a civil action on the ground that it should be heard in a foreign court, under the doctrine of forum non conveniens, does not preclude the plaintiff from filing the same action in a state court that applies different forum non conveniens rules.
2. Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
   The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
   After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
   Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
   Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
   Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."

# Text 862:

**Martin v. District of Columbia Court of Appeals, 506 U.S. 1 (1992), was a US Supreme Court opinion denying a petition for motion to proceed in forma pauperis, as the petitioner had repeatedly abused the process. Specifically, the Court prohibited the petitioner from filing further non-criminal in forma pauperis petitions, and that all petitions filed must be compliant with Court rules and must have had the filing fee paid. The dissent, written by Justice Stevens, argued that the result violated the "open access" of the Court.  
James Martin was a serial abuser of the court’s certiorari process; in the past decade following the court’s per curium opinion, Martin filed 45 petitions relating to being incarcerated for an unrelated offense, and the last 15 petitions for the prior two years were dismissed under the court’s rule 39.8. Although the case theoretically applies to only the Supreme Court itself, it has become a common procedural tool against certain abusive petitioners on the in forma pauperis docket, particularly those who repeatedly petition similar frivolous arguments within several years, averaging around 2-3 petitioners per order list.**

1. Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18
2. Martin v. Wilks, 490 U.S. 755 (1989), was a U.S. Supreme Court case brought by Robert K. Wilks challenging the validity of race-based hiring practices.

# Text 863:

**Jones v. Bock, 549 U.S. 199 (2007), was a case before the United States Supreme Court. The issues concerned obligations of inmate litigants before one could file a civil rights action. The majority opinion was by Chief Justice Roberts and the court decided the case unanimously.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.

# Text 864:

**Pennhurst State School and Hospital v. Halderman, 465 U.S. 89 (1984), was a United States Supreme Court decision holding that the Eleventh Amendment prohibits a federal court from ordering state officials to obey state law.**

1. Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985), was a United States Supreme Court case regarding Congress' power to abrogate the Eleventh Amendment sovereign immunity of the states.  
   Ordinarily, sovereign immunity prohibits the states from being sued, and the Eleventh Amendment prohibits states from being sued without consent in federal court; however, there are exceptions. A state can waive its sovereign immunity, and in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), the Supreme Court had emphasized that Congress could abrogate state sovereign immunity pursuant to powers granted it by the Civil War Amendments. The Court noted that Edelman v. Jordan, 415 U.S. 651 (1974), however, had recognized that "the Eleventh Amendment implicates the fundamental constitutional balance between the Federal Government and the States," Atascadero, at 238, the Court had applied a clear statement rule to waiver. The Court will only deem the state to have waived its immunity when the waiver is couched in "the most express language or by such overwhelming implication from the text as [will] leave no room for any other reasonable construction." Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909).  
   In Atascadero, the Court made the rule symmetrical: just as purported waiver requires a clear statement, so too a purported abrogation requires a clear statement. Reiterating its "reluctance to infer that a State's immunity from suit in the federal courts has been negated[,] stem[ming] from recognition of the vital role of the doctrine of sovereign immunity in our federal system," Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 98 (1984) (Pennhurst II), and citing "[t]he fundamental nature of the interests implicated by the Eleventh Amendment," Atascadero, at 242, the court held "that Congress may abrogate the States' constitutionally secured immunity from suit in federal court only by making its intention unmistakably clear in the language of the statute." Id.  
   In response to Atascadero, Congress enacted a statute providing the clear language that the Court had demanded. The Rehabilitation Act Amendments of 1986 stated that "a State shall not be immune under the Eleventh Amendment... from suit in Federal court for a violation" of relevant provisions of federal law.
2. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.

# Text 865:

**NCAA v. Board of Regents of the University of Oklahoma, 468 U.S. 85 (1984), was a case in which the Supreme Court of the United States held that the National Collegiate Athletic Association (NCAA) television plan violated the Sherman and Clayton Antitrust Acts, which were designed to prohibit group actions that restrained open competition and trade.  
The NCAA is an organization that regulates college athletics, and membership is voluntary, although NCAA schools are not allowed to play against non-NCAA teams. The case dealt with television rights to college football games, which were controlled by the NCAA and limited the appearance of university teams in each season. The NCAA believed that their control of television rights protected live attendance, which was disputed by a number of colleges.  
These larger colleges formed the College Football Association to negotiate television contracts, until the NCAA advised the colleges that they would be banned from all NCAA competitions, not just in football. The Board of Regents of the University of Oklahoma and the University of Georgia Athletic Association sued to force the NCAA to stop the practice. The Supreme Court held that the NCAA's actions were a restraint of trade and ruled for the universities.**

1. McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), was a United States Supreme Court case that prohibited racial segregation in state supported graduate or professional education. The unanimous decision was delivered on the same day as another case involving similar issues, Sweatt v. Painter.
2. Bob Jones University v. United States, 461 U.S. 574 (1983), was a decision by the United States Supreme Court holding that the religion clauses of the First Amendment did not prohibit the Internal Revenue Service from revoking the tax exempt status of a religious university whose practices are contrary to a compelling government public policy, such as eradicating racial discrimination.

# Text 866:

**Tapia v. United States, 564 U.S. 319 (2011), was a United States Supreme Court case in which the Court held that a federal court cannot give a criminal defendant a longer sentence to promote rehabilitation.**

1. Pepper v. United States, 562 U.S. 476 (2011), is a 2011 decision by the Supreme Court of the United States concerning whether a United States District Court properly handled the sentencing of a former methamphetamine dealer. He was originally sentenced to 24 months in prison, far shorter than what federal guidelines generally specify for crimes of that nature. Prosecutors appealed the case to the United States Court of Appeals for the Eighth Circuit, which remanded the case back to the United States District Court for the Northern District of Iowa, which affirmed the original sentence after testimony relating the defendant's rehabilitation. The case was appealed to the Eighth Circuit again, and was again remanded. A different District Court judge gave him a 65-month sentence. The defendant then brought the case back to the Eighth Circuit, which confirmed the later ruling, and to then to the Supreme Court. Sonia Sotomayor wrote the opinion of the court, which ruled in favor of the defendant.
2. Barber v. Thomas, 560 U.S. 474 (2010), is a United States Supreme Court case in which the Court held, 6–3, that prisoners incarcerated in federal prisons are entitled to up to 54 days of "good time credits" for every year they are incarcerated, allowing federal inmates to reduce their sentence by up to 54 days per year of imprisonment for exhibiting good behavior. The case concerned how the United States Federal Bureau of Prisons should calculate "good time credits": whether they should be calculated based on the length of the sentence levied by the judge, or by the time actually served by the inmate.

# Text 867:

**Hickman v. Taylor, 329 U.S. 495 (1947), is a seminal United States Supreme Court case in which the Court recognized the work-product doctrine, which holds that information obtained or produced by or for attorneys in anticipation of litigation may be protected from discovery under the Federal Rules of Civil Procedure. The Court's decision in the case was unanimous.**

1. Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.
2. Taylor v. Illinois, 484 U.S. 400 (1988), is a United States Supreme Court decision in which the Court held that defense witnesses can be prevented from testifying under certain circumstances, even if that hurts the defense's case. Taylor was the first case to hold that there is no absolute bar to blocking the testimony of a surprise witness, even if that is an essential witness for the defendant, a limitation of the broad right to present a defense recognized in Washington v. Texas (1967).  
   Taylor was the first Compulsory Process Clause case since Washington v. Texas to provide a specific limitation on the right of defendants to force their witnesses to testify. In that case, the Court construed a defendant's right very broadly in his ability to present a defense. Here, however, the Court restricted that ability to comply with court rules, especially if those rules were of equal consequence upon both the prosecution and the defense. This decision was reached over the dissent of three Justices, all of whom felt a defendant's case should not be limited based on an error solely by the defendant's attorney to list appropriate witnesses.

# Text 868:

**Board of Education of Kiryas Joel Village School District v. Grumet, 512 U.S. 687 (1994), was a case in which the United States Supreme Court ruled on the constitutionality of a school district created with boundaries that matched that of a religious community – in this case, the Satmar community of Kiryas Joel, New York.[1] The case was argued by Nathan Lewin on behalf of Kiryas Joel, Julie Mereson on behalf of the State of New York, and Jay Worona on behalf of the respondents.**

1. Kramer v. Union Free School District No. 15, 395 U.S. 621 (1969), was a United States Supreme Court decision in which the Court struck down a longstanding New York State statute requiring that to be eligible to vote in certain school district elections, an individual must either own or rent taxable real property within the school district, be the spouse of a property owner or lessor, or be the parent or guardian of a child attending a public school in the district. By a 5-to-3 vote, the court held that these voting requirements violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.

# Text 869:

**Shaffer v. Heitner, 433 U.S. 186 (1977), is a United States corporate law case in which the Supreme Court of the United States established that a defendant's ownership of stock in a corporation incorporated within a state, without more, is insufficient to allow that state's courts to exercise jurisdiction over the defendant. The case set forth a framework for evaluating when a defendant will be deemed to have minimum contacts with the forum state sufficient for the exercise of jurisdiction to be consistent with due process under the Fourteenth Amendment.**

1. Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).
2. Reeves, Inc. v. Stake, 447 U.S. 429 (1980), was a United States Supreme Court case in which the Court held that individual states, when acting as producers or suppliers rather than as market regulators, may discriminate preferentially against out-of-state residents. This "market participant" doctrine is an exception to the so-called negative commerce clause, which ordinarily deems state regulations invalid where they discriminate against interstate commerce in favor of intrastate commerce for the purpose of economic protectionism.

# Text 870:

**Connecticut v. Doehr, 501 U.S. 1 (1991), was a United States Supreme Court case in which the Court held that a state statute authorizing prejudgment attachment of a defendant's real property upon the filing of an action without prior notice or hearing, a showing of extraordinary circumstances, or a requirement that the plaintiff post a bond violates the Due Process Clause of the Fourteenth Amendment.**

1. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.
2. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.

# Text 871:

**Green v. County School Board of New Kent County, 391 U.S. 430 (1968), was an important United States Supreme Court case involving school desegregation. Specifically, the Court dealt with the freedom of choice plans created to avoid compliance with the Supreme Court's mandate in Brown II in 1955. The Court held unanimously that New Kent County's freedom of choice plan did not adequately comply with the school board's responsibility to determine a system of admission to public schools on a non-racial basis. The Supreme Court mandated that the school board must formulate new plans and steps towards realistically converting to a desegregated system. Green v. County School Board of New Kent County was a follow-up of Brown v. Board of Education.  
“When this opinion is handed down, the traffic light will have changed from Brown to Green.” –U.S. Supreme Court Justice William Brennan, 1968.  
Green established what came to be known as the five Green factors — faculty, staff, transportation, extracurricular activities and facilities — the criteria by which later courts would evaluate school districts' progress on desegregation.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.

# Text 872:

**Colorado v. Bannister, 449 U.S. 1 (1980), is a U.S. Supreme Court case concerning the automobile exception to constitutional protections against searches and seizures.**

1. Colorado v. Bertine, 479 U.S. 367 (1987), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the State from proving charges with the evidence discovered during an inventory search.  
   This case is controlled by the principles governing inventory searches of automobiles and of an arrestee's personal effects, as set forth in South Dakota v. Opperman, and Illinois v. Lafayette, rather than those governing searches of closed trunks and suitcases conducted solely for the purpose of investigating criminal conduct. United States v. Chadwick, and Arkansas v. Sanders, distinguished.
2. Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.

# Text 873:

**Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256 (1979), was a case heard by the Supreme Court of the United States. The decision upheld the constitutionality of a state law, which granted a hiring preference to veterans over non-veterans.  
The law was challenged as violating the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution by a woman who argued that the law discriminated on the basis of sex because few women were veterans.**

1. Craig v. Boren, 429 U.S. 190 (1976), was a landmark decision of the US Supreme Court ruling that statutory or administrative sex classifications were subject to intermediate scrutiny under the Fourteenth Amendment's Equal Protection Clause. The case was argued by future Supreme Court justice Ruth Bader Ginsburg while she was working for the American Civil Liberties Union.
2. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.

# Text 874:

**Warden v. Hayden, 387 U.S. 294 (1967), was a United States Supreme Court case that held that 'mere evidence' may be seized and held as evidence in a trial, allowing such evidence obtained in a search to be used. This finding reversed previous Supreme Court decisions such as Boyd v. United States which had held that search warrants may not be used as a means of gaining access to a man's house or office and papers solely for the purpose of making search to secure evidence to be used against him in a criminal or penal proceeding...**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Arizona v. Gant, 556 U.S. 332 (2009), was a United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law-enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.

# Text 875:

**Boyle v. United Technologies Corporation, 487 U.S. 500 (1988), is a United States Supreme Court case in which the Court held that government contractors are immune from liability for design defects in military equipment.  
It came from a 1986 decision from the United States Court of Appeals for the Fourth Circuit reversing a jury verdict for Boyle on the grounds that government contractors are immune from liability for design defects in military equipment.**

1. Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.
2. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.

# Text 876:

**United States v. Hayes, 555 U.S. 415 (2009), is a United States Supreme Court case interpreting Section 921(a)(33)(A) of the federal Gun Control Act of 1968, as amended in 1996. The Court held that a domestic relationship is not necessarily a defining element of the predicate offense to support a conviction for possession of a firearm by a person previously convicted of a misdemeanor crime of domestic violence.**

1. District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
   Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
   On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.
2. Smith v. United States, 508 U.S. 223 (1993), is a United States Supreme Court case that held that the exchange of a gun for drugs constituted "use" of the firearm for purposes of a federal statute imposing penalties for "use" of a firearm "during and in relation to" a drug trafficking crime.  
   In Watson v. United States, 128 S.Ct. 697 (2007) the court later decided that a transaction in the opposite direction does not violate the same statute (i.e., Smith holds that one "uses" a gun by giving it in exchange for drugs, but Watson holds that one does not "use" a gun by receiving it in exchange for drugs).

# Text 877:

**American Electric Power Company v. Connecticut, 564 U.S. 410 (2011), was a United States Supreme Court case in which the Court, in an 8–0 decision, held that corporations cannot be sued for greenhouse gas emissions (GHGs) under federal common law, primarily because the Clean Air Act (CAA) delegates the management of carbon dioxide and other GHG emissions to the Environmental Protection Agency (EPA). Brought to court in July 2004 in the Southern District of New York, this was the first global warming case based on a public nuisance claim.**

1. Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007), is a 5–4 U.S. Supreme Court case in which Massachusetts, along with eleven other states and several cities of the United States, represented by James Milkey, brought suit against the Environmental Protection Agency (EPA) represented by Gregory G. Garre to force the federal agency to regulate the emissions of carbon dioxide and other greenhouse gases (GHGs) that pollute the environment and contribute to climate change.  
   Under the Clean Air Act, Massachusetts argued that the Environmental Protection Agency was required by law to regulate "any air pollutant" which could "endanger public health or welfare." The EPA denied the petition, claiming that federal law does not authorize the agency to regulate greenhouse gas emissions.
2. Environmental Defense v. Duke Energy Corporation, 549 U.S. 561 (2007), is a United States Supreme Court case in which the Court held that while a term may be used more than once in a statute, an agency has the discretion to interpret each use of the term in a different way based on the context. It involved the Environmental Defense Fund and Duke Energy. In a unanimous decision, the court held in favor of the plaintiff's (Environmental Defense) argument.  
   This case addressed the Clean Air Act (CAA) and two of its programs, Prevention of Significant Deterioration (PSD) and New Source Performance Standard (NSPS). PSD applies to regulating annual emissions; NSPS pertains to regulating hourly emissions, although the defendants argued that the hourly emissions of their facilities remained unchanged. Each section of the Clean Air Act, that outlines the provisions of the PSD and the NSPS, defines "modification" differently. As a result, the inconsistency of the term "modification" in the CAA becomes the main debate of the case and the main argument for both the plaintiffs and defendants.

# Text 878:

**Jacobellis v. Ohio, 378 U.S. 184 (1964), was a United States Supreme Court decision handed down in 1964 involving whether the state of Ohio could, consistent with the First Amendment, ban the showing of the Louis Malle film The Lovers (Les Amants), which the state had deemed obscene.**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. McIntyre v. Ohio Elections Commission, 514 U.S. 334 (1995), is a case in which the Supreme Court of the United States held that an Ohio statute prohibiting anonymous campaign literature is unconstitutional because it violates the First Amendment to the U.S. Constitution, which protects the freedom of speech. In a 7–2 decision authored by Justice John Paul Stevens, the Court found that the First Amendment protects the decision of an author to remain anonymous.  
   On April 27, 1988, Margaret McIntyre stood outside of a middle school in Westerville, Ohio, and passed out anonymous leaflets that opposed a proposed school district tax levy. The Ohio Elections Commission fined McIntyre $100 for violating a state law that prohibited the distribution of any kind of political or campaign literature that does not have the name and address of the person responsible for its contents. With the help of the American Civil Liberties Union, McIntyre appealed the fine in court. The county court reversed the fine, holding that because McIntyre did not attempt to mislead the public, the Ohio statute was unconstitutional as it applied to her actions. However, the state court of appeals reinstated the fine, referring to a 1922 decision by the Ohio Supreme Court as precedent, and the Ohio Supreme Court affirmed.  
   The U.S. Supreme Court reversed the Ohio Supreme Court on April 19, 1995. As precedent, the Court referred to its decision in Talley v. California (1960), in which the Court found a similar law prohibiting anonymous leafletting unconstitutional, as well as the role of anonymous political literature throughout history, one example being The Federalist Papers. The Court's majority opinion emphasized the importance of anonymous speech, describing it as "not a pernicious, fraudulent practice, but an honorable tradition of advocacy and of dissent". The effect of the Court's opinion on anonymous speech has been analyzed in the contexts of television and radio advertisements, campaign finance, and the Internet.

# Text 879:

**Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.**

1. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.
2. In re Gault, 387 U.S. 1 (1967), was a landmark U.S. Supreme Court decision which held the Due Process Clause of the 14th Amendment applies to juvenile defendants as well as to adult defendants. Juveniles accused of crimes in a delinquency proceeding must be afforded many of the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel. The court's opinion was written by Justice Abe Fortas, a noted proponent of children's rights.

# Text 880:

**Presbyterian Church v. Hull Church, 393 U.S. 440 (1969), was a United States Supreme Court case involving the secession of two local churches, including Hull Memorial Presbyterian Church, from the parent body Presbyterian Church in the United States because, they claimed, the Church had departed from its original doctrinal tenets. The Court ruled that the state could not pass judgment concerning religious doctrine or church law.**

1. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".
2. Pike v. Bruce Church, Inc., 397 U.S. 137 (1970), was a case in which the Supreme Court of the United States held that power of states to pass laws interfering with interstate commerce is limited when the law poses an undue burden on businesses.

# Text 881:

**Commissioner v. Indianapolis Power & Light Company, 493 U.S. 203 (1990), was a United States Supreme Court case in which the Court addressed whether customer deposits constituted taxable income to a public utility company.**

1. Commissioner v. Idaho Power Co., 418 U.S. 1 (1974), was a United States Supreme Court case.
2. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.

# Text 882:

**Brockett v. Spokane Arcades, Inc., 472 U.S. 491 (1985), was a case in which the Supreme Court of the United States held that though portions of a law against obscenity and prostitution might be invalid, it would not be invalidated as a whole unless severing unconstitutional provisions would result in an unworkable law.**

1. Ginzburg v. United States, 383 U.S. 463 (1966), was a decision by the United States Supreme Court involving the application of the First Amendment to Federal obscenity laws. One of a trio of cases (with Memoirs v. Massachusetts and Mishkin v. New York released on the same day), Ginzburg was part of the Supreme Court's attempt to refine the definitions of obscenity after the landmark 1957 case Roth v. United States.
2. Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), was a case in which the Supreme Court of the United States held that localities may impose regulations prohibiting adult theaters from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction. The specific restriction at issue was established by Renton, Washington, and prohibited adult theaters within 1,000 feet from any residential zone, single- or multiple-family dwelling, church, park, or school.

# Text 883:

**San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. Chamber of Commerce v. Brown, 554 U.S. 60 (2008), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 884:

**Department of Agriculture v. Moreno, 413 U.S. 528 (1973), was a United States Supreme Court case that declared a provision of the Food Stamp Act denying food stamps to households of "unrelated persons" to be a violation of the U.S. Constitution. The Court held that provision to be irrelevant to the stated purpose of the statute and in violation of the Due Process Clause of the Fifth Amendment.**

1. Lyng v. Castillo, 477 U.S. 635 (1986), reversed a lower court's decision that the change in the statutory definition of a household violated the appellee's due process rights. The program rules for food stamps were changed in 1981 and 1982 which changed the definitions of households. The Supreme Court of the United States ruled that the District Court erred in using heightened scrutiny to analyze the validity of the household definition.  
   Earlier, the Supreme Court ruled in Department of Agriculture v. Moreno (1973) that a provision of the Food Stamp Act of 1971 was unconstitutional because a household, if an unrelated individual lived in it, would have its benefits reduced or eliminated.
2. Goldberg v. Kelly, 397 U.S. 254 (1970), is a case in which the Supreme Court of the United States ruled that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires an evidentiary hearing before a recipient of certain government welfare benefits can be deprived of such benefits.  
   The individual losing benefits is entitled to an oral hearing before an impartial decision-maker as well as the right to confront and cross-examine witnesses and the right to a written statement setting out the evidence relied upon and the legal basis for the decision. There is no right to a formal trial. The case was decided 5–3. (There was a vacancy on the Court because of the resignation of Abe Fortas.) Goldberg v. Kelly, Shapiro v. Thompson and King v. Smith were a part of the set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.

# Text 885:

**Walton v. Arizona, 497 U.S. 639 (1990), was a United States Supreme Court case that upheld two important aspects of the capital sentencing scheme in Arizona—judicial sentencing and the aggravating factor "especially heinous, cruel, or depraved"—as not unconstitutionally vague. The Court overruled the first of these holdings in Ring v. Arizona, 536 U.S. 584 (2002). The second of these holdings has yet to be overturned.**

1. Tison v. Arizona, 481 U.S. 137 (1987), is a United States Supreme Court case in which the Court qualified the rule it set forth in Enmund v. Florida (1982). Just as in Enmund, in Tison the Court applied the proportionality principle to conclude that the death penalty was an appropriate punishment for a felony murderer who was a major participant in the underlying felony and exhibited a reckless indifference to human life.
2. Schad v. Arizona, 501 U.S. 624 (1991), is a United States Supreme Court decision that explained which charges need to be explained to the jury in trials for felony murders.

# Text 886:

**United States v. Philadelphia National Bank, 374 U.S. 321 (1963), also called the Philadelphia Bank case, was a 1963 decision of the United States Supreme Court that held Section 7 of the Clayton Act, as amended in 1950, applied to bank mergers. It was the first case in which the Supreme Court considered the application of antitrust laws to the commercial banking industry. In addition to holding the statute applicable to bank mergers, the Court established a presumption that mergers that covered at least 30 percent of the relevant market were presumptively unlawful.**

1. Tampa Electric Co. v. Nashville Coal Co., 365 U.S. 320 (1961), the Tampa Electric case, was a 1961 decision of the Supreme Court that, together with United States v. Philadelphia National Bank, clarified the legal test for determining whether requirements contracts "may substantially lessen competition" or "tend to create a monopoly" for purposes of section 3 of the Clayton Antitrust Act.
2. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.

# Text 887:

**Duro v. Reina, 495 U.S. 676 (1990), was a United States Supreme Court case in which the Court concluded that Indian tribes could not prosecute Indians who were members of other tribes for crimes committed by those nonmember Indians on their reservations. The decision was not well received by the tribes, because it defanged their criminal codes by depriving them of the power to enforce them against anyone except their own members. In response, Congress amended a section of the Indian Civil Rights Act, 25 U.S.C. § 1301, to include the power to "exercise criminal jurisdiction over all Indians" as one of the powers of self-government.**

1. Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 661 (1974), is a landmark decision by the United States Supreme Court concerning aboriginal title in the United States. The original suit in this matter was the first modern-day Native American land claim litigated in the federal court system rather than before the Indian Claims Commission. It was also the first to go to final judgement.  
   The Supreme Court held that there is federal subject-matter jurisdiction for possessory land claims brought by Indian tribes based upon aboriginal title, the Nonintercourse Act, and Indian treaties. In delivering the opinion of the Court, Associate Justice Byron White wrote that jurisdiction for such suits arose both from 28 U.S.C. § 1331, conferring jurisdiction for cases arising under the Constitution, laws, or treaties of the United States and 28 U.S.C. § 1362, conferring similar jurisdiction to cases brought by Indian tribes regardless of the amount in controversy.  
   The case is often referred to as Oneida I because it is the first of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It was followed by County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985), rejecting all of the affirmative defenses raised by the counties in the same action, and City of Sherrill v. Oneida Indian Nation of New York (Sherrill) (2005), rejecting the tribe's attempt in a later lawsuit to reassert tribal sovereignty over parcels of land reacquired by the tribe in fee simple.
2. United States v. Antelope, 430 U.S. 641 (1977), was a United States Supreme Court case in which the Court held that American Indians convicted on reservation land were not deprived of the equal protection of the laws; (a) the federal criminal statutes are not based on impermissible racial classifications but on political membership in an Indian tribe or nation; and (b) the challenged statutes do not violate equal protection. Indians or non-Indians can be charged with first-degree murder committed in a federal enclave.

# Text 888:

**Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, 557 U.S. 261 (2009), is a United States Supreme Court case that was decided in favor of Coeur Alaska's permit to dump mine waste in a lake. The case addressed tailings from the Kensington mine, an underground mine located in Alaska. The gold mine had not operated since 1928, and Coeur Alaska obtained a permit in 2005 from the United States Army Corps of Engineers (USACE) to dispose of up to 4.5 million tons of tailings in Lower Slate Lake, which is located in a National Forest.  
The suit was filed by three environmental non-governmental organizations and brought before the United States District Court for the District of Alaska who found in favor of Coeur Alaska. The District Court's decision was overturned by the U.S. 9th Circuit Court of Appeals before being brought before the Supreme Court, who also found in favor of Coeur Alaska.  
The ruling was praised by the National Mining Association for the economic benefit it provided. Environmental groups criticised the decision for the impact it would have on Lower Slate Lake, and the opportunity for its use as a precedent in the future. In March 2009 proposed legislation, the Clean Water Protection Act, was introduced in Congress to remove mining waste from the definition of "fill material".**

1. Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261 (1997), was a United States Supreme Court case in which the Court held that the Coeur d'Alene Tribe could not maintain an action against the state of Idaho to press its claim to Lake Coeur d'Alene due to the state's Eleventh Amendment immunity from suit, notwithstanding the exception recognized in Ex parte Young. The case was an important precedent for aboriginal title in the United States and sovereign immunity in the United States.  
   After the district court's decision dismissing the suit, the federal government—in its guardian capacity—brought a substantially similar suit against Idaho; in 2001, in 5–4 decision, the Court ruled for the federal government: Idaho v. United States (2001).
2. Oregon Waste Systems, Inc. v. Department of Environmental Quality of Oregon, 511 U.S. 93 (1994), is a United States Supreme Court decision focused on the aspect of state power and the interpretation of the Commerce Clause as a limitation on states' regulatory power. In this particular case, the Supreme Court considered whether the Oregon Department of Environmental Quality's alleged cost-based surcharge on the disposal of out-of-state waste violated the dormant commerce clause.

# Text 889:

**United States v. Vuitch, 402 U.S. 62 (1971), was a United States Supreme Court abortion rights case, which held that the District of Columbia's abortion law banning the practice except when necessary for the health or life of the woman was not unconstitutionally vague.**

1. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 890:

**Communist Party of Indiana v. Whitcomb, 414 U.S. 441 (1974), was a United States Supreme Court case based on the First Amendment to the U.S. Constitution that invalidated Indiana's loyalty oath requirement.**

1. Wieman v. Updegraff, 344 U.S. 183 (1952), is a unanimous ruling by the United States Supreme Court which held that Oklahoma loyalty oath legislation violated the due process clause of the Fourteenth Amendment to the United States Constitution because it did not give individuals the opportunity to abjure membership in subversive organizations. Due process requires that individuals have scienter (knowledge that their membership or support violates the loyalty oath), and the Oklahoma statute did not accommodate this requirement.
2. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.

# Text 891:

**United States v. Fordice, 505 U.S. 717 (1992), is a United States Supreme Court case that resulted in an eight to one ruling that the eight public universities in Mississippi had not sufficiently integrated and that the state must take affirmative action to change this under the Equal Protection Clause. The Court found that, although the state had eliminated explicit prohibitions on the admission of black students to institutions including the University of Mississippi, Mississippi State University, and the University of Southern Mississippi, the Court of Appeals had not properly reviewed the set of discriminatory policies used by the state to suppress black enrollment at these schools. On this point, the Court stated that "[i]f the State perpetuates policies and practices traceable to its prior system that continue to have segregative effects – whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system – and such policies are without sound educational justification and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system."  
Four opinions were filed in the case. In addition to Justice White's majority opinion, Justice O'Connor and Justice Thomas filed concurring opinions. Thomas, in particular, expressed a concern that the strict review of policies that divided students by race should not be used against historically black universities in the state.  
Justice Scalia filed a separate opinion concurring in part and dissenting in part, expressing his disagreement with the burden that the Court imposed on universities and his concern that the standards set forth by the Court would create confusion and lead to more litigation.**

1. Mississippi University for Women v. Hogan, 458 U.S. 718 (1982), was a landmark decision of the Supreme Court of the United States, decided 5–4, which ruled that the single-sex admissions policy of the Mississippi University for Women violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. Regents of the University of California v. Bakke, 438 U.S. 265 (1978), was a landmark decision by the Supreme Court of the United States that involved a dispute of whether preferential treatment for minorities could reduce educational opportunities for whites without violating the Constitution. It upheld affirmative action, allowing race to be one of several factors in college admission policy. However, the court ruled that specific racial quotas, such as the 16 out of 100 seats set aside for minority students by the University of California, Davis, School of Medicine, were impermissible.  
   Although the Supreme Court had outlawed segregation in schools by the Brown v. Board of Education decision and had ordered school districts to take steps to assure integration, the question of the legality of voluntary affirmative action programs initiated by universities remained unresolved. Proponents deemed such programs necessary to make up for past discrimination, while opponents believed they were illegal and a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. An earlier case that the Supreme Court had taken in an attempt to address the issue, DeFunis v. Odegaard (1974), was dismissed on procedural grounds.  
   Allan P. Bakke (), an engineer and former Marine officer, sought admission to medical school but was rejected for admission partly because of his age — Bakke was in his early 30s while applying, which at least two institutions considered too old. After twice being rejected by the University of California, Davis, he brought suit in state court challenging the constitutionality of the school's affirmative-action program. The California Supreme Court struck down the program as violative of the rights of white applicants and ordered Bakke admitted. The U.S. Supreme Court accepted the case amid wide public attention.  
   The ruling on the case was highly fractured. The nine justices issued a total of six opinions. The judgment of the court was written by Justice Lewis F. Powell Jr.; two different blocs of four justices joined various parts of Powell's opinion. Finding diversity in the classroom to be a compelling state interest, Powell opined that affirmative action in general was allowed under the Constitution and the Title VI of the Civil Rights Act of 1964. Nevertheless, UC Davis's program went too far for a majority of justices; it was struck down and Bakke was admitted. The practical effect of Bakke was that most affirmative action programs continued without change. Questions about whether the Bakke case was merely a plurality opinion or binding precedent were addressed in 2003 when the court upheld Powell's position in the majority opinion of Grutter v. Bollinger. However, in 2023, the Supreme Court reversed that position, finding that affirmative action in student admissions impermissibly violated the Equal Protection Clause of the Fourteenth Amendment in Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina.

# Text 892:

**Florida Lime & Avocado Growers, Inc. v. Paul, 373 U.S. 132 (1963), was a 1963 decision of the United States Supreme Court in which the Court declined to invalidate a California law that imposed minimum fat content standards on avocados sold in the state, including those imported from other states. The law prohibited the sale of avocados that did not contain at least 8% oil by weight. Florida, a major avocado producer, employed, for wholesale marketing purposes, a federal standard unrelated to oil content. Most Florida avocados that were marketable at home failed to meet the California standard, because they were a different variety from those sold in California, with a lower fat content. Accordingly, Florida avocado growers brought this suit, arguing (unsuccessfully) that the California law (1) was preempted by federal law, (2) violated equal protection, and (3) unduly burdened and interfered with their right to engage in interstate commerce. The case is widely used in law school casebooks on constitutional law and federal jurisdiction as illustrative of preemption issues.**

1. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 893:

**Taylor v. Illinois, 484 U.S. 400 (1988), is a United States Supreme Court decision in which the Court held that defense witnesses can be prevented from testifying under certain circumstances, even if that hurts the defense's case. Taylor was the first case to hold that there is no absolute bar to blocking the testimony of a surprise witness, even if that is an essential witness for the defendant, a limitation of the broad right to present a defense recognized in Washington v. Texas (1967).  
Taylor was the first Compulsory Process Clause case since Washington v. Texas to provide a specific limitation on the right of defendants to force their witnesses to testify. In that case, the Court construed a defendant's right very broadly in his ability to present a defense. Here, however, the Court restricted that ability to comply with court rules, especially if those rules were of equal consequence upon both the prosecution and the defense. This decision was reached over the dissent of three Justices, all of whom felt a defendant's case should not be limited based on an error solely by the defendant's attorney to list appropriate witnesses.**

1. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.
2. James v. Illinois, 493 U.S. 307 (1990), was a United States Supreme Court case in which the Court forbade the admission of evidence obtained in violation of the Fourth Amendment for the use of impeaching statements made by a defense witness.

# Text 894:

**Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4**

1. Brady v. United States, 397 U.S. 742 (1970), was a United States Supreme Court case in which the Court refused to hold that large sentencing discounts and threats of the death penalty are sufficient evidence of coercion.
2. Benton v. Maryland, 395 U.S. 784 (1969), is a Supreme Court of the United States decision concerning double jeopardy. Benton ruled that the Double Jeopardy Clause of the Fifth Amendment applies to the states. In doing so, Benton expressly overruled Palko v. Connecticut.

# Text 895:

**Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995), was a landmark United States Supreme Court case which held that racial classifications, imposed by the federal government, must be analyzed under a standard of "strict scrutiny", the most stringent level of review which requires that racial classifications be narrowly tailored to further compelling governmental interests. Justice Sandra Day O'Connor wrote the majority opinion of the Court, which effectively overturned Metro Broadcasting, Inc. v. FCC, in which the Court had created a two tiered system for analyzing racial classifications. Adarand held the federal government to the same standards as the state and local governments through a process of "reverse incorporation," in which the 5th Amendment's Due Process Clause was held to bind the federal government to the same standards as state and local governments are bound under the 14th Amendment.**

1. Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.
2. Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.

# Text 896:

**Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), is a United States Supreme Court case on whether the interpretation of patent claims is a matter of law or a question of fact. An issue designated as a matter of law is resolved by the judge, and an issue construed as a question of fact is determined by the jury.**

1. Zenith Radio Corp. v. Hazeltine Research, Inc. is the caption of several United States Supreme Court patent–related decisions, the most significant of which is a 1969 patent–antitrust and patent–misuse decision concerning the levying of patent royalties on unpatented products.
2. United States v. Huck Mfg. Co., 382 U.S. 197 (1965), is the most recent patent-license price-fixing case to reach the United States Supreme Court. It was inconclusive, as the Court split 4–4 and affirmed the decision of the lower court without opinion.

# Text 897:

**Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.**

1. Cooper v. Pate, 378 U.S. 546 (1964), was a U.S. Supreme Court case in which the court ruled for the first time that state prison inmates have the standing to sue in federal court to address their grievances under the Civil Rights Act of 1871. This case followed Jones v. Cunningham (1963) allowing prison inmates to employ a writ of habeas corpus to challenge the legality of their sentencing and the conditions of their imprisonment.
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 898:

**United Building & Construction Trades Council v. Mayor and Council of Camden, 465 U.S. 208 (1984), was a case in which the Supreme Court of the United States held that a city can pressure private employers to hire city residents, but the same exercise of power to bias private contractors against out-of-state residents may be called into account under the Privileges and Immunities Clause of Article Four of the United States Constitution.**

1. Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. San Diego Building Trades Council v. Garmon, 359 U.S. 236 (1959), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 899:

**Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Briggs v. Elliott, 342 U.S. 350 (1952), on appeal from the U.S. District Court for the Eastern District of South Carolina, challenged school segregation in Summerton, South Carolina. It was the first of the five cases combined into Brown v. Board of Education (1954), the famous case in which the U.S. Supreme Court declared racial segregation in public schools to be unconstitutional by violating the Fourteenth Amendment's Equal Protection Clause. Following the Brown decision, the district court issued a decree that struck down the school segregation law in South Carolina as unconstitutional and required the state's schools to integrate. Harry and Eliza Briggs, Reverend Joseph A. DeLaine, and Levi Pearson were awarded Congressional Gold Medals posthumously in 2003.

# Text 900:

**Barenblatt v. United States, 360 U.S. 109 (1959), was a case in which the Supreme Court of the United States ruled that the actions of the House Un-American Activities Committee did not violate the First Amendment and, thus, the Court upheld Lloyd Barenblatt's conviction for contempt of Congress. The Court held that the congressional committee had authority to compel a college professor to answer questions about his Communist Party membership.**

1. Braden v. United States, 365 U.S. 431 (1961), was a case in which the Supreme Court of the United States held that the conviction of the petitioner, Carl Braden, based on his refusal to answer questions posed to him by the House Un-American Activities Committee, did not violate his First Amendment rights and was constitutional.
2. Wilkinson v. United States, 365 U.S. 399 (1961), was a court case during the McCarthy Era in which the petitioner, Frank Wilkinson, an administrator with the Housing Authority of the City of Los Angeles, challenged his conviction under 2 U.S.C. § 192, which makes it a misdemeanor to refuse to answer any question pertinent to the question under inquiry for any person summoned as a witness by Congress. The petitioner's conviction was sustained in a 5–4 ruling, upholding a prior ruling in Barenblatt v. United States.  
   The petitioner was indeed summoned to testify before a Subcommittee of the House of Representatives' Un-American Activities Committee, which was investigating alleged Communist infiltration into basic industries and Communist Party propaganda activities. The petitioner refused to answer a question as to whether he was a member of the Communist Party, contending that the Subcommittee lacked legal authority to interrogate him and that its questioning violated his First Amendment rights. He was convicted of a misdemeanor violation of 2 U.S.C. § 192. The Court also, on February 27, 1961, denied Braden v. United States, a companion case appealing a similar 2 U.S.C. § 192 conviction.  
   The underlying activities of the FBI and government agencies later resulted in a case, Wilkinson v. FBI, in which it was revealed that the FBI believed the witness that provided the assertion of Wilkinson's association with the Communist Party was "unreliable and emotionally unstable."

# Text 901:

**Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".**

1. Arizona Christian School Tuition Organization v. Winn, 563 U.S. 125 (2011), is a decision by the Supreme Court of the United States involving taxpayer standing under Article Three of the United States Constitution.  
   A group of Arizona taxpayers challenged a state law providing tax credits to people who donate to school tuition organizations providing scholarships to students attending private or religious schools. The taxpayers claimed a violation of the Establishment Clause. The District Court dismissed the case, holding that the taxpayers did not state a valid claim. The decision was reversed by the Ninth Circuit, which ruled that the respondents had standing to sue, citing Flast v. Cohen.  
   The Supreme Court ruled 5–4, in an opinion delivered by Justice Anthony Kennedy, that the plaintiffs did not have standing to bring suit. The Court stated that it had "rejected the general proposition that an individual who has paid taxes has a 'continuing, legally cognizable interest in ensuring that those funds are not used by the Government in a way that violates the Constitution.'" Ultimately, the Supreme Court found that any damages or harm claimed by the taxpayers by virtue of simply being a taxpayer would be pure speculation because the issue at hand was a tax credit and not a government expenditure. Justice Scalia filed a concurring opinion, joined by Justice Thomas.  
   In her dissent, Justice Kagan said "cash grants and targeted tax breaks are means of accomplishing the same government objective—to provide financial support to select individuals or organizations." She further argued: "taxpayers should be able to challenge the subsidy." The dissent was joined by Justices Ginsburg, Breyer, and Sotomayor. Bruce Peabody, a political science professor at Fairleigh Dickinson University, remarked "the case brought out four dissents, a signal that those justices were prepared to decide the substantive issue." Equally, Peter Woolley, professor of political science and director of the PublicMind Poll, posited "in making this ruling on such narrow grounds, the court virtually guarantees that plaintiff in one guise or another will be back another day."
2. Flast v. Cohen, 392 U.S. 83 (1968), was a United States Supreme Court case holding that federal taxpayers have standing to seek relief from the courts for claims that federal tax money is being used for unconstitutional purposes in violation of the Establishment Clause of the First Amendment.  
   The Supreme Court decided in Frothingham v. Mellon (1923), that a taxpayer did not have standing to sue the federal government to prevent expenditures if his only injury is an anticipated increase in taxes. Frothingham v. Mellon did not recognize a constitutional barrier against federal taxpayer lawsuits. Rather, it denied standing because the petitioner did not allege "a breach by Congress of the specific constitutional limitations imposed upon an exercise of the taxing and spending power." Because the purpose of standing is to avoid burdening the court with situations in which there is no real controversy, standing is used to ensure that the parties in the suit are properly adversarial, "not whether the issue itself is justiciable."  
   In 1968, Florence Flast joined several others in filing a lawsuit against Wilbur Cohen, the Secretary of Health, Education, and Welfare, contending that spending funds on religious schools violated the First Amendment's ban on the establishment of religion. The district court denied standing, and the Supreme Court heard the appeal.

# Text 902:

**New Jersey v. T. L. O., 469 U.S. 325 (1985), is a landmark decision by the Supreme Court of the United States which established the standards by which a public school official can search a student in a school environment without a search warrant, and to what extent.  
The case centered around a student at Piscataway High School in Middlesex County, New Jersey, known then only by her initials T. L. O., who was searched for contraband after she was caught smoking in a school bathroom. She was sent to the principal's office, where the assistant vice principal searched her purse and found marijuana, drug paraphernalia, and documentation of drug sales. She was suspended from the school and charged by police for the paraphernalia found in the search, but fought the charges on the basis that the search of her purse violated the Fourth Amendment's prohibition against unreasonable search and seizure.  
The New Jersey Superior Court affirmed the constitutionality of the search, but the Supreme Court of New Jersey reversed, holding that the search of her purse was unreasonable. On appeal to the U.S. Supreme Court, the Court held that the Fourth Amendment applies to searches conducted by school officials in a school setting. However, school officials do not need to have probable cause nor obtain a warrant before searching a student. Instead, in order for a search to be justified, school officials must have "reasonable suspicion" that the student has violated either the law or school rules. In a 6–3 decision delivered by Justice Byron White, the Court ruled that the school's search of T. L. O.'s purse was constitutional, setting a new precedent for school searches and student privacy.**

1. Safford Unified School District v. Redding, 557 U.S. 364 (2009), was a case in which the Supreme Court of the United States held that a strip search of a middle school student by school officials violated the Fourth Amendment to the U.S. Constitution, which prohibits unreasonable searches and seizures.  
   On October 8, 2003, the assistant principal of Safford Middle School in Safford, Arizona, informed 13-year-old Savana Redding that another student had accused her of distributing prescription-strength ibuprofen, which was disallowed without prior permission by school rules. Redding denied this accusation, and after a search of her belongings did not reveal any pills, school officials instructed her to remove her outer clothing and pull out her bra and underpants, which also did not reveal any pills.  
   Redding's mother sued the Safford Unified School District and the school officials who searched her daughter, arguing that they had violated the Fourth Amendment. On June 25, 2009, in an 8–1 decision authored by Justice David Souter, the Supreme Court held that the search failed to meet the "reasonable suspicion" standard for searches of students in a school setting established by the Court in New Jersey v. T. L. O. (1985), stating that the school lacked reasons to suspect either that the drugs presented a danger or that they were concealed in her underwear. However, the Court also found that because there was sufficient doubt as to whether the law was clearly established at the time of the search, the school officials were shielded from liability by qualified immunity.  
   The case garnered nationwide interest and sparked debates over the extent to which school officials should enforce zero-tolerance policies in schools. Justice Ruth Bader Ginsburg was the only female justice at the time and discussed the case in an interview while a decision was still pending; observers have described Ginsburg's role in the case as emphasizing the need for more diversity on the Supreme Court.
2. Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853 (1982), was a landmark case in which the United States Supreme Court split on the First Amendment issue of local school boards removing library books from junior high schools and high schools. Four Justices ruled that it was unconstitutional, four Justices concluded the contrary (with perhaps a few minor exceptions), and one Justice concluded that the court need not decide the question on the merits. Pico was the first Supreme Court case to consider the right to receive information in a library setting under the First Amendment, but the court's fractured plurality decision left the scope of this right unclear.

# Text 903:

**Heckler v. Chaney, 470 U.S. 821 (1985), is a decision of the Supreme Court of the United States which held that a federal agency's decision to not take an enforcement action is presumptively unreviewable by the courts under section 701(a)(2) of the Administrative Procedure Act (APA). The case arose out of a group of death row inmates' petition to the Food and Drug Administration (FDA), seeking to have the agency thwart the state governments' plans to execute the inmates by lethal injection. The FDA declined to interfere, a decision the inmates appealed unsuccessfully to the District Court for the District of Columbia. On further review, the D.C. Circuit Court of Appeals held that the FDA's action was reviewable and that its denial was "arbitrary and capricious". The Supreme Court unanimously reversed the appeals court and declared in an 8–1 decision that agency nonenforcement decisions were presumptively unreviewable.  
The case hinged on various interpretations of sections 706 and 701(a) of the APA. Section 706 makes agency actions reviewable and empowers courts to set them aside when they are found to be "arbitrary, capricious, [or] an abuse of discretion", while section 701(a) lists two exceptions to section 706, preventing review where it is prevented by another statute or "committed to agency discretion by law". These two exceptions, fairly similar in scope, raised questions for courts attempting to interpret them. In Citizens to Preserve Overton Park v. Volpe (1971), the court ruled that the section 701(a)(2) exemption applies only where "statutes are drawn in such broad terms that in a given case there is no law to apply" that might constrain the agency's discretion, a holding which provoked some criticism from lower courts and the wider legal community.  
The D.C. Circuit Court of Appeals reacted to Overton Park by holding that practical considerations should be used in determining whether to grant review, rather than looking at the laws relevant to the agency in question – in Chaney, they did precisely this in overturning the district court. The Supreme Court overturned the appeals court's decision and upheld Overton Park's emphasis on statutory considerations, but the presumption of unreviewability it created in this case was largely based on practical factors rather than statutory factors. It reasoned that, in general, an agency's decision not to enforce does not easily lend itself to manageable standards of judicial review, likening such a decision to one a prosecutor might make. It highlighted, however, that the presumption of unreviewability can be rebutted where the plaintiffs provide a relevant statute ("law to apply") that limits the discretion of the agency.  
Justice William J. Brennan Jr. concurred with the majority and emphasized that the court was not closing off all avenues of review for nonenforcement decisions. Justice Thurgood Marshall concurred in the judgment only, criticizing the majority's decision to create a presumption of unreviewability and instead arguing that the FDA's decision should have been held to be reviewable and upheld on the merits. Lower courts largely accepted the ruling, albeit with varying interpretations of scope; the wider legal community criticized the majority's rationale for a presumption of unreviewability while agreeing with the result immediately concerning the inmates.**

1. Citizens to Preserve Overton Park v. Volpe, 401 U.S. 402 (1971), is a landmark decision by the Supreme Court of the United States that established the basic legal framework for judicial review of the actions of administrative agencies. It substantially narrowed the Administrative Procedure Act's Section 701(a)(2) exception from judicial review. It also stands as a notable example of the power of litigation by grassroots citizen movements to block government action.
2. Abbott Laboratories v. Gardner, 387 U.S. 136 (1967), was a case heard before the United States Supreme Court. The Court held that drug companies were not prohibited by the ripeness doctrine from challenging a U.S. Food and Drug Administration (FDA) regulation requiring a prescription drug's generic name to appear on all related printed materials. The government argued that the case was not ripe because the regulation had yet to be enforced. That argument failed as the Court found the issues to be fit for judicial resolution, and that the drug companies would experience substantial hardship if denied a pre-enforcement challenge to the statute. Prosecution for non-compliance was likely, civil and criminal penalties could be imposed, and the drug companies would suffer reputational damage if required to violate the regulation before challenging it in court.

# Text 904:

**Continental Television v. GTE Sylvania, 433 U.S. 36 (1977), was an antitrust decision of the Supreme Court of the United States. It widened the scope of the "rule of reason" to exclude the jurisdiction of antitrust laws.**

1. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.
2. United States v. Continental Can Co., 378 U.S. 441 (1964), was a U.S. Supreme Court case which addressed antitrust issues. One issue it addressed was how should a market segment be defined for purposes of reviewing a merger of companies which manufacture different but related products.

# Text 905:

**County of Riverside v. McLaughlin, 500 U.S. 44 (1991), was a United States Supreme Court case which involved the question of within what period of time must a suspect arrested without a warrant (warrantless arrests) be brought into court to determine if there is probable cause for holding the suspect in custody. The majority held that suspects must generally be granted a probable cause determination within 48 hours of arrest. The dissent believed that probable cause hearings should generally be provided much sooner, as soon as the police complete the administrative steps incident to arrest.**

1. McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."
2. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.

# Text 906:

**Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.**

1. Schlesinger v. Councilman, 420 U.S. 738 (1975), was a case decided by the Supreme Court of the United States.  
   The case was a key part of government arguments in the 2006 case of Hamdan v. Rumsfeld, defending its contention that the Supreme Court should not have heard the case, because Hamdan was still being processed by a military tribunal court in Guantanamo Bay.  
   Both the majority opinion by Justice John Paul Stevens and the dissenting argument of Justice Antonin Scalia referenced the case.
2. Schlesinger v. Ballard, 419 U.S. 498 (1975), was a United States Supreme Court case that upheld a federal statute granting female Naval officers four more years of commissioned service before mandatory discharge than male Naval officers. A group of naval officers who were discharged prior to their tenth year of commissioned service, as a result of not being promoted, received a lower rate of separation pay than female officers who were permitted to remain in service longer and receive three additional promotion board opportunities. As a result, the female officers who failed to be promoted received a higher rate of separation pay over their male counterparts. Ballard, a male officer who was passed over earned $15,000 in separation pay, but if he had been a similarly situated female officer, he argued that he would have received over $200,000 in separation pay. Ballard had also served as an enlisted sailor, but his eighteen years of total service was not enough to earn a military retirement. Although Justice Harry Blackmun's clerk pointed this out in a memorandum, Blackmun responded "We are first of all, dealing with the military and not with some civilian set-up, and I suppose this adds a protective factor to the government's position."

# Text 907:

**County of Oneida v. Oneida Indian Nation of New York State, 470 U.S. 226 (1985), was a landmark United States Supreme Court case concerning aboriginal title in the United States. The case, sometimes referred to as Oneida II, was "the first Indian land claim case won on the basis of the Nonintercourse Act."  
The Supreme Court held that Indian tribes have a common law cause of action for possessory land claims based upon aboriginal title, that the Nonintercourse Act did not preempt that cause of action, and that the cause of action was not barred by a statute of limitations, abatement, implicit federal ratification, or nonjusticiability. Four dissenting justices would have held for the counties on the defense of laches, a question which the majority did not reach, but expressed doubts about.  
Furthermore, the Court held that, due to the Eleventh Amendment, federal courts could not exercise ancillary jurisdiction over cross-claims by counties against states. Although only two other justices agreed with the entirety of Justice Powell's majority opinion, Brennan and Marshall agreed with Parts I-IV and VI (the Oneida's claims against the counties) and Burger, White, and Rehnquist agreed with Part V (the counties claims against the state), thus forging separate majorities.  
The case is often referred to as Oneida II because it is the second of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It followed Oneida Indian Nation of New York v. County of Oneida (Oneida I) (1974), holding that there was federal subject-matter jurisdiction, and was followed by City of Sherrill v. Oneida Indian Nation of New York (2005), rejecting the tribe's attempt in a later lawsuit to re-assert tribal sovereignty over parcels of land re-acquired by the tribe in fee simple.**

1. Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 661 (1974), is a landmark decision by the United States Supreme Court concerning aboriginal title in the United States. The original suit in this matter was the first modern-day Native American land claim litigated in the federal court system rather than before the Indian Claims Commission. It was also the first to go to final judgement.  
   The Supreme Court held that there is federal subject-matter jurisdiction for possessory land claims brought by Indian tribes based upon aboriginal title, the Nonintercourse Act, and Indian treaties. In delivering the opinion of the Court, Associate Justice Byron White wrote that jurisdiction for such suits arose both from 28 U.S.C. § 1331, conferring jurisdiction for cases arising under the Constitution, laws, or treaties of the United States and 28 U.S.C. § 1362, conferring similar jurisdiction to cases brought by Indian tribes regardless of the amount in controversy.  
   The case is often referred to as Oneida I because it is the first of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It was followed by County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985), rejecting all of the affirmative defenses raised by the counties in the same action, and City of Sherrill v. Oneida Indian Nation of New York (Sherrill) (2005), rejecting the tribe's attempt in a later lawsuit to reassert tribal sovereignty over parcels of land reacquired by the tribe in fee simple.
2. South Carolina v. Catawba Indian Tribe, Inc., 476 U.S. 498 (1986), is an important U.S. Supreme Court precedent for aboriginal title in the United States decided in the wake of County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985). Distinguishing Oneida II, the Court held that federal policy did not preclude the application of a state statute of limitations to the land claim of a tribe that had been terminated, such as the Catawba tribe.  
   The Court remanded to the United States Court of Appeals for the Fourth Circuit to determine whether South Carolina's statute of limitations applied to the facts of the case. All together, the Fourth Circuit heard oral arguments in the case seven times, six of those times sitting en banc, i.e. all the judges on the Circuit rather than a panel of three (although the Circuit wrote only five published opinions). The Fourth Circuit determined that the limitations statute only barred the claim against those defendants that could satisfy the standards of adverse possession and upheld the trial court's denial of a defendant class certification.  
   These rulings would have required the Catawbas to file individual lawsuits against the estimated 60,000 landowners in the area. The complaints were prepared and printed, but the parties reached a settlement before the date on which the Catawbas would have been required to file the individual complaints. Congress ratified the settlement, extinguishing all aboriginal title held by the Catawbas in exchange for $50,000,000—$32,000,000 paid by the federal government and $18,000,000 paid by the state.

# Text 908:

**Speiser v. Randall, 357 U.S. 513 (1958), was a U.S. Supreme Court case addressing the State of California's refusal to grant to ACLU lawyer Lawrence Speiser, a veteran of World War II, a tax exemption because that person refused to sign a loyalty oath as required by a California law enacted in 1954. The court reversed a lower court ruling that the loyalty oath provision did not violate the appellants' First Amendment rights.**

1. Keller v. State Bar of California, 496 U.S. 1 (1990), was a case in which the Supreme Court of the United States held that attorneys who are required to be members of a state bar association have a First Amendment right to refrain from subsidizing the organization’s political or ideological activities.
2. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.

# Text 909:

**United States v. Verdugo-Urquidez, 494 U.S. 259 (1990), was a United States Supreme Court decision that determined that Fourth Amendment protections do not apply to searches and seizures by United States agents of property owned by a nonresident alien in a foreign country.**

1. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.
2. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.

# Text 910:

**Inwood Laboratories Inc. v. Ives Laboratories, Inc., 456 U.S. 844 (1982), is a United States Supreme Court case, in which the Court confirmed the application of and set out a test for contributory trademark liability under § 32 of the Lanham Act (15 U.S.C. § 1114).**

1. Qualitex Co. v. Jacobson Products Co., Inc., 514 U.S. 159 (1995), was a United States Supreme Court case in which the Court held that a color could meet the legal requirements for trademark registration under the Lanham Act, provided that it has acquired secondary meaning in the market.
2. Dawson Chemical Co. v. Rohm & Haas Co., 448 U.S. 176 (1980), is a 1980 5–4 decision of the United States Supreme Court limiting the patent misuse doctrine and explaining the scope of the 1952 amendment of the patent laws that resurrected the contributory infringement doctrine in the wake of the Mercoid cases. The Mercoid cases and a few predecessor cases had denied relief against patent infringement to patentees who were deriving revenue from the sale of unpatented products used as supplies for patented combinations or as components of patented combinations, even when the unpatented products were specially adapted for use with the patented combinations and even when they lacked any utility other than that use. The patentees used contributory infringement suits or threats of such suits to enforce their business model, which the Mercoid cases outlawed.  
   In the Mercoid cases the Court had stated: "The result of this decision, together with those which have preceded it, is to limit substantially the doctrine of contributory infringement. What residuum may be left we need not stop to consider." This caused "some consternation among patent lawyers," and some "segments of the patent bar eventually decided to ask Congress for corrective legislation that would restore some scope to the contributory infringement doctrine. With great perseverance, they advanced their proposal in three successive Congresses before it eventually was enacted in 1952." Dawson interpreted the 1952 amendments to re-establish contributory infringement as a possible claim for relief and held that supplying an unpatented product especially adapted for use in practicing a patented process and without any substantial non-infringing use was unlawful contributory infringement.

# Text 911:

**Schacht v. United States, 398 U.S. 58 (1970), was a United States Supreme Court case, which ruled that actors could wear accurate military uniforms—regardless of the production's portrayal of the military—on First Amendment grounds.**

1. Gillette v. United States, 401 U.S. 437 (1971), is a decision from the Supreme Court of the United States, adding constraints on the terms of conscientious objection resulting from draftees in the Selective Service.
2. Goldman v. Weinberger, 475 U.S. 503 (1986), was a United States Supreme Court case in which a Jewish Air Force officer was denied the right to wear a yarmulke when in uniform on the grounds that the Free Exercise Clause applies less strictly to the military than to ordinary citizens.

# Text 912:

**Flast v. Cohen, 392 U.S. 83 (1968), was a United States Supreme Court case holding that federal taxpayers have standing to seek relief from the courts for claims that federal tax money is being used for unconstitutional purposes in violation of the Establishment Clause of the First Amendment.  
The Supreme Court decided in Frothingham v. Mellon (1923), that a taxpayer did not have standing to sue the federal government to prevent expenditures if his only injury is an anticipated increase in taxes. Frothingham v. Mellon did not recognize a constitutional barrier against federal taxpayer lawsuits. Rather, it denied standing because the petitioner did not allege "a breach by Congress of the specific constitutional limitations imposed upon an exercise of the taxing and spending power." Because the purpose of standing is to avoid burdening the court with situations in which there is no real controversy, standing is used to ensure that the parties in the suit are properly adversarial, "not whether the issue itself is justiciable."  
In 1968, Florence Flast joined several others in filing a lawsuit against Wilbur Cohen, the Secretary of Health, Education, and Welfare, contending that spending funds on religious schools violated the First Amendment's ban on the establishment of religion. The district court denied standing, and the Supreme Court heard the appeal.**

1. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 913:

**Frontiero v. Richardson, 411 U.S. 677 (1973), was a landmark United States Supreme Court case which decided that benefits given by the United States military to the family of service members cannot be given out differently because of sex. Frontiero is an important decision in several respects, including the fact that it informed the military establishment that in terms of pay, allowances and general treatment, women must be considered on an equal plane as men. However, the Court did not issue a broad decision requiring the military to prove in the courts its reasons for excluding women from combat positions.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. United States v. Richardson, 418 U.S. 166 (1974), was a United States Supreme Court case concerning standing in which the Court held a taxpayer's interest in government spending was generalized, and too "undifferentiated" to confer Article III standing to challenge a law which exempted Central Intelligence Agency funding from Article I, Section 9 requirements that such expenditures be audited and reported to the public.

# Text 914:

**Riggins v. Nevada, 504 U.S. 127 (1992), is a U.S. Supreme Court case in which the court decided whether a mentally ill person can be forced to take antipsychotic medication while they are on trial to allow the state to make sure they remain competent during the trial.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Washington v. Harper, 494 U.S. 210 (1990), was a United States Supreme Court case in which an incarcerated inmate sued the state of Washington over the issue of involuntary medication, specifically antipsychotic medication.

# Text 915:

**Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.**

1. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.
2. Merrion v. Jicarilla Apache Tribe, 455 U.S. 130 (1982), was a case in which the Supreme Court of the United States holding that an Indian tribe has the authority to impose taxes on non-Indians that are conducting business on the reservation as an inherent power under their tribal sovereignty.

# Text 916:

**United States v. O'Hagan, 521 U.S. 642 (1997), was a United States Supreme Court case concerning insider trading and breach of U.S. Securities and Exchange Commission Rule 10(b) and 10(b)-5. In an opinion written by Justice Ruth Bader Ginsburg, the Court held that an individual may be found liable for violating Rule 10(b)-5 by misappropriating confidential information. The Court also held that the Securities and Exchange Commission did not exceed its rulemaking authority when it adopted Rule 14e-3(a), "which proscribes trading on undisclosed information in the tender offer setting, even in the absence of a duty to disclose".**

1. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.
2. Upjohn Co. v. United States, 449 U.S. 383 (1981), was a Supreme Court case in which the Court held that a company (in this case, the Upjohn company) could invoke the attorney–client privilege to protect communications made between company lawyers and non-management employees. In doing so, the Court rejected the narrower control group test that had previously governed many organizational attorney–client privilege issues. Under the control group test, only employees who exercised direct control over the managerial decisions of the company were eligible to have their communications with corporate lawyers protected. The case also expanded the scope of the work-product doctrine.  
   While the Upjohn decision did not explicitly mention a warning procedure, the case gave rise to a procedure called an "Upjohn warning", in which a company's lawyer explains that the lawyer represents the company and not the individual employee with whom the lawyer is dealing. This is intended to ensure that the employee understands that the company can waive the attorney-client privilege at any time and disclose the contents of the conversation between the lawyer and the employee, even if the employee objects. In subsequent cases, failure to give an Upjohn warning has led to the employee being able to claim privilege over communications with company lawyers.

# Text 917:

**Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400 (1968), is a 1968 United States Supreme Court case in which the court held per curiam that after a successful effort to obtain an injunction under Title II of the Civil Rights Act of 1964, attorney's fees under Section 204(b) are generally recoverable.**

1. United States v. Parke, Davis & Co., 362 U.S. 29 (1960), was a 1960 decision of the United States Supreme Court limiting the so-called Colgate doctrine, which substantially insulates unilateral refusals to deal with price-cutters from the antitrust laws. The Parke, Davis & Co. case held that, when a company goes beyond "the limited dispensation" of Colgate by taking affirmative steps to induce adherence to its suggested prices, it puts together a combination among competitors to fix prices in violation of § 1 of the Sherman Act. In addition, the Court held that when a company abandons an illegal practice because it knows the US Government is investigating it and contemplating suit, it is an abuse of discretion for the trial court to hold the case that follows moot and dismiss it without granting relief sought against the illegal practice.
2. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.

# Text 918:

**Powell v. McCormack, 395 U.S. 486 (1969), is a United States Supreme Court case that held that the Qualifications of Members Clause of Article I of the US Constitution is an exclusive list of qualifications of members of the House of Representatives, which may exclude a duly elected member for only those reasons enumerated in that clause.**

1. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.
2. Stone v. Powell, 428 U.S. 465 (1976), was decision of the Supreme Court of the United States that limited which claims of Fourth Amendment violations could be made by state prisoners in habeas corpus petitions in federal courts. Specifically, a claim that the exclusionary rule had been broken would be barred if state courts had already given it a full and fair hearing. The decision combined two cases that were argued before the Supreme Court on the same day with similar issues, one filed by Lloyd Powell (convicted of murder in California) and the other, titled Wolff v. Rice, filed by David Rice (convicted of murder in Nebraska).

# Text 919:

**Aetna Health Inc. v. Davila, 542 U.S. 200 (2004), was a United States Supreme Court case in which the Court limited the scope of the Texas Healthcare Liability Act (THCLA). The effective result of this decision was that the THCLA, which held Case Management and Utilization Review decisions by Managed Care entities like CIGNA and Aetna to a legal duty of care according to the laws of The State of Texas could not be enforced in the case of Health Benefit plans provided through private employers, because the Texas statute allowed compensatory or punitive damages to redress losses or deter future transgressions, which were not available under ERISA § 1132. The ruling still allows the State of Texas to enforce the THCLA in the case of Government-sponsored (Medicare, Medicaid, Federal, State, Municipal Employee, etc., Church-sponsored, or Individual Health Plan Policies (High-deductible individual policies, self-pay, any insurance not subsidised by a Private Employer), which are saved from preemption by ERISA. The history that allows these Private and Self-Pay Insurance to be saved dates to the "Interstate Commerce" power that was given the federal Government by the Supreme Court. ERISA, enacted in 1974, relied on the "Interstate Commerce" rule to allow federal jurisdiction over private employers, based on the need of private employers to follow a single set of paperwork and rules for pensions and other employee benefit plans where employers had employees in multiple states. Except for private employer plans, insurance can be regulated by the individual states, and Managed Care entities making medical decisions can be held accountable for those decisions if negligence is involved, as allowed by the Texas Healthcare Liability Act.**

1. Mertens v. Hewitt Associates, 508 U.S. 248 (1993), is the second in the trilogy of United States Supreme Court ERISA preemption cases that effectively denies any remedy for employees who are harmed by medical malpractice or other bad acts of their health plan if they receive their health care from their employer.
2. Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1 (1983), commonly cited as Moses Cone or Cone Hospital, is a United States Supreme Court decision concerning civil procedure, specifically the abstention doctrine, as it applies to enforcing an arbitration clause in a diversity case. By a 6–3 margin, the justices resolved a complicated construction dispute by ruling that a North Carolina hospital had to arbitrate a claim against the Alabama-based company it had hired to build a new wing, even though it meant that it could not consolidate it with ongoing litigation it had brought in state court against the contractor and architect.  
   Justice William Brennan wrote for the majority that a district court's stay of the contractor's petition to compel arbitration was an "abuse of discretion". It had not properly applied the Court's prior ruling in Colorado River Water Conservation District v. United States. Since the net effect of the stay was to force the contractor to litigate in state court, Mercury's appeal to the Fourth Circuit was proper, and the appeals court properly reversed the stay. Since the contract was covered by the Federal Arbitration Act (FAA), the hospital had no way to avoid arbitration, which the contractor could not be assured of getting under existing state law.  
   William Rehnquist's dissent, joined by Chief Justice Warren E. Burger and Sandra Day O'Connor, accused the majority of misreading the case in order to get the contractor into arbitration. He argued that another case, Will v. Calvert Fire Insurance Co., permitted the district court's action, which in any case was routine docket management practiced by many district judges.  
   While arbitration was not the main issue in the case, it had a profound effect on future cases concerning the FAA. Two of Brennan's passing dicta, that the FAA applied to actions in state court and that it enacted a national policy in favor of arbitration, became the central holdings of Southland Corp. v. Keating the following year, a case from which O'Connor and Rehnquist dissented. Those holdings have been challenged, even by some other justices, as fundamentally at odds with the language and legislative history of the FAA, even as the Court has continued to expand its scope since then.

# Text 920:

**Levy v. Louisiana, 391 U.S. 68 (1968), is a decision of the Supreme Court of the United States. This decision deals primarily with the civil rights of illegitimate children, specifically regarding their ability to sue on a deceased parent's behalf. It held that the right of recovery may not be denied merely because a person is the illegitimate child of the deceased because such a law would violate the Equal Protection Clause of the Fourteenth Amendment.**

1. Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
   The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.
2. Taylor v. Louisiana, 419 U.S. 522 (1975), was a landmark decision of the US Supreme Court which held that systematically excluding women from a venire, or jury pool, by requiring (only) them to actively register for jury duty violated the defendant's right to a representative venire. The court overturned Hoyt v. Florida, the 1961 case that had allowed such a practice.

# Text 921:

**Oliver v. United States, 466 U.S. 170 (1984), is a United States Supreme Court decision relating to the open fields doctrine limiting the Fourth Amendment to the United States Constitution.**

1. United States v. Dunn, 480 U.S. 294 (1987), is a U.S. Supreme Court decision relating to the open fields doctrine limiting the Fourth Amendment of the U.S. Constitution.
2. Murray v. United States, 487 U.S. 533 (1988), was a United States Supreme Court decision that created the modern "independent source doctrine" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution inadmissible in criminal trials as "fruit of the poisonous tree". In Murray, the Court ruled that when officers conduct two searches, the first unlawful and the second lawful, evidence seized during the second search is admissible if the second search "is genuinely independent of [the] earlier one."

# Text 922:

**United States v. Johnson, 457 U.S. 537 (1982), was a United States Supreme Court case.**

1. United States v. Johnson, 390 U.S. 563 (1968), was a United States Supreme Court case.
2. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.

# Text 923:

**Abuelhawa v. United States, 556 U.S. 816 (2009), was a United States Supreme Court case in which the Court held that a defendant who used a cellphone for the misdemeanor purchase of cocaine could not be charged with a felony for using a "communication facility" to facilitate the distribution of an illegal drug under 21 U.S.C. § 843(b).**

1. DePierre v. United States, 564 U.S. 70 (2011), was a case in which the Supreme Court of the United States held that the use of the term "cocaine base" in 21 U.S.C. § 841(b)(1) refers to cocaine in its chemically basic form. The decision of the Court was unanimous, except with respect to Part III–A.
2. Smith v. United States, 508 U.S. 223 (1993), is a United States Supreme Court case that held that the exchange of a gun for drugs constituted "use" of the firearm for purposes of a federal statute imposing penalties for "use" of a firearm "during and in relation to" a drug trafficking crime.  
   In Watson v. United States, 128 S.Ct. 697 (2007) the court later decided that a transaction in the opposite direction does not violate the same statute (i.e., Smith holds that one "uses" a gun by giving it in exchange for drugs, but Watson holds that one does not "use" a gun by receiving it in exchange for drugs).

# Text 924:

**United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.**

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2. Mitchell v. Forsyth, 472 U.S. 511 (1985), was a United States Supreme Court case deciding on the issue of immunity of cabinet officers from suits from individuals.  
   In 1970, John N. Mitchell, Attorney General, authorized a warrantless wiretap for the purpose of gathering intelligence regarding the activities of a radical group that had made tentative plans to take actions threatening the Nation's security. During the time the wiretap was installed, the Government intercepted three conversations between a member of the group and respondent. In 1972, the Supreme Court in United States v. United States District Court (1972), also known as the Keith case, ruled that the Fourth Amendment does not permit warrantless wiretaps in cases involving domestic threats to the national security. Respondent then filed a damages action in Federal District Court against petitioner and others, alleging that the surveillance to which he had been subjected violated the Fourth Amendment and Title III of the Omnibus Crime Control and Safe Streets Act. Ultimately, the District Court, granting respondent's motion for summary judgment on the issue of liability, held that petitioner was not entitled to either absolute or qualified immunity. The Court of Appeals agreed with the denial of absolute immunity, but held, with respect to the denial of qualified immunity, that the District Court's order was not appealable under the collateral order doctrine.

# Text 925:

**Alabama v. North Carolina, 560 U.S. 330 (2010), was an original jurisdiction United States Supreme Court case. It arose from a disagreement between the state of North Carolina and the other members of the Southeast Interstate Low-Level Radioactive Waste Management Compact over the funding for a joint project. Eight states had formed the compact in 1983 to manage low-level radioactive waste in the southeastern United States. In 1986, North Carolina was chosen as the location for the regional waste facility, and it asked the other states for funding to help with the project. The project stalled and was eventually shut down, despite North Carolina receiving $80 million from the other states. After the project's demise, the other states demanded their money back, but North Carolina refused to repay them, leading to this case.**

1. South Carolina v. North Carolina, 558 U.S. 256 (2010), is a case in which the Supreme Court of the United States settled a dispute between the states of South Carolina and North Carolina regarding which parties may intervene in litigation between two states over water rights. By a 5–4 vote, the Court held that an interstate water authority and the Duke Energy Corporation could intervene, while ruling unanimously that the city of Charlotte, North Carolina, could not.
2. Chemical Waste Management, Inc. v. Hunt, 504 U.S. 334 (1992), was a United States Supreme Court case that held that an Alabama law imposing a fee (of $72 per ton) on out-of-state hazardous waste being disposed of in-state violated the Dormant Commerce Clause.

# Text 926:

**Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952), also commonly referred to as the Steel Seizure Case or the Youngstown Steel case, was a landmark United States Supreme Court decision that limited the power of the president of the United States to seize private property. The case served as a check on the most far-reaching claims of executive power at the time and signaled the Court's increased willingness to intervene in political questions.  
In the midst of the Korean War, the United Steel Workers of America threatened a strike—for higher wages—against the major steel producers in the United States. As President Harry S. Truman believed that a strike of any length would cause severe dislocations for defense contractors, Truman seized control of steel production facilities, keeping the current operating management of the companies in place to run the plants under federal direction. Though the steelworkers supported the move, the steel companies launched a legal challenge to the seizure on the grounds that the president lacked the power to seize private property without express authorization from Congress.  
In his majority opinion, Associate Justice Hugo Black held that the president lacked the power to seize the steel mills in the absence of statutory authority conferred on him by Congress. Five other justices agreed with the outcome of the case but wrote concurring opinions; some of these justices argued that the president might have the power to seize property absent legislative authorization in more extreme circumstances. Justice Robert H. Jackson's concurring opinion laid out a tripartite framework of presidential power that would prove influential among legal scholars and others charged with assessing executive power. In his dissent, Chief Justice Fred Vinson argued that the president's action was necessary to preserve the status quo so that Congress could act in the future. Truman was stunned by the decision, but he immediately restored control of the steel mills to their owners.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
2. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.

# Text 927:

**United States v. Janis, 428 U.S. 433 (1976), was a Supreme Court Case that found Max Janis and Morris Levine guilty of illegal bookmaking activities in Los Angeles in a 5-3 ruling. The two were arrested for the crime in November 1968. Appealing on the grounds of unconstitutionally seized evidence, Janis and Levine were heard by the 9th Circuit Court of Appeals in 1973. The case was ultimately heard by the Supreme Court in 1975, and the two were found guilty in 1976. More importantly, the case established that the exclusionary rule does not apply to civil cases where evidence is unconstitutionally seized by a state officer but used by a federal institution.**

1. Kois v. Wisconsin, 408 U.S. 229 (1972), was a ruling by the U.S. Supreme Court in the case of the obscenity conviction of Milwaukee editor-publisher John Kois, whose underground newspaper Kaleidoscope had published two small photographs of pictures of nudes and a sexually-oriented poem entitled "Sex Poem" in 1968. The Supreme Court ruled that, in the context in which they appeared, the photographs were rationally related to a news article which they illustrated and were thus entitled to Fourteenth Amendment protection, and that the poem "bears some of the earmarks of an attempt at serious art" (whether successful or not), and thus was not obscene under the Roth v. United States test ("whether or not the 'dominant' theme of the material appeals to prurient interest"). In the words of the concurring opinion of Justice William O. Douglas, "In this case, the vague umbrella of obscenity laws was used in an attempt to run a radical newspaper out of business and to impose a two-year sentence and a $2,000 fine upon its publisher. If obscenity laws continue in this uneven and uncertain enforcement, then the vehicle has been found for the suppression of any unpopular tract. The guarantee of free expression will thus be diluted and in its stead public discourse will only embrace that which has the approval of five members of this Court."  
   As alluded to in Justice Douglas' opinion, by this time Kaleidoscope had already been driven out of business.
2. Elkins v. United States, 364 U.S. 206 (1960), was a US Supreme Court decision that held the "silver platter doctrine", which allowed federal prosecutors to use evidence illegally gathered by state police, to be a violation of the Fourth Amendment to the United States Constitution.  
   Evidence of illegal wiretapping had been seized from the home of James Butler Elkins by Portland, Oregon police officers on an unrelated search warrant, and he was subsequently convicted in federal court. Elkins appealed, arguing that evidence found by the officers should have been inadmissible under the exclusionary rule, which forbids the introduction of most evidence gathered through Fourth Amendment violations in criminal court.  
   In a 5–4 decision, the Court overturned the silver platter doctrine and Elkins' conviction. Associate Justice Potter Stewart wrote the majority opinion, while Associate Justices Felix Frankfurter and John M. Harlan II dissented. By giving a rationale for a broader interpretation of Fourth Amendment rights, the decision prepared the way for Mapp v. Ohio (1961), which applied the exclusionary rule to the states.

# Text 928:

**Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.**

1. Miller v. Johnson, 515 U.S. 900 (1995), was a United States Supreme Court case concerning "affirmative gerrymandering/racial gerrymandering", where racial minority-majority electoral districts are created during redistricting to increase minority Congressional representation.
2. Shaw v. Reno, 509 U.S. 630 (1993), was a landmark United States Supreme Court case in the area of redistricting and racial gerrymandering. After the 1990 census, North Carolina qualified to have a 12th district and drew it in a distinct snake-like manner to create a "majority-minority" Black district. From there, Ruth O. Shaw sued to challenge this proposed plan with the argument that this 12th district was unconstitutional and violated the Fourteenth Amendment under the clause of equal protection. In contrast, Reno, the Attorney General, argued that the district would allow for minority groups to have a voice in elections. In the decision, the court ruled in a 5–4 majority that redistricting based on race must be held to a standard of strict scrutiny under the equal protection clause and on the basis that it violated the Fourteenth Amendment because it was drawn solely based on race.  
   Shaw v. Reno was an influential case and received backlash. Some southern states filed against majority-Black districts. This decision played a role in deciding many future cases, including Bush v. Vera and Miller v. Johnson. However, the phrasing of irregularly drawn districts has left room for much interpretation, letting judges use their opinions rather than relying on Shaw.

# Text 929:

**Schweiker v. Chilicky, 487 U.S. 412 (1988), was a United States Supreme Court decision that established limitations on implied causes of action. The Court determined that a cause of action would not be implied for the violation of rights where the U.S. Congress had already provided a remedy for the violation of rights at issue, even if the remedy was inadequate.  
In this case, seriously disabled people were wrongfully being denied federal benefits (although, on appeal to an Administrative Law Judge, two-thirds had their payments restored). Although Congress provides for the return of back-pay, no provision is made for pain and suffering or other economic losses. The injured parties sued responsible agency personnel, under the theory that pursuant to Bivens v. Six Unknown Named Agents they could allege a private right of action for deprivation of due process.  
The Court examined whether Congress intended a private right of action under these circumstances, and concluded that if Congress has created a meaningful remedy – even if it is incomplete – then no Bivens-type remedy is available. Special factors counseling hesitation included judicial deference to a combination of:   
  
some indication that Congress considered providing a cause of action, and chose not to; and  
the design of some government program containing what Congress considers an adequate remedial mechanism.  
Here Congress has provided a great deal of process, and some relief, and has been otherwise silent as to a remedy, which the Court found to be enough to foreclose a Bivens remedy.**

1. Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), was a case in which the US Supreme Court ruled that an implied cause of action existed for an individual whose Fourth Amendment protection against unreasonable search and seizures had been violated by the Federal Bureau of Narcotics.[1] The victim of such a deprivation could sue for the violation of the Fourth Amendment itself despite the lack of any federal statute authorizing such a suit. The existence of a remedy for the violation was implied by the importance of the right violated.  
   The case was understood to create a cause of action against the federal government similar to the one in 42 U.S.C. § 1983 against the states. However, the Supreme Court has sharply limited new Bivens claims.  
   The Supreme Court has upheld Bivens claims only three times: in Bivens (1971), Davis v. Passman (1979), and Carlson v. Green (1980). Under Ziglar v. Abbasi (2017) and Egbert v. Boule (2022), any claim that is not highly similar to the facts in Bivens (excessive force during arrest), Davis (sex discrimination in federal employment), or Carlson (inadequate care in prison) is a "new context" to which Bivens will not be extended if "there is any reason to think that Congress might be better equipped to create a damages remedy."
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 930:

**Agostini v. Felton, 521 U.S. 203 (1997), is a landmark decision of the Supreme Court of the United States. In this case, the Court overruled its decision in Aguilar v. Felton (1985), now finding that it was not a violation of the Establishment Clause of the First Amendment for a state-sponsored education initiative to allow public school teachers to instruct at religious schools, so long as the material was secular and neutral in nature and no "excessive entanglement" between government and religion was apparent. This case is noteworthy in a broader sense as a sign of evolving judicial standards surrounding the First Amendment, and the changes that have occurred in modern Establishment Clause jurisprudence.**

1. Aguilar v. Felton, 473 U.S. 402 (1985), was a United States Supreme Court case holding that New York City's program that sent public school teachers into parochial schools to provide remedial education to disadvantaged children pursuant to Title I of the Elementary and Secondary Education Act of 1965 necessitated an excessive entanglement of church and state and violated the Establishment Clause of the First Amendment to the United States Constitution.  
   Aguilar v. Felton was subsequently overruled by Agostini v. Felton, 521 U.S. 203 (1997).
2. Edwards v. Aguillard, 482 U.S. 578 (1987), was a United States Supreme Court case concerning the constitutionality of teaching creationism. The Court considered a Louisiana law requiring that where evolutionary science was taught in public schools, creation science must also be taught. The constitutionality of the law was successfully challenged in District Court, Aguillard v. Treen, 634 F. Supp. 426 (ED La.1985), and the United States Court of Appeals for the Fifth Circuit affirmed, Aguillard v. Edwards, 765 F.2d 1251 (CA5 1985). The United States Supreme Court ruled that this law violated the Establishment Clause of the First Amendment because the law was specifically intended to advance a particular religion. In its decision, the court opined that "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction."  
   In support of Aguillard, 72 Nobel Prize-winning scientists, 17 state academies of science, and seven other scientific organizations filed amicus briefs that described creation science as being composed of religious tenets.

# Text 931:

**Knetsch v. United States, 364 U.S. 361 (1960), was a decision by the United States Supreme Court concerning taxation law.  
The taxpayer was a saver who was convinced to buy a deferred annuity because the inside buildup on such policies is tax-deferred. However, he wanted to claim a deduction on the money he borrowed that he used to buy the annuity. The IRS won and the taxpayer was denied the deduction. An understanding of the economics would immediately reveal that the only reason the transaction had any chance of making sense for the taxpayer was the asymmetric way the-then current tax code allowed a current deduction on the loan liability at the same time allowed tax deferral on the purchased asset. Success would have legitimated tax arbitrage.**

1. United States v. Davis, 370 U.S. 65 (1962), is a federal income tax case argued before the United States Supreme Court in 1962, holding that a taxpayer recognizes a gain on the transfer of appreciated property in satisfaction of a legal obligation.  
   In 1984, "having heard criticism of the Davis/Farid rule for many years," Congress overruled the main holding: Under § 1041(a), no gain or loss shall be recognized by the transferor-spouse (or former spouse, but "only if the transfer is incident to divorce"); as a corollary, §1041(b) provides that transferor's basis shall carry over into the hands of the transferee-spouse. (Thus, for transfers between spouses, §1041(b) overrules the lower-of-cost-or-market rule for determining loss on subsequent sale of a gift, in §1015.)
2. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.

# Text 932:

**New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.**

1. United States Department of Justice v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989), was a case before the United States Supreme Court.
2. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), is a decision by the Supreme Court of the United States involving the Freedom of Information Act. The Supreme Court ruled that Henry Kissinger was not required under the Act to turn over transcripts of phone conversations he made as an adviser to President Richard Nixon.  
   By a 5–2 margin, the court overturned the decisions of two lower Federal courts and decided that Kissinger's removal of the transcripts from the State Department removed the documents from the purview of the Freedom of Information Act. In his opinion for the majority, Associate Justice William H. Rehnquist noted that once the documents had been withdrawn, "the agency has neither the custody or control necessary to enable it to withhold."  
   Kissinger had removed thousands of pages of the phone transcripts in the waning days of his term as Secretary of State. The documents were first stored at Nelson Rockefeller's Kykuit estate in Westchester County, New York and were later given to the Library of Congress. In a decision affirmed by the United States Court of Appeals, the United States District Court ruled that Kissinger had "wrongfully removed" the documents and ordered the Library of Congress to return the papers to the State Department so that they could be processed for disclosure.  
   The Supreme Court confirmed the decisions of the lower courts that Kissinger's transcripts when he was Richard Nixon's national security advisor did not fall under the purview of the Freedom of Information Act, nor would it apply to any other members of a President's executive office staff. The only documents that were legitimately covered by the request would have been from his term as Secretary of State from September 1973 to January 1977.

# Text 933:

**Byrd v. Blue Ridge Rural Electric Cooperative, Inc., 356 U.S. 525 (1958), decided on May 19, 1958, was a decision by the Supreme Court of the United States that refined the doctrine regarding in what instances courts were required to follow state law.**

1. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.
2. Tampa Electric Co. v. Nashville Coal Co., 365 U.S. 320 (1961), the Tampa Electric case, was a 1961 decision of the Supreme Court that, together with United States v. Philadelphia National Bank, clarified the legal test for determining whether requirements contracts "may substantially lessen competition" or "tend to create a monopoly" for purposes of section 3 of the Clayton Antitrust Act.

# Text 934:

**Colorado v. Connelly, 479 U.S. 157 (1986), was a U.S. Supreme Court case that was initiated by Francis Connelly, who insisted that his schizophrenic episode rendered him incompetent, nullifying his waiver of his Miranda rights.  
In Justice Brennan's dissent, he argued that this constituted an involuntary confession and that it violated a ''fundamental right to make a vital choice with a sane mind, involving a determination that could allow the state to deprive him of liberty or even life.''**

1. Colorado v. Spring, 479 U.S. 564 (1987), was a United States Supreme Court case in which the Court held that a suspect's awareness of the crimes about which he may be questioned is not relevant to his waiver of his Fifth Amendment rights.
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 935:

**United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. United States v. Matlock, 415 U.S. 164 (1974), was a Supreme Court of the United States case in which the Court ruled that the Fourth Amendment prohibition on unreasonable searches and seizures was not violated when the police obtained voluntary consent from a third party who possessed common authority over the premises sought to be searched. The ruling of the court established the "co-occupant consent rule," which was later explained by Illinois v. Rodriguez, 497 U.S. 177 (1990) and distinguished later by Georgia v. Randolph (2006), in which the court held that a third party could not consent over the objections of a present co-occupant, and Fernandez v. California (2014), where the court held when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.

# Text 936:

**Kolender v. Lawson, 461 U.S. 352 (1983), is a United States Supreme Court case concerning the constitutionality of vague laws that allow police to demand that "loiterers" and "wanderers" provide "credible and reliable" identification.**

1. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.
2. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.

# Text 937:

**Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 938:

**Gonzales v. United States, 348 U.S. 407 (1955), was a case in which the Supreme Court of the United States held that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.**

1. Simmons v. United States, 348 U.S. 397 (1955), was a case in which the Supreme Court of the United States ruled that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.
2. Witmer v. United States, 348 U.S. 375 (1955), was a case in which the Supreme Court of the United States upheld a draft board's rejection of Jehovah's Witness claim of conscientious objector status as lacking sincerity.

# Text 939:

**Berghuis v. Thompkins, 560 U.S. 370 (2010), is a landmark decision by the Supreme Court of the United States in which the Court considered the position of a suspect who understands their right to remain silent under Miranda v. Arizona and is aware that they have the right to remain silent, but does not explicitly invoke or waive the right.  
The Court held that unless and until the suspect actually states that they are relying on their right(s), their subsequent voluntary statements may be used in court and police may continue to interact with (or question) them. The mere act of remaining silent is, on its own, insufficient to imply the suspect has invoked their rights. Furthermore, a voluntary reply even after lengthy silence can be construed as to implying a waiver.  
The Court was split, 5–4. The dissent, authored by Justice Sonia Sotomayor, argued that Miranda and other previous cases had required a claimed waiver of a constitutional right to be shown more strongly, especially in light of a lengthy interrogation with a possible "compelling influence" during which the accused had remained almost entirely silent for almost 3 hours prior to the self-incriminating statement.  
Many considered Berghuis a further erosion of Miranda and were concerned it was "turning the clocks back" on safeguards developed in previous cases. At least one scholar has argued that Thompkins effectively gutted Miranda. A common criticism about the opinion is that vulnerable citizens could now be placed under pressure and, despite having an understanding of their rights, could be more easily coerced in a manner prejudicial to their interests.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.
2. New York v. Quarles, 467 U.S. 649 (1984), was a decision by the United States Supreme Court regarding the public safety exception to the normal Fifth Amendment requirements of the Miranda warning.

# Text 940:

**Stewart v. United States, 366 U.S. 1 (1961), was a United States Supreme Court case in which the Court held that asking a criminal defendant whether he had testified in previous trials violated his Fifth Amendment rights.  
Willie Lee Stewart had already been tried twice for murder and had not testified in either trial. During his third trial his defense was insanity and he chose to testify in his own defense. During his cross-examination, the prosecutor asked, "This is the first time you have gone on the stand, isn't it, Willie?", alluding to the fact that Stewart had not testified in his first two trials. Stewart's attorney objected and ultimately appealed Stewart's criminal conviction to the Supreme Court.  
The Fifth Amendment provides a criminal defendant with a right to refuse to testify. Relying on that provision, the Court held that the prosecutor's question was unduly prejudicial and unconstitutional. The Court further held that the error was not harmless and remanded for a new trial.**

1. Rock v. Arkansas, 483 U.S. 44 (1987), was a Supreme Court of the United States case in which the Court held that criminal defendants have a constitutional right to testify on their own behalf.  
   The right of a person to represent oneself in a court of law had been recognized for a very long time prior to this case. This right has been established by both legislative enactments and judicial rulings alike. An 1864 appropriations act allowed defendants to testify for themselves. The right of a criminal defendant to represent oneself had already been recognized by courts prior to this case. In Faretta v. California, the United States Supreme Court held that criminal defendants are constitutionally free to decline or reject professional lawyers as legal representation in state-level courts as well as to serve as their own legal counsels in such trials. In that case, the Court noted the lengthy history of the right by stating:  
     
   In the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that "in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel."  
   The movement in favor of allowing defendants to testify for themselves was popular, but its critics worried that it would destroy the presumption of innocence because of the perception that someone who is innocent of a crime would certainly speak to defend themselves and a person who is guilty of a crime would certainly not do so. This perception is inaccurate because a defendant's past becomes broadly admissible as evidence when they take the stand, so testifying may be against their interests. For example, when an individual with a criminal record testifies in their own trial, that past record can be presented to persuade the jury that they are the kind of person who would have done what they are accused of in the present. In a sense, the critics' worries have come to pass because relevant scholarship indicates that there is a measurable difference between the conviction rates of factually-innocent people whenever they do testify or they do not testify. Juries tend to convict criminal defendants who choose to testify for themselves at higher rates; likewise, juries tend to acquit criminal defendants who decline to testify for themselves.
2. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.

# Text 941:

**Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.**

1. Jones v. Cunningham, 371 U.S. 236 (1963), was a Supreme Court case in which the court first ruled that state inmates had the right to file a writ of habeas corpus challenging both the legality and the conditions of their imprisonment. Prior to this, starting with Pervear v. Massachusetts, 72 U.S. 475 (1866), the court had maintained a "hands off" policy regarding federal interference with state incarceration policies and practices, maintaining that the Bill of Rights did not apply to the states. Subsequently, in Cooper v. Pate (1964), an inmate successfully obtained standing to challenge the denial of his right to practice his religion through a habeas corpus writ.
2. Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.

# Text 942:

**District Attorney's Office for the Third Judicial District v. Osborne, 557 U.S. 52 (2009), was a case in which the United States Supreme Court decided that the Constitution's due process clause does not require states to turn over DNA evidence to a party seeking a civil suit under 42 U.S.C. § 1983.**

1. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4
2. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.

# Text 943:

**Upjohn Co. v. United States, 449 U.S. 383 (1981), was a Supreme Court case in which the Court held that a company (in this case, the Upjohn company) could invoke the attorney–client privilege to protect communications made between company lawyers and non-management employees. In doing so, the Court rejected the narrower control group test that had previously governed many organizational attorney–client privilege issues. Under the control group test, only employees who exercised direct control over the managerial decisions of the company were eligible to have their communications with corporate lawyers protected. The case also expanded the scope of the work-product doctrine.  
While the Upjohn decision did not explicitly mention a warning procedure, the case gave rise to a procedure called an "Upjohn warning", in which a company's lawyer explains that the lawyer represents the company and not the individual employee with whom the lawyer is dealing. This is intended to ensure that the employee understands that the company can waive the attorney-client privilege at any time and disclose the contents of the conversation between the lawyer and the employee, even if the employee objects. In subsequent cases, failure to give an Upjohn warning has led to the employee being able to claim privilege over communications with company lawyers.**

1. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.
2. United Automobile Workers v. Johnson Controls, Inc., 499 U.S. 187 (1991), was a decision by the Supreme Court of the United States establishing that private sector policies prohibiting women from knowingly working in potentially hazardous occupations are discriminatory and in violation of Title VII and the Pregnancy Discrimination Act of 1978. The case revolved around Johnson Controls' policy of excluding fertile women from working in battery manufacturing jobs because batteries contain high amounts of lead, which entails health risks to people's reproductive systems (both men and women) and fetuses. At the time the case was heard, it was considered one of the most important sex-discrimination cases since the passage of Title VII.

# Text 944:

**Baldwin v. New York, 399 U.S. 66 (1970), was a decision of the U.S. Supreme Court in which the Court ruled that defendants have a Sixth Amendment right to a jury trial for offenses requiring imprisonment of more than six months.**

1. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.
2. Boykin v. Alabama, 395 U.S. 238 (1969), is a United States Supreme Court case in which the Court determined that when a defendant enters into a plea bargain, they waive their Sixth Amendment right to a trial by jury. A defendant may not waive this Constitutional right unless he does so knowingly, voluntarily and intelligently. The defendant was an African-American charged with robbery, which carried a death sentence in Alabama at the time. He pled guilty.

# Text 945:

**Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.**

1. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.
2. Davis v. Mann, 377 U.S. 678 (1964), was a United States Supreme Court which was one of a series of cases decided in 1964 that ruled that state legislature districts had to be roughly equal in population.  
   David J. Mays and Robert McIlwaine advocated on behalf of the Commonwealth of Virginia; Edmund D. Campbell and Henry E. Howell, Jr. advocated on behalf of the plaintiff Northern Virginia legislators. The Supreme Court issued the opinion in this case along with Reynolds v. Sims and cites that the opinion.

# Text 946:

**Toolson v. New York Yankees, 346 U.S. 356 (1953), is a United States Supreme Court case in which the Court upheld, 7–2, the antitrust exemption first granted to Major League Baseball (MLB) three decades earlier in Federal Baseball Club v. National League. It was also the first challenge to the reserve clause which prevented free agency, and one of the first cases heard and decided by the Warren Court.  
Since it presumed that Congress's failure to act in the years since Federal Baseball Club was an implicit expression of intent to keep baseball exempt from the Sherman Antitrust Act, it has been read as having done more to create that exemption than the older case. Two justices (Stanley Forman Reed and Harold Hitz Burton) dissented from the short, unsigned per curiam majority opinion, arguing MLB and its revenue sources had changed enough since 1922 that the logic of that case no longer applied. In 1972, a third justice (William O. Douglas) would express his regret at having joined the majority when Toolson was again upheld in the similar Flood v. Kuhn.**

1. Flood v. Kuhn, 407 U.S. 258 (1972), was a decision by the Supreme Court of the United States that preserved the reserve clause in Major League Baseball (MLB) players' contracts. By a 5–3 margin, the Court reaffirmed the antitrust exemption that had been granted to professional baseball in 1922 under Federal Baseball Club v. National League, and previously affirmed by Toolson v. New York Yankees, Inc. in 1953. While the majority believed that baseball's antitrust exemption was anomalous compared to other professional sports, it held that any changes to the exemption should be made through Congress and not the courts.  
   The National League had instituted the reserve clause in 1879 as a means of limiting salaries by keeping players under team control. Under that system, a baseball team reserved players under contract for a year after the contract expired, preventing them from being taken by other teams in bidding wars. MLB team owners argued that the clause was necessary to ensure a competitive balance among teams, as otherwise wealthier clubs would outbid teams in smaller markets for star players. The reserve clause was not addressed in Federal Baseball, where Ned Hanlon, owner of the rival Federal League's (FL) Baltimore Terrapins, had argued that MLB had violated the Sherman Antitrust Act through anticompetitive practices meant to force the FL out of business. The Supreme Court ruled that baseball did not qualify as interstate commerce for the purposes of the Sherman Act, a ruling that remained even after it denied boxing and American football the same exemption.  
   In 1969, Curt Flood, a center fielder for the St. Louis Cardinals, was traded to the Philadelphia Phillies. Flood was unhappy with the trade, as the Phillies were not known to treat players well, but the reserve clause required him to play for Philadelphia. He retained attorney Arthur Goldberg, a former Supreme Court justice, through Marvin Miller and the Major League Baseball Players Association (MLBPA) and took the case to court, arguing that the reserve clause was a collusive measure that reduced competition and thus an antitrust violation. The reserve system was upheld by all three courts under the principle of stare decisis and the precedents set by Federal Baseball and Toolson.  
   Legal scholars have criticized the Court's decision in Flood both for its rigid application of stare decisis as well as Section I of Harry Blackmun's majority opinion, an "ode to baseball" that contains little legal matter. The reserve clause was settled outside the Supreme Court three years later through the arbitration system created by the collective bargaining agreement between MLB and the MLBPA. Peter Seitz ruled in favor of Andy Messersmith and Dave McNally that their contracts could only be renewed without their permission for one season, after which they became free agents. Free agency in MLB was codified the following year after the 1976 Major League Baseball lockout, while the Curt Flood Act of 1998, signed by Bill Clinton, ended baseball's antitrust exemption as it related to interactions between players and owners, but preserved it in other areas such as franchise relocation. Courts have continued to differ over the extent of the exemption; a 2021 suit filed over that year's minor league reorganization asks that it be rescinded entirely.
2. Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
   Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
   While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.

# Text 947:

**Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.**

1. Hickman v. Taylor, 329 U.S. 495 (1947), is a seminal United States Supreme Court case in which the Court recognized the work-product doctrine, which holds that information obtained or produced by or for attorneys in anticipation of litigation may be protected from discovery under the Federal Rules of Civil Procedure. The Court's decision in the case was unanimous.
2. Philip Morris USA v. Williams, 549 U.S. 346 (2007), 556 U.S. 178 (2009), was a decision by the Supreme Court of the United States, which held that the due process clause of the Fourteenth Amendment limits punitive damages, and ordered a lower court to reconsider its damages awards on that basis.

# Text 948:

**Miller v. United States, 357 U.S. 301 (1958), was a landmark decision by the United States Supreme Court, which held that one could not lawfully be arrested in one's home by officers breaking in without first giving one notice of their authority and purpose.**

1. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.
2. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.

# Text 949:

**Brenner v. Manson, 383 U.S. 519 (1966), was a decision of the United States Supreme Court in which the Court held that a novel process for making a known steroid did not satisfy the utility requirement, because the patent applicants did not show that the steroid served any practical function. The Court ruled that "a process patent in the chemical field, which has not been developed and pointed to the degree of specific utility, creates a monopoly of knowledge which should be granted only if clearly commanded by the statute." Practical or specific utility, so that a "specific benefit exists in currently available form" is thus the requirement for a claimed invention to qualify for a patent.  
The case is known for the statement "a patent is not a hunting license."**

1. Warner-Jenkinson Company, Inc. v. Hilton Davis Chemical Co., 520 U.S. 17 (1997), was a United States Supreme Court decision in the area of patent law, affirming the continued vitality of the doctrine of equivalents while making some important refinements to the doctrine.
2. Abbott Laboratories v. Gardner, 387 U.S. 136 (1967), was a case heard before the United States Supreme Court. The Court held that drug companies were not prohibited by the ripeness doctrine from challenging a U.S. Food and Drug Administration (FDA) regulation requiring a prescription drug's generic name to appear on all related printed materials. The government argued that the case was not ripe because the regulation had yet to be enforced. That argument failed as the Court found the issues to be fit for judicial resolution, and that the drug companies would experience substantial hardship if denied a pre-enforcement challenge to the statute. Prosecution for non-compliance was likely, civil and criminal penalties could be imposed, and the drug companies would suffer reputational damage if required to violate the regulation before challenging it in court.

# Text 950:

**Puerto Rico v. Branstad, 483 U.S. 219 (1987), was a case decided by the Supreme Court of the United States that ruled unanimously that federal courts have the power to enforce extraditions based on the Extradition Clause of Article Four of the United States Constitution. The decision overruled a 1861 decision in Kentucky v. Dennison, which had made federal courts powerless to order governors of other U.S. states to fulfill their obligations in the Extradition Clause.**

1. Torres v. Puerto Rico, 442 U.S. 465 (1979), was a United States Supreme Court case holding that the Fourth Amendment guarantee against unreasonable search and seizure applies to Puerto Rico.
2. United States v. Alvarez-Machain, 504 U.S. 655 (1992), was a United States Supreme Court case in which the Court held that the respondent's forcible abduction from a foreign country, despite the existence of an extradition treaty with said country, does not prohibit him from being tried before a U.S. court for violations of American criminal laws. The ruling reconfirmed the Ker-Frisbie Doctrine, established in Ker v. Illinois (1886) and Frisbie v. Collins (1952), which generally permits the prosecution of criminal defendants regardless of whether their presence was obtained in accordance with an applicable extradition treaty.

# Text 951:

**Abbott Laboratories v. Gardner, 387 U.S. 136 (1967), was a case heard before the United States Supreme Court. The Court held that drug companies were not prohibited by the ripeness doctrine from challenging a U.S. Food and Drug Administration (FDA) regulation requiring a prescription drug's generic name to appear on all related printed materials. The government argued that the case was not ripe because the regulation had yet to be enforced. That argument failed as the Court found the issues to be fit for judicial resolution, and that the drug companies would experience substantial hardship if denied a pre-enforcement challenge to the statute. Prosecution for non-compliance was likely, civil and criminal penalties could be imposed, and the drug companies would suffer reputational damage if required to violate the regulation before challenging it in court.**

1. Toilet Goods Association, Inc. v. Gardner, 387 U.S. 158 (1967), was a case heard before the United States Supreme Court. It held that judicial review of a regulation's validity was inappropriate because the controversy was not ripe for adjudication. Since it was not clear whether or not an inspection would be ordered and the reasons had not been given by the Commissioner to justify his order, no primary conduct was affected and so no irremediable adverse consequences flowed from requiring a later challenge to the regulation by a manufacturer, who refused to allow inspection.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 952:

**Janus Capital Group, Inc. v. First Derivative Traders, 564 U.S. 135 (2011), was a case before the Supreme Court of the United States in which the Court held that a service provider cannot be held liable in a private action under SEC Rule 10b-5.**

1. Central Bank of Denver v. First Interstate Bank of Denver, 511 U.S. 164 (1994), was a decision by the United States Supreme Court, which held private plaintiffs may not maintain aiding and abetting suits under Securities Exchange Act § 10(b).  
   The majority opinion in the case established that liability did not extend to "aiders or abettors" that participate in misstatements or omissions in connection with the sale of securities. The Supreme Court held that "private civil liability under Rule 10b-5 does not extend to those who do not engage in a manipulative or deceptive practice but who aid and abet such a violation of 10(b)." This distinguished between the primary liability of violators of Rule 10b-5 and non-primary defendants, who had not directly deceived investors. This was a more literal reading than hitherto of Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b-5, which prohibit fraud or deceit in connection with the purchase or sale of securities.  
   The Supreme Court's ruling reversed a long history of court decisions and SEC enforcement actions where aiders and abettors, often banks, accountants, trustees, and attorneys, were found liable under Rule 10b-5. The case makes the distinction between primary violators, who directly misstate or omit material facts that are relied upon by investors, and aiders and abettors. According to the court: "A plaintiff must show reliance on the defendant's misstatement or omission to recover under 10b-5. Basic Inc. v. Levinson, supra, at 243. Were we to allow the aiding and abetting action proposed in this case, the defendant could be liable without any showing that the plaintiff relied upon the aider and abettor's statement or actions. . . .". When investors relied on such statements or actions, the court extends Rule 10b-5 liability to these secondary participants. The Court stated that "any person or entity, including a lawyer, accountant, or bank, who employs a manipulative device or makes a material misstatement (or omission) on which a purchaser or seller of securities relies may be liable as a primary violator under 10b-5. . .."
2. Blue Chip Stamps v. Manor Drug Stores, 421 U.S. 723 (1975), was a decision by the United States Supreme Court, which ruled that only those suffering direct loss from the purchase or sale of stock had standing to sue under federal securities law. The Court noted that under the Securities Exchange Act of 1934, derivative investors are considered buyers or sellers of securities for application of SEC Rule 10b-5.

# Text 953:

**Burson v. Freeman, 504 U.S. 191 (1992), was a United States Supreme Court case in which the Court held that a Tennessee law that restricted political campaigning within 100 feet (30 m) of a polling place did not violate the First Amendment.**

1. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".
2. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.

# Text 954:

**Otter Tail Power Co. v. United States, 410 U.S. 366 (1973), is a United States Supreme Court decision often cited as the first case in which the Court held violative of the antitrust laws a single firm's refusal to deal with other firms that denied them access to a facility essential to engaging in business (a so-called essential facility).**

1. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.
2. Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984), was a landmark decision of the United States Supreme Court that set forth the legal test used when U.S. federal courts must defer to a government agency's interpretation of a law or statute. The decision articulated a doctrine known as "Chevron deference". Chevron deference consisted of a two-part test that was deferential to government agencies: first, whether Congress has spoken directly to the precise issue at question, and second, "whether the agency's answer is based on a permissible construction of the statute".  
   The decision involved a legal challenge to a change in the U.S. government's interpretation of the word "source" in the Clean Air Act of 1963. The Act did not precisely define what constituted a "source" of air pollution. The Environmental Protection Agency (EPA) initially defined "source" to cover essentially any significant change or addition to a plant or factory. In 1981, the EPA changed its definition to mean only an entire plant or factory. This allowed companies to build new projects without going through the EPA's lengthy new review process if they simultaneously modified other parts of their plant to reduce emissions, avoiding any net change. Natural Resources Defense Council, an environmentalist advocacy group, challenged the legality of the EPA's new definition. NRDC won the case in a federal court, but the Supreme Court overturned that decision and ruled in favor of Chevron on the grounds that the courts should broadly defer to EPA and other independent regulatory agencies.  
   Chevron was one of the most important decisions in U.S. administrative law and was cited in thousands of cases. Forty years later, in June 2024, the Supreme Court overruled Chevron in Loper Bright Enterprises v. Raimondo, on the ground that it conflicts with the Administrative Procedure Act.

# Text 955:

**United States v. Correll, 389 U.S. 299 (1967), is a case in which the United States Supreme Court ruled 5-3 that in order for the taxpayer to be allowed to deduct the cost of his meals incurred while on a business trip, the trip must have required him to stop for sleep or rest.**

1. Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.
2. Cammarano v. United States, 358 U.S. 498 (1959), was a United States Supreme Court case in which the Court ruled that business may not deduct expenses they incurred for the "promotion or defeat of legislation" as "ordinary and necessary" business expenses on their federal income tax filing.

# Text 956:

**Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176 (1982), is a United States Supreme Court case concerning the interpretation of the Education for All Handicapped Children Act of 1975. Amy Rowley was a deaf student, whose school refused to provide a sign language interpreter. Her parents filed suit contending violation of the Education for All Handicapped Children Act of 1975. In a 6–3 decision authored by Justice Rehnquist, the Court held that public schools are not required by law to provide sign language interpreters to deaf students who are otherwise receiving an equal and adequate education.**

1. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 957:

**Mancusi v. DeForte, 392 U.S. 364 (1968), is a decision of the United States Supreme Court on privacy and the Fourth Amendment. It originated in the lower courts as United States ex rel. Frank DeForte, appellant v. Vincent R. Mancusi, Warden of Attica Prison, Attica, New York, appellee, a petition for a writ of habeas corpus by a prisoner who had exhausted all his state appeals. By a 6–3 margin the Court affirmed the United States Court of Appeals for the Second Circuit's reversal of a district court denial of the petition.  
The prisoner, Frank DeForte, was one of several labor union officials on Long Island who had been convicted of racketeering-related charges connected to a scheme in which they attempted to monopolize the jukebox market in the New York Metropolitan area. Early in the investigation, local prosecutors had issued a subpoena duces tecum for records from the union officials. When they refused to comply, the prosecutors went to the union offices themselves and seized the records from the officials' desks themselves. DeForte had been present and voiced his objections. The state later admitted the action was illegal but the documents, which formed the bulk of the case against the officials, were not suppressed at trial. Both the state's appellate court and the New York State Court of Appeals sustained the verdict, and all the defendants went to prison. There they began filing habeas petitions to the federal courts. The first, alleging that the court's orders to the jury to continue deliberating after they had done so for almost 24 hours and twice asked for a break constituted coercion, was denied.  
DeForte's second, arguing as he had at trial and on his state appeal, that the search of his desk violated his reasonable expectation of privacy and thus his Fourth Amendment rights, was the one the Supreme Court heard. Justice John Marshall Harlan II wrote for the majority that under the Court's recent holding in Katz v. United States, DeForte had a reasonable expectation of privacy over the papers he kept at work even though they were not his personal property and he shared the office with his co-defendants. Nor did the subpoena authorize the prosecutor to act as he might with a search warrant, since the subpoena was not subject to independent judicial review before its execution. In dissent, Hugo Black, who had also dissented in Katz, said he could not find why the Court chose to depart from previous holdings that documents in the possession of one's employer enjoyed no Fourth Amendment protection, and was misreading the cases it relied on.  
The case is seen as a seminal case in privacy law, since it extended it for the first time to a non-residential space. Lower courts have used it to guide them in distinguishing Fourth Amendment claims into the present day. The Supreme Court has, in later holdings, extended it to include public employees during administrative investigations and considered its application in the context of modern telecommunications.**

1. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.
2. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.

# Text 958:

**Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Gonzales v. Carhart, 550 U.S. 124 (2007), was a landmark decision of the U.S. Supreme Court that upheld the Partial-Birth Abortion Ban Act of 2003. The case reached the high court after U.S. Attorney General, Alberto Gonzales, appealed a ruling of the U.S. Court of Appeals for the Eighth Circuit in favor of LeRoy Carhart that struck down the Act. Also before the Supreme Court was the consolidated appeal of Gonzales v. Planned Parenthood from the U.S. Court of Appeals for the Ninth Circuit, whose ruling had the same effect as that of the Eighth Circuit.  
   The Supreme Court's decision upheld Congress's ban and held that it did not impose an undue burden on the due process right of women to obtain an abortion, "under precedents we here assume to be controlling", such as the Court's prior decisions in Roe v. Wade and Planned Parenthood v. Casey. In a legal sense, the case distinguished but did not overrule Stenberg v. Carhart (2000), in which the Court dealt with related issues. Gonzales was widely interpreted as signaling a shift in Supreme Court jurisprudence toward a restriction of abortion rights, occasioned in part by the retirement of Sandra Day O'Connor and her replacement by Samuel Alito.  
   The Court found that there is "uncertainty [in the medical community] over whether the barred procedure is ever necessary to preserve a woman's health", and in the past the Court "has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific uncertainty."

# Text 959:

**Ricci v. DeStefano, 557 U.S. 557 (2009), is a United States labor law case of the United States Supreme Court on unlawful discrimination through disparate impact under the Civil Rights Act of 1964.  
Twenty city firefighters at the New Haven Fire Department, nineteen white and one Hispanic, passed the test for promotion to a management position, yet the city declined to promote them because none of the black firefighters who took the same test scored high enough to be considered for promotion. New Haven officials invalidated the test results because they feared a lawsuit over the test's disproportionate exclusion of a certain racial group (blacks) from promotion under a disparate impact cause of action. The twenty non-black firefighters claimed discrimination under Title VII of the Civil Rights Act of 1964.  
The Supreme Court held 5–4 that New Haven's decision to ignore the test results violated Title VII because the city did not have a "strong basis in evidence" that it would have subjected itself to disparate impact liability if it had promoted the white and Hispanic firefighters instead of the black firefighters. Because the plaintiffs won under their Title VII claim, the Court did not consider the plaintiffs' argument that New Haven violated the constitutional right to equal protection.**

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2. Marino v. Ortiz, 484 U.S. 301 (1988), was a United States Supreme Court case which resulted from a lawsuit filed by 350 New York City police officers that pitted the Equal Protection Clause of the Fourteenth Amendment against Title VII of the Civil Rights Act of 1964.  
   The case originated with a lawsuit filed by African American and Hispanic advocacy groups (including the Puerto Rican Legal Defense and Education Fund) alleging that a police sergeant's examination had a disparate impact because the percentage of African Americans and Hispanics that passed the examination was disproportionate to overall percentage. A proposed settlement was reached between the plaintiffs and the city of New York; all of the officers eligible for promotion based on their score would be promoted as well as enough additional minorities to achieve a proportional outcome. The settlement was approved by the United States District Court for the Southern District of New York as a "consent decree" on an interim basis pending a hearing on its fairness and adequacy.  
   After the ruling but before the hearing, 350 police officers filed suit in the same court alleging that the settlement had deprived them of equal protection of the laws under the Fourteenth Amendment. These officers were not eligible for promotion based on their scores, but they scored at least as high as the lowest scoring minority promoted under the terms of the consent decree. However, they did not seek to become party to the lawsuit that originated the settlement. The consent decree was ultimately approved, and as a result the police officers' lawsuit was dismissed. They appealed both the dismissal of their lawsuit and the consent decree itself.  
   When oral arguments for the case were held in the fall of 1987, the Court had only eight members. Justice Lewis F. Powell, Jr. had retired from the court earlier in the year, the Senate had rejected Robert Bork's confirmation two months prior, and Anthony Kennedy would not be confirmed until after the decision was announced. This resulted in a gridlock 4-4 tie vote in the matter of whether the officers were correct to file a separate suit challenging the settlement. This being the case, the lower court ruling dismissing the suit was affirmed, but no precedent was set. The next case on the point, Martin v. Wilkes, Justice Kennedy voted that intervention was permissive (F.R.C.P. 24), not mandatory (F.R.C.P. 19) and that it was not an invalid collateral attack on the existing settlement in a similar case. Thereafter Congress amended the rules making intervention in such Title VII cases mandatory.  
   The Court unanimously agreed that the officers could not appeal the consent decree directly, because "only parties to a lawsuit, or those that properly become parties, may appeal an adverse judgment."  
   Though the Court's ruling did not directly address the constitutional issues raised, it foreshadowed a legal battle to come. Sonia Sotomayor, a future Supreme Court appointee by Barack Obama, promoted the minority officers' cause while at the Puerto Rican Legal Defense and Education Fund and would later rule against white plaintiffs in a similar case, Ricci v. DeStefano, in a decision that the Supreme Court would overturn by a 5–4 vote.

# Text 960:

**Prima Paint Corp. v. Flood & Conklin Mfg. Co., 388 U.S. 395 (1967), is a United States Supreme Court decision that established what has become known as the "separability principle" in contracts with arbitration clauses. Following an appellate court ruling a decade earlier, it reads the 1925 Federal Arbitration Act (FAA) to require that any challenges to the enforceability of such a contract first be heard by an arbitrator, not a court, unless the claim is that the clause itself is unenforceable.  
The case arose from a claim by a New Jersey manufacturer that a Maryland firm had misrepresented itself in a transaction and thus the contract between the two was unenforceable, precluding the arbitration agreed upon in the event of a dispute. Abe Fortas wrote for a 6-3 majority that the FAA was broad enough to require arbitration of all issues save the arbitration clause itself. Hugo Black's dissent called the majority's interpretation overbroad and at odds with Congressional intent in passing the law. He feared it would put legal matters in the hands of arbitrators with little or no legal understanding of it nor duty to follow the law.  
In subsequent cases concerning the FAA, the Court has reaffirmed the separability principle and held that the FAA and this reading of it apply to arbitrable contracts under state law, even in cases where the contract is alleged to be illegal or state law provides for administrative dispute resolution. This has been seen as expanding the use of arbitration in contracts in the later 20th century, not only those between businesses but between businesses and consumers as well.**

1. Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985), is a United States Supreme Court decision concerning arbitration of antitrust claims. The Court heard the case on appeal from the United States Court of Appeals for the First Circuit, which had ruled that the arbitration clause in a Puerto Rican car dealer's franchise agreement was broad enough to reach its antitrust claim. By a 5–3 margin it upheld the lower court, requiring that the dealer arbitrate its claim before a panel in Tokyo, as stipulated in the contract.  
   Justice Harry Blackmun wrote for the majority that the Federal Arbitration Act (FAA) was broad enough to require arbitration of statutory claims as well as contractual ones, extending a recent line of Court decisions favorable to arbitration. A controversial footnote, creating a possible "prospective waiver" doctrine that would allow a party to avoid arbitration under foreign law, has been much criticized by commentators and at the same time raised by many litigants. In 2009 the Eleventh Circuit found it valid for an injured cruise-ship worker, but two years later cast doubt on that conclusion.  
   In dissent, Justice John Paul Stevens argued that antitrust claims were too complex and important to be left to arbitrators and that in any event none of the claims were arbitrable under the terms of the contract itself. He expressed incredulousness that his colleagues would require an American company to arbitrate a claim under American antitrust law before a panel of foreign arbitrators.  
   While the case formed an important part of the Court's expansion of arbitrability in the late 20th and early 21st centuries, it could not have reached a court today. In 2002, after years of lobbying by the National Automobile Dealers Association, Congress passed the Motor Vehicle Franchise Contract Arbitration Fairness Act, which prohibited mandatory predispute arbitration clauses in motor vehicle dealership franchise agreements. President George W. Bush signed it into law, the first time a specific exception to the FAA had been legislated since the Court began expanding its scope.
2. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.

# Text 961:

**Zenith Radio Corp. v. Hazeltine Research, Inc. is the caption of several United States Supreme Court patent–related decisions, the most significant of which is a 1969 patent–antitrust and patent–misuse decision concerning the levying of patent royalties on unpatented products.**

1. Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986), was an antitrust case decided by the Supreme Court of the United States. It raised the standard for surviving summary judgment to unambiguous evidence that tends to exclude an innocent interpretation. Specifically, the issue was whether there was a horizontal "agreement" between Matsushita Electric and other Japanese television manufacturers. The Court held that the evidence must tend to exclude the possibility of independent action to be sufficient to survive summary judgment.
2. United States v. Huck Mfg. Co., 382 U.S. 197 (1965), is the most recent patent-license price-fixing case to reach the United States Supreme Court. It was inconclusive, as the Court split 4–4 and affirmed the decision of the lower court without opinion.

# Text 962:

**De Veau v. Braisted, 363 U.S. 144 (1960), is a 5-to-3 ruling by the Supreme Court of the United States that an interstate compact restricting convicted felons from holding union office is not preempted by the National Labor Relations Act or the Labor Management Reporting and Disclosure Act, does not violate the Due Process Clause of the 14th Amendment, and is not an ex post facto law or bill of attainder in violation of Article One, Section 10 of the Constitution.**

1. American Communications Association v. Douds, 339 U.S. 382 (1950), is a 5-to-1 ruling by the United States Supreme Court which held that the Taft–Hartley Act's imposition of an anti-communist oath on labor union leaders does not violate the First Amendment to the United States Constitution, is not an ex post facto law or bill of attainder in violation of Article One, Section 10 of the United States Constitution, and is not a "test oath" in violation of Article Six of the Constitution.
2. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.

# Text 963:

**Kingsland v. Dorsey, 338 U.S. 318 (1949), like Hazel-Atlas Glass Co. v. Hartford-Empire Co., is another patent fraud decision of the United States Supreme Court growing out of the antitrust cartel case described in Hartford-Empire Co. v. United States. Kingsland is widely quoted for its statement that the prosecution of patent applications in the Patent Office "requires the highest degree of candor and good faith" because the Patent Office "must rely upon [patent attorneys'] integrity and deal with them in a spirit of trust and confidence.**

1. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 964:

**Colgrove v. Battin, 413 U.S. 149 (1973), was a United States Supreme Court case in which the Court ruled 5-4 that six person civil juries were constitutional.**

1. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.
2. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.

# Text 965:

**Marcus v. Search Warrant, 367 U.S. 717 (1961), full title Marcus v. Search Warrant of Property at 104 East Tenth Street, Kansas City, Missouri, is an in rem case decided by the United States Supreme Court on the seizure of obscene materials. The Court unanimously overturned a Missouri Supreme Court decision upholding the forfeiture of hundreds of magazines confiscated from a Kansas City wholesaler. It held that both Missouri's procedures for the seizure of allegedly obscene material and the execution of the warrant itself violated the Fourth and Fourteenth amendments' prohibitions on search and seizure without due process. Those violations, in turn, threatened the rights protected by the First Amendment.  
The case had begun in 1957, when the Kansas City Police Department vice squad raided the warehouse of a local news distributor and five newsstands. Officers seized dozens of publications, far beyond those which had started the investigation, since the search warrants were not specific. Less than half of the seized titles were ultimately found obscene and ordered to be burned.  
Justice William Brennan wrote for the Court. He found the officers' conduct similar to that which had inspired the Founding Fathers to write the Fourth Amendment. He added that the Missouri Supreme Court had incorrectly applied an earlier Court holding in sustaining the forfeiture. The result was a system that operated as an effective prior restraint. Hugo Black, in a concurring opinion, joined by William O. Douglas restated his conviction that the Fourteenth Amendment applies all the rights protected by the Constitution to the states.  
Marcus broke ground in holding that First Amendment interests required an additional layer of procedure than other instances of seizure. It would figure prominently in later obscenity cases involving seizures, including one called Quantity of Books v. Kansas, that explicitly tried to take its holding into account. After the Court settled on a definition of obscenity in the early 1970s, it continued to hear other cases on the issues first addressed in Marcus.**

1. Quantity of Books v. Kansas, 378 U.S. 205 (1964), is an in rem United States Supreme Court decision on First Amendment questions relating to the forfeiture of obscene material. By a 7–2 margin, the Court held that a seizure of the books was unconstitutional, since no hearing had been held on whether the books were obscene, and it reversed a Kansas Supreme Court decision that upheld the seizure.  
   The case arose several years earlier when police in Junction City, Kansas raided an adult bookstore. The state's Attorney General, William M. Ferguson, had previously filed an information with the county court listing 51 titles published by Nightstand Books as allegedly obscene; at the bookstore, 31 of those titles found, and 1,175 books were seized. These procedures were believed to be in keeping with the Supreme Court's recent Marcus v. Search Warrant decision, which held that some sort of judicial review was necessary to determine if seized material was obscene prior to seizure.  
   Justice William Brennan wrote for a four-justice plurality that considered the case strictly on procedural grounds, without reaching the question of the books' obscenity. It could, he said, operate as a form of prior restraint. In one of two separate concurrences, Justice Hugo Black reaffirmed his earlier blanket opposition to all legal suppression of obscenity, in which he was joined by William O. Douglas. Justice Potter Stewart said that the books in question were not hardcore pornography, which was the only material that he could consider holding to be unprotected by the First Amendment in Quantity of Books's companion case, Jacobellis v. Ohio (where he had also defined it with his oft-quoted line "I know it when I see it").  
   In dissent, Justice John Marshall Harlan II wrote for himself and Tom Clark in faulting Brennan's application of the precedents he relied on. He also disputed whether the procedure was truly prior restraint, since it did not review the material prior to publication. The Court, he concluded, was unfairly denying Kansas the full range of legal tools it might otherwise have had to pursue if it had decided it was an important state interest.
2. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.

# Text 966:

**Old Chief v. United States, 519 U.S. 172 (1997), discussed the limitation on admitting relevant evidence set forth in Federal Rule of Evidence 403. Under this rule, otherwise relevant evidence may be excluded if the probative value of the evidence is substantially outweighed by the danger of unfair prejudice, confusion of the issues, misleading the jury, or considerations of undue delay, wasting time, or needless presentation of cumulative evidence. In this case, Old Chief offered to stipulate to the fact of a prior conviction, which was an element of the crime with which he was charged. The prosecution resisted this stipulation, arguing that it had the right to present its case in any manner it chose. In Old Chief, the Court applied Rule 403 to the particular situation presented by this case, and concluded that Rule 403 required the trial court to accept the defendant's stipulation to a prior conviction over the prosecution's objection.**

1. Huddleston v. United States, 485 U.S. 681 (1988), was a case in which the United States Supreme Court held that before admitting evidence of extrinsic acts under Rule 404(b) of the Federal Rules of Evidence, federal courts should assess the evidence's sufficiency under Federal Rule of Evidence 104(b). Under 104(b), "[w]hen the relevancy of evidence depends upon the fulfillment of a condition of fact, the court shall admit it upon, or subject to, the introduction of evidence sufficient to support a finding of the fulfillment of the condition."
2. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.

# Text 967:

**James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.**

1. Taylor v. United States, 495 U.S. 575 (1990), was a U.S. Supreme Court decision that filled in an important gap in the federal criminal law of sentencing. The federal criminal code does not contain a definition of many crimes, including burglary, the crime at issue in this case. Yet sentencing enhancements applicable to federal crimes allow for the enhancement of a defendant's sentence if he has been convicted of prior felonies. The Court addressed in this case how "burglary" should be defined for purposes of such sentencing enhancements when the federal criminal code contained no definition of "burglary." The approach the Court adopted in this case has guided the lower federal courts in interpreting other provisions of the criminal code that also refer to generic crimes not otherwise defined in federal law.
2. James v. United States, 366 U.S. 213 (1961), was a case in which the United States Supreme Court held that the receipt of money obtained by a taxpayer illegally was taxable income even though the law might require the taxpayer to repay the ill-gotten gains to the person from whom they had been taken.

# Text 968:

**Mitchell v. Forsyth, 472 U.S. 511 (1985), was a United States Supreme Court case deciding on the issue of immunity of cabinet officers from suits from individuals.  
In 1970, John N. Mitchell, Attorney General, authorized a warrantless wiretap for the purpose of gathering intelligence regarding the activities of a radical group that had made tentative plans to take actions threatening the Nation's security. During the time the wiretap was installed, the Government intercepted three conversations between a member of the group and respondent. In 1972, the Supreme Court in United States v. United States District Court (1972), also known as the Keith case, ruled that the Fourth Amendment does not permit warrantless wiretaps in cases involving domestic threats to the national security. Respondent then filed a damages action in Federal District Court against petitioner and others, alleging that the surveillance to which he had been subjected violated the Fourth Amendment and Title III of the Omnibus Crime Control and Safe Streets Act. Ultimately, the District Court, granting respondent's motion for summary judgment on the issue of liability, held that petitioner was not entitled to either absolute or qualified immunity. The Court of Appeals agreed with the denial of absolute immunity, but held, with respect to the denial of qualified immunity, that the District Court's order was not appealable under the collateral order doctrine.**

1. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.
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# Text 969:

**Gonzales v. Carhart, 550 U.S. 124 (2007), was a landmark decision of the U.S. Supreme Court that upheld the Partial-Birth Abortion Ban Act of 2003. The case reached the high court after U.S. Attorney General, Alberto Gonzales, appealed a ruling of the U.S. Court of Appeals for the Eighth Circuit in favor of LeRoy Carhart that struck down the Act. Also before the Supreme Court was the consolidated appeal of Gonzales v. Planned Parenthood from the U.S. Court of Appeals for the Ninth Circuit, whose ruling had the same effect as that of the Eighth Circuit.  
The Supreme Court's decision upheld Congress's ban and held that it did not impose an undue burden on the due process right of women to obtain an abortion, "under precedents we here assume to be controlling", such as the Court's prior decisions in Roe v. Wade and Planned Parenthood v. Casey. In a legal sense, the case distinguished but did not overrule Stenberg v. Carhart (2000), in which the Court dealt with related issues. Gonzales was widely interpreted as signaling a shift in Supreme Court jurisprudence toward a restriction of abortion rights, occasioned in part by the retirement of Sandra Day O'Connor and her replacement by Samuel Alito.  
The Court found that there is "uncertainty [in the medical community] over whether the barred procedure is ever necessary to preserve a woman's health", and in the past the Court "has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific uncertainty."**

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   The Court found that there is "uncertainty [in the medical community] over whether the barred procedure is ever necessary to preserve a woman's health", and in the past the Court "has given state and federal legislatures wide discretion to pass legislation in areas where there is medical and scientific uncertainty."
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 970:

**Wolfe v. North Carolina, 364 U.S. 177 (1960), is a 1960 United States Supreme Court case in which the court, in a 5–4 decision, upheld the trespassing conviction of six African-American men who were barred from a golf course because of their race.**

1. Klopfer v. North Carolina, 386 U.S. 213 (1967), was a decision by the United States Supreme Court involving the application of the Speedy Trial Clause of the United States Constitution in state court proceedings. The Sixth Amendment in the Bill of Rights states that in criminal prosecutions "...the accused shall enjoy the right to a speedy trial" In this case, a defendant was tried for trespassing and the initial jury could not reach a verdict. The prosecutor neither dismissed nor reinstated the case but used an unusual procedure to leave it open, potentially indefinitely. Klopfer argued that this denied him his right to a speedy trial. In deciding in his favor, the Supreme Court incorporated the speedy trial protections of the Sixth Amendment against the states.
2. North Carolina v. Alford, 400 U.S. 25 (1970), was a case in which the Supreme Court of the United States affirmed that there are no constitutional barriers in place to prevent a judge from accepting a guilty plea from a defendant who wants to plead guilty, while still protesting his innocence, under duress, as a detainee status. This type of plea has become known as an Alford plea, differing slightly from the nolo contendere plea in which the defendant agrees to being sentenced for the crime, but does not admit guilt. Alford died in prison in 1975.

# Text 971:

**United States v. Kaiser, 363 U.S. 299 (1960), was an income tax case before the United States Supreme Court.**

1. American Automobile Association v. United States, 367 U.S. 687 (1961), was an income tax case before the United States Supreme Court.
2. United States v. Gilmore, 372 U.S. 39 (1963), was a federal income tax case before the United States Supreme Court.

# Text 972:

**Ingraham v. Wright, 430 U.S. 651 (1977), was a United States Supreme Court case that upheld the disciplinary corporal punishment policy of Florida's public schools by a 5-4 vote. The judgment specified that such corporal punishments have no prohibition in public schools unless those punishments are “degrading or unduly severe”.**

1. Wright v. Rockefeller, 376 U.S. 52 (1964), was a case in which the Supreme Court of the United States held that in cases involving allegations of improper racial gerrymandering, where the evidence was "equally, or more, persuasive" that racial considerations had not motivated the state legislature, the court will give deference to the findings of the district court.
2. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.

# Text 973:

**Boynton v. Virginia, 364 U.S. 454 (1960), was a landmark decision of the US Supreme Court. The case overturned a judgment convicting an African American law student for trespassing by being in a restaurant in a bus terminal which was "whites only". It held that racial segregation in public transportation was illegal because such segregation violated the Interstate Commerce Act, which broadly forbade discrimination in interstate passenger transportation. It moreover held that bus transportation was sufficiently related to interstate commerce to allow the United States federal government to regulate it to forbid racial discrimination in the industry.  
Thurgood Marshall argued the case for Boynton. The majority opinion was written by Justice Hugo Black.  
The significance of Boynton was not located in its holding since it managed to avoid deciding any Constitutional questions in its decision, and its expansive reading of Federal powers regarding interstate commerce was also well established by the time of the decision. Its significance is that its outlawing of racial segregation in public transportation led directly to a movement called the Freedom Rides, in which African Americans and whites together rode various forms of public transportation in the South to challenge local laws or customs that enforced segregation. The Freedom Rides, and the violent reactions they provoked, prompted Attorney General Robert F. Kennedy to confront the Interstate Commerce Commission (ICC) with its failure to enforce a bus desegregation ruling it had handed down in 1955, Sarah Keys v. Carolina Coach Company, 64 MCC 769 (1955) as well as the companion train desegregation case, NAACP v. St. Louis-Santa Fe Railway Company, 297 ICC 335 (1955). By presenting the commission with its own rulings in a May 29, 1961, petition, Kennedy was able to prompt it to do what it had promised in 1955, five years before the Boynton ruling was handed down, and six years before the Freedom Riders set out to test Boynton across the Deep South. On September 22, 1961, the ICC issued regulations which implemented its 1955 Keys and NAACP rulings, as well as the Supreme Court's ruling in Boynton, and on November 1 those regulations went into effect, effectively ending Jim Crow in public transportation.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.

# Text 974:

**Keyes v. School District No. 1, Denver, 413 U.S. 189 (1973), was a United States Supreme Court case that claimed de facto segregation had affected a substantial part of the school system and therefore was a violation of the Equal Protection Clause. In this case, black and Hispanic parents filed suit against all Denver schools due to racial segregation. The decision on this case, written by Justice William J. Brennan, was key in defining de facto segregation. Brennan found that although there were no official laws supporting segregation in Denver, "the Board, through its actions over a period of years, intentionally created and maintained the segregated character of the core city schools." As a result of the ruling, the entire district in Denver, Colorado, must be desegregated. The issue of "intent" would become a key factor in the Boston case.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.

# Text 975:

**Reno v. Flores, 507 U.S. 292 (1993), was a Supreme Court of the United States case that addressed the detention and release of unaccompanied minors.  
The Supreme Court ruled that the Immigration and Naturalization Service's regulations regarding the release of alien unaccompanied minors did not violate the Due Process Clause of the United States Constitution. The Court held that "alien juveniles detained on suspicion of being deportable may be released only to a parent, legal guardian, or other related adult." The legacy for which Reno v. Flores became known was the subsequent 1997 court-supervised stipulated settlement agreement which is binding on the defendants (the federal government agencies)—the Flores v. Reno Settlement Agreement or Flores Settlement Agreement (FSA) to which both parties in Reno v. Flores agreed in the District Court for Central California (C.D. Cal.). The Flores Settlement Agreement (FSA), supervised by C.D. Cal., has set strict national regulations and standards regarding the detention and treatment of minors by federal agencies for over twenty years. It remains in effect until the federal government introduces final regulations to implement the FSA agreement. The FSA governs the policy for the treatment of unaccompanied alien children in federal custody of the legacy INS and its successor—United States Department of Homeland Security (DHS) and the various agencies that operate under the jurisdiction of the DHS-in particular the United States Citizenship and Immigration Services (USCIS). The FSA is supervised by a U.S. district judge in the District Court for Central California.  
The litigation originated in the class action lawsuit Flores v. Meese filed on July 11, 1985 by the Center for Human Rights and Constitutional Law (CHRCL) and two other organizations on behalf of immigrant minors, including Jenny Lisette Flores, who had been placed in a detention center for male and female adults after being apprehended by the former Immigration and Naturalization Service (INS) as she attempted to illegally cross the Mexico–United States border.  
Under the Flores Settlement and current circumstances, DHS asserts that it generally cannot detain alien children and their parents together for more than brief periods. In his June 20, 2018 executive order, President Trump had directed then-Attorney General Jeff Sessions to ask the District Court for the Central District of California, to "modify" the Flores agreement to "allow the government to detain alien families together" for longer periods, which would include the time it took for the family's immigration proceedings and potential "criminal proceedings for unlawful entry into the United States".: 2  On July 9, Judge Gee of the Federal District of California, ruled that there was no basis to amend the 1997 Flores Settlement Agreement (FSA) that "requires children to be released to licensed care programs within 20 days."  
In 2017, U.S. District Judge Dolly Gee found that children who were in custody of the U.S. Customs and Border Protection lacked "food, clean water and basic hygiene items" and were sleep-deprived. She ordered the federal government to provide items such as soap and to improve the conditions. The federal government appealed the decision saying that the order forcing them to offer specific items and services exceeded the original Flores agreement. The June 18, 2019 hearing became infamous and caused nationwide outrage when a video of the Department of Justice senior attorney arguing against providing minors with toothbrushes and soap went viral. The federal government lost their appeal when a three-judge panel of the United States Court of Appeals for the Ninth Circuit upheld Judge Gee's order on August 15, 2019.**

1. Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.
2. United States v. Munoz-Flores, 495 U.S. 385 (1990), was a United States Supreme Court case that interpreted the Origination Clause of the United States Constitution. The Court was asked to rule on whether a statute that imposed mandatory monetary penalties on persons convicted of federal misdemeanors was enacted in violation of that clause, as the lower court had held.

# Text 976:

**Georgia v. McCollum, 505 U.S. 42 (1992), was a case in which the Supreme Court of the United States held that a criminal defendant cannot make peremptory challenges based solely on race. The court had previously held in Batson v. Kentucky (1986) that prosecutors cannot make peremptory challenges based on race, but did not address whether defendants could use them. The court had already ruled in Edmonson v. Leesville Concrete Company (1991) that the Batson prohibition also applies to civil litigants because they are state actors during the jury selection process.  
However, in Polk County v. Dodson, the court had held that a public defender is not a state actor in the context of a lawsuit for inadequate legal representation. McCollum argued that Polk County was the controlling precedent, so public defenders are not state actors during jury selection. Writing for the court, Justice Harry Blackmun disagreed. Blackmun found that whether a public defender is a state actor "depends on the nature and context of the function he is performing." Just as he is a state actor in the context of personnel decisions like hiring and firing attorneys in his office, a public defender is a state actor in the context of peremptory challenges. Like in Edmonson, Blackmun found that race-based peremptory challenges by the defendant violate the Equal Protection Clause and are therefore unconstitutional.**

1. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.
2. J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.

# Text 977:

**Spaziano v. Florida was two United States Supreme Court cases dealing with the imposition of the death penalty. In the first case, 454 U.S. 1037 (1981), the Supreme Court, with two dissents, refused Spaziano's petition for certiorari. However, the Florida Supreme Court would reverse Spaziano's death sentence based on the judge's receipt of a confidential report which was not received by either party. On remand, the judge reimposed the death penalty and the Florida Supreme Court upheld the sentence. In the second case, 468 U.S. 447 (1984), the Court heard Spaziano's appeal of his death sentence.**

1. Enmund v. Florida, 458 U.S. 782 (1982), is a United States Supreme Court case. It was a 5–4 decision in which the United States Supreme Court applied its capital proportionality principle, to set aside the death penalty for the driver of a getaway car, in a robbery-murder of an elderly Floridian couple. The court ruled that the imposition of the death penalty under the felony murder rule when the defendant did not intentionally kill the victim constituted cruel and unusual punishment under the Eighth Amendment of the United States constitution.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 978:

**Chicago Police Dept. v. Mosley, 408 U.S. 92 (1972), was a United States Supreme Court case which concerned freedom of speech under the First Amendment. Oral argument for this case was consolidated with Grayned v. City of Rockford, but separate opinions were issued for each. Earl Mosley had protested employment discrimination by carrying a sign on the sidewalk in front of a Chicago high school, until the city of Chicago made it illegal to do so. Although Chicago believed that its ordinance was a time, place, or manner restriction, and therefore was a constitutional law, the Supreme Court ruled that it was a content-based restriction, because it treated labor-related protests differently from other protests. Since the ordinance did not meet the higher standards for content-based restrictions, it was ruled unconstitutional.**

1. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.
2. Alvarez v. Smith, 558 U.S. 87 (2009), was a United States Supreme Court decision on seizure of property by the Chicago Police Department, however the case was declared moot by the Court as the parties agreed that there was no longer contention over the property seized.

# Text 979:

**Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985), was a United States Supreme Court case regarding Congress' power to abrogate the Eleventh Amendment sovereign immunity of the states.  
Ordinarily, sovereign immunity prohibits the states from being sued, and the Eleventh Amendment prohibits states from being sued without consent in federal court; however, there are exceptions. A state can waive its sovereign immunity, and in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), the Supreme Court had emphasized that Congress could abrogate state sovereign immunity pursuant to powers granted it by the Civil War Amendments. The Court noted that Edelman v. Jordan, 415 U.S. 651 (1974), however, had recognized that "the Eleventh Amendment implicates the fundamental constitutional balance between the Federal Government and the States," Atascadero, at 238, the Court had applied a clear statement rule to waiver. The Court will only deem the state to have waived its immunity when the waiver is couched in "the most express language or by such overwhelming implication from the text as [will] leave no room for any other reasonable construction." Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909).  
In Atascadero, the Court made the rule symmetrical: just as purported waiver requires a clear statement, so too a purported abrogation requires a clear statement. Reiterating its "reluctance to infer that a State's immunity from suit in the federal courts has been negated[,] stem[ming] from recognition of the vital role of the doctrine of sovereign immunity in our federal system," Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 98 (1984) (Pennhurst II), and citing "[t]he fundamental nature of the interests implicated by the Eleventh Amendment," Atascadero, at 242, the court held "that Congress may abrogate the States' constitutionally secured immunity from suit in federal court only by making its intention unmistakably clear in the language of the statute." Id.  
In response to Atascadero, Congress enacted a statute providing the clear language that the Court had demanded. The Rehabilitation Act Amendments of 1986 stated that "a State shall not be immune under the Eleventh Amendment... from suit in Federal court for a violation" of relevant provisions of federal law.**

1. Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), was a United States Supreme Court decision that determined that the U.S. Congress has the power to abrogate the Eleventh Amendment sovereign immunity of the states, if this is done pursuant to its Fourteenth Amendment power to enforce upon the states the guarantees of the Fourteenth Amendment.[1]
2. Pennhurst State School and Hospital v. Halderman, 465 U.S. 89 (1984), was a United States Supreme Court decision holding that the Eleventh Amendment prohibits a federal court from ordering state officials to obey state law.

# Text 980:

**United States v. Morgan, 346 U.S. 502 (1954), is a landmark decision by the United States Supreme Court which provides the writ of coram nobis as the proper application to request federal post-conviction judicial review for those who have completed the conviction's incarceration in order to challenge the validity of a federal criminal conviction.**

1. Morgan v. Illinois, 504 U.S. 719 (1992), is a case decided by the United States Supreme Court. The case established the right of defendants to challenge for cause any juror that would automatically impose the death penalty in all capital cases.
2. Katzenbach v. Morgan, 384 U.S. 641 (1966), was a landmark decision of the Supreme Court of the United States regarding the power of Congress, pursuant to Section 5 of the Fourteenth Amendment, to enact laws that enforce and interpret provisions of the Constitution.

# Text 981:

**Simmons v. South Carolina, 512 U.S. 154 (1994), is a United States Supreme Court case holding that, where a capital defendant's future dangerousness is at issue, and the only alternative sentence available is life imprisonment without the possibility of parole, the sentencing jury must be informed that the defendant is ineligible for parole.  
After being found guilty of murder, Jonathan Dale Simmons faced either execution or life in prison without parole. The State asked the jury to sentence Mr. Simmons to death, in part because he posed a future danger to society. Although Mr. Simmons repeatedly requested permission to instruct the jury that he would never be released from prison, these requests were denied by the trial court. Denying Mr. Simmons his requested instruction violated his due process rights, the Supreme Court held, and presented to the jury a "false choice between sentencing petitioner to death and sentencing him to a limited period of incarceration."  
Although Simmons was a plurality opinion, the Supreme Court has repeatedly reaffirmed its holding.**

1. Ham v. South Carolina, 409 U.S. 524 (1973), was a United States Supreme Court decision concerning examinations of prospective jurors during voir dire. The Court held that the trial court's failure to "have the jurors interrogated on the issue of racial bias" violated the petitioner's due process right under the Fourteenth Amendment. This right does not extend to any question of bias, but it does not preclude questions of relevant biases.
2. Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 (1947), is a case in which the U.S. Supreme Court was asked whether imposing capital punishment (the electric chair) a second time, after it failed in an attempt to execute Willie Francis in 1946, constituted a violation of the United States Constitution. The issues raised surrounded the double jeopardy clause of the Fifth Amendment, and the cruel and unusual punishment clause of the Eighth Amendment, as made applicable to the State of Louisiana via the due process clause of the Fourteenth Amendment.  
   In an opinion by Justice Stanley Forman Reed, which three other justices (Chief Justice Vinson and Associate Justices Hugo Black and Robert H. Jackson) joined, and with which Justice Felix Frankfurter concurred, the Court held that re-executing Francis did not constitute double jeopardy or cruel and unusual punishment. Justice Reed wrote,  
     
   Our minds rebel against permitting the same sovereignty to punish an accused twice for the same offense. But where the accused successfully seeks review of a conviction, there is no double jeopardy upon a new trial. Even where a state obtains a new trial after conviction because of errors, while an accused may be placed on trial a second time, it is not the sort of hardship to the accused that is forbidden by the Fourteenth Amendment ... For we see no difference from a constitutional point of view between a new trial for error of law at the instance of the state that results in a death sentence instead of imprisonment for life and an execution that follows a failure of equipment. When an accident, with no suggestion of malevolence, prevents the consummation of a sentence, the state's subsequent course in the administration of its criminal law is not affected on that account by any requirement of due process under the Fourteenth Amendment. We find no double jeopardy here which can be said to amount to a denial of federal due process in the proposed execution. (Citations omitted).  
   Dissenting, however, Justice Harold Burton (joined by Justices William O. Douglas, Frank Murphy, and Wiley Rutledge) argued,   
     
   How many deliberate and intentional reapplications of electric current does it take to produce a cruel, unusual and unconstitutional punishment? While five applications would be more cruel and unusual than one, the uniqueness of the present case demonstrates that, today, two separated applications are sufficiently 'cruel and unusual' to be prohibited. If five attempts would be 'cruel and unusual,' it would be difficult to draw the line between two, three, four and five. It is not difficult, however, as we here contend, to draw the line between the one continuous application prescribed by statute and any other application of the current. Lack of intent that the first application be less than fatal is not material. The intent of the executioner cannot lessen the torture or excuse the result.  
   Francis was successfully executed the following year.

# Text 982:

**Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.**

1. Brown v. Texas, 443 U.S. 47 (1979), was a United States Supreme Court case in which the Court determined that the defendant's arrest in El Paso, Texas, for a refusal to identify himself, after being seen and questioned in a high crime area, was not based on a reasonable suspicion of wrongdoing and thus violated the Fourth Amendment. It is an important case for Stop and Identify statutes in the United States.  
   The decision was written by Chief Justice Warren Burger and unanimously supported by the other justices. His summary of the factual elements of the case includes the following:  
     
   Two police officers, while cruising near noon in a patrol car, observed appellant and another man walking away from one another in an alley in an area with a high incidence of drug traffic. They stopped and asked appellant to identify himself and explain what he was doing. One officer testified that he stopped appellant because the situation "looked suspicious and we had never seen that subject in that area before." The officers did not claim to suspect appellant of any specific misconduct, nor did they have any reason to believe that he was armed. When appellant refused to identify himself, he was arrested for violation of a Texas statute which makes it a criminal act for a person to refuse to give his name and address to an officer "who has lawfully stopped him and requested the information."  
   The finding held that:  
     
   The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe that appellant was engaged or had engaged in criminal conduct. Detaining appellant to require him to identify himself constituted a seizure of his person subject to the requirement of the Fourth Amendment that the seizure be "reasonable."  
   While the application of the relevant Texas law was held unconstitutional in the case, the constitutional status of the law itself was not addressed.  
   The statute in question, Tex. Penal Code § 38.02(a) has since been revised to only make it a crime to refuse to identify oneself after being lawfully arrested.
2. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.

# Text 983:

**National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. Lechmere, Inc. v. National Labor Relations Board, 502 U.S. 527 (1992), is a US labor law case of the Supreme Court of the United States on union rights and private property rights. It forbids nonemployee union organizers from soliciting support on private property unless no reasonable alternatives exist.

# Text 984:

**Moore v. City of East Cleveland, 431 U.S. 494 (1977), was a United States Supreme Court case in which the Court ruled that an East Cleveland, Ohio zoning ordinance that prohibited Inez Moore, a black grandmother, from living with her grandchild was unconstitutional. Writing for a plurality of the Court, Associate Justice Lewis F. Powell Jr. ruled that the East Cleveland zoning ordinance violated substantive due process because it intruded too far upon the "sanctity of the family." Justice John Paul Stevens wrote an opinion concurring in the judgment in which he agreed that the ordinance was unconstitutional, but he based his conclusion upon the theory that the ordinance intruded too far upon the Moore's ability to use her property "as she sees fit." Scholars have recognized Moore as one of several Supreme Court decisions that established "a constitutional right to family integrity."**

1. Hunter v. Erickson, 393 U.S. 385 (1969), was a United States Supreme Court case.  
   The question in the case was "whether the City of Akron, Ohio, has denied [a black citizen] the equal protection of its laws by amending the city charter to prevent the city council from implementing any ordinance dealing with racial, religious, or ancestral discrimination in housing without the approval of the majority of the voters of Akron."  
   The Court held an amendment of a city charter to discriminate against minorities, and constitute a real, substantial, and invidious denial of the equal protection of the laws under the Fourteenth Amendment.  
   This amendment provided that an ordinance enacted by the city council would not be effective unless approved by a majority of the city voters at a regular or general election, and that any such ordinance in effect at the time of the charter amendment shall cease to be effective until approved by the voters, a fair housing ordinance having in fact been previously enacted by the city council; that ordinance dealt with racial, religious, or ancestral discrimination in housing.  
   The amendment discriminated and violated the equal protection of the laws since, under the city's general system of enacting ordinances, an ordinance was effective a specified time after passage by the city council unless 10 percent of the voters petitioned for a referendum, and the amendment of the charter not only suspended the operation of the existing ordinance forbidding housing discrimination, but also made an explicit racial classification treating racial housing matters differently from other racial matters or other housing matters and made it more difficult to secure enactment of ordinances subject to the amendment, it being immaterial that the amendment drew no distinctions among racial and religious groups, since the amendment disadvantaged those who would benefit from laws barring racial, religious, or ancestral discriminations as against those who would bar other discriminations or who would otherwise regulate the real-estate market in their favor, and since the reality is that the law's impact falls on the minority and places special burdens on racial minorities within the governmental process.
2. Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), is a United States Supreme Court case in which the Court upheld the constitutionality of a residential zoning ordinance in Belle Terre, New York, allowing a restrictive definition of family that prevented unrelated college students from residing in a single-family dwelling.

# Text 985:

**National Association for the Advancement of Colored People v. Claiborne Hardware Co., 458 U.S. 886 (1982), was a landmark decision of the United States Supreme Court ruling 8–0 (Marshall did not participate in the decision) that although states have broad power to regulate economic activities, they cannot prohibit peaceful advocacy of a politically motivated boycott.**

1. National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.
2. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.

# Text 986:

**National Equipment Rental, Ltd. v. Szukhent, 375 U.S. 311 (1964), was a case in which the Supreme Court of the United States held that service of process upon a party's designated agent does not invalidate personal jurisdiction that would otherwise be established, if the agent gives prompt notice to the party.**

1. Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.
2. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.

# Text 987:

**Cannon v. University of Chicago, 441 U.S. 677 (1979), was a United States Supreme Court case which interpreted Congressional silence in the face of earlier interpretations of similar laws to determine that Title IX of the Higher Education Act provides an implied cause of action.[1]**

1. Gunn v. University Committee to End the War in Viet Nam, 399 U.S. 383 (1970), is a United States Supreme Court case in which the Court that since the District Court has issued neither an injunction nor an order granting or denying one, Supreme Court has no jurisdiction under 28 U.S.C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions.
2. Regents of the University of California v. Bakke, 438 U.S. 265 (1978), was a landmark decision by the Supreme Court of the United States that involved a dispute of whether preferential treatment for minorities could reduce educational opportunities for whites without violating the Constitution. It upheld affirmative action, allowing race to be one of several factors in college admission policy. However, the court ruled that specific racial quotas, such as the 16 out of 100 seats set aside for minority students by the University of California, Davis, School of Medicine, were impermissible.  
   Although the Supreme Court had outlawed segregation in schools by the Brown v. Board of Education decision and had ordered school districts to take steps to assure integration, the question of the legality of voluntary affirmative action programs initiated by universities remained unresolved. Proponents deemed such programs necessary to make up for past discrimination, while opponents believed they were illegal and a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. An earlier case that the Supreme Court had taken in an attempt to address the issue, DeFunis v. Odegaard (1974), was dismissed on procedural grounds.  
   Allan P. Bakke (), an engineer and former Marine officer, sought admission to medical school but was rejected for admission partly because of his age — Bakke was in his early 30s while applying, which at least two institutions considered too old. After twice being rejected by the University of California, Davis, he brought suit in state court challenging the constitutionality of the school's affirmative-action program. The California Supreme Court struck down the program as violative of the rights of white applicants and ordered Bakke admitted. The U.S. Supreme Court accepted the case amid wide public attention.  
   The ruling on the case was highly fractured. The nine justices issued a total of six opinions. The judgment of the court was written by Justice Lewis F. Powell Jr.; two different blocs of four justices joined various parts of Powell's opinion. Finding diversity in the classroom to be a compelling state interest, Powell opined that affirmative action in general was allowed under the Constitution and the Title VI of the Civil Rights Act of 1964. Nevertheless, UC Davis's program went too far for a majority of justices; it was struck down and Bakke was admitted. The practical effect of Bakke was that most affirmative action programs continued without change. Questions about whether the Bakke case was merely a plurality opinion or binding precedent were addressed in 2003 when the court upheld Powell's position in the majority opinion of Grutter v. Bollinger. However, in 2023, the Supreme Court reversed that position, finding that affirmative action in student admissions impermissibly violated the Equal Protection Clause of the Fourteenth Amendment in Students for Fair Admissions v. Harvard and Students for Fair Admissions v. University of North Carolina.

# Text 988:

**NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.**

1. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.
2. National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.

# Text 989:

**Talley v. California, 362 U.S. 60 (1960), was a case in which the Supreme Court of the United States voided a Los Angeles city ordinance which forbade the distribution of any handbills in any place under any circumstances if the handbills did not contain the name and address of the person for whom it was prepared, distributed, or sponsored.  
Talley is often cited for the proposition that identification requirements burden speech.**

1. Lambert v. California, 355 U.S. 225 (1957), was a United States Supreme Court case regarding the defense of ignorance of the law when there is no legal notice. The court held that when one is required to register one's presence, failure to register may be punished only when there is a probability that the accused party had knowledge of the law before committing the crime of failing to register.
2. California v. Carney, 471 U.S. 386 (1985), was a United States Supreme Court case which held that a motor home was subject to the automobile exception to the search warrant requirement of the Fourth Amendment to the United States Constitution because the motor home was readily movable.  
   The dissent argues that this is contrary to the bright line rule established in Katz v. United States and that the majority opinion violates the protection of privacy rights provided by the Fourth Amendment.

# Text 990:

**National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Lucy v. Adams, 350 U.S. 1 (1955), was a U.S. Supreme Court case that successfully established the right of all citizens to be accepted as students at the University of Alabama.  
   The case involved African American citizens Autherine Lucy and Polly Anne Myers, who were refused admission to the University of Alabama solely on account of their race or color.  
   The Supreme Court affirmed the lower court decision, saying that it enjoins and restrains the respondent and others designated from denying these petitioners, solely on account of their race or color, the right to enroll in the University of Alabama and pursue courses of study there.

# Text 991:

**James v. Illinois, 493 U.S. 307 (1990), was a United States Supreme Court case in which the Court forbade the admission of evidence obtained in violation of the Fourth Amendment for the use of impeaching statements made by a defense witness.**

1. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 992:

**Gray v. Sanders, 372 U.S. 368 (1963), was a Supreme Court of the United States case dealing with equal representation in regard to the American election system and formulated the famous "one person, one vote" standard applied in this case for "counting votes in a Democratic primary election for the nomination of a United States Senator and statewide officers — which was practically equivalent to election."**

1. Wesberry v. Sanders, 376 U.S. 1 (1964), was a landmark U.S. Supreme Court case in which the Court ruled that districts in the United States House of Representatives must be approximately equal in population. Along with Baker v. Carr (1962) and Reynolds v. Sims (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Article One of the United States Constitution requires members of the U.S. House of Representatives to be apportioned by population among the states, but it does not specify exactly how the representatives from each state should be elected. The case arose from a challenge to the unequal population of congressional districts in the state of Georgia.  
   In his majority opinion, which was joined by five other justices, Associate Justice Hugo Black held that Article One required that "as nearly as practicable one man's vote in a congressional election is to be worth as much as another's." The decision had a major impact on representation in the House, as many states had districts of unequal population, often to the detriment of urban voters. The United States Senate was unaffected by the decision since the Constitution explicitly grants each state two senators representing the state at large.
2. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.

# Text 993:

**Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993), was a case in which the Supreme Court of the United States held that an ordinance passed in Hialeah, Florida, forbidding the "unnecessar[y]" killing of "an animal in a public or private ritual or ceremony not for the primary purpose of food consumption", was unconstitutional.**

1. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.
2. Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.

# Text 994:

**Hunter v. Underwood, 471 U.S. 222 (1985), was a case in which the Supreme Court of the United States unanimously invalidated the criminal disenfranchisement provision of § 182 of the Alabama Constitution as a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.**

1. Richardson v. Ramirez, 418 U.S. 24 (1974), was a landmark decision by the Supreme Court of the United States in which the Court held, 6–3, that convicted felons could be barred from voting beyond their sentence and parole without violating the Equal Protection Clause of the Fourteenth Amendment to the Constitution. Such felony disenfranchisement is practiced in a number of states.
2. Gomillion v. Lightfoot, 364 U.S. 339 (1960), was a landmark decision of the Supreme Court of the United States that found an electoral district with boundaries created to disenfranchise African Americans violated the Fifteenth Amendment.

# Text 995:

**Gallagher v. Crown Kosher Super Market of Massachusetts, Inc., 366 U.S. 617 (1961), is a United States Supreme Court case that declared that a kosher butcher store had to abide by the state laws that banned them from selling on Sunday.**

1. Braunfeld v. Brown, 366 U.S. 599 (1961), was a landmark case on the issue of religious and economic liberty decided by the United States Supreme Court. In a 6–3 decision, the Court held that a Pennsylvania blue law forbidding the sale of various retail products on Sunday was not an unconstitutional interference with religion as described in the First Amendment to the United States Constitution.
2. 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), was a United States Supreme Court case in which the Court held that a complete ban on the advertising of alcohol prices was unconstitutional under the First Amendment, and that the Twenty-first Amendment, empowering the states to regulate alcohol, did not lessen other constitutional restraints of state power.

# Text 996:

**Feiner v. New York, 340 U.S. 315 (1951), was a United States Supreme Court case involving Irving Feiner's arrest for a violation of section 722 of the New York Penal Code, "inciting a breach of the peace," as he addressed a crowd on a street.**

1. Kunz v. New York, 340 U.S. 290 (1951), was a landmark United States Supreme Court case that held a requirement mandating a permit to speak on religious issues in public was unconstitutional. The case was argued on October 17, 1950, and decided on January 15, 1951, with an 8–1 decision. Chief Justice Vinson delivered the opinion for the Court. Justice Black and Justice Frankfurter concurred in the result only. Justice Jackson dissented.  
   Kunz helped establish the principle that government restrictions on speech must be narrowly tailored to avoid improperly limiting expression protected by the First Amendment. In this case, the Court held that laws granting public officials broad discretion to restrain speech about religious issues in advance constitute an invalid prior restraint, violating the First Amendment. The Court reversed the 1948 conviction of Baptist minister Carl J. Kunz, who was found guilty of violating a New York City ordinance required a permit from the police commissioner to hold religious services on public streets. Although the ordinance did not specify grounds for refusing permission, Kunz was denied permits in 1947 and 1948 after being accused of making “scurrilous attacks” on Catholics and Jews under a previous permit. He was subsequently arrested for speaking without a permit in Columbus Circle.  
   Kunz's conviction for violating the ordinance was upheld by the Appellate Part of the Court of Special Sessions and by the New York Court of Appeals. However, the Supreme Court ultimately ruled that New York's ordinance was overly broad because it failed to provide any standards for administrators to determine who should receive permits to speak about religious issues.  
   In his dissenting opinion, Justice Robert Jackson argued that Kunz had used “fighting words” that were not protected by the First Amendment (see unprotected speech). He also criticized the Court for striking down the permit scheme citing the recent case of Feiner v. New York (1951), in which the Court had allowed local officials the discretion to arrest volatile speakers during their presentations.
2. Street v. New York, 394 U.S. 576 (1969), was a United States Supreme Court case in which the Court held that a New York state law making it a crime "publicly [to] mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act [any flag of the United States]" was, in part, unconstitutional because it prohibited speech against the flag. The Court left for a later day the question of whether it is constitutional or unconstitutional to prohibit, without reference to the utterance of words, the burning of the flag (see Texas v. Johnson and United States v. Eichman).

# Text 997:

**In re Primus, 436 U.S. 412 (1978), was a United States Supreme Court case in which the Court held that solicitation of prospective litigants by nonprofit organizations that engage in litigation as a form of political expression and political association constitutes expressive and associational conduct entitled to First Amendment protection.**

1. First National Bank of Boston v. Bellotti, 435 U.S. 765 (1978), is a U.S. constitutional law case which defined the free speech right of corporations for the first time. The United States Supreme Court held that corporations have a First Amendment right to make contributions to ballot initiative campaigns. The ruling came in response to a Massachusetts law that prohibited corporate donations in ballot initiatives unless the corporation's interests were directly involved.  
   In 1976 several corporations, including the First National Bank of Boston, were barred from contributing to a Massachusetts referendum regarding tax policy and subsequently sued. The case was successfully appealed to the Supreme Court, which heard oral arguments in November 1977. On April 26, 1978, the Court ruled 5–4 against the Massachusetts law.  
   As a result of the ruling, states could no longer impose specific regulations on donations from corporations in ballot initiative campaigns. While the Bellotti decision did not directly affect federal law, it has been cited by other Supreme Court cases such as McConnell v. FEC and Citizens United v. FEC.
2. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".

# Text 998:

**Jencks v. United States, 353 U.S. 657 (1957), is a decision of the U.S. Supreme Court in which the court held that the federal government must produce documents relied upon by government witnesses in federal criminal proceedings.  
The petitioner, Clinton Jencks appealed, by certiorari, his conviction in a federal district court of violating 18 U.S.C. 1001 by filing, under 9 (h) of the National Labor Relations Act, as president of a labor union, an affidavit stating falsely that he was not a member of the Communist Party or affiliated with such Party. Crucial testimony against him was given by two paid undercover agents of the Federal Bureau of Investigation, who stated on cross-examination that they made regular oral or written reports to the FBI on the matters about which they had testified.  
Jencks moved for production of these reports in court for inspection by the judge with a view to their possible use by the petitioner in impeaching such testimony. His motions were denied.  
Jencks appealed this issue by petitioning the U.S. Supreme Court for a writ of certiorari. The Court held that the denial of the motions for production of the documents was erroneous, and the conviction was reversed.**

1. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.
2. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.

# Text 999:

**Johnson v. Eisentrager, 339 U.S. 763 (1950), was a major decision of the US Supreme Court, where it decided that US courts had no jurisdiction over German war criminals held in a US-administered prison in Germany. The prisoners had at no time been on American sovereign territory.  
This decision was weakened by the Court's ruling in Braden v. 30th Judicial Circuit Court of Kentucky (1973), when the court found that the key to jurisdiction was whether the Court could process service to the custodians. Braden was relied on by the Court in Rasul v. Bush (2004), in which it held that it did have jurisdiction over the detainees held at Guantanamo Bay detention camp because it could reach their custodians, the policymakers and leaders of the Bush administration, who were responsible for their detention.**

1. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.
2. United States v. Johnson, 390 U.S. 563 (1968), was a United States Supreme Court case.

# Text 1000:

**NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.**

1. National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.
2. NLRB v. Truck Drivers Local 449 (Buffalo Linen Supply Co.), 353 U.S. 87 (1957), is an 8-0 decision by the Supreme Court of the United States in which the Court held that a temporary lockout by a multi-employer bargaining group threatened by a whipsaw strike was lawful under the National Labor Relations Act (NLRA), as amended by the Taft-Hartley Act.

# Text 1001:

**Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470 (1987), is a United States Supreme Court case interpreting the Fifth Amendment's Takings Clause. In this case, the court upheld a Pennsylvania statute which limited coal mining causing damage to buildings, dwellings, and cemeteries through subsidence.**

1. Caperton v. A. T. Massey Coal Co., 556 U.S. 868 (2009), is a case in which the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires judges to recuse themselves not only when actual bias has been demonstrated or when the judge has an economic interest in the outcome of the case but also when "extreme facts" create a "probability of bias."
2. Tampa Electric Co. v. Nashville Coal Co., 365 U.S. 320 (1961), the Tampa Electric case, was a 1961 decision of the Supreme Court that, together with United States v. Philadelphia National Bank, clarified the legal test for determining whether requirements contracts "may substantially lessen competition" or "tend to create a monopoly" for purposes of section 3 of the Clayton Antitrust Act.

# Text 1002:

**Hess v. Port Authority Trans-Hudson Corporation, 513 U.S. 30 (1994), was a United States Supreme Court case regarding the nature of "arms of the state" that are entitled to sovereign immunity under the Eleventh Amendment.  
The Eleventh Amendment bars suits which seek either damages or injunctive relief against a state, an "arm of the state", its instrumentalities, or its agencies. In Hess, the Court considered what constitutes an "arm of the state". The case arose from a circuit split where the Second and Third Circuits issued conflicting ruling on whether the Port Authority of New York and New Jersey was entitled to sovereign immunity.  
In an opinion by Justice Ruth Bader Ginsburg, the Court held that the Port Authority is not an "arm of the state" for purposes of the Eleventh Amendment. The Court reasoned that a judgment against the Port Authority would not be paid through by the state treaty of either New York or New Jersey.**

1. Hess v. Indiana, 414 U.S. 105 (1973), was a United States Supreme Court case involving the First Amendment that reaffirmed and clarified the imminent lawless action test first articulated in Brandenburg v. Ohio (1969). Hess is still cited by courts to protect speech threatening future lawless action.
2. Railway Express Agency, Inc. v. New York, 336 U.S. 106 (1949), was a case before the United States Supreme Court.

# Text 1003:

**DePierre v. United States, 564 U.S. 70 (2011), was a case in which the Supreme Court of the United States held that the use of the term "cocaine base" in 21 U.S.C. § 841(b)(1) refers to cocaine in its chemically basic form. The decision of the Court was unanimous, except with respect to Part III–A.**

1. Abuelhawa v. United States, 556 U.S. 816 (2009), was a United States Supreme Court case in which the Court held that a defendant who used a cellphone for the misdemeanor purchase of cocaine could not be charged with a felony for using a "communication facility" to facilitate the distribution of an illegal drug under 21 U.S.C. § 843(b).
2. United States v. Moore, 486 F.2d 1139 (D.C. Cir. 1973), was a case decided by the D.C. Circuit that refused to recognize a common law affirmative defense of addiction in a criminal prosecution for the possession of heroin.

# Text 1004:

**Morrissey v. Brewer, 408 U.S. 471 (1972), was a United States Supreme Court case that provided for a hearing, before a "neutral and detached" hearing body such as a parole board, to determine the factual basis for parole violations. This hearing is colloquially known as a "Morrissey hearing."  
The hearing can take place with the defendant in or out of custody. If applicable, a victim may be ordered to testify at a hearing. During the hearing, a member of the Parole Hearing Division reviews the evidence of the violation.  
The parolee is usually present and can present witnesses and documentary evidence and ask the victim questions. But in extreme cases the victim can be interviewed outside the parolee's presence. If this happens, the parolee can leave a list of questions for the victim to answer. Evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial can be allowed in a Morrissey hearing.  
After the hearing, the factfinders issue a written statement as to the evidence relied upon and reasons for revoking parole. The victim can be notified about the outcome.  
Brennan and Marshall noted in their concurrence, "The only question open under our precedents is whether counsel must be furnished the parolee if he is indigent."**

1. Brewer v. Williams, 430 U.S. 387 (1977), is a decision by the United States Supreme Court that clarifies what constitutes "waiver" of the right to counsel for the purposes of the Sixth Amendment. Under Miranda v. Arizona, evidence obtained by police during interrogation of a suspect before he has been read his Miranda rights is inadmissible. Here, however, the defendant had been indicted in court and had asserted his desire to have counsel, thus his Sixth Amendment right to counsel had attached. At issue was whether a voluntary admission of incriminating facts in response to police statements made while the defendant was in custody and outside the presence of his lawyer constituted a waiver of this right to counsel.
2. Wainwright v. Greenfield, 474 U.S. 284 (1986), is a case in which the United States Supreme Court reversed the lower court's finding and overturned the petitioner's conviction, on the grounds that it was fundamentally unfair for the prosecutor to comment during the court proceedings on the petitioner's silence invoked as a result of a Miranda warning.

# Text 1005:

**Kastigar v. United States, 406 U.S. 441 (1972), was a United States Supreme Court decision that ruled on the issue of whether the government's grant of immunity from prosecution can compel a witness to testify over an assertion of the Fifth Amendment privilege against self-incrimination.  
In a 5-2 decision (Justices Brennan and Rehnquist took no part in the consideration of the case), the Court held that the government can overcome a claim of Fifth Amendment privilege by granting a witness "use and derivative use" immunity in exchange for his testimony.**

1. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.
2. Jenkins v. Anderson, 447 U.S. 231 (1980), is a United States Supreme Court case regarding the Fifth Amendment right against self-incrimination.

# Text 1006:

**Lynch v. Donnelly, 465 U.S. 668 (1984), was a United States Supreme Court case challenging the legality of Christmas decorations on town property. All plaintiffs, including lead plaintiff Daniel Donnelly, were members of the Rhode Island chapter of the ACLU. The lead defendant was Dennis Lynch, then mayor of Pawtucket, Rhode Island.**

1. County of Allegheny v. American Civil Liberties Union, 492 U.S. 573 (1989), was a United States Supreme Court case in which the Court considered the constitutionality of two recurring Christmas and Hanukkah holiday displays located on public property in downtown Pittsburgh. The first, a nativity scene (crèche), was placed on the grand staircase of the Allegheny County Courthouse. The second of the holiday display in question was an 18-foot (5.5 m) public Hanukkah menorah, which was placed just outside the City-County Building next to the city's 45-foot (14 m) decorated Christmas tree and a sign saluting liberty. The legality of the Christmas tree display was not considered in this case.  
   In a complex and fragmented decision, the majority held that the County of Allegheny violated the Establishment Clause by displaying a crèche in the county courthouse, because the "principal or primary effect" of the display was to advance religion within the meaning of Lemon v. Kurtzman (1971), when viewed in its overall context. Moreover, in contrast to Lynch v. Donnelly (1984), nothing in the crèche's setting detracted from that message.  
   A different majority held that the menorah display did not have the prohibited effect of endorsing religion, given its "particular physical setting". Its combined display with a Christmas tree and a sign saluting liberty did not impermissibly endorse both the Christian and Jewish faiths, but simply recognized that both Christmas and Hanukkah are part of the same winter-holiday season, which, the Court found, had attained a secular status in U.S. society.
2. Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.

# Text 1007:

**In re Snyder, 472 U.S. 634 (1985), was a United States Supreme Court case in which the Court held that an attorney's curt letter to a court employee, followed by the attorney's refusal to apologize for sending the letter, did not justify suspending the attorney from practicing law in federal court.**

1. Snyder v. Phelps, 562 U.S. 443 (2011), is a landmark decision by the Supreme Court of the United States in which the Court held that speech made in a public place on a matter of public concern cannot be the basis of liability for a tort of emotional distress, even if the speech is viewed as offensive or outrageous.  
   On March 10, 2006, seven members of the Westboro Baptist Church (WBC), led by the church's founder Fred Phelps, picketed the funeral of U.S. Marine Matthew Snyder, who was killed in a non-combat accident during the Iraq War. On public land about 1,000 feet from where the funeral was being held, protesters displayed placards that read "Thank God for Dead Soldiers", "God Hates Fags", and "You're Going to Hell", among others. Snyder's father, Albert Snyder, filed a lawsuit seeking damages from Phelps and the Westboro Baptist Church, claiming that their picketing was meant to intentionally inflict emotional distress. Phelps defended the picketing as an appropriate use of their right to free speech and right to peacefully protest as protected by the First Amendment to the U.S. Constitution.  
   The District Court of Maryland ruled in Snyder's favor and awarded him a total of $10.9 million in damages, but the Fourth Circuit Court of Appeals reversed, holding that the protesters' signs were "rhetorical hyperbole" and "figurative expression" and were therefore protected speech under the First Amendment. On appeal to the U.S. Supreme Court, the Court ruled in favor of Phelps, holding that speech made in a public place on a matter of public concern cannot be the basis for a claim of tort liability for intentional infliction of emotional distress. In an 8–1 decision delivered by Chief Justice John Roberts, the Court wrote that the First Amendment "shield[s] Westboro from tort liability for its picketing" because the speech was made on a matter of public concern and did not disrupt the funeral. The First Amendment provides special protection to public issues because it serves "the principle that debate on public issues should be uninhibited, robust, and wide-open."
2. Sacher v. United States, 343 U.S. 1 (1952), was a United States Supreme Court case in which the Court upheld the convictions of five attorneys for contempt of court.

# Text 1008:

**H.P. Hood & Sons v. Du Mond, 336 U.S. 525 (1949), was a United States Supreme Court case in which the Court held a New York protectionist law which prohibits licensure to suppliers who are alleged will create “destructive competition” in the local market to violate the Commerce Clause of the U.S. Constitution.**

1. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.
2. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.

# Text 1009:

**United States v. Salerno, 481 U.S. 739 (1987), was a United States Supreme Court decision that determined that the Bail Reform Act of 1984 was constitutional, which permitted the federal courts to detain an arrestee prior to trial if the government could prove that the individual was potentially a danger to society. The Act was held to violate neither the United States Constitution's Due Process Clause of the Fifth Amendment nor its Excessive Bail Clause of the Eighth Amendment.**

1. Robinson v. California, 370 U.S. 660 (1962), is the first landmark decision of the United States Supreme Court in which the Eighth Amendment of the Constitution was interpreted to prohibit criminalization of particular acts or conduct, as contrasted with prohibiting the use of a particular form of punishment for a crime. In Robinson, the Court struck down a California law that criminalized being addicted to narcotics.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 1010:

**Cooper v. Oklahoma, 517 U.S. 348 (1996), was a United States Supreme Court case in which the Court reversed an Oklahoma court decision holding that a defendant is presumed to be competent to stand trial unless he proves otherwise by the second highest legal standard of proof, that of clear and convincing evidence, ruling that to be unconstitutional. The court said the defendant's Fourteenth Amendment rights to due process were violated.  
In this case, the defendant's ability to understand the charges against him and his ability to assist in his own defense was challenged on five separate occasions before and during his trial and sentencing for capital murder, but the trial judge ruled he was competent to stand trial because he did not meet Oklahoma's high standard of proof.**

1. Ake v. Oklahoma, 470 U.S. 68 (1985), was a case in which the Supreme Court of the United States held that the Due Process Clause of the Fourteenth Amendment required the state to provide a psychiatric evaluation to be used on behalf of an indigent criminal defendant if he needed it.
2. Thompson v. Oklahoma, 487 U.S. 815 (1988), was the first case since the moratorium on capital punishment was lifted in the United States in which the U.S. Supreme Court overturned the death sentence of a minor on grounds of "cruel and unusual punishment." The holding in Thompson was expanded on by Roper v. Simmons (2005), where the Supreme Court extended the "evolving standards" rationale to those under 18 years old.

# Text 1011:

**Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.**

1. Poulos v. New Hampshire, 345 U.S. 395 (1953), was a case in which the Supreme Court of the United States held that a New Hampshire city ordinance regarding permission to hold a meeting in a public park did not violate the appellant's rights to Free Exercise of Religion even if he and his group were arbitrarily and unlawfully denied a license to hold a religious meeting in that public park.
2. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.

# Text 1012:

**McKaskle v. Wiggins, 465 U.S. 168 (1984), is a United States Supreme Court case in which the court considered the role of standby counsel in a criminal trial where the defendant conducted his own defense (pro se). In this case the defendant claimed his Sixth Amendment right to present his own case in a criminal trial was violated by the presence of a court-appointed standby counsel.**

1. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.
2. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.

# Text 1013:

**Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.**

1. Marks v. United States, 430 U.S. 188 (1977), is a case decided by the Supreme Court of the United States that explained how the holding of a case should be viewed where there is no majority supporting the rationale of any opinion.
2. United States v. Reynolds, 345 U.S. 1 (1953), is a landmark legal case decided in 1953, which saw the formal recognition of the state secrets privilege, a judicially recognized extension of presidential power. The US Supreme Court confirmed that "the privilege against revealing military secrets ... is well established in the law of evidence".

# Text 1014:

**Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968), is a landmark United States Supreme Court case which held that Congress could regulate the sale of private property to prevent racial discrimination: "[42 U.S.C. § 1982] bars all racial discrimination, private as well as public, in the sale or rental of property, and that the statute, thus construed, is a valid exercise of the power of Congress to enforce the Thirteenth Amendment."[1]  
The Civil Rights Act of 1866 (passed by Congress over the veto of Andrew Johnson) provided the basis for this decision as embodied by 42 U.S.C. § 1982.  
Reversing many precedents, the Supreme Court held that the Civil Rights Act of 1866 prohibited both private and state-backed discrimination and that the 13th Amendment authorized Congress to prohibit private acts of discrimination as among "the badges and incidents of slavery." Congress possessed the power to "determine what are the badges and incidents of slavery, and the authority to translate that determination into effective legislation."**

1. Runyon v. McCrary, 427 U.S. 160 (1976), was a landmark case by the United States Supreme Court, which ruled that private schools that discriminate on the basis of race or establish racial segregation are in violation of federal law. Whereas Brown v. Board of Education barred segregation by public schools, this case barred segregation in private schools. This decision is built on Jones v. Alfred H. Mayer Co. another landmark civil rights case that affirmed the federal government's ability to penalize racist acts by private actors.  
   Dissenting Justices Byron White and William Rehnquist (who allegedly opposed Brown v. Board of Education for parts of his life) argued that the legislative history of 42 U.S.C. § 1981 (popularly known as the Civil Rights Act of 1866) indicated that the Act was not designed to prohibit private racial discrimination, but only state-sponsored racial discrimination (as had been held in the Civil Rights Cases of 1883).
2. Washington v. Davis, 426 U.S. 229 (1976), was a United States Supreme Court case that established that laws that have a racially discriminatory effect but were not adopted to advance a racially discriminatory purpose are valid under the U.S. Constitution.

# Text 1015:

**McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973), was a case in which the Supreme Court of the United States holding that Arizona has no jurisdiction to impose a tax on the income of Navajo Indians residing on the Navajo Reservation if their income is wholly derived from reservation sources.**

1. Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985), was a case in which the Supreme Court of the United States held that an Indian tribe is not required to obtain the approval of the Secretary of the Interior in order to impose taxes on non-tribal persons or entities doing business on a reservation.
2. Ramah Navajo School Board, Inc. v. Bureau of Revenue of New Mexico, 458 U.S. 832 (1982), is a United States Supreme Court case in which the Court held that the state was not authorized to impose taxes on a construction company building a school on a Native American (Indian) reservation.  
   The board operates Pine Hill Schools.

# Text 1016:

**Florida v. Royer, 460 U.S. 491 (1983), was a U.S. Supreme Court case dealing with issues involving the Fourth Amendment. Specifically, the case establishes a firm line in cases where police conduct search and seizure without a warrant. The court ruled that, while it is legal for authorities to target and approach a person based on their behavior, absent more, they cannot detain or search such individual without a warrant.**

1. Florida v. Rodriguez, 469 U.S. 1 (1984), was a United States Supreme Court case concerning the Fourth Amendment rights of protection from search and seizure. The case involved defendant Damasco Vincente Rodriguez against the State of Florida. After the Florida State Court and the District Court of Appeal of Florida both judged in favor of the defendant, the State of Florida appealed for a writ of Certiorari. The Supreme Court sided with the State of Florida, overturning the decision of the Florida state courts.
2. Florida v. Riley, 488 U.S. 445 (1989), was a United States Supreme Court decision which held that police officials do not need a warrant to observe an individual's property from public airspace.

# Text 1017:

**Matrixx Initiatives, Inc. v. Siracusano, 563 U.S. 27 (2011), is a decision by the Supreme Court of the United States regarding whether a plaintiff can state a claim for securities fraud under §10(b) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. §78j(b), and Securities and Exchange Commission Rule 10b-5, 17 CFR §240.10b-5 (2010), based on a pharmaceutical company's failure to disclose reports of adverse events associated with a product if the reports do not find statistically significant evidence that the adverse effects may be caused by the use of the product. In a 9–0 opinion delivered by Justice Sonia Sotomayor, the Court affirmed the Court of Appeals for the Ninth Circuit's ruling that the respondents, plaintiffs in a securities fraud class action against Matrixx Initiatives, Inc., and three Matrixx executives, had stated a claim under §10(b) and Rule 10b-5.**

1. Basic Inc. v. Levinson, 485 U.S. 224 (1988), was a case in which the Supreme Court of the United States articulated the "fraud-on-the-market theory" as giving rise to a rebuttable presumption of reliance in securities fraud cases.
2. Blue Chip Stamps v. Manor Drug Stores, 421 U.S. 723 (1975), was a decision by the United States Supreme Court, which ruled that only those suffering direct loss from the purchase or sale of stock had standing to sue under federal securities law. The Court noted that under the Securities Exchange Act of 1934, derivative investors are considered buyers or sellers of securities for application of SEC Rule 10b-5.

# Text 1018:

**Boykin v. Alabama, 395 U.S. 238 (1969), is a United States Supreme Court case in which the Court determined that when a defendant enters into a plea bargain, they waive their Sixth Amendment right to a trial by jury. A defendant may not waive this Constitutional right unless he does so knowingly, voluntarily and intelligently. The defendant was an African-American charged with robbery, which carried a death sentence in Alabama at the time. He pled guilty.**

1. Beck v. Alabama, 447 U.S. 625 (1980), was a United States Supreme Court case in which the Court held that a jury must be allowed to consider lesser included offenses, not just capital offense or acquittal.
2. Swain v. Alabama, 380 U.S. 202 (1965), was a case heard before the Supreme Court of the United States regarding the legality of a struck jury.

# Text 1019:

**Dunaway v. New York, 442 U.S. 200 (1979), was a United States Supreme Court case that held a subsequent Miranda warning is not sufficient to cure the taint of an unlawful arrest, when the unlawful arrest led to a coerced confession.**

1. New York v. Quarles, 467 U.S. 649 (1984), was a decision by the United States Supreme Court regarding the public safety exception to the normal Fifth Amendment requirements of the Miranda warning.
2. Spano v. New York, 360 U.S. 315 (1959), represented the Supreme Court's movement away from the amorphous voluntariness standard for determining whether police violated due process standards when eliciting confessions and towards the modern rule in Miranda v. Arizona. In Spano, the Court focused less on factors such as meals provided to the accused and more on whether the accused had access to legal counsel.

# Text 1020:

**Duren v. Missouri, 439 U.S. 357 (1979), was a United States Supreme Court case related to the Sixth Amendment. It challenged Missouri's law allowing gender-based exemption from jury service.  
Ruth Bader Ginsburg, who later became a Supreme Court Justice, and Lee Nation argued for Duren in what became Ginsburg's last case before the Supreme Court as an attorney. Part of her argument was that making jury duty optional for women should be struck down because it treated women's service on juries as less valuable than men's, and also discriminated against men who enjoyed no such exemption.**

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# Text 1021:

**Raines v. Byrd, 521 U.S. 811 (1997), was a United States Supreme Court case in which the Court held individual members of Congress do not automatically have standing to litigate the constitutionality of laws affecting Congress as a whole.**

1. United States v. Raines, 362 U.S. 17 (1960), was a United States Supreme Court decision relating to civil rights. The Court overturned the ruling of a U.S. District Court, which had held that a law authorizing the Federal Government to bring civil actions against State Officials for discriminating against African-Americans citizens was unconstitutional.  
   Attorney General brought suit to enjoin (issue injunction) against Raines and other Georgia public officials from discriminating against African Americans wanting to vote. District court dismissed the complaint from Raines, et al. because this could be brought by private citizens.
2. Byrd v. Blue Ridge Rural Electric Cooperative, Inc., 356 U.S. 525 (1958), decided on May 19, 1958, was a decision by the Supreme Court of the United States that refined the doctrine regarding in what instances courts were required to follow state law.

# Text 1022:

**Reed v. Reed, 404 U.S. 71 (1971), was a landmark decision of the Supreme Court of the United States holding that the administrators of estates cannot be named in a way that discriminates between sexes. In Reed v. Reed the Supreme Court ruled for the first time that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibited differential treatment based on sex.**

1. Doe v. Reed, 561 U.S. 186 (2010), is a United States Supreme Court case which holds that the disclosure of signatures on a referendum does not violate the Petition Clause of the First Amendment to the United States Constitution.
2. J. E. B. v. Alabama ex rel. T. B., 511 U.S. 127 (1994), was a landmark decision of the Supreme Court of the United States holding that peremptory challenges based solely on a prospective juror's sex are unconstitutional. J.E.B. extended the court's existing precedent in Batson v. Kentucky (1986), which found race-based peremptory challenges in criminal trials unconstitutional, and Edmonson v. Leesville Concrete Company (1991), which extended that principle to civil trials. As in Batson, the court found that sex-based challenges violate the Equal Protection Clause.

# Text 1023:

**Aptheker v. Secretary of State, 378 U.S. 500 (1964), was a landmark decision of the US Supreme Court on the right to travel and passport restrictions as they relate to Fifth Amendment due process rights and First Amendment free speech, freedom of assembly and freedom of association rights. It is the first case in which the US Supreme Court considered the constitutionality of personal restrictions on the right to travel abroad.  
In Aptheker, the petitioner challenged Section 6 of the Subversive Activities Control Act of 1950, which made it a crime for any member of a Communist organization to attempt to use or obtain a passport.**

1. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").
2. Haig v. Agee, 453 U.S. 280 (1981), was a United States Supreme Court case that upheld the right of the executive branch to revoke a citizen's passport for reasons of national security and the foreign policy interests of the U.S. under the Passport Act of 1926.  
   The case involved Congressional delegation of authority over control of passports and the right to international travel. Philip Agee was an ex-Central Intelligence Agency (CIA) officer living overseas who in 1974 declared a "campaign to fight the U.S. CIA wherever it is operating" and revealed the identities of several CIA officers resulting in violence against them. The Secretary of State revoked Agee's passport in 1979. Agee sued, alleging the secretary had no such authority, had denied him procedural due process rights, his substantive due process "liberty" right to travel under the Fifth Amendment, and had violated his First Amendment right to criticize government policies.  
   The district court found the Secretary lacked the power to revoke the passport and the Court of Appeals for the District of Columbia affirmed that decision. The Supreme Court reversed the lower court, holding that the broad discretion accorded the executive branch in matters of national security and foreign policy requires that the Passport Act of 1926 (currently codified at 22 U.S.C. § 211a et seq.) should be interpreted as granting the power to revoke a passport when necessary for national security.

# Text 1024:

**Mazer v. Stein, 347 U.S. 201 (1954), was a copyright case decided by the United States Supreme Court. In an opinion written by Justice Stanley F. Reed, the Supreme Court held that the statuettes—male and female dancing figures made of semivitreous china—used as bases for fully equipped electric lamps were copyrightable, even though the lamp itself was a utilitarian mass-produced item.  
The case is notable for the quotation, "Unlike a patent, a copyright gives no exclusive right to the art disclosed; protection is given only to the expression of the idea—not the idea itself." 347 U.S. at 217 (citing F. W. Woolworth Co. v. Contemporary Arts, 193 F.2d 162; Ansehl v. Puritan Pharmaceutical Co., 61 F.2d 131; Fulmer v. United States, 122 Ct. Cl. 195, 103 F.Supp. 1021; Muller v. Triborough Bridge Authority, 43 F.Supp. 298.)  
Congress incorporated the Mazer decision into the Copyright Act of 1976 as the concept of separability. For many years, there was confusion over how to determine separability, so tests proliferated and competed against one another. The Supreme Court addressed this issue in the 2017 case Star Athletica, LLC v. Varsity Brands, Inc. and created a canonical test for separability.**

1. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984), also known as the "Betamax case", is a decision by the Supreme Court of the United States which ruled that the making of individual copies of complete television shows for purposes of time shifting does not constitute copyright infringement, but can instead be defended as fair use. The court also ruled that the manufacturers of home video recording devices, such as Betamax or other VCRs (referred to as VTRs in the case), cannot be liable for contributory infringement. The case was a boon to the home video market, as it created a legal safe harbor for the technology.  
   The broader legal consequence of the Supreme Court's decision was its establishment of a general test for determining whether a device with copying or recording capabilities ran afoul of copyright law. This test has created some interpretative challenges for courts when applying the precedent to more recent file sharing technologies available for use on home computers and over the Internet.
2. Blonder-Tongue Labs., Inc. v. University of Ill. Foundation, 402 U.S. 313 (1971), is a decision of the United States Supreme Court holding that a final judgment in an infringement suit against a first defendant that a patent is invalid bars the patentee from relitigating the same patent against other defendants. In so ruling, the Supreme Court overruled its 1936 decision in Triplett v. Lowell, which had required mutuality of estoppel to bar such preclusion, and held that the better view was to prevent relitigating if the plaintiff had had a full and fair opportunity to litigate the issue in question.

# Text 1025:

**Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."**

1. Richardson v. Ramirez, 418 U.S. 24 (1974), was a landmark decision by the Supreme Court of the United States in which the Court held, 6–3, that convicted felons could be barred from voting beyond their sentence and parole without violating the Equal Protection Clause of the Fourteenth Amendment to the Constitution. Such felony disenfranchisement is practiced in a number of states.
2. United States v. Richardson, 418 U.S. 166 (1974), was a United States Supreme Court case concerning standing in which the Court held a taxpayer's interest in government spending was generalized, and too "undifferentiated" to confer Article III standing to challenge a law which exempted Central Intelligence Agency funding from Article I, Section 9 requirements that such expenditures be audited and reported to the public.

# Text 1026:

**Pike v. Bruce Church, Inc., 397 U.S. 137 (1970), was a case in which the Supreme Court of the United States held that power of states to pass laws interfering with interstate commerce is limited when the law poses an undue burden on businesses.**

1. Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.
2. City of Philadelphia v. New Jersey, 437 U.S. 617 (1978), was a case in which the Supreme Court of the United States held that states could not discriminate against another state's articles of commerce.

# Text 1027:

**Aro Manufacturing Co. v. Convertible Top Replacement Co., 365 U.S. 336 (1961), is a United States Supreme Court case in which the Court redefined the U.S. patent law doctrine of repair and reconstruction. The decision is sometimes referred to as Aro I because several years later the Supreme Court readdressed the same issues in a second case in 1964 involving the same parties—Aro II.**

1. Wilbur-Ellis Co. v. Kuther, 377 U.S. 422 (1964), is a United States Supreme Court decision that extended the repair-reconstruction doctrine of Aro Mfg. Co. v. Convertible Top Replacement Co. to enhancement of function.
2. Eastman Kodak Co. v. Image Technical Servs., Inc., 504 U.S. 451 (1992), is a 1992 Supreme Court decision in which the Court held that even though an equipment manufacturer lacked significant market power in the primary market for its equipment—copier-duplicators and other imaging equipment—nonetheless, it could have sufficient market power in the secondary aftermarket for repair parts to be liable under the antitrust laws for its exclusionary conduct in the aftermarket. The reason was that it was possible that, once customers were committed to the particular brand by having purchased a unit, they were "locked in" and no longer had any realistic alternative to turn to for repair parts.

# Text 1028:

**United States v. Virginia, 518 U.S. 515 (1996), was a landmark case in which the Supreme Court of the United States struck down the long-standing male-only admission policy of the Virginia Military Institute (VMI) in a 7–1 decision. Justice Clarence Thomas, whose son was enrolled at the university at the time, recused himself.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.

# Text 1029:

**Morrison v. Olson, 487 U.S. 654 (1988), was a Supreme Court of the United States decision that determined the Independent Counsel Act was constitutional. Morrison also set important precedent determining the scope of Congress's ability to encumber the President's authority to remove Officers of the United States from office. In Seila Law LLC v. Consumer Financial Protection Bureau (2020), the Supreme Court distinguished Morrison as a narrow exception applying only to inferior officers.  
Over the years, the case has become at least as well known for its lone dissent by Justice Antonin Scalia.**

1. Morrison v. National Australia Bank, 561 U.S. 247 (2010), was a United States Supreme Court case concerning the extraterritorial effect of U.S. securities legislation. Morrison extinguished two species of securities class-action claims that had proliferated in preceding years: "foreign-cubed" claims, in which foreign plaintiffs sued foreign issuers for losses on transactions on foreign exchanges, and "foreign-squared" claims, brought by domestic plaintiffs against foreign issuers for losses on transactions on foreign exchanges.
2. Public Citizen v. Department of Justice, 491 U.S. 440 (1989), is a United States Supreme Court case in which the Court interpreted the Federal Advisory Committee Act as well as Article II of the United States Constitution.

# Text 1030:

**Basic Inc. v. Levinson, 485 U.S. 224 (1988), was a case in which the Supreme Court of the United States articulated the "fraud-on-the-market theory" as giving rise to a rebuttable presumption of reliance in securities fraud cases.**

1. Central Bank of Denver v. First Interstate Bank of Denver, 511 U.S. 164 (1994), was a decision by the United States Supreme Court, which held private plaintiffs may not maintain aiding and abetting suits under Securities Exchange Act § 10(b).  
   The majority opinion in the case established that liability did not extend to "aiders or abettors" that participate in misstatements or omissions in connection with the sale of securities. The Supreme Court held that "private civil liability under Rule 10b-5 does not extend to those who do not engage in a manipulative or deceptive practice but who aid and abet such a violation of 10(b)." This distinguished between the primary liability of violators of Rule 10b-5 and non-primary defendants, who had not directly deceived investors. This was a more literal reading than hitherto of Section 10(b) of the Securities Exchange Act of 1934 and the Securities and Exchange Commission's Rule 10b-5, which prohibit fraud or deceit in connection with the purchase or sale of securities.  
   The Supreme Court's ruling reversed a long history of court decisions and SEC enforcement actions where aiders and abettors, often banks, accountants, trustees, and attorneys, were found liable under Rule 10b-5. The case makes the distinction between primary violators, who directly misstate or omit material facts that are relied upon by investors, and aiders and abettors. According to the court: "A plaintiff must show reliance on the defendant's misstatement or omission to recover under 10b-5. Basic Inc. v. Levinson, supra, at 243. Were we to allow the aiding and abetting action proposed in this case, the defendant could be liable without any showing that the plaintiff relied upon the aider and abettor's statement or actions. . . .". When investors relied on such statements or actions, the court extends Rule 10b-5 liability to these secondary participants. The Court stated that "any person or entity, including a lawyer, accountant, or bank, who employs a manipulative device or makes a material misstatement (or omission) on which a purchaser or seller of securities relies may be liable as a primary violator under 10b-5. . .."
2. TSC Industries, Inc. v. Northway, Inc., 426 U.S. 438 (1976), was a case in which the Supreme Court of the United States articulated the requirement of materiality in securities fraud cases.

# Text 1031:

**Rose v. Locke, 423 U.S. 48 (1975), was a United States Supreme Court case in which a Tennessee statute proscribing "crime against nature" was held not unconstitutionally vague as applied to cunnilingus, satisfying as it does the due process standard of giving sufficient warning that men may so conduct themselves as to avoid that which is forbidden. Viewed against that standard, the challenged statutory phrase is no vaguer than many other terms describing criminal offenses at common law, which are now codified in criminal codes. Moreover, the Tennessee Supreme Court by previously rejecting claims that the statute was to be narrowly applied has given sufficiently clear notice that it would be held applicable to acts such as those involved here when such a case as this arose.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 1032:

**Wieman v. Updegraff, 344 U.S. 183 (1952), is a unanimous ruling by the United States Supreme Court which held that Oklahoma loyalty oath legislation violated the due process clause of the Fourteenth Amendment to the United States Constitution because it did not give individuals the opportunity to abjure membership in subversive organizations. Due process requires that individuals have scienter (knowledge that their membership or support violates the loyalty oath), and the Oklahoma statute did not accommodate this requirement.**

1. Ake v. Oklahoma, 470 U.S. 68 (1985), was a case in which the Supreme Court of the United States held that the Due Process Clause of the Fourteenth Amendment required the state to provide a psychiatric evaluation to be used on behalf of an indigent criminal defendant if he needed it.
2. Broadrick v. Oklahoma, 413 U.S. 601 (1973), is a United States Supreme Court decision upholding an Oklahoma statute which prohibited state employees from engaging in partisan political activities. Broadrick is often cited to enunciate the test for a facial overbreadth challenge that "the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep."

# Text 1033:

**United States v. Mitchell, 463 U.S. 206 (1983), was a case in which the Supreme Court of the United States held that the United States is accountable in money damages for alleged breaches of trust in connection with its management of forest resources on allotted lands of the Quinault Reservation.**

1. Mitchell v. Donovan, 398 U.S. 427 (1970), was a United States Supreme Court case.
2. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.

# Text 1034:

**Burnham v. Superior Court of California, 495 U.S. 604 (1990), was a United States Supreme Court case addressing whether a state court may, consistent with the Due Process Clause of the Fourteenth Amendment, exercise personal jurisdiction over a non-resident of the state who is served with process while temporarily visiting the state. All nine justices unanimously agreed that this basis for personal jurisdiction—known as "transient jurisdiction"—is constitutionally permissible. However, the Court failed to produce a majority opinion, as the members were sharply divided on the reasons for the decision, reflecting two fundamentally different approaches to how due-process issues are to be analyzed. Justice Scalia wrote the lead opinion, joined in whole or part by three other Justices. Justice Brennan wrote an opinion joined by three other Justices. Justices White and Stevens wrote separate opinions.**

1. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.
2. Griffin v. California, 380 U.S. 609 (1965), was a United States Supreme Court case in which the Court ruled, by a 6–2 vote, that it is a violation of a defendant's Fifth Amendment rights for the prosecutor to comment to the jury on the defendant's declining to testify, or for the judge to instruct the jury that such silence is evidence of guilt.  
   The ruling specified that this new extension to defendants' Fifth Amendment rights was binding on all States through the Due Process Clause of the Fourteenth Amendment. This "no-comment rule" had already been binding on the federal government's courts because of an 1878 law.

# Text 1035:

**Arizona v. Gant, 556 U.S. 332 (2009), was a United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law-enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.**

1. Arizona v. Hicks, 480 U.S. 321 (1987), held that the Fourth Amendment requires the police to have probable cause to seize items in plain view.
2. Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.

# Text 1036:

**Pointer v. Texas, 380 U.S. 400 (1965), was a decision by the United States Supreme Court involving the application of the right of to confront accusers in state court proceedings. The Sixth Amendment in the Bill of Rights states that, in criminal prosecutions, the defendant has a right "...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor..." In this case, a person arrested in Texas for robbery was deprived of the ability to cross-examine a witness when the lower court allowed the introduction of a transcript of that witness's earlier testimony at a preliminary proceeding instead of compelling attendance by the witness at trial.**

1. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.
2. Duncan v. Louisiana, 391 U.S. 145 (1968), was a significant United States Supreme Court decision which incorporated the Sixth Amendment right to a jury trial and applied it to the states.

# Text 1037:

**Sweatt v. Painter, 339 U.S. 629 (1950), was a U.S. Supreme Court case that successfully challenged the "separate but equal" doctrine of racial segregation established by the 1896 case Plessy v. Ferguson. The case was influential in the landmark case of Brown v. Board of Education four years later.  
The case involved a black man, Heman Marion Sweatt, who was refused admission to the School of Law of the University of Texas, whose president was Theophilus Painter, on the grounds that the Texas State Constitution prohibited integrated education. The Supreme Court ruled in favor of law student Sweatt, reasoning that the state's racially separate law school was in fact unequal. Nonetheless, the Court limited its ruling in finding that it was not [yet] necessary to "reach [Sweatt]'s contention that Plessy v. Ferguson should be reexamined in the light of contemporary knowledge respecting the purposes of the Fourteenth Amendment and the effects of racial segregation." The decision was delivered on the same day as another case involving similar issues, McLaurin v. Oklahoma State Regents, also decided in favor of integrated graduate education.**

1. McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), was a United States Supreme Court case that prohibited racial segregation in state supported graduate or professional education. The unanimous decision was delivered on the same day as another case involving similar issues, Sweatt v. Painter.
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 1038:

**Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333 (1977), was a case in which the Supreme Court of the United States unanimously struck down a North Carolina law prohibiting the sale of apples in closed containers marked with any apple grade other than the United States Department of Agriculture grade.[1] However, displaying the USDA grade was not required. Washington state, a major apple producer, used apple standards superior to those used by the USDA. The Court found that North Carolina's law violated the Commerce Clause because they discriminated against Washington state apple producers while working to the advantage of local North Carolina apple growers.  
John R. Jordan, Jr., argued the cause for Hunt. With him on the brief were Rufus L. Edmisten, Attorney General of North Carolina, and Millard R. Rich, Jr., Deputy Attorney General. Slade Gorton, Attorney General of Washington, argued the cause for the Washington State Apple Advertising Commission. With him on the brief were Edward B. Mackie, Deputy Attorney General, and James Arneil, Special Assistant Attorney General.  
The Supreme Court decision established the concept of association standing, which allows for an association (in this case, the Commission) that represents one or more parties that have demonstrable injury to bring the case to trial with standing under Article III.**

1. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.
2. H.P. Hood & Sons v. Du Mond, 336 U.S. 525 (1949), was a United States Supreme Court case in which the Court held a New York protectionist law which prohibits licensure to suppliers who are alleged will create “destructive competition” in the local market to violate the Commerce Clause of the U.S. Constitution.

# Text 1039:

**Sinochem International Co., Ltd. v. Malaysia International Shipping Corporation, 549 U.S. 422 (2007), was a case decided by the United States Supreme Court, in which the court held a United States district court has discretion to respond at once to a defendant's forum non conveniens plea, and need not take up first any other threshold objection. In particular, a court need not resolve whether it has authority to adjudicate the cause (subject-matter jurisdiction) or personal jurisdiction over the defendant if it determines that, in any event, a foreign tribunal is the more suitable arbiter of the merits of the case.**

1. Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987), decided on February 24, 1987, was a case decided by the United States Supreme Court, in which the court decided whether a foreign corporation, by merely being aware that its products could end up in the forum state and into the American "stream of commerce" which later caused injuries, satisfied the minimum contact necessary to satisfy jurisdictional due process requirements. The court was unanimous in the result, but issued a fractured decision with Associate Justice Sandra Day O'Connor writing for a plurality of the court.
2. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.

# Text 1040:

**Texas v. Johnson, 491 U.S. 397 (1989), is a landmark decision by the Supreme Court of the United States in which the Court held, 5–4, that burning the Flag of the United States was protected speech under the First Amendment to the U.S. Constitution, as doing so counts as symbolic speech and political speech.  
In the case, activist Gregory Lee Johnson was convicted for burning an American flag during a protest outside the 1984 Republican National Convention in Dallas, Texas, and was fined $2,000 and sentenced to one year in jail in accordance with Texas law. Justice William Brennan wrote for the five-justice majority that Johnson's flag burning was protected under the freedom of speech, and therefore the state could not censor Johnson nor punish him for his actions.  
The ruling invalidated prohibitions on desecrating the American flag, which at the time were enforced in 48 of the 50 states. The ruling was unpopular with the general public and lawmakers, with President George H. W. Bush calling flag burning "dead wrong". The ruling was challenged by Congress, which passed the Flag Protection Act later that year, making flag desecration a federal crime. The law's constitutionality was contested before the Supreme Court, which again affirmed in United States v. Eichman (1990) that flag burning was a protected form of free speech and struck down the Flag Protection Act as violating the   
  
First Amendment. In the years following the ruling, Congress several times considered the Flag Desecration Amendment, which would have amended the Constitution to make flag burning illegal, but never passed it. The issue of flag burning remained controversial decades later, and it is still used as a form of protest.  
Time magazine described it as one of the best Supreme Court decisions since 1960, with legal scholars since stating about it that "Freedom of speech applies to symbolic expression, such as displaying flags, burning flags, wearing armbands, burning crosses, and the like."**

1. United States v. Eichman, 496 U.S. 310 (1990), was a United States Supreme Court case that by a 5–4 decision invalidated a federal law against flag desecration as a violation of free speech under the First Amendment. It was argued together with the case United States v. Haggerty. It built on the opinion handed down in the Court's decision the prior year in Texas v. Johnson (1989), which invalidated on First Amendment grounds a Texas state statute banning flag burning.
2. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.

# Text 1041:

**South Carolina v. Catawba Indian Tribe, Inc., 476 U.S. 498 (1986), is an important U.S. Supreme Court precedent for aboriginal title in the United States decided in the wake of County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985). Distinguishing Oneida II, the Court held that federal policy did not preclude the application of a state statute of limitations to the land claim of a tribe that had been terminated, such as the Catawba tribe.  
The Court remanded to the United States Court of Appeals for the Fourth Circuit to determine whether South Carolina's statute of limitations applied to the facts of the case. All together, the Fourth Circuit heard oral arguments in the case seven times, six of those times sitting en banc, i.e. all the judges on the Circuit rather than a panel of three (although the Circuit wrote only five published opinions). The Fourth Circuit determined that the limitations statute only barred the claim against those defendants that could satisfy the standards of adverse possession and upheld the trial court's denial of a defendant class certification.  
These rulings would have required the Catawbas to file individual lawsuits against the estimated 60,000 landowners in the area. The complaints were prepared and printed, but the parties reached a settlement before the date on which the Catawbas would have been required to file the individual complaints. Congress ratified the settlement, extinguishing all aboriginal title held by the Catawbas in exchange for $50,000,000—$32,000,000 paid by the federal government and $18,000,000 paid by the state.**

1. County of Oneida v. Oneida Indian Nation of New York State, 470 U.S. 226 (1985), was a landmark United States Supreme Court case concerning aboriginal title in the United States. The case, sometimes referred to as Oneida II, was "the first Indian land claim case won on the basis of the Nonintercourse Act."  
   The Supreme Court held that Indian tribes have a common law cause of action for possessory land claims based upon aboriginal title, that the Nonintercourse Act did not preempt that cause of action, and that the cause of action was not barred by a statute of limitations, abatement, implicit federal ratification, or nonjusticiability. Four dissenting justices would have held for the counties on the defense of laches, a question which the majority did not reach, but expressed doubts about.  
   Furthermore, the Court held that, due to the Eleventh Amendment, federal courts could not exercise ancillary jurisdiction over cross-claims by counties against states. Although only two other justices agreed with the entirety of Justice Powell's majority opinion, Brennan and Marshall agreed with Parts I-IV and VI (the Oneida's claims against the counties) and Burger, White, and Rehnquist agreed with Part V (the counties claims against the state), thus forging separate majorities.  
   The case is often referred to as Oneida II because it is the second of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It followed Oneida Indian Nation of New York v. County of Oneida (Oneida I) (1974), holding that there was federal subject-matter jurisdiction, and was followed by City of Sherrill v. Oneida Indian Nation of New York (2005), rejecting the tribe's attempt in a later lawsuit to re-assert tribal sovereignty over parcels of land re-acquired by the tribe in fee simple.
2. Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 661 (1974), is a landmark decision by the United States Supreme Court concerning aboriginal title in the United States. The original suit in this matter was the first modern-day Native American land claim litigated in the federal court system rather than before the Indian Claims Commission. It was also the first to go to final judgement.  
   The Supreme Court held that there is federal subject-matter jurisdiction for possessory land claims brought by Indian tribes based upon aboriginal title, the Nonintercourse Act, and Indian treaties. In delivering the opinion of the Court, Associate Justice Byron White wrote that jurisdiction for such suits arose both from 28 U.S.C. § 1331, conferring jurisdiction for cases arising under the Constitution, laws, or treaties of the United States and 28 U.S.C. § 1362, conferring similar jurisdiction to cases brought by Indian tribes regardless of the amount in controversy.  
   The case is often referred to as Oneida I because it is the first of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It was followed by County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985), rejecting all of the affirmative defenses raised by the counties in the same action, and City of Sherrill v. Oneida Indian Nation of New York (Sherrill) (2005), rejecting the tribe's attempt in a later lawsuit to reassert tribal sovereignty over parcels of land reacquired by the tribe in fee simple.

# Text 1042:

**Parham v. J.R., 442 U.S. 584 (1979), was a United States Supreme Court case that reviewed Georgia's procedures for the commitment of a child to a mental hospital based on the request of a parent. The Court rejected, by a vote of 6–3, a class-action lawsuit from a group of minors, who claimed that the state's procedures were insufficient to ensure that parents did not use state mental hospitals as a "dumping ground" for children, and to ensure that minors committed to mental hospitals by their parents actually suffered from a condition sufficient to justify commitment. In so doing, the Court reversed a lower court ruling holding numerous aspects of the Georgia mental health system unconstitutional.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.

# Text 1043:

**Mapp v. Ohio, 367 U.S. 643 (1961), was a landmark U.S. Supreme Court decision in which the Court ruled that the exclusionary rule, which prevents a prosecutor from using evidence that was obtained by violating the Fourth Amendment to the U.S. Constitution, applies to states as well as the federal government.   
The Supreme Court accomplished this by use of a principle known as selective incorporation. In Mapp, this involved the incorporation of the provisions, as interpreted by the Court, of the 4th Amendment, which applies only to actions of the federal government into the 14th Amendment's due process clause. Citing Boyd v. United States, the Court opined, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property."**

1. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.
2. Wolf v. Colorado, 338 U.S. 25 (1949), was a United States Supreme Court case in which the Court held 6—3 that, while the Fourth Amendment was applicable to the states, the exclusionary rule was not a necessary ingredient of the Fourth Amendment's right against warrantless and unreasonable searches and seizures. In Weeks v. United States, 232 U.S. 383 (1914), the Court held that as a matter of judicial implication the exclusionary rule was enforceable in federal courts but not derived from the explicit requirements of the Fourth Amendment. The Wolf Court decided not to incorporate the exclusionary rule as part of the Fourteenth Amendment in large part because the states which had rejected the Weeks Doctrine (the exclusionary rule) had not left the right to privacy without other means of protection (i.e. the States had their own rules to deter police officers from conducting warrantless and unreasonable searches and seizures). However, because most of the states' rules proved to be ineffective in deterrence, the Court overruled Wolf in Mapp v. Ohio, 367 U.S. 643 (1961). That landmark case made history as the exclusionary rule enforceable against the states through the Due Process clause of the Fourteenth Amendment to the same extent that it applied against the federal government.

# Text 1044:

**Florida v. Rodriguez, 469 U.S. 1 (1984), was a United States Supreme Court case concerning the Fourth Amendment rights of protection from search and seizure. The case involved defendant Damasco Vincente Rodriguez against the State of Florida. After the Florida State Court and the District Court of Appeal of Florida both judged in favor of the defendant, the State of Florida appealed for a writ of Certiorari. The Supreme Court sided with the State of Florida, overturning the decision of the Florida state courts.**

1. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.
2. Florida v. Royer, 460 U.S. 491 (1983), was a U.S. Supreme Court case dealing with issues involving the Fourth Amendment. Specifically, the case establishes a firm line in cases where police conduct search and seizure without a warrant. The court ruled that, while it is legal for authorities to target and approach a person based on their behavior, absent more, they cannot detain or search such individual without a warrant.

# Text 1045:

**Papachristou v. Jacksonville, 405 U.S. 156 (1972), was a United States Supreme Court case resulting in a Jacksonville vagrancy ordinance being declared unconstitutionally vague. The case was argued on December 8, 1971, and decided on February 24, 1972. The respondent was the city of Jacksonville, Florida.**

1. McLaughlin v. Florida, 379 U.S. 184 (1964), was a case in which the United States Supreme Court ruled unanimously that a cohabitation law of Florida, part of the state's anti-miscegenation laws, was unconstitutional. The law prohibited habitual cohabitation by two unmarried people of opposite sex, if one was black and the other was white. The decision overturned Pace v. Alabama (1883), which had declared such statutes constitutional. It did not overturn the related Florida statute that prohibited interracial marriage between whites and blacks. Such laws were declared unconstitutional in 1967 in Loving v. Virginia.
2. Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975), is a United States Supreme Court case concerning a city ordinance prohibiting the showing of films containing nudity by a drive-in theater located in Jacksonville, Florida.

# Text 1046:

**Pennsylvania v. Mimms, 434 U.S. 106 (1977), is a United States Supreme Court criminal law decision holding that a police officer ordering a person out of a car following a traffic stop and conducting a pat-down to check for weapons did not violate the Fourth Amendment to the United States Constitution.**

1. One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693 (1965), was a Supreme Court of the United States case handed down in 1965. The Court ruled that civil forfeiture could not apply where the evidence used to invoke the forfeiture was obtained illegally.  
   Some police officers followed the suspect vehicle, and pulled over the car because it was "riding low". Without a warrant, they searched the trunk and found untaxed liquor. The car was seized, and the state also attempted to confiscate the automobile in question as a civil penalty. The Court ruled unanimously that the Fourth Amendment's protection against unreasonable searches and seizures, held applicable to the states by the Fourteenth Amendment, applies to civil actions by the states as well as criminal ones, noting that one could be subject to an even worse penalty in a civil proceeding, where the value of the items being forfeited might be more than the maximum possible fine in a criminal case.  
   The form of the styling of this case—the plaintiff being an object, rather than a legal person—is because this is a jurisdiction in rem (power over objects) case, rather than the more familiar in personam (over persons) case.
2. Michigan Dept. of State Police v. Sitz, 496 U.S. 444 (1990), was a United States Supreme Court case involving the constitutionality of police sobriety checkpoints. The Court held 6-3 that these checkpoints met the Fourth Amendment standard of "reasonable search and seizure."

# Text 1047:

**Godfrey v. Georgia, 446 U.S. 420 (1980), was a United States Supreme Court case in which the Court held that a death sentence could not be granted for a murder when the only aggravating factor was that the murder was found to be "outrageously or wantonly vile."  
The Court reversed and remanded the Georgia death penalty sentence because, under Furman v. Georgia, such a factor did not help sentencing judges or juries avoid arbitrary and capricious infliction of the death penalty.**

1. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 1048:

**Salazar v. Buono, 559 U.S. 700 (2010), was a decision by the Supreme Court of the United States regarding the establishment clause of the First Amendment to the United States Constitution. The case concerned the legality of the Mojave Memorial Cross, a Latin cross which was placed atop a prominent rock outcropping by the Veterans of Foreign Wars foundation in 1934 to honor war dead. The location is known as "Sunrise Rock" in the Mojave National Preserve in San Bernardino County in southeastern California. The Supreme Court ruled that the cross may stay, but also sent the case back to a lower court, making the issue currently unresolved.**

1. Lyng v. Northwest Indian Cemetery Protective Association, 485 U.S. 439 (1988), was a United States Supreme Court landmark case in which the Court ruled on the applicability of the Free Exercise Clause to the practice of religion on Native American sacred lands, specifically in the Chimney Rock area of the Six Rivers National Forest in California. This area, also known as the High Country, was used by the Yurok, Karuk, and Tolowa tribes as a religious site.  
   The ruling is considered a key example of judicial restraint by the Supreme Court.
2. Carcieri v. Salazar, 555 U.S. 379 (2009), was a case in which the Supreme Court of the United States held that the federal government could not take land into trust that was acquired by the Narragansett Tribe in the late 20th century, as it was not federally recognized until 1983. While well documented in historic records and surviving as a community, the tribe was largely dispossessed of its lands while under guardianship by the state of Rhode Island before suing in the 20th century.  
   The Court ruled that the phrase of tribes "now under Federal jurisdiction" in the Indian Reorganization Act of 1934 referred only to those tribes that were federally recognized when the act was passed. It ruled that the federal government could not take land into trust for the Narragansett or other tribes that were federally recognized and acquired land after 1934.

# Text 1049:

**Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.**

1. Hughes v. Fetter, 341 U.S. 609 (1951), is a Supreme Court case involving the conflict of laws between states.
2. Tennessee Valley Authority v. Hiram Hill et al., or TVA v. Hill, 437 U.S. 153 (1978), was a United States Supreme Court case and the Court's first interpretation of the Endangered Species Act of 1973. After the discovery of the snail darter fish in the Little Tennessee River in August 1973, a lawsuit was filed alleging that the Tennessee Valley Authority (TVA)'s Tellico Dam construction was in violation of the Endangered Species Act. Plaintiffs argued dam construction would destroy critical habitat and endanger the population of snail darters. It was decided by a 6-3 vote, in which the U.S. Supreme Court ruled in favor of Hill, et al. and granted an injunction stating that there would be conflict between Tellico Dam operation and the explicit provisions of Section 7 of the Endangered Species Act.  
   The majority opinion, delivered by Chief Justice Warren E. Burger, affirmed the Sixth Circuit Court of Appeals decision in granting an injunction. This decision by the Supreme Court to not allow exemptions confirmed that Section 7 of the Endangered Species Act was a strong substantive provision and helped shape federal environmental law. The case is commonly cited as an example of the strict construction-plain meaning canon of construction, and the equitable principle that courts cannot balance equities to override statutory mandates unless on constitutional grounds.

# Text 1050:

**Gunn v. University Committee to End the War in Viet Nam, 399 U.S. 383 (1970), is a United States Supreme Court case in which the Court that since the District Court has issued neither an injunction nor an order granting or denying one, Supreme Court has no jurisdiction under 28 U.S.C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions.**

1. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 1051:

**Plyler v. Doe, 457 U.S. 202 (1982), was a landmark decision in which the Supreme Court of the United States struck down both a state statute denying funding for education of undocumented immigrant children in the United States and an independent school district's attempt to charge an annual $1,000 tuition fee for each student to compensate for lost state funding. The Court found that any state restriction imposed on the rights afforded to children based on their immigration status must be examined under a rational basis standard to determine whether it furthers a substantial government interest.  
The application of Plyler v. Doe has been limited to K–12 schooling. Other cases and legislation such as Toll v. Moreno 441 U.S. 458 (1979) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have allowed some states to pass statutes that deny illegal immigrant students eligibility for in-state tuition, scholarships, or enrollment at public colleges and universities.**

1. Norwood v. Harrison, 413 U.S. 455 (1973), is a United States Supreme Court decision in which the court held that a state cannot provide aid to a private school which discriminates on the basis of race.
2. Mueller v. Allen, 463 U.S. 388 (1983), was a United States Supreme Court case examining the constitutionality of a state tax deduction granted to taxpaying parents for school-related expenses, including expenses incurred from private secular and religious schools. The plaintiffs claimed that a Minnesota statute, allowing tax deductions for both public and private school expenses, had the effect of subsidizing religious instruction since parents who paid tuition to religious schools received a larger deduction than parents of public school students, who incurred no tuition expenses.  
   In a 5–4 decision, the Court upheld the statute. The majority affirmed that the benefit was religiously neutral because the deduction applied equally to sectarian and nonsectarian tuition and that the choice of religious or nonreligious instruction was made by individual parents, not the state. Also, aid was given to parents, not schools.  
   The dissenting opinion argued that the tax deduction violated the US Constitution because it was an indirect government subsidy of religion, providing a financial incentive to parents to send their children to religious schools.

# Text 1052:

**Kleppe v. New Mexico, 426 U.S. 529 (1976), was a United States Supreme Court decision that unanimously held the Wild and Free-Roaming Horses and Burros Act of 1971, passed in 1971 by the United States Congress to protect these animals from "capture, branding, harassment, or death", to be a constitutional exercise of congressional power. In February 1974, the New Mexico Livestock Board rounded up and sold 19 unbranded burros from Bureau of Land Management (BLM) land. When the BLM demanded the animals' return, the state filed suit claiming that the Wild Free-Roaming Horses and Burros Act was unconstitutional, claiming the federal government did not have the power to control animals in federal lands unless they were items in interstate commerce or causing damage to the public lands.**

1. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.
2. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.

# Text 1053:

**Morey v. Doud, 354 U.S. 457 (1957), was a U.S. Supreme Court case where Doud and two partners sold 'Bondified' brand money orders in Illinois, directly or through agents such as drug and grocery stores. A state law required any seller or issuer of money orders to secure a license and submit to state regulation, except that the statute, by name, explicitly exempted the American Express Company from these requirements.  
Doud, his partners and one of his agents, fearing prosecution under the law, sued the state, arguing the law was unconstitutional. The Supreme Court agreed, finding the special exemption only for American Express violated the Equal Protection Clause of the Fourteenth Amendment.  
It was overruled by City of New Orleans v. Dukes in 1976.**

1. H.P. Hood & Sons v. Du Mond, 336 U.S. 525 (1949), was a United States Supreme Court case in which the Court held a New York protectionist law which prohibits licensure to suppliers who are alleged will create “destructive competition” in the local market to violate the Commerce Clause of the U.S. Constitution.
2. Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), was a landmark decision of the Supreme Court of the United States holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in public accommodations.

# Text 1054:

**United States v. Jorn, 400 U.S. 470 (1971), was a United States Supreme Court decision clarifying when a criminal defendant may be retried after a mistrial. In this case, where a trial judge abruptly declared a mistrial to prevent the prosecution's witness from incriminating himself, a second trial was barred by the Double Jeopardy Clause.  
Jorn was charged with numerous counts of assisting in the preparation of fraudulent income tax returns. He was tried in the United States District Court for the District of Utah. Among the government's witnesses were five taxpayers whom Jorn had allegedly assisted in preparing fraudulent returns. As the first of these witnesses was called, the trial judge became concerned the witness was about to incriminate himself, and refused to allow the witness to testify until the same had consulted an attorney. Upon learning that all five witnesses were in the same situation, the judge discharged the jury and aborted the trial. The case was then set for retrial before a different jury, but Jorn argued that retrial was forbidden by double jeopardy.  
The question of when a retrial is permitted after a mistrial is flexible and depends on the circumstances of the case. Here, the trial judge had acted sua sponte, abruptly discharging the jury without input from either the prosecution or defense. The Court used the framework of United States v. Perez to evaluate this action, asking whether there was "manifest necessity" to declare the mistrial. Here, the Court concluded, "the trial judge here abused his discretion in discharging the jury," suggesting instead the possibility of a continuance. Justice Harlan pointed out the potential injustice of subjecting the defendant to a second trial, writing, "Reprosecution after a mistrial has unnecessarily been declared ... subjects the defendant to ... personal strain and insecurity."  
In conclusion, since there was not "manifest necessity" for the trial judge to declare the mistrial, Jorn could not be reprosecuted.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. Oregon v. Kennedy, 456 U.S. 667 (1982), was a United States Supreme Court decision dealing with the appropriate test for determining whether a criminal defendant has been "goaded" by the prosecution's bad actions into motioning for a mistrial. This matters because the answer determines whether a defendant can be retried. Ordinarily, a defendant who requests a mistrial can be forced to stand trial a second time, see United States v. Dinitz. However, if the prosecution's conduct was "intended to provoke the defendant into moving for a mistrial," double jeopardy protects the defendant from retrial. The Court emphasized that only prosecutorial actions where the intent is to provoke a mistrial — and not mere "harassment" or "overreaching" — trigger the double jeopardy protection.

# Text 1055:

**Cuomo v. Clearing House Association, L.L.C., 557 U.S. 519 (2009), was a case decided by the United States Supreme Court. In a 5–4 decision, the court determined that a federal banking regulation did not pre-empt the ability of states to enforce their own fair-lending laws. The Court determined that the Office of the Comptroller of the Currency is the sole regulator of national banks but it does not have the authority under the National Bank Act to pre-empt state law enforcement against national banks.  
The case came out of an interpretation of the US Treasury Department's Office of the Comptroller of the Currency which had blocked an investigation by New York into lending practices. The OCC claimed that the 1864 National Bank Act bars states from enforcing their own laws against national banks.  
Justice Scalia stated in the opinion that while the OCC has "visitorial powers," the right to examine the affairs of a corporation, that does not mean that it has the exclusive right to enforcement. "A sovereign's 'visitorial powers' and its power to enforce the law are two different things. Contrary to what the [OCC's] regulation says, the National Bank Act pre-empts only the former." Scalia noted that states "have always enforced their general laws against national banks—and have enforced their banking-related laws against national banks for at least 85 years."  
The case is notable for the justices composing the 5-4 majority, which included the liberal justices (John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer) along with the conservative Scalia, who authored the opinion. Justice Clarence Thomas, joined by Justices Samuel Alito, Anthony Kennedy, and Chief Justice John Roberts, wrote a dissent.  
The case is further notable for the suggested relationship of this OCC decision to the financial crisis of 2007–2010.**

1. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.
2. United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
   Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
   Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.

# Text 1056:

**Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574 (1986), was an antitrust case decided by the Supreme Court of the United States. It raised the standard for surviving summary judgment to unambiguous evidence that tends to exclude an innocent interpretation. Specifically, the issue was whether there was a horizontal "agreement" between Matsushita Electric and other Japanese television manufacturers. The Court held that the evidence must tend to exclude the possibility of independent action to be sufficient to survive summary judgment.**

1. Zenith Radio Corp. v. Hazeltine Research, Inc. is the caption of several United States Supreme Court patent–related decisions, the most significant of which is a 1969 patent–antitrust and patent–misuse decision concerning the levying of patent royalties on unpatented products.
2. Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987), decided on February 24, 1987, was a case decided by the United States Supreme Court, in which the court decided whether a foreign corporation, by merely being aware that its products could end up in the forum state and into the American "stream of commerce" which later caused injuries, satisfied the minimum contact necessary to satisfy jurisdictional due process requirements. The court was unanimous in the result, but issued a fractured decision with Associate Justice Sandra Day O'Connor writing for a plurality of the court.

# Text 1057:

**Sakraida v. Ag Pro Inc., 425 U.S. 273 (1976), was a unanimous 1976 Supreme Court decision holding a claimed invention obvious because it "simply arranges old elements with each performing the same function it had been known to perform, although perhaps producing a more striking result than in previous combinations."**

1. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).
2. Diamond v. Chakrabarty, 447 U.S. 303 (1980), was a United States Supreme Court case dealing with whether living organisms can be patented. Writing for a five-justice majority, Chief Justice Warren E. Burger held that human-made bacteria could be patented under the patent laws of the United States because such an invention constituted a "manufacture" or "composition of matter". Justice William J. Brennan Jr., along with Justices Byron White, Thurgood Marshall, and Lewis F. Powell Jr., dissented from the Court's ruling, arguing that because Congress had not expressly authorized the patenting of biological organisms, the Court should not extend patent law to cover them.  
   In the decades since the Court's ruling, the case has been recognized as a landmark case for U.S. patent law, with industry and legal commentators identifying it as a turning point for the biotechnology industry.

# Text 1058:

**Beard v. Kindler, 558 U.S. 53 (2009), is a United States Supreme Court case that deals with the federal review of state laws, known as the adequate and independent state ground doctrine.**

1. Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.
2. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.

# Text 1059:

**Simmons v. United States, 348 U.S. 397 (1955), was a case in which the Supreme Court of the United States ruled that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.**

1. Gonzales v. United States, 348 U.S. 407 (1955), was a case in which the Supreme Court of the United States held that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.
2. Witmer v. United States, 348 U.S. 375 (1955), was a case in which the Supreme Court of the United States upheld a draft board's rejection of Jehovah's Witness claim of conscientious objector status as lacking sincerity.

# Text 1060:

**Briscoe v. LaHue, 460 U.S. 325 (1983), was a United States Supreme Court case in which the Court held that Title 42 U.S.C. § 1983 did not authorize a convicted state defendant to assert a claim for damages against a police officer for giving perjured testimony at the defendant's criminal trial. In other words, police officers have absolute immunity from civil liability for lying on the stand in criminal cases. Officers may still theoretically be criminally liable for perjury, and the Court's reasoning was based on that liability sufficing as a deterrent, but that means the complaint cannot come from the person who faced the harm. The objection must come from agents of the state.**

1. Bronston v. United States, 409 U.S. 352 (1973), is a seminal United States Supreme Court decision strictly construing the federal perjury statute. Chief Justice Warren Burger wrote for a unanimous Court that responses to questions made under oath that relayed truthful information in and of themselves but were intended to mislead or evade the examiner could not be prosecuted. Instead, the criminal-justice system had to rely on more carefully worded follow-up questions.  
   The decision has been cited in many cases since then and has become the controlling legal standard of perjury in federal jurisprudence. It was invoked during Bill Clinton's impeachment proceedings in 1998 as a defense to charges of perjury against him.  
   It has long been criticized for the loophole it creates in the perjury statutes as essentially allowing a witness to lie without consequences. Nevertheless, later Courts have refused to overrule or otherwise limit it despite some moves in that direction by lower courts.
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 1061:

**United Automobile Workers v. Johnson Controls, Inc., 499 U.S. 187 (1991), was a decision by the Supreme Court of the United States establishing that private sector policies prohibiting women from knowingly working in potentially hazardous occupations are discriminatory and in violation of Title VII and the Pregnancy Discrimination Act of 1978. The case revolved around Johnson Controls' policy of excluding fertile women from working in battery manufacturing jobs because batteries contain high amounts of lead, which entails health risks to people's reproductive systems (both men and women) and fetuses. At the time the case was heard, it was considered one of the most important sex-discrimination cases since the passage of Title VII.**

1. Johnson v. Transportation Agency, 480 U.S. 616 (1987), is the only United States Supreme Court case to address a sex-based affirmative action plan in the employment context. The case was brought by Paul Johnson, a male Santa Clara County Transportation Agency employee, who was passed over for a promotion in favor of Diane Joyce, a female employee who Johnson argued was less qualified. The Court found that the plan did not violate the protection against discrimination on the basis of sex in Title VII of the Civil Rights Act of 1964.
2. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.

# Text 1062:

**Smith v. Spisak, 558 U.S. 139 (2010), was a United States Supreme Court decision on the applicability of the Antiterrorism and Effective Death Penalty Act of 1996. It further examined issues of previous court decisions on jury instructions and the effectiveness of counsel.**

1. Smith v. Texas, 550 U.S. 297 (2007), was a United States Supreme Court case about a challenge to a Texas death penalty court procedure. Justice Anthony Kennedy wrote the opinion of the Court, holding 5-4 that the Texas procedure was improper. Justice Samuel Alito wrote a dissent.
2. Stinson v. United States, 508 U.S. 36 (1993), is a decision of the United States Supreme Court that held Sentencing Commission guidelines may be cited as binding authority when courts issue sentences for criminal defendants.

# Text 1063:

**Chiarella v. United States, 445 U.S. 222 (1980), is a case in which the Supreme Court of the United States held that an employee of a printer handling corporate takeover bids who deduced target companies' identities and dealt in their stock without disclosing his knowledge of impending takeovers, had not violated § 10(b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5.**

1. Blue Chip Stamps v. Manor Drug Stores, 421 U.S. 723 (1975), was a decision by the United States Supreme Court, which ruled that only those suffering direct loss from the purchase or sale of stock had standing to sue under federal securities law. The Court noted that under the Securities Exchange Act of 1934, derivative investors are considered buyers or sellers of securities for application of SEC Rule 10b-5.
2. United States v. O'Hagan, 521 U.S. 642 (1997), was a United States Supreme Court case concerning insider trading and breach of U.S. Securities and Exchange Commission Rule 10(b) and 10(b)-5. In an opinion written by Justice Ruth Bader Ginsburg, the Court held that an individual may be found liable for violating Rule 10(b)-5 by misappropriating confidential information. The Court also held that the Securities and Exchange Commission did not exceed its rulemaking authority when it adopted Rule 14e-3(a), "which proscribes trading on undisclosed information in the tender offer setting, even in the absence of a duty to disclose".

# Text 1064:

**Chambers v. Mississippi, 410 U.S. 284 (1973), was a United States Supreme Court case in which the Court held that a state may not enforce its rules of evidence, such as rules excluding hearsay, in a fashion that disallows a criminal defendant from presenting reliable exculpatory evidence and thus denies the defendant a fair trial.**

1. Chambers v. United States, 555 U.S. 122 (2009), was a case in which the Supreme Court of the United States held that failing to report for incarceration does not qualify as a "violent felony" for the purposes of the Armed Career Criminal Act.
2. Williams v. Florida, 399 U.S. 78 (1970), is a United States Supreme Court case in which the Court held that the Fifth Amendment does not entitle a defendant in a criminal trial to refuse to provide details of his alibi witnesses to the prosecution, and that the Sixth Amendment does not require a jury to have 12 members.

# Text 1065:

**Adamson v. California, 332 U.S. 46 (1947), was a United States Supreme Court case regarding the incorporation of the Fifth Amendment of the Bill of Rights. Its decision is part of a long line of cases that eventually led to the Selective Incorporation Doctrine.**

1. Gilbert v. California, 388 U.S. 263 (1967), was an important decision of the Supreme Court of the United States, which was argued February 15–16, 1967, and decided June 12, 1967.  
   The case involved Fourth Amendment and Fifth Amendment rights, the taking of handwriting exemplars, in-court identifications and warrantless searches.
2. Rochin v. California, 342 U.S. 165 (1952), was a case decided by the Supreme Court of the United States that added behavior that "shocks the conscience" into tests of what violates due process clause of the 14th Amendment. This balancing test is often criticized as having subsequently been used in a particularly subjective manner.

# Text 1066:

**Goldberg v. Kelly, 397 U.S. 254 (1970), is a case in which the Supreme Court of the United States ruled that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires an evidentiary hearing before a recipient of certain government welfare benefits can be deprived of such benefits.  
The individual losing benefits is entitled to an oral hearing before an impartial decision-maker as well as the right to confront and cross-examine witnesses and the right to a written statement setting out the evidence relied upon and the legal basis for the decision. There is no right to a formal trial. The case was decided 5–3. (There was a vacancy on the Court because of the resignation of Abe Fortas.) Goldberg v. Kelly, Shapiro v. Thompson and King v. Smith were a part of the set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.**

1. Shapiro v. Thompson, 394 U.S. 618 (1969), was a landmark decision of the Supreme Court of the United States that invalidated state durational residency requirements for public assistance and helped establish a fundamental "right to travel" in U.S. law. Shapiro was a part of a set of three welfare cases all heard during the 1968–69 term by the Supreme Court, alongside Harrell v. Tobriner and Smith v. Reynolds. Additionally, Shapiro, King v. Smith (1968), and Goldberg v. Kelly (1970) comprise the "Welfare Cases", a set of successful Supreme Court cases that dealt with welfare.  
   Shapiro was not about the issue of welfare per se, but rather about the restrictions to the right to travel and possible violations of the Equal Protection Clause of the 14th Amendment. The question posed by Shapiro was whether Congress, in writing Section 602(b) of the Social Security Act, overstepped its regulating powers by giving states the ability to restrict travel. Although the Constitution does not explicitly mention the right to travel, it is implied by the other rights given in the Constitution. In 1969, 43 states had a residency requirement in effect, declared unconstitutional by Shapiro. Within those 43 states, it is estimated by the court that at least 100,000 people - minimum - were unable to get welfare aid. By 1970, there was a 17% increase in those nationally receiving AFDC aid due to Shapiro.: 87–89
2. King v. Smith, 392 U.S. 309 (1968), was a unanimous decision in which the Supreme Court of the United States held that Aid to Families with Dependent Children (AFDC) could not be withheld because of the presence of a "substitute father" who visited a family on weekends. The issue before the US Supreme Court involved how the states could determine how to implement a federal program. The court used the term "co-operative federalism." Shapiro v. Thompson, King v. Smith and Goldberg v. Kelly were a set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.

# Text 1067:

**One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693 (1965), was a Supreme Court of the United States case handed down in 1965. The Court ruled that civil forfeiture could not apply where the evidence used to invoke the forfeiture was obtained illegally.  
Some police officers followed the suspect vehicle, and pulled over the car because it was "riding low". Without a warrant, they searched the trunk and found untaxed liquor. The car was seized, and the state also attempted to confiscate the automobile in question as a civil penalty. The Court ruled unanimously that the Fourth Amendment's protection against unreasonable searches and seizures, held applicable to the states by the Fourteenth Amendment, applies to civil actions by the states as well as criminal ones, noting that one could be subject to an even worse penalty in a civil proceeding, where the value of the items being forfeited might be more than the maximum possible fine in a criminal case.  
The form of the styling of this case—the plaintiff being an object, rather than a legal person—is because this is a jurisdiction in rem (power over objects) case, rather than the more familiar in personam (over persons) case.**

1. Pennsylvania v. Mimms, 434 U.S. 106 (1977), is a United States Supreme Court criminal law decision holding that a police officer ordering a person out of a car following a traffic stop and conducting a pat-down to check for weapons did not violate the Fourth Amendment to the United States Constitution.
2. Michigan Dept. of State Police v. Sitz, 496 U.S. 444 (1990), was a United States Supreme Court case involving the constitutionality of police sobriety checkpoints. The Court held 6-3 that these checkpoints met the Fourth Amendment standard of "reasonable search and seizure."

# Text 1068:

**Murray v. United States, 487 U.S. 533 (1988), was a United States Supreme Court decision that created the modern "independent source doctrine" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution inadmissible in criminal trials as "fruit of the poisonous tree". In Murray, the Court ruled that when officers conduct two searches, the first unlawful and the second lawful, evidence seized during the second search is admissible if the second search "is genuinely independent of [the] earlier one."**

1. Nix v. Williams, 467 U.S. 431 (1984), was a U.S. Supreme Court case that created an "inevitable discovery" exception to the exclusionary rule. The exclusionary rule makes most evidence gathered through violations of the Fourth Amendment to the United States Constitution, which protects against unreasonable search and seizure, inadmissible in criminal trials as "fruit of the poisonous tree". In Nix, the Court ruled that evidence that would inevitably have been discovered by law enforcement through legal means remained admissible.
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 1069:

**Flagg Bros., Inc. v. Brooks, 436 U.S. 149 (1978), was a case decided by the Supreme Court of the United States wherein the constitutionality of New York's Uniform Commercial Code provision, which allows a warehouse to enforce a lien upon repossessed goods by selling said goods, was challenged under the Fourteenth Amendment. The Court held that the state-allowed re-sale provision did not constitute state action, and thus, the plaintiff did not possess a colorable federal due process claim.**

1. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.
2. Linmark Associates, Inc. v. Township of Willingboro, 431 U.S. 85 (1977), was a case in which the Supreme Court of the United States found that an ordinance prohibiting the posting of "for sale" and "sold" signs on real estate within the town violated the First Amendment to the United States Constitution protections for commercial speech.

# Text 1070:

**Darby v. Cisneros, 509 U.S. 137 (1993), was a case in which the United States Supreme Court held that federal courts cannot require that a plaintiff exhaust his administrative remedies before seeking judicial review when exhaustion of remedies is not required by either administrative rules or statute.**

1. Atascadero State Hospital v. Scanlon, 473 U.S. 234 (1985), was a United States Supreme Court case regarding Congress' power to abrogate the Eleventh Amendment sovereign immunity of the states.  
   Ordinarily, sovereign immunity prohibits the states from being sued, and the Eleventh Amendment prohibits states from being sued without consent in federal court; however, there are exceptions. A state can waive its sovereign immunity, and in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976), the Supreme Court had emphasized that Congress could abrogate state sovereign immunity pursuant to powers granted it by the Civil War Amendments. The Court noted that Edelman v. Jordan, 415 U.S. 651 (1974), however, had recognized that "the Eleventh Amendment implicates the fundamental constitutional balance between the Federal Government and the States," Atascadero, at 238, the Court had applied a clear statement rule to waiver. The Court will only deem the state to have waived its immunity when the waiver is couched in "the most express language or by such overwhelming implication from the text as [will] leave no room for any other reasonable construction." Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909).  
   In Atascadero, the Court made the rule symmetrical: just as purported waiver requires a clear statement, so too a purported abrogation requires a clear statement. Reiterating its "reluctance to infer that a State's immunity from suit in the federal courts has been negated[,] stem[ming] from recognition of the vital role of the doctrine of sovereign immunity in our federal system," Pennhurst State School and Hospital v. Halderman, 465 U.S. 89, 98 (1984) (Pennhurst II), and citing "[t]he fundamental nature of the interests implicated by the Eleventh Amendment," Atascadero, at 242, the court held "that Congress may abrogate the States' constitutionally secured immunity from suit in federal court only by making its intention unmistakably clear in the language of the statute." Id.  
   In response to Atascadero, Congress enacted a statute providing the clear language that the Court had demanded. The Rehabilitation Act Amendments of 1986 stated that "a State shall not be immune under the Eleventh Amendment... from suit in Federal court for a violation" of relevant provisions of federal law.
2. Wyeth v. Levine, 555 U.S. 555 (2009), is a United States Supreme Court case holding that Federal regulatory approval of a medication does not shield the manufacturer from liability under state law.

# Text 1071:

**Harbison v. Bell, 556 U.S. 180 (2009), was a decision by the Supreme Court of the United States that held that federal law gave indigent death row inmates the right to federally appointed counsel to represent them in post-conviction state clemency proceedings, when the state has declined to do so. Certiorari was granted by the Supreme Court on June 23, 2008.**

1. Cooper v. Pate, 378 U.S. 546 (1964), was a U.S. Supreme Court case in which the court ruled for the first time that state prison inmates have the standing to sue in federal court to address their grievances under the Civil Rights Act of 1871. This case followed Jones v. Cunningham (1963) allowing prison inmates to employ a writ of habeas corpus to challenge the legality of their sentencing and the conditions of their imprisonment.
2. Skinner v. Switzer, 562 U.S. 521 (2011), is a decision by the U.S. Supreme Court regarding the route through which a prisoner may obtain biological DNA material for testing to challenge his conviction; whether through a civil rights suit or a habeas corpus petition. A majority of the Court held that the civil rights path was the appropriate path.

# Text 1072:

**Landmark Communications v. Virginia, 435 U.S. 829 (1978), was a United States Supreme Court case that was argued on January 11, 1978 and decided on May 1, 1978.  
The court reversed a lower court's conviction of the publisher of Norfolk's The Virginian-Pilot for illegal disclosure of confidential proceedings before the Judicial Inquiry and Review Commission about a judge's misconduct.**

1. Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980), is a United States Supreme Court case involving issues of privacy in correspondence with the First Amendment to the United States Constitution, the freedom of the press, the Sixth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. After a murder case ended in three mistrials, the judge closed the fourth trial to the public and the press. On appeal, the Supreme Court ruled the closing to be in violation of the First Amendment and Fourteenth Amendment asserting that the First Amendment implicitly guarantees the press access to public trials.
2. Bigelow v. Virginia, 421 U.S. 809 (1975), was a United States Supreme Court decision that established First Amendment protection for commercial speech. The ruling is an important precedent on challenges to government regulation of advertising, determining that such publications qualify as speech under the First Amendment.

# Text 1073:

**Minneapolis Star Tribune Company v. Commissioner, 460 U.S. 575 (1983), was an opinion of the Supreme Court of the United States authored by Justice Sandra Day O'Connor overturning a use tax on paper and ink in excess of $100,000 consumed in any calendar year. The Minneapolis Star Tribune initially paid the tax and sued for a refund.**

1. Commissioner v. Indianapolis Power & Light Company, 493 U.S. 203 (1990), was a United States Supreme Court case in which the Court addressed whether customer deposits constituted taxable income to a public utility company.
2. Schlude v. Commissioner, 372 U.S. 128 (1963), is a decision by the United States Supreme Court in which the Court held that, under the accrual method, taxpayers must include as income in a particular year advance payments by way of cash, negotiable notes, and contract installments falling due but remaining unpaid during that year. In doing so, the Court tossed aside the matching principle in favor of the earlier-of test.

# Text 1074:

**Miller Music Corp. v. Charles N. Daniels, Inc., 362 U.S. 373 (1960), was a United States Supreme Court case in which the Court held the executor of a copyright holder's will is eligible to renew that copyright.**

1. Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994), was a United States Supreme Court copyright law case that established that a commercial parody can qualify as fair use. This case established that the fact that money is made by a work does not make it impossible for fair use to apply; it is merely one of the components of a fair use analysis.
2. Mills Music, Inc. v. Snyder, 469 U.S. 153 (1985), was a United States Supreme Court case in which the Court held that if the author of a work authorizes derivatives, the terms negotiated in exchange for that grant stand even if the grant is later rescinded. If the copyright holder deputizes another person to authorize derivative works, the law draws no distinction between such works and those directly authorized by the copyright holder.  
   The case was a dispute regarding publishing royalties for the popular song "Who's Sorry Now?", which Mills Music had licensed (through mechanical licenses) to recording companies, who created records of the song, or derivative works; after the death of Ted Snyder, the song's composer, his heirs terminated the agreement with Mills Music. They believed that Mills was no longer entitled to its share in the royalties. Mills, through the Harry Fox Agency, sued in federal court in New York, where it won, but was overturned in the Second Circuit, before finally appealing to the Supreme Court, which granted certiorari in March 1984.

# Text 1075:

**Jefferson Parish Hospital District No. 2 v. Hyde, 466 U.S. 2 (1984), was a United States Supreme Court case in which the Court held the analysis of the tying issue must focus on the hospital's sale of services to its patients, rather than its contractual arrangements with the providers of anesthesiological services.  
In making that analysis, consideration must be given to whether petitioners are selling two separate products that may be tied together, and, if so, whether they have used their market power to force their patients to accept the tying arrangement. It set a permissive precedent in antitrust law, as some viewed tying as always anticompetitive.**

1. Arizona v. Maricopa County Medical Society, 457 U.S. 332 (1982), was a U.S. Supreme Court case involving antitrust law. A society of doctors in Maricopa County, Arizona, established maximum fees that their members could claim for seeing patients who were covered by certain health insurance plans. Arizona charged them with violations of state antitrust law regarding price fixing. The society tried to rebut the state's charges by claiming that the maximum-fee arrangement was necessary to allow doctors to see these patients, and therefore generated economic benefits.  
   On appeal, the Supreme Court rejected this defense, saying that price fixing was not truly necessary here: the society could have used insurance to pool their risk. The society's efficiency justification was either a pretext, or else could have been done through less restrictive means. The Court held that their justifications failed as a matter of fact.
2. Moses H. Cone Memorial Hospital v. Mercury Construction Corp., 460 U.S. 1 (1983), commonly cited as Moses Cone or Cone Hospital, is a United States Supreme Court decision concerning civil procedure, specifically the abstention doctrine, as it applies to enforcing an arbitration clause in a diversity case. By a 6–3 margin, the justices resolved a complicated construction dispute by ruling that a North Carolina hospital had to arbitrate a claim against the Alabama-based company it had hired to build a new wing, even though it meant that it could not consolidate it with ongoing litigation it had brought in state court against the contractor and architect.  
   Justice William Brennan wrote for the majority that a district court's stay of the contractor's petition to compel arbitration was an "abuse of discretion". It had not properly applied the Court's prior ruling in Colorado River Water Conservation District v. United States. Since the net effect of the stay was to force the contractor to litigate in state court, Mercury's appeal to the Fourth Circuit was proper, and the appeals court properly reversed the stay. Since the contract was covered by the Federal Arbitration Act (FAA), the hospital had no way to avoid arbitration, which the contractor could not be assured of getting under existing state law.  
   William Rehnquist's dissent, joined by Chief Justice Warren E. Burger and Sandra Day O'Connor, accused the majority of misreading the case in order to get the contractor into arbitration. He argued that another case, Will v. Calvert Fire Insurance Co., permitted the district court's action, which in any case was routine docket management practiced by many district judges.  
   While arbitration was not the main issue in the case, it had a profound effect on future cases concerning the FAA. Two of Brennan's passing dicta, that the FAA applied to actions in state court and that it enacted a national policy in favor of arbitration, became the central holdings of Southland Corp. v. Keating the following year, a case from which O'Connor and Rehnquist dissented. Those holdings have been challenged, even by some other justices, as fundamentally at odds with the language and legislative history of the FAA, even as the Court has continued to expand its scope since then.

# Text 1076:

**United States v. Alvarez-Machain, 504 U.S. 655 (1992), was a United States Supreme Court case in which the Court held that the respondent's forcible abduction from a foreign country, despite the existence of an extradition treaty with said country, does not prohibit him from being tried before a U.S. court for violations of American criminal laws. The ruling reconfirmed the Ker-Frisbie Doctrine, established in Ker v. Illinois (1886) and Frisbie v. Collins (1952), which generally permits the prosecution of criminal defendants regardless of whether their presence was obtained in accordance with an applicable extradition treaty.**

1. Frisbie v. Collins, 342 U.S. 519 (1952), is a decision by the United States Supreme Court, holding that kidnapping of a defendant by State authorities for the purpose of taking a suspect from one jurisdiction to another for criminal trial, is constitutional. The defendant was tried in Michigan after being abducted by Michigan authorities in Chicago, Illinois. The case relied upon Ker v. Illinois (1886). The Ker–Frisbie doctrine, continues to be used to uphold convictions based on illegal arrests.
2. United States v. Montoya De Hernandez, 473 U.S. 531 (1985), was a U.S. Supreme Court case regarding the Fourth Amendment's border search exception and balloon swallowing.

# Text 1077:

**Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.**

1. Robinson v. California, 370 U.S. 660 (1962), is the first landmark decision of the United States Supreme Court in which the Eighth Amendment of the Constitution was interpreted to prohibit criminalization of particular acts or conduct, as contrasted with prohibiting the use of a particular form of punishment for a crime. In Robinson, the Court struck down a California law that criminalized being addicted to narcotics.
2. Bell v. Maryland, 378 U.S. 226 (1964), provided an opportunity for the Supreme Court of the United States to determine whether racial discrimination in the provision of public accommodations by a privately owned restaurant violated the Equal Protection and Due Process Clauses of the 14th Amendment to the United States Constitution. However, due to a supervening change in the state law, the Court vacated the judgment of the Maryland Court of Appeals and remanded the case to allow that court to determine whether the convictions for criminal trespass of twelve African American students should be dismissed.

# Text 1078:

**United States v. Wade, 388 U.S. 218 (1967), was a case decided by the Supreme Court of the United States that held that a criminal defendant has a Sixth Amendment right to counsel at a lineup held after indictment.**

1. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.
2. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.

# Text 1079:

**Federal Communications Commission v. Fox Television Stations, Inc., 556 U.S. 502 (2009), is a decision by the United States Supreme Court that upheld regulations of the Federal Communications Commission that ban "fleeting expletives" on television broadcasts, finding they were not arbitrary and capricious under the Administrative Procedure Act. The constitutional issue, however, was not resolved and was remanded to the Second Circuit and re-appealed to the Supreme Court for a decision in June 2012.**

1. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.
2. Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978), was a landmark decision of the United States Supreme Court that upheld the ability of the Federal Communications Commission (FCC) to regulate indecent content sent over the broadcast airwaves.

# Text 1080:

**San Francisco Arts & Athletics, Inc. v. United States Olympic Committee, 483 U.S. 522 (1987), is a decision of the Supreme Court of the United States interpreting the trademark rights of the United States Olympic Committee (USOC) to regulate the use of the word "Olympic" under the Amateur Sports Act of 1978. San Francisco Arts & Athletics, Inc. (SFAA) attempted to organize a sporting events it called the Gay Olympic Games, and the USOC sought to enjoin the games under that name. SFAA claimed that the First Amendment overrode the rights that the Act gave the USOC to control the word Olympic.  
The Supreme Court rejected SFAA's First Amendment claim, and the SFAA renamed its event the Gay Games.**

1. Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 515 U.S. 557 (1995), was a landmark decision of the US Supreme Court regarding free speech rights, specifically the rights of groups to determine what message their activities convey to the public. The Court ruled that private organizations, even if they were planning on and had permits for a public demonstration, were permitted to exclude groups if those groups presented a message contrary to the one the organizing group wanted to convey. Addressing the specific issues of the case, the Court found that private citizens organizing a public demonstration may not be compelled by the state to include groups who impart a message the organizers do not want to be presented by their demonstration, even if the intent of the state was to prevent discrimination.
2. United States v. International Boxing Club of New York, 348 U.S. 236 (1955), often referred to as International Boxing Club or just International Boxing, was an antitrust decision of the U.S. Supreme Court. By a 7–2 margin, the justices ruled that the exemption it had previously upheld for Major League Baseball was peculiar and unique to that sport and that it did not apply to boxing. Since it met the definition of interstate commerce, the government could therefore proceed with a trial to prove IBCNY and the other defendants had conspired to monopolize the market for championship boxing in the United States.  
   It was the first time another sport had argued it was covered by the same exemption as baseball by virtue of being a professional sport. Chief Justice Earl Warren, writing for the majority, admitted that it would never have reached the Court but for the baseball exemption, and dissenting justices Felix Frankfurter and Sherman Minton were unsparing in their criticism of the arbitrary nature of this distinction.  
   The case was remanded for trial, which the government won, forcing the breakup of some of the defendant companies. An appeal of that decision also was ultimately decided by the Supreme Court four years later, upholding the wide discretion and scope of district court judges in shaping remedies for antitrust violations.

# Text 1081:

**United States v. 12 200-ft. Reels of Film, 413 U.S. 123 (1973), was an in rem case decided by the United States Supreme Court that considered the question of whether the First Amendment required that citizens be allowed to import obscene material for their personal and private use at home, which was already held to be protected several years earlier. By a 5–4 margin, the Court held that it did not.  
This case was very similar to United States v. Thirty-seven Photographs, a case the Court had heard two years earlier. It began when the films, and other visual and textual material with predominant explicit sexual content, were seized by customs agents from Paladini, a California man returning from Mexico. Federal law at the time prohibited the import of any material that might be judged to be obscene. Paladini challenged the forfeiture proceedings the government initiated, on the grounds that he intended the material for his personal use in the privacy of his own home, an activity the Court had ruled was protected under the First Amendment in Stanley v. Georgia. Thus, he argued, he had a right to obtain such material abroad for that purpose.  
After a district court panel agreed with him and declared the statute unconstitutional, the case went to the Supreme Court directly. Its opinion was one of four obscenity cases handed down, along with Miller v. California, in which the Court announced a new standard of obscenity for the first time since Roth v. United States 17 years before. By a 5–4 margin, the Court held that the statute was constitutional, but it also ordered the district court to review the material under its new standard and consider whether it was still obscene.  
Chief Justice Warren Burger wrote for the majority, reaffirming a similar holding in Thirty-seven Photographs that the right to possess something in one's home which might otherwise be unlawful outside of it did not give rise to a right to import it. William O. Douglas wrote a lengthy dissent, responding as much to the majority holding in Miller, arguing that history showed obscenity laws were not vigorously enforced at the time the Bill of Rights was adopted and thus could not be justified on traditionalist grounds. William Brennan wrote a shorter dissent, joined by the other two justices, calling the statute overbroad.**

1. United States v. Thirty-seven Photographs, 402 U.S. 363 (1971), is a United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.  
   The case began with the seizure of the photographs, depicting various sexual positions, from Milton Luros, a Southern California publisher who was returning from Europe. He had intended to use them to illustrate a volume of the Kama Sutra, or failing that, to keep them for his own personal use. A district court panel, guided by the Court's Freedman v. Maryland decision of several years before, rejected his claims that the First Amendment allowed citizens to import obscene material, but found the statute unconstitutional due to the lack of time limits and ordered the Customs Service to return the images to Luros. The government appealed directly to the Supreme Court.  
   Justice Byron White wrote for the majority, distinguishing the case from Freedman v. Maryland, which had also involved time limits, by noting that it was a federal statute rather than a state one and therefore the Court could give it an authoritative construction. John Marshall Harlan and Potter Stewart also wrote concurring opinions expanding on aspects of the majority holding. Stewart did not agree with the majority that the ban on personal importation of obscene material was consistent with Stanley v. Georgia.  
   The dissenting justices wrote two opinions. Hugo Black and William O. Douglas took issue with every aspect of the holding, believing the government had no power to regulate obscenity. Thurgood Marshall agreed with them and Stewart that the blanket importation ban was constitutional. That issue would be reconsidered in a similar case two years later, United States v. 12 200-ft. Reels of Film. The case would have little impact on the future development of obscenity law. It has, however, been cited as the first forfeiture case to deal with the question of time limits, and also reaffirmed a principle by which the Court avoids dealing with constitutional questions when it can through alternative constructions.
2. Heller v. New York, 413 U.S. 483 (1973), was a United States Supreme Court decision which upheld that states could make laws limiting the distribution of obscene material, provided that these laws were consistent with the Miller test for obscene material established by the Supreme Court in Miller v. California, 413 U.S. 15 (1973). Heller was initially convicted for showing a sexually explicit film in the movie theater which he owned, under New York Penal Law § 235.0 which stated that and individual “is guilty of obscenity when, knowing its content and character, he 1. Promotes, or possesses with intent to promote, any obscene material; or 2. Produces, presents or directs an obscene performance or participates in a portion thereof which is obscene or which contributes to its obscenity."  
   Heller appealed this ruling to the supreme court, claiming that his first amendment rights had been violated due to the broad nature of New York's obscenity laws. The defendant also claimed that his 14th amendment rights had been violated due to the fact the film was seized prior to him receiving a hearing of any kind. The Supreme Court ruled in favor of Heller in a 5–4 decision, with the majority decision delivered by Justice Burger. The Court found the procedure by which the film was seized to be constitutional but ruled in favor of Heller in order to afford New York a chance to bring their obscenity laws in line with the guidelines established by the Supreme Court in Miller v. California]]. The dissenting opinions were written by Justices William O. Douglas and William J. Brennan Jr., the latter of which was joined by Justices Potter Stewart and Thurgood Marshall. These dissenting opinions argued that the obscenity laws that Heller was convicted under were themselves unconstitutional and thus the seizure of the film was unconstitutional. This case was one of several cases that the Burger court ruled on concerning obscenity laws in the early 1970s.

# Text 1082:

**Johnson v. Transportation Agency, 480 U.S. 616 (1987), is the only United States Supreme Court case to address a sex-based affirmative action plan in the employment context. The case was brought by Paul Johnson, a male Santa Clara County Transportation Agency employee, who was passed over for a promotion in favor of Diane Joyce, a female employee who Johnson argued was less qualified. The Court found that the plan did not violate the protection against discrimination on the basis of sex in Title VII of the Civil Rights Act of 1964.**

1. United Automobile Workers v. Johnson Controls, Inc., 499 U.S. 187 (1991), was a decision by the Supreme Court of the United States establishing that private sector policies prohibiting women from knowingly working in potentially hazardous occupations are discriminatory and in violation of Title VII and the Pregnancy Discrimination Act of 1978. The case revolved around Johnson Controls' policy of excluding fertile women from working in battery manufacturing jobs because batteries contain high amounts of lead, which entails health risks to people's reproductive systems (both men and women) and fetuses. At the time the case was heard, it was considered one of the most important sex-discrimination cases since the passage of Title VII.
2. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.

# Text 1083:

**Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.**

1. Brown v. Louisiana, 383 U.S. 131 (1966), was a United States Supreme Court case based on the First Amendment in the U.S. Constitution. It held that protesters have a First and Fourteenth Amendment right to engage in a peaceful sit-in at a public library. Justice Fortas wrote the plurality opinion and was joined by Justice Douglas and Justice Warren. Justices Brennan and Byron White concurred. Justices Black, Clark, Harlan and Stewart dissented.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 1084:

**Robinson v. Shell Oil Company, 519 U.S. 337 (1997), is US labor law case in the United States Supreme Court in which the Court unanimously held that under federal law, U.S. employers must not engage in workplace discrimination such as writing bad job references, or otherwise retaliating against former employees as a punishment for filing job discrimination complaints.**

1. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
2. United Automobile Workers v. Johnson Controls, Inc., 499 U.S. 187 (1991), was a decision by the Supreme Court of the United States establishing that private sector policies prohibiting women from knowingly working in potentially hazardous occupations are discriminatory and in violation of Title VII and the Pregnancy Discrimination Act of 1978. The case revolved around Johnson Controls' policy of excluding fertile women from working in battery manufacturing jobs because batteries contain high amounts of lead, which entails health risks to people's reproductive systems (both men and women) and fetuses. At the time the case was heard, it was considered one of the most important sex-discrimination cases since the passage of Title VII.

# Text 1085:

**United States v. Mendenhall, 446 U.S. 544 (1980), was a United States Supreme Court case that determined "seizure" occurs when an officer uses displays of authority to detain a person.  
The United States Court of Appeals for the Sixth Circuit heard the appeal of Ms. Sylvia Mendenhall as pertaining to Ms. Mendenhall's alleged unconstitutional seizure by two DEA agents at Detroit Metropolitan Airport. The court ruled against the defendant in a 5–4 majority, though the court's Dissent shows confusion as to the majority vote.  
The decision notably set a standard by which a valid consensual stop could be converted into an unconstitutional Terry stop, such as by "the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of language or tone of voice indicating that compliance with the officer's request might be compelled."**

1. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.
2. Whren v. United States, 517 U.S. 806 (1996), was a unanimous United States Supreme Court decision that "declared that any traffic offense committed by a driver was a legitimate legal basis for a stop."  
   In an opinion authored by Antonin Scalia, the court held that a search and seizure is not a violation of the Fourth Amendment in cases where the police officers have a "reasonable suspicion" that a traffic violation has occurred. The personal, or subjective, motives of an officer are not a factor in the Court's Fourth Amendment analysis of whether the cause for a stop is sufficient. The standard for reasonable suspicion is purely an objective one.  
   A major concern with this case's ruling is that police conducting traffic stops may racially profile the stopped persons. Similar to the controversy around New York City's Stop and Frisk program, some believe that the ruling in Whren will lead to an increase in racial profiling towards young African American males.

# Text 1086:

**Feist Publications, Inc., v. Rural Telephone Service Co., 499 U.S. 340 (1991), was a landmark decision by the Supreme Court of the United States establishing that information alone without a minimum of original creativity cannot be protected by copyright. In the case appealed, Feist had copied information from Rural's telephone listings to include in its own, after Rural had refused to license the information. Rural sued for copyright infringement. The Court ruled that information contained in Rural's phone directory was not copyrightable and that therefore no infringement existed.**

1. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.
2. Quill Corp. v. North Dakota, 504 U.S. 298 (1992), was a United States Supreme Court ruling, since overturned, concerning use tax. The decision effectively prevented states from collecting any sales tax from retail purchases made over the Internet or other e-Commerce route unless the seller had a physical presence in the state. The ruling was based on the Dormant Commerce Clause, preventing states from interfering with interstate commerce unless authorized by the United States Congress. The case resulted from an attempt by North Dakota seeking to collect sales tax on licensed computer software offered by the Quill Corporation, an office supply retailer with no North Dakota presence, that allowed users to place orders directly with Quill.  
   Quill modified an earlier court decision, National Bellas Hess, Inc. v. Department of Revenue of Illinois, which dealt with a state imposing the duty of use tax collection on a mail order reseller. The decision in Quill has been a point of contention for states as e-Commerce had grown greatly during the 21st century. Spurred by Justice Anthony Kennedy's concurrence in Direct Marketing Ass'n v. Brohl, which spoke to a review of Quill, several states passed "kill Quill" laws to bring such a review to the Supreme Court. In the first such challenge, South Dakota v. Wayfair, Inc., heard in the 2018 term, the Court found that the physical presence rule defined by Quill was "unsound and incorrect", and overturned both Quill and the remaining portions of National Bellas Hess.

# Text 1087:

**New York State Dept. of Social Servs. v. Dublino, 413 U.S. 405 (1973), was a Supreme Court of the United States case that primarily dealt with the issue of post-enactment legislative history.**

1. Spano v. New York, 360 U.S. 315 (1959), represented the Supreme Court's movement away from the amorphous voluntariness standard for determining whether police violated due process standards when eliciting confessions and towards the modern rule in Miranda v. Arizona. In Spano, the Court focused less on factors such as meals provided to the accused and more on whether the accused had access to legal counsel.
2. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.

# Text 1088:

**Goesaert v. Cleary, 335 U.S. 464 (1948), was a United States Supreme Court case in which the Court upheld a Michigan law, which prohibited women from being licensed as a bartender in all cities having a population of 50,000 or more unless their father or husband owned the establishment. Valentine Goesaert, the plaintiff in the case, challenged the law on the ground that it infringed on the Fourteenth Amendment's Equal Protection Clause. Speaking for the majority, Justice Felix Frankfurter affirmed the judgment of the Detroit district court and upheld the constitutionality of the state law. The state argued that since the profession of bartending could potentially lead to moral and social problems for women, it was within the state's power to bar them from working as bartenders. Only when the owner of the bar was a sufficiently close relative to the woman bartender, it was argued, could it be guaranteed that such immorality would not be present.  
The decision was subsequently overruled by Craig v. Boren (1976).**

1. Granholm v. Heald, 544 U.S. 460 (2005), was a court case decided by the Supreme Court of the United States in a 5–4 decision that ruled that laws in New York and Michigan that permitted in-state wineries to ship wine directly to consumers but prohibited out-of-state wineries from doing the same were unconstitutional. The case was unusual because the arguments centered on the rarely-invoked Twenty-First Amendment to the Constitution, ratified in 1933, which ended Prohibition in the United States.
2. Craig v. Boren, 429 U.S. 190 (1976), was a landmark decision of the US Supreme Court ruling that statutory or administrative sex classifications were subject to intermediate scrutiny under the Fourteenth Amendment's Equal Protection Clause. The case was argued by future Supreme Court justice Ruth Bader Ginsburg while she was working for the American Civil Liberties Union.

# Text 1089:

**Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.**

1. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.
2. Oregon Department of Fish and Wildlife v. Klamath Indian Tribe, 473 U.S. 753 (1985), was a case appealed to the US Supreme Court by the Oregon Department of Fish and Wildlife. The Supreme Court reversed the previous decisions in the District Court and the Court of Appeals stating that the exclusive right to hunt, fish, and gather roots, berries, and seeds on the lands reserved to the Klamath Tribe by the 1864 Treaty was not intended to survive as a special right to be free of state regulation in the ceded lands that were outside the reservation after the 1901 Agreement.

# Text 1090:

**Qualitex Co. v. Jacobson Products Co., Inc., 514 U.S. 159 (1995), was a United States Supreme Court case in which the Court held that a color could meet the legal requirements for trademark registration under the Lanham Act, provided that it has acquired secondary meaning in the market.**

1. Inwood Laboratories Inc. v. Ives Laboratories, Inc., 456 U.S. 844 (1982), is a United States Supreme Court case, in which the Court confirmed the application of and set out a test for contributory trademark liability under § 32 of the Lanham Act (15 U.S.C. § 1114).
2. World-Wide Volkswagen Corp v. Woodson, 444 U.S. 286 (1980), is a United States Supreme Court case involving strict products liability, personal injury and various procedural issues and considerations. The 1980 opinion, written by Justice Byron White, is included in the first-year civil procedure curriculum at nearly every American law school for its focus on personal jurisdiction.

# Text 1091:

**United States v. Robel, 389 U.S. 258 (1967), was a case heard by the Supreme Court of the United States. The court ruled that the United States government cannot deprive the people of constitutional rights - in this case, freedom of association - even in the interests of national security.  
The petitioner, Eugene Frank Robel, who worked at Todd Shipyards in Seattle, was indicted on May 21, 1963, for being a member of the Communist Party of the United States (CPUSA) and thus affiliated with it, without being registered with the Subversive Activities Control Board in violation of the McCarran Internal Security Act section 5 (a) (I) (D). Since the act required CPUSA to register as a Communist Party, he was told because of his affiliation with the Party, he also had to register as well, and that he could no longer work at the shipyard because of his affiliation with the Communist Party; Todd Shipyards had been designated a "defense" facility, otherwise known as federal employment, which was illegal under the McCarran Act. Robel appealed his conviction to the Supreme Court.  
The Court found the McCarran Internal Security Act violates the defendant's right to free association that is guaranteed by the First Amendment.**

1. United States v. Guest, 383 U.S. 745 (1966), was a landmark decision of the US Supreme Court authored by Justice Potter Stewart, in which the court extended the protection of the 14th Amendment to citizens who suffer rights deprivations at the hands of private conspiracies, where there is minimal state participation in the conspiracy. The Court also held that there is a Constitutional right to travel from state to state.  
   While the majority avoided the question of whether Congress, by appropriate legislation, has the power to punish private conspiracies, Justice Clark, writing in concurrence, asserted that "there now can be no doubt that the specific language of §5 empowers the Congress to enact laws punishing all conspiracies - with or without state action - that interfere with 14th Amendment rights." Justice Hugo Black and Justice Abe Fortas joined Clark's concurrence.
2. Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965), was a case in which the Supreme Court of the United States ruled on November 15, 1965, that persons (in this case, William Albertson) believed to be members of the Communist Party of the United States of America could not be required to register as party members with the Subversive Activities Control Board because the information which party members were required to submit could form the basis of their prosecution for being party members, which is a crime, and therefore deprived them of their self-incrimination rights under the Fifth Amendment to the United States Constitution.

# Text 1092:

**Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Milliken v. Bradley, 418 U.S. 717 (1974), was a significant United States Supreme Court case dealing with the planned desegregation busing of public school students across district lines among 53 school districts in metropolitan Detroit. It concerned the plans to integrate public schools in the United States following the Brown v. Board of Education (1954) decision.  
   The ruling clarified the distinction between de jure and de facto segregation, confirming that segregation was allowed if it was not considered an explicit policy of each school district. In particular, the Court held that the school systems were not responsible for desegregation across district lines unless it could be shown that they had each deliberately engaged in a policy of segregation. The case did not expand on Swann v. Charlotte-Mecklenburg Board of Education (1971), the first major Supreme Court case concerning school busing.

# Text 1093:

**Argersinger v. Hamlin, 407 U.S. 25 (1972), is a United States Supreme Court decision holding that the accused cannot be subjected to actual imprisonment unless provided with counsel. Gideon v. Wainwright made the right to counsel provided in the Sixth Amendment applicable to the states through the Fourteenth Amendment.**

1. Gideon v. Wainwright, 372 U.S. 335 (1963), was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own. The case extended the right to counsel, which had been found under the Fifth and Sixth Amendments to impose requirements on the federal government, by imposing those requirements upon the states as well.  
   The Court reasoned that the assistance of counsel is "one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty", and that the Sixth Amendment serves as a warning that "if the constitutional safeguards it provides be lost, justice will not still be done."
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 1094:

**Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963), was a Supreme Court of the United States case in which the Court amended United States nationality law with respect to draft evasion.**

1. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.
2. United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950), was a United States Supreme Court case that notably ruled that the executive and legislative branches have the inherent power to exclude immigrants from the United States, that courts lack jurisdiction regarding the deportation of individuals within the United States unless it is explicitly stated in law, and that the Constitution does not grant aliens any protections when trying to enter the United States. In a four-to-three decision, this case firmly demonstrates the plenary powers of Congress and the Executive Branch, as it is one of the first cases that bars the judicial review of executive or legislative orders of exclusion in most circumstances.

# Text 1095:

**Berkemer v. McCarty, 468 U.S. 420 (1984), is a decision of the United States Supreme Court that ruled that a person in police custody following a misdemeanor traffic offense was entitled to the protections of the Fifth Amendment pursuant to the decision in Miranda v. Arizona 384 U.S. 436 (1966). Previously, some courts had been applying Miranda only to serious offenses.**

1. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
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2. Dunaway v. New York, 442 U.S. 200 (1979), was a United States Supreme Court case that held a subsequent Miranda warning is not sufficient to cure the taint of an unlawful arrest, when the unlawful arrest led to a coerced confession.

# Text 1096:

**Gade v. National Solid Wastes Management Association, 505 U.S. 88 (1992), is a United States labor law case of the United States Supreme Court. The Court determined that federal Occupational Safety and Health Administration regulations preempted various Illinois provisions for licensing workers who handled hazardous waste materials.**

1. United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007), was a United States Supreme Court case about interstate commerce. Chief Justice John Roberts wrote the opinion of the Court, holding that New York county ordinances forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. Justice Samuel Alito wrote a dissent.
2. Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87 (1983), is a United States Supreme Court decision that held valid a Nuclear Regulatory Commission (NRC) rule that during the licensing of nuclear power plants, the permanent storage of nuclear waste should be assumed to have no environmental impact.

# Text 1097:

**Arizona v. Hicks, 480 U.S. 321 (1987), held that the Fourth Amendment requires the police to have probable cause to seize items in plain view.**

1. Arizona v. Gant, 556 U.S. 332 (2009), was a United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law-enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.
2. Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.

# Text 1098:

**Monsanto Co. v. Geertson Seed Farms, 561 U.S. 139 (2010), is a United States Supreme Court case decided 7-1 in favor of Monsanto. The decision allowed Monsanto to sell genetically modified alfalfa seeds to farmers, and allowed farmers to plant them, grow crops, harvest them, and sell the crop into the food supply. The case came about because the use of the seeds was approved by regulatory authorities; the approval was challenged in district court by Geertson Seed Farms and other groups who were concerned that the genetically modified alfalfa would spread too easily, and the challengers won. Monsanto appealed the district court decision and lost, and appealed again to the Supreme Court, where Monsanto won, thus upholding the original approval and allowing the seeds to be sold.  
In 2005 the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) deregulated Monsanto's Roundup-ready alfalfa (RRA) based on an Environmental Assessment (EA) of Monsanto's RRA. In 2006, Geertson Seed Farm and others filed suit in a California district court against APHIS' deregulation of RRA. The district court disallowed APHIS' deregulation of RRA and issued an injunction against any new planting of RRA pending the preparation of a much more extensive Environmental Impact Statement (EIS). The court also refused to allow a partial deregulation.  
After losing an appeal at the United States Court of Appeals for the Ninth Circuit, Monsanto and others appealed the decision to the U.S. Supreme Court in 2009. In 2010 the Supreme Court reversed the lower court's decision to bar partial deregulation of RRA pending completion of the EIS. They stated that, before a court disallow a partial deregulation, a plaintiff must show that it has suffered irreparable injury. "The District Court abused its discretion in enjoining APHIS from effecting a partial deregulation and in prohibiting the planting of RRA pending the agency’s completion of its detailed environmental review." The Supreme court did not consider the district court's ruling disallowing RRA's deregulation and consequently RRA was still a regulated crop waiting for APHIS' completion of an EIS. At the time, both sides claimed victory. This was the first ruling of the United States Supreme Court on genetically engineered crops.**

1. Graham v. John Deere Co., 383 U.S. 1 (1966), was a case in which the United States Supreme Court clarified the nonobviousness requirement in United States patent law, set forth 14 years earlier in Patent Act of 1952 and codified as 35 U.S.C. § 103.  
   Although the Court confirmed that non-obviousness is a question of law, it held that §103 required a determination of the following questions of fact to resolve the issue of obviousness:  
     
   Scope and content of the prior art  
   Differences between the claimed invention and the prior art  
   Level of ordinary skill in the art  
   In addition, the Court mentioned "secondary considerations" which could serve as evidence of nonobviousness. These are known as "Graham's factors":  
     
   Commercial success  
   Long felt but unsolved needs  
   Failure of others  
   Unexpected results  
   The Court stated, that the purpose of these factors is to "guard against slipping into use of hindsight" when making a determination of obviousness.  
   The SCOTUS also proposed the inducement standard, suggesting that patent law's nonobviousness doctrine is meant to restrict the award of patents to only "those inventions which would not be disclosed or devised but for the inducement of a patent." Although, the Graham's factors have been cited numerous times by patent examiners and courts, the inducement standard has been largely ignored.  
   Despite providing these useful guidelines, the Court also recognized that these questions would likely need to be answered on a case-by-case basis, first by the United States Patent and Trademark Office (USPTO), then by the courts. The "non-obviousness criteria" laid out in Graham were complemented in 2007 by "obviousness criteria" in another US Supreme Court case (see KSR v. Teleflex).
2. FTC v. Dean Foods Co., 384 U.S. 597 (1966), is a 1966 decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may sue in federal court to obtain a preliminary injunction to maintain the status quo against the consummation of a merger that the agency persuasively contends violates the antitrust laws.  
   More broadly, the Dean Foods case stands for the proposition that a federal agency may, by invoking the "All Writs Act," seek equitable relief in federal court against a person's threatened action that will substantially interfere with the agency's performance of its statutory duty and thus adversely affect the relevant court's ability to review the agency's ultimate order with respect to the threatened action.

# Text 1099:

**Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.**

1. Watson v. Fort Worth Bank & Trust, 487 U.S. 977 (1988), is a United States Supreme Court case on United States labor law, concerning proof of disparate treatment under the Civil Rights Act of 1964.
2. Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.

# Text 1100:

**Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18**

1. Beck v. Ohio, 379 U.S. 89 (1964), is a United States Supreme Court decision concerning evidence obtained as part of an unlawful arrest. Reversing the Ohio Supreme Court's decision, the U.S. Supreme Court held that Ohio police arrested defendant without probable cause, so the criminally-punishable evidence found on his person during an incidental search was inadmissible. Accordingly, the U.S. Supreme Court vacated defendant's conviction.
2. Herrera v. Collins, 506 U.S. 390 (1993), was a case in which the Supreme Court of the United States ruled by 6 votes to 3 that a claim of actual innocence does not entitle a petitioner to federal habeas corpus relief by way of the Eighth Amendment's ban on cruel and unusual punishment.

# Text 1101:

**Thompson v. Oklahoma, 487 U.S. 815 (1988), was the first case since the moratorium on capital punishment was lifted in the United States in which the U.S. Supreme Court overturned the death sentence of a minor on grounds of "cruel and unusual punishment." The holding in Thompson was expanded on by Roper v. Simmons (2005), where the Supreme Court extended the "evolving standards" rationale to those under 18 years old.**

1. Stanford v. Kentucky, 492 U.S. 361 (1989), was a United States Supreme Court case that sanctioned the imposition of the death penalty on offenders who were at least 16 years of age at the time of the crime. This decision came one year after Thompson v. Oklahoma, in which the Court had held that a 15-year-old offender could not be executed because to do so would constitute cruel and unusual punishment. In 2003, the Governor of Kentucky Paul E. Patton commuted the death sentence of Kevin Stanford, an action followed by the Supreme Court two years later in Roper v. Simmons overruling Stanford and holding that all juvenile offenders are exempt from the death penalty.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 1102:

**Rodriguez de Quijas v. Shearson/American Express Inc., 490 U.S. 477 (1989), is a United States Supreme Court decision concerning the arbitration of securities fraud claims. It was originally brought by a group of Texas investors against their brokerage house. By a 5–4 margin the Court affirmed the Fifth Circuit Court of Appeals and ruled that their claims under the Securities Act of 1933, which regulates trading in the primary market, must be arbitrated as stipulated in their customer agreements.  
The decision overruled a 1953 case, Wilko v. Swan. Justice Anthony Kennedy's majority opinion found that arbitration procedures offered more adequate protection for investors than they had when that case was decided. John Paul Stevens's short dissent criticized the majority for taking it upon itself to overturn a precedent that, he argued, Congress had purposely left intact during a major overhaul of the securities laws in the mid-1970s. Both criticized the Fifth Circuit for having overruled Wilko before the Court itself did, reminding lower courts that only the Supreme Court could overrule itself, an aspect of the decision that has come in for some criticism.  
Many courts besides the Fifth Circuit had chosen to disregard Wilko after the Supreme Court's own decision in Shearson/American Express Inc. v. McMahon that claims under the Securities Exchange Act of 1934, which applies to the secondary market, were also arbitrable if a contract so provided cast serious doubt on the logic of the older case. As a result of Rodriguez de Quijas, many more securities fraud claims were heard in arbitration instead of the courts, an intended outcome that has supporters and critics and led to long-term changes in how the securities industry conducts arbitration. The decision was the last in the Mitsubishi trilogy, which expanded the use of arbitration from contractual disputes to statutory claims during the 1980s.**

1. Shearson/American Express Inc. v. McMahon, 482 U.S. 220 (1987), is a United States Supreme Court decision concerning arbitration of private securities fraud claims arising under the Securities Exchange Act of 1934. By a 5–4 margin the Court held that its holding in a 1953 case, Wilko v. Swan, that the nonwaiver provisions of the Securities Act of 1933 prevented the mandatory arbitration of such claims, did not apply to claims under the 1934 Act due to differences in the corresponding language of the two statutes, reversing a decision of the Second Circuit Court of Appeals that had affirmed what had been considered settled law, despite the lack of a precedent. It likewise held that claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) were arbitrable, affirming an order from the district court that the Second Circuit had also upheld.  
   The question of whether claims under the 1934 Act were likewise exempt from the Federal Arbitration Act had first been raised in a 1974 case, Scherk v. Alberto-Culver Inc.. At that time Potter Stewart had found them not relevant to the case and upheld the arbitration order on the grounds that the case involved an international dispute. They had resurfaced in the previous term, in Justice Byron White's concurrence in Dean Witter Reynolds Inc. v. Byrd. Lower courts began embracing White's analysis, eventually creating a conflict in the circuits on appeal.  
   Justice Sandra Day O'Connor wrote the majority opinion, reiterating and deepening White's analysis. Harry Blackmun dissented for himself and justices Brennan and Marshall, who had written for a unanimous Court in Byrd. John Paul Stevens wrote a separate dissent. Both of those dissents concurred in the holding that the RICO claims were arbitrable. On remand, the case remained unresolved for another three years. The district judge fined the McMahons' counsel for filing frivolous motions, sanctions which were reversed on appeal, setting another precedent.  
   McMahon greatly expanded the use of arbitration in securities disputes, since many of them take place under the 1934 Act, which regulates the secondary market in which most investors trade. It also signaled a greater acceptance of arbitration as a desirable and fair method of dispute resolution. This was cited by the Court three years later in Rodriguez de Quijas v. Shearson/American Express Inc., when it overturned Wilko completely and held that claims under the 1933 Act could also be arbitrated if the parties had clearly chosen to do so. The expansion in securities arbitration as a result led to reforms during the 1990s to make the process more investor-friendly.
2. Wilko v. Swan, 346 U.S. 427 (1953), is a United States Supreme Court decision on the arbitration of securities fraud claims. It had originally been brought by an investor who claimed his broker at Hayden Stone had sold stock to him without disclosing that he and the firm were the primary sellers. By a 7–2 margin the Court held that the provisions of the Securities Act of 1933 barring any waiver of rights under that statute took precedence over the Federal Arbitration Act's (FAA) requirement that arbitration clauses in contracts be given full effect by federal courts. It reversed a decision to the contrary by a divided panel of the Second Circuit Court of Appeals.  
   Justice Stanley Forman Reed wrote the majority opinion that relied on the explicit wording in the Securities Act and expressed doubt as to whether arbitration could truly protect the rights of investors. Robert H. Jackson wrote a short concurrence distancing himself slightly from that latter opinion. Felix Frankfurter dissented, taking issue with the majority's hostility to arbitration.  
   Later the logic of the decision was extended by an appeals court to cover claims made under the Securities Exchange Act of 1934. The Supreme Court itself later expressed doubt as to the legal soundness of that holding, and in the 1985 case Shearson/American Express Inc. v. McMahon expressly held that it did not. This led lower courts to begin to overrule Wilko as well, and in 1989 the Court itself did so in Rodriguez de Quijas v. Shearson/American Express Inc., part of a series of decisions in the 1980s and ever since that greatly expanded the use of arbitration in dispute resolution.  
   Although the decision was overruled, one aspect of it survived Rodriguez de Quijas: Reed's dictum that "manifest disregard" for the law would be enough to justify a court's overturning an arbitral award. Later courts and commentators have puzzled over what that meant and whether it arose from the text of the FAA or independently. The Court itself would face that question in the 2008 Hall Street Associates, L.L.C. v. Mattel, Inc., although without resolving it to much satisfaction.

# Text 1103:

**Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.**

1. Abbate v. United States, 359 U.S. 187 (1959), is a decision of the U.S. Supreme Court. The decision held that the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution does not prohibit the prosecution of a conspiracy in federal court under federal law when that same conspiracy has already resulted in a conviction in state court under state law.
2. Bartkus v. Illinois, 359 U.S. 121 (1959), is a decision of the U.S. Supreme Court. The decision held that coordination of federal officials with state officials did not implicate the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution. It also held that a defendant may be acquitted of a federal crime and convicted of a state crime, even if those crimes share the same evidence, without violating the Due Process Clause of the Fourteenth Amendment.  
   The case established the dual sovereign exception to the Double Jeopardy Clause, enabling state and federal prosecutions for substantially similar events.

# Text 1104:

**Bowsher v. Synar, 478 U.S. 714 (1986), was a United States Supreme Court case that struck down the Gramm–Rudman–Hollings Act as an unconstitutional usurpation of executive power by Congress because the law empowered Congress to terminate the United States Comptroller General for certain specified reasons, including "inefficiency, 'neglect of duty,' or 'malfeasance.'" The named defendant in the original case was Comptroller General Charles Arthur Bowsher and the constitutional challenge was brought forth by Oklahoma Congressman Mike Synar.**

1. United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
   Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
   Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.
2. Sandstrom v. Montana, 442 U.S. 510 (1979), is a United States Supreme Court case that reaffirmed the prosecution's burden of proof of the mental element of a crime by striking down a jury instruction that "the law presumes that a person intends the ordinary consequences of his voluntary acts". In Francis v. Franklin, 471 U.S. 307 (1985), Justice Brennan wrote about "Sandstrom and the wellspring due process principal from which it is drawn" as follows:   
     
   Sandstrom v. Montana made clear that the Due Process Clause of the Fourteenth Amendment prohibits a State from making use of jury instructions that have the effect of relieving the State of the burden of proof on the critical question of intent in a criminal prosecution.

# Text 1105:

**Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.**

1. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.
2. Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
   The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
   The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."

# Text 1106:

**South Carolina v. Gathers, 490 U.S. 805 (1989), was a United States Supreme Court case which held that testimony in the form of a victim impact statement is admissible during the sentencing phase of a trial only if it directly relates to the "circumstances of the crime." This case was later overruled by the Supreme Court decision in Payne v. Tennessee.**

1. Payne v. Tennessee, 501 U.S. 808 (1991), was a United States Supreme Court case authored by Chief Justice William Rehnquist which held that testimony in the form of a victim impact statement is admissible during the sentencing phase of a trial and, in death penalty cases, does not violate the Cruel and Unusual Punishment Clause of the Eighth Amendment. Payne overturned two of the Courts' precedents: Booth v. Maryland (1987) and South Carolina v. Gathers (1989).
2. Ham v. South Carolina, 409 U.S. 524 (1973), was a United States Supreme Court decision concerning examinations of prospective jurors during voir dire. The Court held that the trial court's failure to "have the jurors interrogated on the issue of racial bias" violated the petitioner's due process right under the Fourteenth Amendment. This right does not extend to any question of bias, but it does not preclude questions of relevant biases.

# Text 1107:

**44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), was a United States Supreme Court case in which the Court held that a complete ban on the advertising of alcohol prices was unconstitutional under the First Amendment, and that the Twenty-first Amendment, empowering the states to regulate alcohol, did not lessen other constitutional restraints of state power.**

1. Rice v. Rehner, 463 U.S. 713 (1983), was a United States Supreme Court case in which the Court held California may properly require respondent to obtain a state license in order to sell liquor for off-premises consumption.
2. Granholm v. Heald, 544 U.S. 460 (2005), was a court case decided by the Supreme Court of the United States in a 5–4 decision that ruled that laws in New York and Michigan that permitted in-state wineries to ship wine directly to consumers but prohibited out-of-state wineries from doing the same were unconstitutional. The case was unusual because the arguments centered on the rarely-invoked Twenty-First Amendment to the Constitution, ratified in 1933, which ended Prohibition in the United States.

# Text 1108:

**Talk America, Inc. v. Michigan Bell Telephone Co., 564 U.S. 50 (2011), was a United States Supreme Court case in which the Court held that the Federal Communications Commission (FCC) had advanced a reasonable interpretation of its regulations in a dispute with AT&T.**

1. Federal Communications Commission v. AT&T Inc., 562 U.S. 397 (2011), was a United States Supreme Court case on aspects of corporate personhood. It held that the exemption from Freedom of Information Act disclosure requirements for law enforcement records which "could reasonably be expected to constitute an unwarranted invasion of personal privacy" does not protect information related to corporate privacy.
2. Pacific Bell Telephone Co. v. linkLine Communications, Inc., 555 U.S. 438 (2009), was a United States Supreme Court case in which the Court unanimously held that Pacific Bell d/b/a AT&T did not violate the Sherman Antitrust Act when it charged other Internet providers a high fee to buy space on its phone lines to deliver an Internet connection. The court ruled that where there is no duty to deal at the wholesale level and no predatory pricing at the retail level, a firm is not required to price both of these services in a manner that preserves its rivals’ profit margins.  
   This case was initiated by Internet service providers (ISP), alleging that incumbent telephone companies that owned infrastructure and facilities needed to provide digital subscriber line (DSL) service monopolized and attempted to monopolize regional DSL market. The ISP's claimed that the telephone companies accomplished this by squeezing the providers' profits by charging them high wholesale price for DSL transport and charging consumers low retail price for DSL Internet service. Ultimately, the court concluded that the case was not moot, as it was not clear whether the providers had unequivocally abandoned their price-squeeze claims; prudential concerns favored answering the question presented.

# Text 1109:

**Fedorenko v. United States, 449 U.S. 490 (1981), is a decision of the Supreme Court of the United States on the citizenship status of Feodor Fedorenko, a naturalized citizen who had lied about his past as a guard at a Nazi death camp on his visa and citizenship applications. The Court decided that because Fedorenko lied on his visa application, his visa and citizenship were invalid. Fedorenko was a Ukrainian-born soldier who fought in World War II, was captured, and served as a guard at Treblinka extermination camp for over a year. He emigrated to the United States in 1949, lying on his visa application to cover up his time at Treblinka. He lived a quiet life in the U.S. for decades, but when the government became aware of his past, they initiated denaturalization proceedings against him in 1977, looking to revoke his citizenship. As a result of Fedorenko's eventual loss, he was deported to the Soviet Union and executed for treason and war crimes.  
Fedorenko arose out of a growing public consciousness of Nazis living quietly within the United States; investigations into the matter began at public urging in the early '70s, but proved to be slow-going and ineffective. When the government did file suit, it proved wholly unprepared for trial, owing to the Immigration and Naturalization Service (INS)'s unfamiliarity with the court system. The District Court for the Southern District of Florida ruled for Fedorenko, but the Fifth Circuit Court of Appeals reversed that decision. Justice Thurgood Marshall, writing for a 7–2 Supreme Court majority, upheld the appeals court's judgment on modified reasoning. Justice Harry Blackmun and Chief Justice Warren E. Burger concurred, while Justices Byron White and John Paul Stevens dissented.  
Initially, the district court ruled for Fedorenko on the grounds that the government had failed to prove that Fedorenko's service was voluntary, rather than under duress; neither the appeals court nor the Supreme Court challenged this position, but the Supreme Court ruled that whether it was voluntary or not, serving as a guard at Treblinka would have led to him being denied a visa under the relevant law, and thus his visa was invalid. This holding allowed the Supreme Court to sidestep a question of materiality at issue in the lower courts; the district court interpreted the Supreme Court's decision in Chaunt v. United States (1960) as requiring the government to show that had Fedorenko would have conclusively been denied entry had the truth been known, while the appeals court interpreted the same case as requiring the government to show that Fedorenko only might have been denied entry under the same circumstances. The Supreme Court held that it was not necessary to resolve the Chaunt question to reach a verdict. The district court also ruled that even if Fedorenko was ineligible for citizenship, it could refuse to revoke his citizenship under the principle of equitable discretion – when a proceeding is held in equity, a court can rule based on a consideration of the facts and the fairest result, rather than a strict interpretation of the law. The appeals court and Supreme Court, however, disagreed, ruling that equitable discretion does not allow a court to overlook illegally procured citizenship.  
  
The Supreme Court's ruling that Fedorenko was ineligible as a matter of law owing to being a Treblinka guard assisted government officials in future cases against suspected Nazi collaborators, but the Court earned criticism for its failure to clarify the materiality standard and for not allowing duress as a defense. Some commentators agreed with the district court's holding that if duress was not an exception, the act would bar Jewish kapos or even those forced to cut prisoners' hair from entry, while others agreed with the Supreme Court in finding that argument unconvincing. In concurrence, Harry Blackmun argued that the Court should applied Chaunt to the case; in dissent, John Paul Stevens argued against the Court's interpretation of duress in the DPA; and also in dissent, Byron White argued that the Court should have clarified Chaunt and remanded the case back to the appeals court to review the district court's findings. After Fedorenko's loss at the Supreme Court, he was deported to the Soviet Union in 1984, pled guilty to war crimes in 1986, and was executed in 1987.**

1. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.
2. Schneider v. Rusk, 377 U.S. 163 (1964), was a 5–3 United States Supreme Court case that invalidated a law that stripped naturalized Americans of their citizenship as a result of extended or permanent residence abroad. Relying on the due process clause of the Fifth Amendment, the court ruled it generally was unconstitutional to treat naturalized and natural-born citizens differently.

# Text 1110:

**Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975), was a U.S. Supreme Court decision. It stated that lawyers engage in "trade or commerce" and hence ended the legal profession's exemption from antitrust laws.**

1. Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.
2. Florida Bar v. Went For It, Inc., 515 U.S. 618 (1995), was a United States Supreme Court case in which the Court upheld a state's restriction on lawyer advertising under the First Amendment's commercial speech doctrine. The Court's decision was the first time it did so since Bates v. State Bar of Arizona, 433 U.S. 350 (1977), lifted the traditional ban on lawyer advertising.

# Text 1111:

**Houchins v. KQED, Inc., 438 U.S. 1 (1978), was a 1978 United States Supreme Court case in which the Court refused to recognize a "right of access", under the First Amendment, to interview particular prisoners.**

1. Bounds v. Smith, 430 U.S. 817 (1977), was a United States Supreme Court case in which the Court tested the basic constitutional right of prison inmates’ access to legal documents prior to court. Prison authorities would consequently be required to provide legal assistance or counsel to inmates, whether it be through a trained legal professional or access to a legal library.   
   Multiple prisoners alleged that they were denied access to the courts due to lack of an adequate legal library and assistance with court related documents.
2. Turner v. Safley, 482 U.S. 78 (1987), was a U.S. Supreme Court decision involving the constitutionality of two Missouri prison regulations. One of the prisoners' claims related to the fundamental right to marry, and the other related to freedom of speech (in sending/receiving letters). The court held that a regulation preventing inmates from marrying without permission violated their constitutional right to marry because it was not logically related to a legitimate penological concern, but a prohibition on inmate-to-inmate correspondence was justified by prison security needs.  
   The case has been cited as precedent, establishing the "Turner Test" for constitutional challenges to prison regulations. According to the test, a prison regulation is constitutional if it satisfies four factors:  
     
   There is a rational connection to a legitimate government interest;  
   There are alternative means for prisoners to exercise their right(s);  
   Accommodation of the right(s) would have excessive "ripple effects"; and  
   There are no "ready alternatives."  
   This test has been used for decades by US courts, but it has also been criticized by legal scholars for being too deferential to prison administrators.

# Text 1112:

**Vermont v. Brillon, 556 U.S. 81 (2009), was a decision by the United States Supreme Court which ruled that when appointed counsel is responsible for delays in criminal proceedings, these delays are ordinarily attributable to the defendants they represent when conducting speedy trial analysis under Barker v. Wingo.**

1. Barker v. Wingo, 407 U.S. 514 (1972), was a United States Supreme Court case involving the Sixth Amendment to the U.S. Constitution, specifically the right of defendants in criminal cases to a speedy trial. The Court held that determinations of whether or not the right to a speedy trial has been violated must be made on a case-by-case basis, and set forth four factors to be considered in the determination.
2. Doggett v. United States, 505 U.S. 647 (1992), was a case decided by the Supreme Court of the United States.  
   The court held that the 8+1⁄2 year delay between Doggett's indictment and actual arrest violated his Sixth Amendment right to a speedy trial, arguing that the government had been negligent in pursuing him and that Doggett had remained unaware of the indictment until his arrest.

# Text 1113:

**Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.**

1. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.
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# Text 1114:

**Wolff v. McDonnell, 418 U.S. 539 (1974), was a United States Supreme Court case in which the Court held that prisoners retained some due process rights when incarcerated. In particular, the Court ruled that due process required that prison disciplinary decisions to revoke good-time credits must be accompanied by notification of the inmate, administrative hearings, the chance to call witnesses and present evidence, and a written statement detailing the nature of the offense committed and the evidence for said offense.**

1. Superintendent v. Hill, 472 U.S. 445 (1985), was a United States Supreme Court case in which the Court held that due process required that prison disciplinary decisions to revoke good-time credits must be supported by "some evidence."
2. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.

# Text 1115:

**Estelle v. Smith, 451 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that, per Miranda v. Arizona (1966), the state may not force a defendant to submit to a psychiatric examination solely for the purposes of sentencing. Any such examination violates the defendant's Fifth Amendment rights against self-incrimination as well as the Sixth Amendment right to counsel, and is therefore inadmissible at sentencing.**

1. Barefoot v. Estelle, 463 U.S. 880 (1983), is a United States Supreme Court case. The Court ruled on the admissibility of clinical opinions given by two psychiatrists hired by the prosecution in answer to hypothetical questions regarding the defendant's future dangerousness and the likelihood that he would present a continuing threat to society in this Texas death penalty case. The American Psychiatric Association submitted an amicus curiae brief in support of the defendant's position that such testimony should be inadmissible and urging curtailment of psychiatric testimony regarding future dangerousness and a prohibition of such testimony based on hypothetical data.  
   In Estelle v. Smith, 451 U.S. 454 (1981), the Supreme Court previously ruled on a Texas death penalty case regarding the use of a psychiatric examination to determine the defendant's competency to stand trial to predict future dangerousness. In that case the Court held that the Fifth Amendment's privilege against self-incrimination applied to pretrial psychiatric examinations by a prosecution psychiatrist who later testified regarding the defendant's future dangerousness without warning the defendant that such evidence could be used against him. The Court reasoned that although a defendant has no generalized constitutional right to remain silent at a psychiatric examination limited to the issues of sanity or competency, full Miranda warnings must be given with respect to testimony concerning future dangerousness.
2. Estelle v. Gamble, 429 U.S. 97 (1976), was a case in which the Supreme Court of the United States established the standard of what a prisoner must plead in order to claim a violation of Eighth Amendment rights under 42 U.S.C. § 1983. Specifically, the Court held that a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. Though the Court credited Gamble's complaint that doctors had failed to provide appropriate care, it held that medical malpractice did not rise to the level of "cruel and unusual punishment" simply because the victim is a prisoner.

# Text 1116:

**Goldstein v. California, 412 U.S. 546 (1973), was a United States Supreme Court case in which the high court ruled that California's state statutes criminalizing record piracy did not violate the Copyright Clause of the United States Constitution.**

1. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.
2. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.

# Text 1117:

**Ludwig v. Massachusetts, 427 U.S. 618 (1976), was a case in which the Supreme Court of the United States held that the Massachusetts two-tier court system did not deprive Ludwig of his U.S. Const., Amend. XIV right to a jury trial and did not violate the double jeopardy clause of the U.S. Const., Amend. V.**

1. United States v. Dinitz, 424 U.S. 600 (1976), was a case in which the Supreme Court of the United States determined that the U.S. Const., Amend. V protection against double jeopardy did not prevent a retrial of a defendant, who had previously requested a mistrial.
2. Lowenfield v. Phelps, 484 U.S. 231 (1988), is a United States Supreme Court case. The Court held that the two jury polls and the supplemental charge did not unlawfully pressure the jury to give a death sentence. The Court also stated that the death sentence does not violate the Eighth Amendment. This is simply because the single statutory "aggravating circumstance" found by the jury duplicates an element of the underlying offense of first-degree murder.

# Text 1118:

**Connick v. Thompson, 563 U.S. 51 (2011), is a United States Supreme Court case in which the Court considered whether a prosecutor's office can be held liable for a single Brady violation by one of its members on the theory that the office provided inadequate training.**

1. Connick v. Myers, 461 U.S. 138 (1983), is a United States Supreme Court decision concerning the First Amendment rights of public employees who speak on matters of possible public concern within the workplace context. It was first brought by Sheila Myers, an Orleans Parish, Louisiana, assistant district attorney (ADA). She had been fired by her superior, District Attorney Harry Connick Sr., when, after receiving a transfer she had fiercely resisted in private conversations with him and his chief assistant district attorney, she distributed a questionnaire to her fellow prosecutors asking about their experience with Connick's management practices. At trial, Judge Jack Gordon of the Eastern District of Louisiana found the firing had been motivated by the questionnaire and was thus an infringement on her right to speak out on matters of public concern as a public employee. After the Fifth Circuit affirmed the verdict, Connick appealed to the Supreme Court.  
   The justices reversed the lower courts by a 5–4 margin. Justice Byron White wrote for the majority that most of the matters Myers' questionnaire had touched on were of personal, not public, concern and that the action had damaged the harmonious relations necessary for the efficient operation of the district attorney's office. William Brennan argued in dissent that the majority's application of precedent was flawed. He argued that all the matters in the questionnaire were of public concern, and feared a chilling effect on speech by public employees about such matters would result.  
   The case was the first in a line considering the right of public employees to speak contemporaneously with their employment that had started with Pickering v. Board of Education (1968) fifteen years earlier in which the Court sided with the employee. It introduced the test of whether the employee's speech had been on matters of public concern to the balancing of employer and employee interest prescribed in the earlier case. The two would guide the Court's interpretation of later cases such as Rankin v. McPherson (1987). In the 1990s and 2000s, Waters v. Churchill (1994) and Garcetti v. Ceballos (2006), the latter with some similarities to the circumstances of Connick, would further clarify the Court's holding.
2. Brady v. United States, 397 U.S. 742 (1970), was a United States Supreme Court case in which the Court refused to hold that large sentencing discounts and threats of the death penalty are sufficient evidence of coercion.

# Text 1119:

**Printz v. United States, 521 U.S. 898 (1997), was a United States Supreme Court case in which the Court held that certain interim provisions of the Brady Handgun Violence Prevention Act violated the Tenth Amendment to the United States Constitution.**

1. McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 1120:

**Chandler v. Florida, 449 U.S. 560 (1981), was a legal case in which the Supreme Court of the United States held that a state could allow the broadcast and still photography coverage of criminal trials. While refraining from formally overruling Estes v. Texas, which in 1965 held that media coverage was "infringing the fundamental right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment," it effectively did so.**

1. Estes v. Texas, 381 U.S. 532 (1965), was a case in which the United States Supreme Court overturned the fraud conviction of petitioner Billy Sol Estes, holding that his Fourteenth Amendment due process rights had been violated by the publicity associated with the pretrial hearing, which had been carried live on both television and radio. News photography was permitted throughout the trial and parts of it were broadcast as well.  
   There was no doubt that the Court was displeased with the intensive pretrial and trial coverage, but its biggest concern was the presence of cameras at the two-day-long pretrial hearing. It included at least 12 still and television photographers, three microphones on the judge's bench, and several aimed at the jury's box and attorney's table. When it was time for the trial to be held, it was moved about 500 miles away and the judge had imposed rather severe restrictions on press coverage. However, the justices did mark the notion that cameras would return to courtrooms eventually:   
     
   It is said that the ever-advancing techniques of public communication and the adjustment of the public to its presence may bring about a change in the effect of telecasting upon the fairness of criminal trials. But we are not dealing here with future developments in the field of electronics. Our judgment cannot be rested on the hypothesis of tomorrow but must take the facts as they are presented today." The Supreme Court ruled in Chandler v. Florida, 449 U.S. 560 (1981) that a state could allow the broadcast and still photography coverage of criminal trials.
2. Chandler v. Miller, 520 U.S. 305 (1997), was a case before the United States Supreme Court concerning the Constitutionality under the Fourth Amendment of a state statute requiring drug tests of all candidates for certain state offices. The case is notable as being the only one in recent years where the Supreme Court has upheld a challenge to a ballot access restriction from members of a third party, in this case the Libertarian Party of Georgia.

# Text 1121:

**Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.**

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2. Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.

# Text 1122:

**Califano v. Yamasaki, 442 U.S. 682 (1979), was a United States Supreme Court case in which the Court decided an issue of Federal statutory hearing rights.  
Under section 204(a)(1) of the Social Security Act, the Secretary of the Department of Health, Education, and Welfare was allowed to make recoupments of erroneous overpayments of old age, survivors' or disability benefits by deducting from future payments. Section 204(b) allowed the Secretary to preclude the recoupment if the disability recipient was without fault and adjustments or recovery would "defeat the purposes" of the Act or "be against equity and good conscience."  
Under the Department's procedures, after a recipient was notified of the ex parte determination that an overpayment had been made, the recipient could file a written request either seeking reconsideration of that determination or asking the Secretary to waive recovery in accordance with 204(b). The recoupment would start if the agency's decision on the request went against the recipient, and an oral hearing would be granted only if the recipient continued to object to recoupment.  
A number of beneficiaries challenged the Department's procedure under the due process clause of the Fifth Amendment to the US Constitution.  
In an opinion written by Justice Blackmun, the court held that because individual rights were at stake, the procedures did not satisfy the requirements of due process.**

1. Califano v. Aznavorian, 439 U.S. 170 (1978), was a United States Supreme Court case involving denial of Social Security Benefits to recipients while they are abroad and the Fifth Amendment due process right to international travel.
2. Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.

# Text 1123:

**Teague v. Lane, 489 U.S. 288 (1989), was a United States Supreme Court case dealing with the application of newly announced rules of law in habeas corpus proceedings. This case addresses the Federal Court's threshold standard of deciding whether Constitutional claims will be heard. Application of the "Teague test" at the most basic level limits habeas corpus.**

1. Brinegar v. United States, 338 U.S. 160 (1949), was a United States Supreme Court case employing the "reasonableness test" in warrantless searches. The Court held that while the police need not always be factually correct in conducting a warrantless search, such a search must always be reasonable.
2. Stanford v. Texas, 379 U.S. 476 (1965), is a major decision of the Supreme Court of the United States. It stated in clear terms that, pursuant to the Fourteenth Amendment, the Fourth Amendment rules regarding search and seizure applied to state governments. While this principle had been outlined in other cases, such as Mapp v. Ohio, this case added another level of constitutional consideration for the issuance of search warrants when articles of expression, protected by the First Amendment, are among the items to be taken. In effect, when a state issues a warrant that includes the order to seize books, it must accord the "most scrupulous exactitude" to the language of the Fourth Amendment.

# Text 1124:

**Harlow v. Fitzgerald, 457 U.S. 800 (1982), was a case decided by the United States Supreme Court involving the doctrines of qualified immunity and absolute immunity.**

1. Nixon v. Fitzgerald, 457 U.S. 731 (1982), was a United States Supreme Court decision written by Justice Lewis Powell dealing with presidential immunity from civil liability for actions taken while in office. The Court found that a president "is entitled to absolute immunity from damages liability predicated on his official acts."
2. Pearson v. Callahan, 555 U.S. 223 (2009), was a case decided by the United States Supreme Court dealing with the doctrine of qualified immunity.  
   The case centered on the application of mandatory sequencing in determining qualified immunity as set by the 2001 decision, Saucier v. Katz, in which courts were to first ask whether a constitutional right was clearly violated by a government official at the time of the action before evaluating if a law had clearly been broken. The Court took to the unusual step of asking the parties to argue whether past precedent should be overturned. The theory under Saucier is that without courts first ruling on constitutional questions, the law would go undeveloped in many areas. Many legal commentators have criticized the ruling in Saucier.  
   The Supreme Court, in its opinion, withdrew the mandatory sequencing required under Saucier, giving courts the discretion of asking the constitutional or law question first. While this discretionary approach can free resources of the court, it has led to additional criticism, as it can often favor defendants, particularly in cases involving excessive force and police brutality.

# Text 1125:

**Conley v. Gibson, 355 U.S. 41 (1957), was a case decided by the Supreme Court of the United States that provided a basis for a broad reading of the "short and plain statement" requirement for pleading under Rule 8 of the Federal Rules of Civil Procedure.**

1. Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539 (1963), was a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a legislative committee cannot compel a subpoenaed witness to give up the membership lists of his organization.
2. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.

# Text 1126:

**Abood v. Detroit Board of Education, 431 U.S. 209 (1977), was a US labor law case where the United States Supreme Court upheld the maintaining of a union shop in a public workplace. Public school teachers in Detroit had sought to overturn the requirement that they pay fees equivalent to union dues on the grounds that they opposed public sector collective bargaining and objected to the political activities of the union. In a unanimous decision, the Court affirmed that the union shop, legal in the private sector, is also legal in the public sector. They found that non-members may be assessed agency fees to recover the costs of "collective bargaining, contract administration, and grievance adjustment purposes" while insisting that objectors to union membership or policy may not have their dues used for other ideological or political purposes.  
Abood was overturned in the 2018 case Janus v. AFSCME, which found that Abood had failed to properly assess the First Amendment principles in its decision.**

1. Howard Johnson Co. v. Detroit Local Joint Executive Board, 417 U.S. 249 (1974), is a US labor law case that decided that under the Labor Management Relations Act § 301 there can be no obligation on an employer to collectively bargain with employees of a business that has been transferred to him.
2. Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.

# Text 1127:

**Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"**

1. Furman v. Georgia, 408 U.S. 238 (1972), was a landmark criminal case in which the United States Supreme Court decided that arbitrary and inconsistent imposition of the death penalty violates the Eighth and Fourteenth Amendments, and constitutes cruel and unusual punishment. It was a per curiam decision. Five justices each wrote separately in support of the decision.: 467–68  Although the justices did not rule that the death penalty was unconstitutional, the Furman decision invalidated the death sentences of nearly 700 people. The decision mandated a degree of consistency in the application of the death penalty. This case resulted in a de facto moratorium of capital punishment throughout the United States. Dozens of states rewrote their death penalty laws, most of which were upheld in the 1976 case Gregg v. Georgia.  
   The Supreme Court consolidated the cases Jackson v. Georgia and Branch v. Texas with the Furman decision, thereby invalidating the death penalty for rape; this ruling was confirmed post-Gregg in Coker v. Georgia. The Court had also intended to include the case of Aikens v. California, but between the time Aikens had been heard in oral argument and a decision was to be issued, the Supreme Court of California decided in California v. Anderson that the death penalty violated the state constitution; Aikens was therefore dismissed as moot, since this decision reduced all death sentences in California to life imprisonment.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 1128:

**Carroll v. Town of Princess Anne, 393 U.S. 175 (1968), was a United States Supreme Court case in which the Court held that a state cannot preemptively prohibit persons from holding a public meeting, without first notifying the persons involved, and providing the persons an opportunity to argue the decision, unless moving party can show (per the equivalent of today's Federal Rule of Civil Procedure 65) (1) that they made efforts to give to notice, and (2) explain to the court the reasons why such notice should not be required. The National States Rights Party won the case unanimously.**

1. Poulos v. New Hampshire, 345 U.S. 395 (1953), was a case in which the Supreme Court of the United States held that a New Hampshire city ordinance regarding permission to hold a meeting in a public park did not violate the appellant's rights to Free Exercise of Religion even if he and his group were arbitrarily and unlawfully denied a license to hold a religious meeting in that public park.
2. Dawson v. Delaware, 503 U.S. 159 (1992), was a United States Supreme Court decision that ruled that a person's rights of association and due process, as granted under the First Amendment and Fourteenth Amendment of the United States Constitution, cannot be infringed upon if such an association has no bearing on the case at hand.

# Text 1129:

**Brulotte v. Thys Co., 379 U.S. 29 (1964), was a Supreme Court of the United States decision holding that a contract calling for payment of patent royalties after the expiration of the licensed patent was misuse of the patent right and unenforceable under the Supremacy Clause, state contract law notwithstanding. The decision was widely subjected to academic criticism but the Supreme Court has rejected that criticism and reaffirmed the Brulotte decision in Kimble v. Marvel Entertainment, LLC.**

1. Blonder-Tongue Labs., Inc. v. University of Ill. Foundation, 402 U.S. 313 (1971), is a decision of the United States Supreme Court holding that a final judgment in an infringement suit against a first defendant that a patent is invalid bars the patentee from relitigating the same patent against other defendants. In so ruling, the Supreme Court overruled its 1936 decision in Triplett v. Lowell, which had required mutuality of estoppel to bar such preclusion, and held that the better view was to prevent relitigating if the plaintiff had had a full and fair opportunity to litigate the issue in question.
2. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.

# Text 1130:

**Bounds v. Smith, 430 U.S. 817 (1977), was a United States Supreme Court case in which the Court tested the basic constitutional right of prison inmates’ access to legal documents prior to court. Prison authorities would consequently be required to provide legal assistance or counsel to inmates, whether it be through a trained legal professional or access to a legal library.   
Multiple prisoners alleged that they were denied access to the courts due to lack of an adequate legal library and assistance with court related documents.**

1. Turner v. Safley, 482 U.S. 78 (1987), was a U.S. Supreme Court decision involving the constitutionality of two Missouri prison regulations. One of the prisoners' claims related to the fundamental right to marry, and the other related to freedom of speech (in sending/receiving letters). The court held that a regulation preventing inmates from marrying without permission violated their constitutional right to marry because it was not logically related to a legitimate penological concern, but a prohibition on inmate-to-inmate correspondence was justified by prison security needs.  
   The case has been cited as precedent, establishing the "Turner Test" for constitutional challenges to prison regulations. According to the test, a prison regulation is constitutional if it satisfies four factors:  
     
   There is a rational connection to a legitimate government interest;  
   There are alternative means for prisoners to exercise their right(s);  
   Accommodation of the right(s) would have excessive "ripple effects"; and  
   There are no "ready alternatives."  
   This test has been used for decades by US courts, but it has also been criticized by legal scholars for being too deferential to prison administrators.
2. Houchins v. KQED, Inc., 438 U.S. 1 (1978), was a 1978 United States Supreme Court case in which the Court refused to recognize a "right of access", under the First Amendment, to interview particular prisoners.

# Text 1131:

**Francis v. Franklin, 471 U.S. 307 (1985), is a United States Supreme Court decision reaffirming due process principles elucidated in Sandstrom v. Montana, that the prosecution bears the burden of proof of establishing the mental element of intent.: 341–346  Justice Brennan wrote that under the Due Process Clause of the Fourteenth Amendment, a jury instruction saying that "a person of sound mind is presumed to intend the natural and probable consequences of his acts, but the presumption may be rebutted" is unconstitutional, because the burden of proof is shifted from the prosecution to the defense.: 341–346**

1. Sandstrom v. Montana, 442 U.S. 510 (1979), is a United States Supreme Court case that reaffirmed the prosecution's burden of proof of the mental element of a crime by striking down a jury instruction that "the law presumes that a person intends the ordinary consequences of his voluntary acts". In Francis v. Franklin, 471 U.S. 307 (1985), Justice Brennan wrote about "Sandstrom and the wellspring due process principal from which it is drawn" as follows:   
     
   Sandstrom v. Montana made clear that the Due Process Clause of the Fourteenth Amendment prohibits a State from making use of jury instructions that have the effect of relieving the State of the burden of proof on the critical question of intent in a criminal prosecution.
2. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.

# Text 1132:

**United States v. Ross, 456 U.S. 798 (1982), was a search and seizure case argued before the Supreme Court of the United States. The high court was asked to decide if a legal warrantless search of an automobile allows closed containers found in the vehicle (specifically, in the trunk) to be searched as well. The appeals court had previously ruled that opening and searching the closed portable containers without a warrant was a violation of the Fourth Amendment, even though the warrantless vehicle search was permissible due to existing precedent.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. United States v. Chadwick, 433 U.S. 1 (1977), was a decision by the United States Supreme Court, which held that, absent exigency, the warrantless search of double-locked luggage just placed in the trunk of a parked vehicle is a violation of the Fourth Amendment and not justified under the automobile exception. The Court reasoned that while luggage is movable like an automobile, it does not have the lesser expectation of privacy associated with an automobile.  
   Chadwick was later abrogated on other grounds by California v. Acevedo (1991), in which the Court overruled Chadwick's holding with respect to containers within a vehicle, holding that police may search a container within a vehicle without a warrant if they have probable cause to believe that the container itself holds contraband or evidence.  
   The holding in Chadwick that a search incident to arrest must not be too remote in time or place is still good law.

# Text 1133:

**City of Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983), was a case in which the United States Supreme Court affirmed its abortion rights jurisprudence. In a majority opinion by Lewis F. Powell Jr., the Court struck down several provisions of an abortion law of Akron, Ohio, including portions found to be unconstitutionally vague.**

1. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 1134:

**Hughes v. Fetter, 341 U.S. 609 (1951), is a Supreme Court case involving the conflict of laws between states.**

1. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.
2. Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.

# Text 1135:

**Lotus Dev. Corp. v. Borland Int'l, Inc., 516 U.S. 233 (1996), is a United States Supreme Court case that tested the extent of software copyright. The lower court had held that copyright does not extend to the user interface of a computer program, such as the text and layout of menus. Due to the recusal of one justice, the Supreme Court decided the case with an eight-member bench split evenly, leaving the lower court's decision affirmed but setting no national precedent.**

1. Reed Elsevier, Inc. v. Muchnick, 559 U.S. 154 (2010), was a decision by the Supreme Court of the United States involving copyright law. The Court held that failure to register a copyright under Section 411 (a) of the United States Copyright Act does not limit a Federal Court's jurisdiction over claims of infringement regarding unregistered works.
2. Sony Corp. of America v. Universal City Studios, Inc., 464 U.S. 417 (1984), also known as the "Betamax case", is a decision by the Supreme Court of the United States which ruled that the making of individual copies of complete television shows for purposes of time shifting does not constitute copyright infringement, but can instead be defended as fair use. The court also ruled that the manufacturers of home video recording devices, such as Betamax or other VCRs (referred to as VTRs in the case), cannot be liable for contributory infringement. The case was a boon to the home video market, as it created a legal safe harbor for the technology.  
   The broader legal consequence of the Supreme Court's decision was its establishment of a general test for determining whether a device with copying or recording capabilities ran afoul of copyright law. This test has created some interpretative challenges for courts when applying the precedent to more recent file sharing technologies available for use on home computers and over the Internet.

# Text 1136:

**Davis v. Bandemer, 478 U.S. 109 (1986), is a case in which the United States Supreme Court held that claims of partisan gerrymandering were justiciable, but failed to agree on a clear standard for the judicial review of the class of claims of a political nature to which such cases belong. The decision was later limited with respect to many of the elements directly involving issues of redistricting and political gerrymandering, but was somewhat broadened with respect to less significant ancillary procedural issues. Democrats had won 51.9% of the votes, but only 43/100 seats. Democrats sued on basis of one man, one vote, however, California Democrats supported the Indiana GOP's plan.  
The National Republican Committee filed an amicus brief in support of the Indiana Democrats, Democrats in the California house and senate filed briefs supporting the Republican redistricting plan.**

1. Baker v. Carr, 369 U.S. 186 (1962), was a landmark United States Supreme Court case in which the Court held that redistricting qualifies as a justiciable question under the Fourteenth Amendment's equal protection clause, thus enabling federal courts to hear Fourteenth Amendment-based redistricting cases. The court summarized its Baker holding in a later decision as follows: "the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State Legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives." (Gray v. Sanders, 372 U.S. 368 (1963)). The court had previously held in Gomillion v. Lightfoot that districting claims over racial discrimination could be brought under the Fifteenth Amendment.  
   The case arose from a lawsuit against the state of Tennessee, which had not conducted redistricting since 1901. Tennessee argued that the composition of legislative districts constituted a nonjusticiable political question, as the U.S. Supreme Court had held in Colegrove v. Green (1946). In a majority opinion joined by five other justices, Justice William J. Brennan Jr. held that redistricting did not qualify as a political question, though he remanded the case to the federal district court for further proceedings. Justice Felix Frankfurter strongly dissented, arguing that the Court's decision cast aside history and judicial restraint and violated the separation of powers between legislatures and courts.  
   The case did not have any immediate effect on electoral districts, but it set an important precedent regarding the power of federal courts to address redistricting. In 1964, the Supreme Court handed down two cases, Wesberry v. Sanders and Reynolds v. Sims, that required the United States House of Representatives and state legislatures to establish electoral districts of equal population on the principle of one person, one vote.
2. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.

# Text 1137:

**Mueller v. Allen, 463 U.S. 388 (1983), was a United States Supreme Court case examining the constitutionality of a state tax deduction granted to taxpaying parents for school-related expenses, including expenses incurred from private secular and religious schools. The plaintiffs claimed that a Minnesota statute, allowing tax deductions for both public and private school expenses, had the effect of subsidizing religious instruction since parents who paid tuition to religious schools received a larger deduction than parents of public school students, who incurred no tuition expenses.  
In a 5–4 decision, the Court upheld the statute. The majority affirmed that the benefit was religiously neutral because the deduction applied equally to sectarian and nonsectarian tuition and that the choice of religious or nonreligious instruction was made by individual parents, not the state. Also, aid was given to parents, not schools.  
The dissenting opinion argued that the tax deduction violated the US Constitution because it was an indirect government subsidy of religion, providing a financial incentive to parents to send their children to religious schools.**

1. Arizona Christian School Tuition Organization v. Winn, 563 U.S. 125 (2011), is a decision by the Supreme Court of the United States involving taxpayer standing under Article Three of the United States Constitution.  
   A group of Arizona taxpayers challenged a state law providing tax credits to people who donate to school tuition organizations providing scholarships to students attending private or religious schools. The taxpayers claimed a violation of the Establishment Clause. The District Court dismissed the case, holding that the taxpayers did not state a valid claim. The decision was reversed by the Ninth Circuit, which ruled that the respondents had standing to sue, citing Flast v. Cohen.  
   The Supreme Court ruled 5–4, in an opinion delivered by Justice Anthony Kennedy, that the plaintiffs did not have standing to bring suit. The Court stated that it had "rejected the general proposition that an individual who has paid taxes has a 'continuing, legally cognizable interest in ensuring that those funds are not used by the Government in a way that violates the Constitution.'" Ultimately, the Supreme Court found that any damages or harm claimed by the taxpayers by virtue of simply being a taxpayer would be pure speculation because the issue at hand was a tax credit and not a government expenditure. Justice Scalia filed a concurring opinion, joined by Justice Thomas.  
   In her dissent, Justice Kagan said "cash grants and targeted tax breaks are means of accomplishing the same government objective—to provide financial support to select individuals or organizations." She further argued: "taxpayers should be able to challenge the subsidy." The dissent was joined by Justices Ginsburg, Breyer, and Sotomayor. Bruce Peabody, a political science professor at Fairleigh Dickinson University, remarked "the case brought out four dissents, a signal that those justices were prepared to decide the substantive issue." Equally, Peter Woolley, professor of political science and director of the PublicMind Poll, posited "in making this ruling on such narrow grounds, the court virtually guarantees that plaintiff in one guise or another will be back another day."
2. Plyler v. Doe, 457 U.S. 202 (1982), was a landmark decision in which the Supreme Court of the United States struck down both a state statute denying funding for education of undocumented immigrant children in the United States and an independent school district's attempt to charge an annual $1,000 tuition fee for each student to compensate for lost state funding. The Court found that any state restriction imposed on the rights afforded to children based on their immigration status must be examined under a rational basis standard to determine whether it furthers a substantial government interest.  
   The application of Plyler v. Doe has been limited to K–12 schooling. Other cases and legislation such as Toll v. Moreno 441 U.S. 458 (1979) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have allowed some states to pass statutes that deny illegal immigrant students eligibility for in-state tuition, scholarships, or enrollment at public colleges and universities.

# Text 1138:

**Pruneyard Shopping Center v. Robins, 447 U.S. 74 (1980), was a U.S. Supreme Court decision issued on June 9, 1980 which affirmed the decision of the California Supreme Court in a case that arose out of a free speech dispute between the Pruneyard Shopping Center in Campbell, California, and several local high school students (who wished to canvass signatures for a petition against United Nations General Assembly Resolution 3379).**

1. Klor's, Inc. v. Broadway-Hale Stores, Inc., 359 U.S. 207 (1959), is a United States Supreme Court decision holding that a retail chain's persuasion of a number of suppliers not to deal with a competitive retailer was a per se illegal boycott – under a hub-and-spoke conspiracy theory.
2. Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
   The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
   The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."

# Text 1139:

**Microsoft Corp. v. i4i Ltd. Partnership, 564 U.S. 91 (2011), was a case decided by the Supreme Court of the United States. It deals with the presumption of validity and the standard of evidence in patent lawsuits. This case in widely considered as a prime example of a frivolous lawsuit by a patent troll, underscoring the need for a reform of the US patent law.  
The case was a patent dispute between small Toronto-based company i4i Ltd. Partnership and Microsoft for infringement of a patent regarding custom XML encoding in Microsoft Word, a feature that was “used by only a small fraction of Microsoft’s customers”. The original lawsuit was filed in the Federal Court for the Eastern District of Texas, known for its decisions favoring patent trolls. i4i prevailed both in the district court and on appeal to the CAFC. The latter awarded i4i $200 million against Microsoft as a reasonable royalty.  
Under 35 U.S.C. § 282, a patent, which has been examined and issued by the USPTO is entitled to a presumption of validity in courts, and this presumption can be overcome based on clear and convincing evidence.  
On appeal to the SCOTUS Microsoft argued that the clear and convincing evidence standard applied by the Federal Circuit was inappropriate, and that because of the backlog of unexamined patent applications at the USPTO, patent examiners do not have adequate amount of time to examine patent applications, and therefore a preponderance of the evidence standard should be applied by courts, when patent validity is challenged.  
The US Supreme Court rejected Microsoft's position. Judge Sotomayor wrote: "Congress has amended the patent laws to account for concerns about 'bad' patents, including by expanding the reexamination process to provide for inter partes proceedings. Through it all the evidentiary standard adopted in §282 has gone untouched."  
The courts also issued and confirmed a permanent injunction against Microsoft. The disputed feature has been removed from Word since.**

1. Microsoft Corp. v. AT&T Corp., 550 U.S. 437 (2007), was a United States Supreme Court case in which the Supreme Court reversed a previous decision by the Federal Circuit and ruled in favor of Microsoft, holding that Microsoft was not liable for infringement on AT&T's patent under 35 U.S.C. § 271(f).  
   In this case, Microsoft exported abroad the "master version" of its Windows software disk, which incorporated a speech processing function claimed by one of AT&T's patents, with the intent that such software be copied abroad for installation onto foreign-manufactured computers.  
   According to the Supreme Court, liability for such unauthorized replication and installation would have to arise under the patent laws of those foreign countries, not the U.S. Patent Act. Although AT&T argued that the Supreme Court's decision actually created a "loophole" for software makers to avoid liability under § 271(f), the Supreme Court explained that it is Congress, not the Court, that is responsible for addressing any such loopholes.
2. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.

# Text 1140:

**Schaffer v. Weast, 546 U.S. 49 (2005), is a Supreme Court case that determined that the burden of proof belonged to whoever challenged an Individualized Education Program (IEP). Schaffer v. Weast revised the Individuals with Disabilities Education Act (IDEA) which had introduced IEPs as a method of ensuring an individual and effective education for disabled students. Prior to Schaffer v. Weast, when any party challenged an IEP, the burden of proof was almost always placed on the respective school system.**

1. Forest Grove School District v. T. A., 557 U.S. 230 (2009), is a case in which the United States Supreme Court held that the Individuals with Disabilities Education Act (IDEA) authorizes reimbursement for private special education services when a public school fails to provide a "free appropriate public education" (FAPE) and the private school placement is appropriate, regardless of whether the child previously received special education services through the public school.
2. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

# Text 1141:

**Colorado v. Bertine, 479 U.S. 367 (1987), was a case in which the Supreme Court of the United States held that the Fourth Amendment does not prohibit the State from proving charges with the evidence discovered during an inventory search.  
This case is controlled by the principles governing inventory searches of automobiles and of an arrestee's personal effects, as set forth in South Dakota v. Opperman, and Illinois v. Lafayette, rather than those governing searches of closed trunks and suitcases conducted solely for the purpose of investigating criminal conduct. United States v. Chadwick, and Arkansas v. Sanders, distinguished.**

1. Colorado v. Bannister, 449 U.S. 1 (1980), is a U.S. Supreme Court case concerning the automobile exception to constitutional protections against searches and seizures.
2. Wolf v. Colorado, 338 U.S. 25 (1949), was a United States Supreme Court case in which the Court held 6—3 that, while the Fourth Amendment was applicable to the states, the exclusionary rule was not a necessary ingredient of the Fourth Amendment's right against warrantless and unreasonable searches and seizures. In Weeks v. United States, 232 U.S. 383 (1914), the Court held that as a matter of judicial implication the exclusionary rule was enforceable in federal courts but not derived from the explicit requirements of the Fourth Amendment. The Wolf Court decided not to incorporate the exclusionary rule as part of the Fourteenth Amendment in large part because the states which had rejected the Weeks Doctrine (the exclusionary rule) had not left the right to privacy without other means of protection (i.e. the States had their own rules to deter police officers from conducting warrantless and unreasonable searches and seizures). However, because most of the states' rules proved to be ineffective in deterrence, the Court overruled Wolf in Mapp v. Ohio, 367 U.S. 643 (1961). That landmark case made history as the exclusionary rule enforceable against the states through the Due Process clause of the Fourteenth Amendment to the same extent that it applied against the federal government.

# Text 1142:

**Romer v. Evans, 517 U.S. 620 (1996), is a landmark United States Supreme Court case dealing with sexual orientation and state laws. It was the first Supreme Court case to address gay rights since Bowers v. Hardwick (1986), when the Court had held that laws criminalizing sodomy were constitutional.  
The Court ruled in a 6–3 decision that a state constitutional amendment in Colorado preventing protected status based upon homosexuality or bisexuality did not satisfy the Equal Protection Clause. The majority opinion in Romer stated that the amendment lacked "a rational relationship to legitimate state interests", and the dissent stated that the majority "evidently agrees that 'rational basis'—the normal test for compliance with the Equal Protection Clause—is the governing standard". The state constitutional amendment failed rational basis review.  
The decision in Romer set the stage for Lawrence v. Texas (2003), where the Court overruled its decision in Bowers; for the Supreme Court ruling striking down Section 3 of the Defense of Marriage Act in United States v. Windsor (2013); and for the Court's ruling striking down state bans on same-sex marriage in Obergefell v. Hodges (2015). Justice Anthony Kennedy authored all four opinions, and was joined by Justices Ruth Bader Ginsburg and Stephen Breyer in every one.**

1. Bowers v. Hardwick, 478 U.S. 186 (1986), was a landmark decision of the U.S. Supreme Court that upheld, in a 5–4 ruling, the constitutionality of a Georgia sodomy law criminalizing oral and anal sex in private between consenting adults, in this case with respect to homosexual sodomy, though the law did not differentiate between homosexual and heterosexual sodomy. It was overturned in Lawrence v. Texas (2003), though the statute had already been struck down by the Georgia Supreme Court in 1998.   
   The majority opinion, by Justice Byron White, reasoned that the U.S. Constitution did not confer "a fundamental right to engage in homosexual sodomy". A concurring opinion by Chief Justice Warren E. Burger cited the "ancient roots" of prohibitions against homosexual sex, quoting William Blackstone's description of homosexual sex as an "infamous crime against nature", worse than rape, and "a crime not fit to be named". Burger concluded: "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching."   
   The senior dissent, by Justice Harry Blackmun, framed the issue as revolving around the right to privacy. Blackmun's dissent accused the Court of an "almost obsessive focus on homosexual activity" and an "overall refusal to consider the broad principles that have informed our treatment of privacy in specific cases." In response to invocations of religious taboos against homosexuality, Blackmun wrote: "That certain, but by no means all, religious groups condemn the behavior at issue gives the State no license to impose their judgments on the entire citizenry. The legitimacy of secular legislation depends, instead, on whether the State can advance some justification for its law beyond its conformity to religious doctrine."  
   Scholarly examinations of the case overwhelmingly sided with the dissenting minority. Some of the justices, including Lewis F. Powell, later said that they should not have joined the majority, although Powell also indicated in 1990 that the decision was of little importance. Seventeen years after Bowers, the Supreme Court directly overruled its decision in Lawrence v. Texas, holding that anti-sodomy laws are unconstitutional. In Lawrence, the Supreme Court subsequently based its decision on the American tradition of non-interference with private sexual decisions between consenting adults and on the notions of personal autonomy to define one's own relationships.
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 1143:

**Escobedo v. Illinois, 378 U.S. 478 (1964), is a United States Supreme Court case holding that criminal suspects have a right to counsel during police interrogations under the Sixth Amendment. The case was decided a year after the court had held in Gideon v. Wainwright that indigent criminal defendants have a right to be provided counsel at trial.**

1. Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.
2. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."

# Text 1144:

**Quill Corp. v. North Dakota, 504 U.S. 298 (1992), was a United States Supreme Court ruling, since overturned, concerning use tax. The decision effectively prevented states from collecting any sales tax from retail purchases made over the Internet or other e-Commerce route unless the seller had a physical presence in the state. The ruling was based on the Dormant Commerce Clause, preventing states from interfering with interstate commerce unless authorized by the United States Congress. The case resulted from an attempt by North Dakota seeking to collect sales tax on licensed computer software offered by the Quill Corporation, an office supply retailer with no North Dakota presence, that allowed users to place orders directly with Quill.  
Quill modified an earlier court decision, National Bellas Hess, Inc. v. Department of Revenue of Illinois, which dealt with a state imposing the duty of use tax collection on a mail order reseller. The decision in Quill has been a point of contention for states as e-Commerce had grown greatly during the 21st century. Spurred by Justice Anthony Kennedy's concurrence in Direct Marketing Ass'n v. Brohl, which spoke to a review of Quill, several states passed "kill Quill" laws to bring such a review to the Supreme Court. In the first such challenge, South Dakota v. Wayfair, Inc., heard in the 2018 term, the Court found that the physical presence rule defined by Quill was "unsound and incorrect", and overturned both Quill and the remaining portions of National Bellas Hess.**

1. In National Bellas Hess v. Department of Revenue of Illinois, 386 U.S. 753 (1967), the Supreme Court ruled that a mail order reseller was not required to collect sales tax unless it had some physical contact with the state.
2. In Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954), the Supreme Court ruled 5-4 that a mail order reseller was not required to collect a use tax unless it had sufficient contact with the state.

# Text 1145:

**Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), is an employment discrimination decision of the Supreme Court of the United States. The result was that employers could not be sued under Title VII of the Civil Rights Act of 1964 over race or gender pay discrimination if the claims were based on decisions made by the employer 180 days or more before the claim. Justice Alito held for the five-justice majority that each paycheck received did not constitute a discrete discriminatory act, even if it was affected by a prior decision outside the time limit. Ledbetter's claim of the “paycheck accrual rule” was rejected. The decision did not prevent plaintiffs from suing under other laws, like the Equal Pay Act, which has a three-year deadline for most sex discrimination claims, or 42 U.S.C. 1981, which has a four-year deadline for suing over race discrimination.  
This was a case of statutory rather than constitutional interpretation, explaining the meaning of a law, not deciding its constitutionality. The plaintiff in this case, Lilly Ledbetter, characterized her situation as one where "disparate pay is received during the statutory limitations period, but is the result of intentionally discriminatory pay decisions that occurred outside the limitations period." In rejecting Ledbetter's appeal, the Supreme Court said that "she could have, and should have, sued" when the pay decisions were made, instead of waiting beyond the 180-day statutory charging period. The Court did leave open the possibility that a plaintiff could sue beyond the 180-day period if she did not, and could not, have discovered the discrimination earlier. The effect of the Court's holding was reversed by the passage of the Lilly Ledbetter Fair Pay Act in 2009.**

1. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.
2. Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986), is a US labor law case, where the United States Supreme Court, in a 9–0 decision, recognized sexual harassment as a violation of Title VII of the Civil Rights Act of 1964. The case was the first of its kind to reach the Supreme Court and would redefine sexual harassment in the workplace.  
   It established the standards for analyzing whether conduct was unlawful and when an employer would be liable. The court, for the first time, made sexual harassment an illegal form of discrimination.

# Text 1146:

**Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.**

1. Shapiro v. Thompson, 394 U.S. 618 (1969), was a landmark decision of the Supreme Court of the United States that invalidated state durational residency requirements for public assistance and helped establish a fundamental "right to travel" in U.S. law. Shapiro was a part of a set of three welfare cases all heard during the 1968–69 term by the Supreme Court, alongside Harrell v. Tobriner and Smith v. Reynolds. Additionally, Shapiro, King v. Smith (1968), and Goldberg v. Kelly (1970) comprise the "Welfare Cases", a set of successful Supreme Court cases that dealt with welfare.  
   Shapiro was not about the issue of welfare per se, but rather about the restrictions to the right to travel and possible violations of the Equal Protection Clause of the 14th Amendment. The question posed by Shapiro was whether Congress, in writing Section 602(b) of the Social Security Act, overstepped its regulating powers by giving states the ability to restrict travel. Although the Constitution does not explicitly mention the right to travel, it is implied by the other rights given in the Constitution. In 1969, 43 states had a residency requirement in effect, declared unconstitutional by Shapiro. Within those 43 states, it is estimated by the court that at least 100,000 people - minimum - were unable to get welfare aid. By 1970, there was a 17% increase in those nationally receiving AFDC aid due to Shapiro.: 87–89
2. Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.

# Text 1147:

**Griffith v. Kentucky, 479 U.S. 314 (1987), is a case decided by the United States Supreme Court.**

1. Kentucky v. King, 563 U.S. 452 (2011), was a decision by the US Supreme Court, which held that warrantless searches conducted in police-created exigent circumstances do not violate the Fourth Amendment as long as the police did not create the exigency by violating or threatening to violate the Fourth Amendment.
2. Batson v. Kentucky, 476 U.S. 79 (1986), was a landmark decision of the United States Supreme Court ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. The Court ruled that this practice violated the Equal Protection Clause of the Fourteenth Amendment. The case gave rise to the term Batson challenge, an objection to a peremptory challenge based on the standard established by the Supreme Court's decision in this case. Subsequent jurisprudence has resulted in the extension of Batson to civil cases (Edmonson v. Leesville Concrete Company) and cases where jurors are excluded on the basis of sex (J.E.B. v. Alabama ex rel. T.B.).  
   The principle had been established previously by several state courts, including the California Supreme Court in 1978, the Massachusetts Supreme Judicial Court in 1979, and the Florida Supreme Court in 1984.

# Text 1148:

**Arizona v. Youngblood, 488 U.S. 51 (1988), is a United States Supreme Court case concerning the limits of Constitutional due process in criminal law.**

1. Arizona v. Fulminante, 499 U.S. 279 (1991), was a United States Supreme Court case clarifying the standard of review of a criminal defendant's allegedly coerced confession. The ruling was divided into parts, with various justices voting in different ways on different points of law, but ultimately 1) the defendant's confession was ruled involuntary, 2) the harmless error rule had to be applied, and 3) in this case, use of the confession as evidence was not harmless.
2. Tison v. Arizona, 481 U.S. 137 (1987), is a United States Supreme Court case in which the Court qualified the rule it set forth in Enmund v. Florida (1982). Just as in Enmund, in Tison the Court applied the proportionality principle to conclude that the death penalty was an appropriate punishment for a felony murderer who was a major participant in the underlying felony and exhibited a reckless indifference to human life.

# Text 1149:

**Mississippi University for Women v. Hogan, 458 U.S. 718 (1982), was a landmark decision of the Supreme Court of the United States, decided 5–4, which ruled that the single-sex admissions policy of the Mississippi University for Women violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.**

1. United States v. Fordice, 505 U.S. 717 (1992), is a United States Supreme Court case that resulted in an eight to one ruling that the eight public universities in Mississippi had not sufficiently integrated and that the state must take affirmative action to change this under the Equal Protection Clause. The Court found that, although the state had eliminated explicit prohibitions on the admission of black students to institutions including the University of Mississippi, Mississippi State University, and the University of Southern Mississippi, the Court of Appeals had not properly reviewed the set of discriminatory policies used by the state to suppress black enrollment at these schools. On this point, the Court stated that "[i]f the State perpetuates policies and practices traceable to its prior system that continue to have segregative effects – whether by influencing student enrollment decisions or by fostering segregation in other facets of the university system – and such policies are without sound educational justification and can be practicably eliminated, the State has not satisfied its burden of proving that it has dismantled its prior system."  
   Four opinions were filed in the case. In addition to Justice White's majority opinion, Justice O'Connor and Justice Thomas filed concurring opinions. Thomas, in particular, expressed a concern that the strict review of policies that divided students by race should not be used against historically black universities in the state.  
   Justice Scalia filed a separate opinion concurring in part and dissenting in part, expressing his disagreement with the burden that the Court imposed on universities and his concern that the standards set forth by the Court would create confusion and lead to more litigation.
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 1150:

**State Oil Co. v. Khan, 522 U.S. 3 (1997), was a decision by the United States Supreme Court, which held that vertical maximum price fixing was not inherently unlawful, thereby overruling a previous Supreme Court decision, Albrecht v. Herald Co., 390 U.S. 145 (1968). However, the Court concluded that "[i]n overruling Albrecht, the Court does not hold that all vertical maximum price fixing is per se lawful, but simply that it should be evaluated under the rule of reason, which can effectively identify those situations in which it amounts to anticompetitive conduct."**

1. Albrecht v. Herald Co., 390 U.S. 145 (1968), was a decision by the United States Supreme Court, which reaffirmed the law (as it then was) that fixing a maximum price was illegal per se. This rule was reversed in 1997 by State Oil Co. v. Khan, which held that maximum price-setting was not inherently anti-competitive and not always a violation of antitrust law, and should therefore be evaluated for legality under the rule of reason rather than a per se rule.  
   Albrecht drew heavy criticism by economists who asserted that maximum price fixing actually increases consumer welfare, which they considered to be a primary goal of antitrust.
2. Polar Tankers, Inc. v. City of Valdez, 557 U.S. 1 (2009), was a decision by the Supreme Court of the United States involving the tonnage clause of the United States Constitution.  
   The City of Valdez in Alaska imposed a property tax that, in practice, applied only to large oil tankers. Polar Tankers, a ConocoPhillips subsidiary, sued, arguing that the tax violated the Tonnage Clause of the Constitution, which forbids a state, "without the Consent of Congress, [to] lay any Duty of Tonnage."  
   The Supreme Court agreed with Polar Tankers. The court noted that the original meaning of the clause was as a term of art for a tax imposed that varies with "the internal cubic capacity of a vessel," but emphasized that a consistent line of cases had read the clause broadly, "forbidding a State to do that indirectly which she is forbidden ... to do directly." Those cases, the court concluded, stood for the proposition that the tonnage clause's prohibition reaches any taxes or duties on a ship, "whether a fixed sum upon its whole tonnage, or a sum to be ascertained by comparing the amount of tonnage with the rate of duty[,] ... regardless of [the tax or duty's] name or form ... which operate to impose a charge for the privilege of entering, trading in, or lying in a port."  
   With this premise in mind, the court concluded that because Valdez taxes "ships and to no other property at all[,] ... in order to obtain revenue for general city purposes[, this was] ... the kind of tax that the Tonnage Clause forbids Valdez to impose without the consent of Congress, consent that Valdez lacks."

# Text 1151:

**Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.**

1. Rosenblatt v. Baer, 383 U.S. 75 (1966), was a United States Supreme Court case regarding the First Amendment to the United States Constitution.
2. Goldblatt v. Hempstead, 369 U.S. 590 (1962), was a United States Supreme Court case concerning whether a town ordinance regulating a use of a property was unconstitutional under the Fourteenth Amendment, finding the law in question was constitutional as an exercise of the town's police powers.

# Text 1152:

**Hudson v. McMillian, 503 U.S. 1 (1992), is a United States Supreme Court decision where the Court on a 7–2 vote held that the use of excessive physical force against a prisoner may constitute cruel and unusual punishment even though the inmate does not suffer serious injury.**

1. Farmer v. Brennan, 511 U.S. 825 (1994), was a case in which the Supreme Court of the United States ruled that a prison official's "deliberate indifference" to a substantial risk of serious harm to an inmate violates the cruel and unusual punishment clause of the Eighth Amendment. Farmer built on two previous Supreme Court decisions addressing prison conditions, Estelle v. Gamble and Wilson v. Seiter. The decision marked the first time the Supreme Court directly addressed sexual assault in prisons.
2. Addington v. Texas, 441 U.S. 418 (1979), was a landmark decision of the US Supreme Court that set the standard for involuntary commitment for treatment by raising the burden of proof required to commit persons for psychiatric treatment from the usual civil burden of proof of "preponderance of the evidence" to "clear and convincing evidence".

# Text 1153:

**Schmerber v. California, 384 U.S. 757 (1966), was a landmark United States Supreme Court case in which the Court clarified the application of the Fourth Amendment's protection against warrantless searches and the Fifth Amendment right against self-incrimination for searches that intrude into the human body. Until Schmerber, the Supreme Court had not yet clarified whether state police officers must procure a search warrant before taking blood samples from criminal suspects. Likewise, the Court had not yet clarified whether blood evidence taken against the wishes of a criminal suspect may be used against that suspect in the course of a criminal prosecution.  
In a 5–4 opinion, the Court held that forced extraction and analysis of a blood sample is not compelled testimony; therefore, it does not violate the Fifth Amendment right against self-incrimination. The Court also held that intrusions into the human body ordinarily require a search warrant. However, the Court ruled that the involuntary, warrantless blood sample taken in this case was justified under the Fourth Amendment's exigent circumstances exception because evidence of blood alcohol would be destroyed by the body's natural metabolic processes if the officers were to wait for a warrant. In 2013, the Supreme Court clarified in Missouri v. McNeely that the natural metabolism of alcohol in the bloodstream is not a per se exigency that would always justify warrantless blood tests of individuals suspected of driving under the influence of alcohol.  
In the years following the Court's decision in Schmerber, many legal scholars feared the ruling would be used to limit civil liberties. Other scholars, including Nita A. Farahany, Benjamin Holley, and John G. New, have suggested courts may use the ruling in Schmerber to justify the use of mind reading devices against criminal suspects. Because the Court's ruling in Schmerber prohibited the use of warrantless blood tests in most circumstances, some commentators argue that the decision was responsible for the proliferation of breathalyzers to test for alcohol and urine analyses to test for controlled substances in criminal investigations.**

1. Winston v. Lee, 470 U.S. 753 (1985), was a decision by the U.S. Supreme Court, which held that a compelled surgical intrusion into an individual's body for evidence implicates expectations of privacy and security of such magnitude that the intrusion would be "unreasonable" under the Fourth Amendment, even if likely to produce evidence of a crime.  
   The reasonableness of surgical intrusions beneath the skin depends on a case-by-case approach, in which the individual's interests in privacy and security are weighed against society's interests in conducting the procedure to obtain evidence for fairly determining guilt or innocence. The appropriate framework of analysis for such cases is provided in Schmerber v. California (1966), which held that a State may, over the suspect's protest, have a physician extract blood from a person suspected of drunken driving without violating the suspect's Fourth Amendment rights.
2. Breithaupt v. Abram, 352 U.S. 432 (1957), was a United States Supreme Court case in which the Court ruled that involuntary blood samples, taken by a skilled technician to determine intoxication, do not violate substantive due process under the Fourteenth Amendment of the United States Constitution. This case was only the second time the Court considered whether police could forcibly enter inside a suspect's body to extract evidence. Writing for a 6–3 majority, Justice Tom C. Clark argued that blood tests were necessary as a matter of public policy to ensure traffic safety on roads and highways, and that "modern community living requires modern scientific methods of crime detection." Chief Justice Earl Warren and Justice William O. Douglas both wrote dissenting opinions in which they argued that the involuntary blood sample taken in this case was "repulsive" and violated substantive due process.

# Text 1154:

**Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.**

1. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.
2. Norwood v. Harrison, 413 U.S. 455 (1973), is a United States Supreme Court decision in which the court held that a state cannot provide aid to a private school which discriminates on the basis of race.

# Text 1155:

**Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.**

1. Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990), was a case decided by the Supreme Court of the United States that held that intermediate scrutiny should be applied to equal protection challenges to federal statutes using benign racial classifications for a non-remedial purpose. The Court distinguished the previous year's decision City of Richmond v. J.A. Croson Co., by noting that it applied only to actions by state and local governments. Metro Broadcasting was overruled by Adarand Constructors, Inc. v. Peña, which held that strict scrutiny should be applied to federal laws that use benign racial classifications. This opinion was the last authored by William J. Brennan Jr., the longtime leader of the Court's liberal wing.
2. Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995), was a landmark United States Supreme Court case which held that racial classifications, imposed by the federal government, must be analyzed under a standard of "strict scrutiny", the most stringent level of review which requires that racial classifications be narrowly tailored to further compelling governmental interests. Justice Sandra Day O'Connor wrote the majority opinion of the Court, which effectively overturned Metro Broadcasting, Inc. v. FCC, in which the Court had created a two tiered system for analyzing racial classifications. Adarand held the federal government to the same standards as the state and local governments through a process of "reverse incorporation," in which the 5th Amendment's Due Process Clause was held to bind the federal government to the same standards as state and local governments are bound under the 14th Amendment.

# Text 1156:

**Schlesinger v. Councilman, 420 U.S. 738 (1975), was a case decided by the Supreme Court of the United States.  
The case was a key part of government arguments in the 2006 case of Hamdan v. Rumsfeld, defending its contention that the Supreme Court should not have heard the case, because Hamdan was still being processed by a military tribunal court in Guantanamo Bay.  
Both the majority opinion by Justice John Paul Stevens and the dissenting argument of Justice Antonin Scalia referenced the case.**

1. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.
2. Schlesinger v. Ballard, 419 U.S. 498 (1975), was a United States Supreme Court case that upheld a federal statute granting female Naval officers four more years of commissioned service before mandatory discharge than male Naval officers. A group of naval officers who were discharged prior to their tenth year of commissioned service, as a result of not being promoted, received a lower rate of separation pay than female officers who were permitted to remain in service longer and receive three additional promotion board opportunities. As a result, the female officers who failed to be promoted received a higher rate of separation pay over their male counterparts. Ballard, a male officer who was passed over earned $15,000 in separation pay, but if he had been a similarly situated female officer, he argued that he would have received over $200,000 in separation pay. Ballard had also served as an enlisted sailor, but his eighteen years of total service was not enough to earn a military retirement. Although Justice Harry Blackmun's clerk pointed this out in a memorandum, Blackmun responded "We are first of all, dealing with the military and not with some civilian set-up, and I suppose this adds a protective factor to the government's position."

# Text 1157:

**Harisiades v. Shaughnessy, 342 U.S. 580 (1952), was a United States Supreme Court case which determined that the Alien Registration Act of 1940's authorization of deportation of legal resident for membership in Communist parties, even past, did not violate the First Amendment, the Fifth Amendment, nor the constitution's Ex Post Facto Clause.   
The case was a consolidation of three similar cases, Mascitti v. McGrath, Coleman v. McGrath, and Harisiades v. Shaughnessy, all brought by legal residents of the United States who were in the process of being deported under the Alien Registration Act for their participation in Communist political parties.**

1. United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950), was a United States Supreme Court case that notably ruled that the executive and legislative branches have the inherent power to exclude immigrants from the United States, that courts lack jurisdiction regarding the deportation of individuals within the United States unless it is explicitly stated in law, and that the Constitution does not grant aliens any protections when trying to enter the United States. In a four-to-three decision, this case firmly demonstrates the plenary powers of Congress and the Executive Branch, as it is one of the first cases that bars the judicial review of executive or legislative orders of exclusion in most circumstances.
2. Vance v. Terrazas, 444 U.S. 252 (1980), was a United States Supreme Court decision that established that a United States citizen cannot have their citizenship taken away unless they have acted with an intent to give up that citizenship. The Supreme Court overturned portions of an act of Congress which had listed various actions and had said that the performance of any of these actions could be taken as conclusive, irrebuttable proof of intent to give up U.S. citizenship. However, the Court ruled that a person's intent to give up citizenship could be established through a standard of preponderance of evidence (i.e., more likely than not) — rejecting an argument that intent to relinquish citizenship could only be found on the basis of clear, convincing and unequivocal evidence.

# Text 1158:

**Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.**

1. Immigration and Naturalization Service v. Abudu, 485 U.S. 94 (1988), was a United States Supreme Court case in which the Court shifted the balance toward adjudications made by the INS and away from those made by the federal courts of appeals when aliens who had been ordered deported seek to present new evidence in order to avoid deportation. The Court ruled that courts must review the Board of Immigration Appeals's decision to deny motions to reopen immigration proceedings—the name of the procedural device used to present new evidence to immigration officials—for abuse of discretion.
2. Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.

# Text 1159:

**Burch v. Louisiana, 441 U.S. 130 (1979), was a case decided by the United States Supreme Court that invalidated a Louisiana statute allowing a conviction upon a nonunanimous verdict from a jury of six for a petty offense. The statute allowed for conviction if only five jurors agreed, and this was held to be a violation of the Sixth Amendment.**

1. Duncan v. Louisiana, 391 U.S. 145 (1968), was a significant United States Supreme Court decision which incorporated the Sixth Amendment right to a jury trial and applied it to the states.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 1160:

**Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982), was a case in which the Supreme Court of the United States held that when the character of the governmental action is a permanent physical occupation of property, the government actions effects regulatory taking to the extent of the occupation, without regard to whether the action achieves an important public benefit or has only minimal economic impact on the owner. In doing so, it established the permanent physical presence test for regulatory takings.**

1. Teleprompter Corp. v. Columbia Broadcasting, 415 U.S. 394 (1974), was a United States Supreme Court case in which the Court held that receiving a television broadcast from a "distant" source does not constitute a "performance".
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 1161:

**University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.**

1. Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations, 413 U.S. 376 (1973), is a 1973 decision of the United States Supreme Court which upheld an ordinance enacted in Pittsburgh that forbids sex-designated classified advertising for job opportunities, against a claim by the parent company of the Pittsburgh Press that the ordinance violated its First Amendment rights.
2. Christiansburg Garment Co. v. Equal Employment Opportunity Commission, 434 U.S. 412 (1978), was a case decided by the Supreme Court of the United States that interpreted 42 U.S.C. §1988(b) to generally not require unsuccessful plaintiffs in civil rights cases to pay attorney's fees to the defendant. There would be an exception, however, for plaintiffs that brought frivolous claims. This decision has essentially helped create one way fee shifting for plaintiffs in civil rights cases.

# Text 1162:

**Jackson v. Indiana, 406 U.S. 715 (1972), was a landmark decision of the United States Supreme Court that determined a U.S. state violated due process by involuntarily committing a criminal defendant for an indefinite period of time solely on the basis of his permanent incompetency to stand trial on the charges filed against him.**

1. United States v. Jackson, 390 U.S. 570 (1968), was a United States Supreme Court decision that ruled part of the Federal Kidnapping Act unconstitutional.
2. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.

# Text 1163:

**Philadelphia Newspapers v. Hepps, 475 U.S. 767 (1986), is a United States Supreme Court case decided April 21, 1986.**

1. Fuentes v. Shevin, 407 U.S. 67 (1972), was a case decided by the Supreme Court of the United States wherein petitioners challenged the constitutionality of the Uniform Commercial Code provisions of two states, Florida and Pennsylvania, which allowed for the summary seizure of a person's goods or chattels under a writ of replevin. The statutes were challenged under the Fourteenth Amendment. The Court held that the statutes acted as deprivations of plaintiff's property without due process.  
   The Court noted that seizure without notice and the opportunity for a hearing is acceptable only under limited circumstances:  
     
   The seizure is necessary for an important public or government interest,  
   There is a need for prompt action, and  
   The seizure is initiated by an agent of the government.  
   These exceptions would apply (for example) when property is tainted food, misbranded drugs or unpaid taxes needed to fund a war.
2. Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980), is a United States Supreme Court case involving issues of privacy in correspondence with the First Amendment to the United States Constitution, the freedom of the press, the Sixth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. After a murder case ended in three mistrials, the judge closed the fourth trial to the public and the press. On appeal, the Supreme Court ruled the closing to be in violation of the First Amendment and Fourteenth Amendment asserting that the First Amendment implicitly guarantees the press access to public trials.

# Text 1164:

**Wooley v. Maynard, 430 U.S. 705 (1977), was a case in which the Supreme Court of the United States held that New Hampshire could not constitutionally require citizens to display the state motto upon their license plates when the state motto was offensive to their moral convictions.  
This case has been praised by legal scholars as a check against compelled speech by the government and a strong protection of symbolic speech in the form of covering up government speech on private property.**

1. Coolidge v. New Hampshire, 403 U.S. 443 (1971), was a United States Supreme Court case dealing with the Fourth Amendment and the automobile exception.  
   The state sought to justify the search of a car owned by Edward Coolidge, suspected of killing 14-year-old Pamela Mason in January 1964, on three theories: automobile exception, search incident to arrest and plain view.
2. Talley v. California, 362 U.S. 60 (1960), was a case in which the Supreme Court of the United States voided a Los Angeles city ordinance which forbade the distribution of any handbills in any place under any circumstances if the handbills did not contain the name and address of the person for whom it was prepared, distributed, or sponsored.  
   Talley is often cited for the proposition that identification requirements burden speech.

# Text 1165:

**Ashe v. Swenson, 397 U.S. 436 (1970), was a decision by the United States Supreme Court, which held that "when an issue of ultimate fact has once been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." The Double Jeopardy Clause prevents a state from relitigating a question already decided in favor of a defendant at a previous trial. Here, the guarantee against double jeopardy enforceable through the Fifth Amendment provided that where the defendant was acquitted of robbing one victim, the government could not prosecute the criminal defendant in a second trial for a different victim in the same robbery.**

1. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 1166:

**Cupp v. Murphy, 412 U.S. 291 (1973), was a United States Supreme Court case in which the Court upheld a murder conviction notwithstanding a challenge that the evidence upon which guilt was based was obtained in violation of the Fourth and Fourteenth Amendments of the United States Constitution. The court held that in view of the station-house detention upon probable cause, the very limited intrusion of scraping the defendant's fingernails for blood and other material, undertaken to preserve highly evanescent evidence, did not violate the Fourth and Fourteenth Amendments.  
Justice Stewart wrote for the majority. Based on this decision, it is permissible for police officers to conduct a limited search on a defendant when they believe that the defendant is likely to destroy evidence, provided that the search is limited to vindicating the purpose of preserving evidence.**

1. Frazier v. Cupp, 394 U.S. 731 (1969), was a United States Supreme Court case that affirmed the legality of deceptive interrogation tactics by the police.
2. Mapp v. Ohio, 367 U.S. 643 (1961), was a landmark U.S. Supreme Court decision in which the Court ruled that the exclusionary rule, which prevents a prosecutor from using evidence that was obtained by violating the Fourth Amendment to the U.S. Constitution, applies to states as well as the federal government.   
   The Supreme Court accomplished this by use of a principle known as selective incorporation. In Mapp, this involved the incorporation of the provisions, as interpreted by the Court, of the 4th Amendment, which applies only to actions of the federal government into the 14th Amendment's due process clause. Citing Boyd v. United States, the Court opined, "It is not the breaking of his doors, and the rummaging of his drawers, that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property."

# Text 1167:

**Klopfer v. North Carolina, 386 U.S. 213 (1967), was a decision by the United States Supreme Court involving the application of the Speedy Trial Clause of the United States Constitution in state court proceedings. The Sixth Amendment in the Bill of Rights states that in criminal prosecutions "...the accused shall enjoy the right to a speedy trial" In this case, a defendant was tried for trespassing and the initial jury could not reach a verdict. The prosecutor neither dismissed nor reinstated the case but used an unusual procedure to leave it open, potentially indefinitely. Klopfer argued that this denied him his right to a speedy trial. In deciding in his favor, the Supreme Court incorporated the speedy trial protections of the Sixth Amendment against the states.**

1. Wolfe v. North Carolina, 364 U.S. 177 (1960), is a 1960 United States Supreme Court case in which the court, in a 5–4 decision, upheld the trespassing conviction of six African-American men who were barred from a golf course because of their race.
2. North Carolina v. Alford, 400 U.S. 25 (1970), was a case in which the Supreme Court of the United States affirmed that there are no constitutional barriers in place to prevent a judge from accepting a guilty plea from a defendant who wants to plead guilty, while still protesting his innocence, under duress, as a detainee status. This type of plea has become known as an Alford plea, differing slightly from the nolo contendere plea in which the defendant agrees to being sentenced for the crime, but does not admit guilt. Alford died in prison in 1975.

# Text 1168:

**Saia v. New York, 334 U.S. 558 (1948), was a case in which the Supreme Court of the United States held that an ordinance which prohibited the use of sound amplification devices except with permission of the Chief of Police was unconstitutional on its face because it established a prior restraint on the right of free speech in violation of the First Amendment.**

1. Kunz v. New York, 340 U.S. 290 (1951), was a landmark United States Supreme Court case that held a requirement mandating a permit to speak on religious issues in public was unconstitutional. The case was argued on October 17, 1950, and decided on January 15, 1951, with an 8–1 decision. Chief Justice Vinson delivered the opinion for the Court. Justice Black and Justice Frankfurter concurred in the result only. Justice Jackson dissented.  
   Kunz helped establish the principle that government restrictions on speech must be narrowly tailored to avoid improperly limiting expression protected by the First Amendment. In this case, the Court held that laws granting public officials broad discretion to restrain speech about religious issues in advance constitute an invalid prior restraint, violating the First Amendment. The Court reversed the 1948 conviction of Baptist minister Carl J. Kunz, who was found guilty of violating a New York City ordinance required a permit from the police commissioner to hold religious services on public streets. Although the ordinance did not specify grounds for refusing permission, Kunz was denied permits in 1947 and 1948 after being accused of making “scurrilous attacks” on Catholics and Jews under a previous permit. He was subsequently arrested for speaking without a permit in Columbus Circle.  
   Kunz's conviction for violating the ordinance was upheld by the Appellate Part of the Court of Special Sessions and by the New York Court of Appeals. However, the Supreme Court ultimately ruled that New York's ordinance was overly broad because it failed to provide any standards for administrators to determine who should receive permits to speak about religious issues.  
   In his dissenting opinion, Justice Robert Jackson argued that Kunz had used “fighting words” that were not protected by the First Amendment (see unprotected speech). He also criticized the Court for striking down the permit scheme citing the recent case of Feiner v. New York (1951), in which the Court had allowed local officials the discretion to arrest volatile speakers during their presentations.
2. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".

# Text 1169:

**Stump v. Sparkman, 435 U.S. 349 (1978), is the leading United States Supreme Court decision on judicial immunity. It involved an Indiana judge who was sued by a young woman who had been sterilized without her knowledge as a minor in accordance with the judge's order. The Supreme Court held that the judge was immune from being sued for issuing the order because it was issued as a judicial function. The case has been called one of the most controversial in recent Supreme Court history.**

1. Dennis v. Sparks, 449 U.S. 24 (1980), was a case in which the Supreme Court of the United States held that individuals who bribed a judge for an injunction were not protected by judicial immunity and therefore could be held liable for the damages resulting from the injunction.
2. Forrester v. White, 484 U.S. 219 (1988), was a case decided on by the United States Supreme Court. The case restricted judicial immunity in certain instances.

# Text 1170:

**United States v. Rabinowitz, 339 U.S. 56 (1950), was a United States Supreme Court case which the Court held that warrantless searches immediately following an arrest are constitutional. The decision overturned Trupiano v. United States (1948), which had banned such searches.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 1171:

**Bernal v. Fainter, 467 U.S. 216 (1984), is a case in which the Supreme Court of the United States ruled that the Equal Protection Clause prohibited the state of Texas from barring noncitizens from applying for commission as a notary public.**

1. Hernandez v. Texas, 347 U.S. 475 (1954), was a landmark case, "the first and only Mexican-American civil-rights case heard and decided by the United States Supreme Court during the post-World War II period." In a unanimous ruling, the court held that Mexican Americans and all other nationality groups in the United States have equal protection under the 14th Amendment of the U.S. Constitution. The ruling was written by Chief Justice Earl Warren. This was the first case in which Mexican-American lawyers had appeared before the Supreme Court.
2. Torcaso v. Watkins, 367 U.S. 488 (1961), was a United States Supreme Court case in which the court reaffirmed that the United States Constitution prohibits states and the federal government from requiring any kind of religious test for public office, in this specific case as a notary public.

# Text 1172:

**Arizona v. Maricopa County Medical Society, 457 U.S. 332 (1982), was a U.S. Supreme Court case involving antitrust law. A society of doctors in Maricopa County, Arizona, established maximum fees that their members could claim for seeing patients who were covered by certain health insurance plans. Arizona charged them with violations of state antitrust law regarding price fixing. The society tried to rebut the state's charges by claiming that the maximum-fee arrangement was necessary to allow doctors to see these patients, and therefore generated economic benefits.  
On appeal, the Supreme Court rejected this defense, saying that price fixing was not truly necessary here: the society could have used insurance to pool their risk. The society's efficiency justification was either a pretext, or else could have been done through less restrictive means. The Court held that their justifications failed as a matter of fact.**

1. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
   The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.
2. Arizona Public Service Co. v. Snead, 441 U.S. 141 (1979), was a United States Supreme Court case in which the Court held that a New Mexico tax on the generation of electricity was invalid under the Supremacy Clause of the United States Constitution. Snead was the director of the New Mexico Taxation and Revenue Department.

# Text 1173:

**MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118 (2007), was a decision by the Supreme Court of the United States involving patent law. It arose from a lawsuit filed by MedImmune which challenged one of the Cabilly patents issued to Genentech. One of the central issues was whether a licensee retained the right to challenge a licensed patent, or whether this right was forfeited upon signing of the license agreement. The case related indirectly to past debate over whether the US should change to a first to file patent system - in 2011, President Obama signed the Leahy-Smith America Invents Act, which shifted the United States to a first-inventor-to-file patent system.**

1. Eli Lilly and Company v. Medtronic, Inc., 496 U.S. 661 (1990), is a United States Supreme Court case related to patent infringement in the medical device industry. It held that 35 U.S.C. § 271(e)(1) of United States patent law exempted premarketing activity conducted to gain approval of a device under the Federal Food, Drug, and Cosmetic Act from a finding of infringement.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 1174:

**Mitchell v. Donovan, 398 U.S. 427 (1970), was a United States Supreme Court case.**

1. United States v. Mitchell, 463 U.S. 206 (1983), was a case in which the Supreme Court of the United States held that the United States is accountable in money damages for alleged breaches of trust in connection with its management of forest resources on allotted lands of the Quinault Reservation.
2. Wisconsin v. Mitchell, 508 U.S. 476 (1993), was a case in which the United States Supreme Court held that enhanced penalties for hate crimes do not violate criminal defendants' First Amendment rights. It was a landmark precedent pertaining to First Amendment free speech arguments for hate crime legislation. In effect, the Court ruled that a state may consider whether a crime was committed or initially considered due to an intended victim's status in a protected class.

# Text 1175:

**Mills Music, Inc. v. Snyder, 469 U.S. 153 (1985), was a United States Supreme Court case in which the Court held that if the author of a work authorizes derivatives, the terms negotiated in exchange for that grant stand even if the grant is later rescinded. If the copyright holder deputizes another person to authorize derivative works, the law draws no distinction between such works and those directly authorized by the copyright holder.  
The case was a dispute regarding publishing royalties for the popular song "Who's Sorry Now?", which Mills Music had licensed (through mechanical licenses) to recording companies, who created records of the song, or derivative works; after the death of Ted Snyder, the song's composer, his heirs terminated the agreement with Mills Music. They believed that Mills was no longer entitled to its share in the royalties. Mills, through the Harry Fox Agency, sued in federal court in New York, where it won, but was overturned in the Second Circuit, before finally appealing to the Supreme Court, which granted certiorari in March 1984.**

1. Miller Music Corp. v. Charles N. Daniels, Inc., 362 U.S. 373 (1960), was a United States Supreme Court case in which the Court held the executor of a copyright holder's will is eligible to renew that copyright.
2. Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569 (1994), was a United States Supreme Court copyright law case that established that a commercial parody can qualify as fair use. This case established that the fact that money is made by a work does not make it impossible for fair use to apply; it is merely one of the components of a fair use analysis.

# Text 1176:

**Morton v. Ruiz, 415 U.S. 199 (1974), was a case heard before the United States Supreme Court affirming the right of Native Americans living on reservations to receive state assistance.**

1. Morton v. Mancari, 417 U.S. 535 (1974), was a United States legal case about the constitutionality, under the Fifth Amendment, of hiring preferences given to Indians within the Bureau of Indian Affairs. The Supreme Court of the United States held that the hiring preferences given by the United States Congress does not violate the Due Process Clause of the Fifth Amendment.
2. New Mexico v. Mescalero Apache Tribe, 462 U.S. 324 (1983), was a case in which the Supreme Court of the United States held that the application of New Mexico's laws to on-reservation hunting and fishing by nonmembers of the Tribe is preempted by the operation of federal law.

# Text 1177:

**California Retail Liquor Dealers Assn. v. Midcal Aluminum, Inc., 445 U.S. 97 (1980), was a United States Supreme Court case in which the Court created a two-part test for the application of the state action immunity doctrine that it had previously developed in Parker v. Brown.**

1. Rice v. Rehner, 463 U.S. 713 (1983), was a United States Supreme Court case in which the Court held California may properly require respondent to obtain a state license in order to sell liquor for off-premises consumption.
2. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 1178:

**Sheridan v. United States, 487 U.S. 392 (1988), was a U.S. Supreme Court case concerning what constitutes a claim "arising out of" an assault or battery within the meaning of the Federal Tort Claims Act (FTCA). The Supreme Court held that the FTCA's intentional tort exception did not apply.**

1. United States v. Johnson, 481 U.S. 681 (1987), was a United States Supreme Court case in which the Court barred the widow of a serviceman killed while piloting a helicopter on a United States Coast Guard rescue mission from bringing her claim under the Federal Tort Claims Act (the "FTCA" or the "Act"). The decision was based upon the Supreme Court's holding in Feres v. United States (1950): "[T]he Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service."
2. Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18

# Text 1179:

**Schneider v. Rusk, 377 U.S. 163 (1964), was a 5–3 United States Supreme Court case that invalidated a law that stripped naturalized Americans of their citizenship as a result of extended or permanent residence abroad. Relying on the due process clause of the Fifth Amendment, the court ruled it generally was unconstitutional to treat naturalized and natural-born citizens differently.**

1. Afroyim v. Rusk, 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States, which ruled that citizens of the United States may not be deprived of their citizenship involuntarily. The U.S. government had attempted to revoke the citizenship of Beys Afroyim, a man born in Poland, because he had cast a vote in an Israeli election after becoming a naturalized U.S. citizen. The Supreme Court decided that Afroyim's right to retain his citizenship was guaranteed by the Citizenship Clause of the Fourteenth Amendment to the Constitution. In so doing, the Court struck down a federal law mandating loss of U.S. citizenship for voting in a foreign election—thereby overruling one of its own precedents, Perez v. Brownell (1958), in which it had upheld loss of citizenship under similar circumstances less than a decade earlier.  
   The Afroyim decision opened the way for a wider acceptance of dual (or multiple) citizenship in United States law. The Bancroft Treaties—a series of agreements between the United States and other nations which had sought to limit dual citizenship following naturalization—were eventually abandoned after the Carter administration concluded that Afroyim and other Supreme Court decisions had rendered them unenforceable.  
   The impact of Afroyim v. Rusk was narrowed by a later case, Rogers v. Bellei (1971), in which the Court determined that the Fourteenth Amendment safeguarded citizenship only when a person was born or naturalized in the United States, and that Congress retained authority to regulate the citizenship status of a person who was born outside the United States to an American parent. However, the specific law at issue in Rogers v. Bellei—a requirement for a minimum period of U.S. residence that Bellei had failed to satisfy—was repealed by Congress in 1978. As a consequence of revised policies adopted in 1990 by the United States Department of State, it is now (in the words of one expert) "virtually impossible to lose American citizenship without formally and expressly renouncing it."
2. Zemel v. Rusk, 381 U.S. 1 (1965), was a United States Supreme Court case regarding the right to travel and area restrictions on passports (travel to Cuba), holding that the Secretary of State is statutorily authorized to refuse to validate the passports of United States citizens for travel to Cuba and that the exercise of that authority is constitutionally permissible.

# Text 1180:

**Whitmore v. Arkansas, 495 U.S. 149 (1990), is a U.S. Supreme Court Case that held that the Eighth and the Fourteenth Amendments do not require mandatory appellate review of death penalty cases and that individuals cannot file cases as a next friend unless there is a prior relationship to the appellant and unless the appellant is "unable to litigate his own cause due to mental incapacity, lack of access to court, or other similar disability".**

1. Ake v. Oklahoma, 470 U.S. 68 (1985), was a case in which the Supreme Court of the United States held that the Due Process Clause of the Fourteenth Amendment required the state to provide a psychiatric evaluation to be used on behalf of an indigent criminal defendant if he needed it.
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 1181:

**Dennis v. Sparks, 449 U.S. 24 (1980), was a case in which the Supreme Court of the United States held that individuals who bribed a judge for an injunction were not protected by judicial immunity and therefore could be held liable for the damages resulting from the injunction.**

1. Stump v. Sparkman, 435 U.S. 349 (1978), is the leading United States Supreme Court decision on judicial immunity. It involved an Indiana judge who was sued by a young woman who had been sterilized without her knowledge as a minor in accordance with the judge's order. The Supreme Court held that the judge was immune from being sued for issuing the order because it was issued as a judicial function. The case has been called one of the most controversial in recent Supreme Court history.
2. Dennis v. United States, 341 U.S. 494 (1951), was a United States Supreme Court case relating to Eugene Dennis, General Secretary of the Communist Party USA. The Court ruled that Dennis did not have the right under the First Amendment to the United States Constitution to exercise free speech, publication and assembly, if the exercise involved the creation of a plot to overthrow the government. In 1969, Dennis was de facto overruled by Brandenburg v. Ohio.

# Text 1182:

**Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.**

1. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.
2. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.

# Text 1183:

**Bates v. City of Little Rock, 361 U.S. 516 (1960), was a case in which the Supreme Court of the United States held that the First Amendment to the U.S. Constitution forbade state government to compel the disclosure of an organization's membership lists via a tax-exemption regulatory scheme.[1]  
This was a companion case to NAACP v. Alabama (1958), which also held that NAACP membership records are protected by First Amendment freedom of association, and Talley v. California (1960), which held that Talley, a civil rights activist, could not be fined for an anonymous flyer. These cases help establish the right to privacy under the First Amendment, expanded on in Roe v. Wade (1973) and Brown v. Socialist Workers '74 Campaign Committee (1982).**

1. Bates v. State Bar of Arizona, 433 U.S. 350 (1977), was a United States Supreme Court case in which the Court upheld the right of lawyers to advertise their services. In holding that lawyer advertising was commercial speech entitled to protection under the First Amendment (incorporated against the States through the Fourteenth Amendment), the Court upset the tradition against advertising by lawyers, rejecting it as an antiquated rule of etiquette.  
   The Court emphasized the benefits of the information that flows to consumers through advertising, positing that lawyer advertising would make legal services more accessible to the general public and improve the overall administration of justice. The Court had previously held in Virginia State Pharmacy Board v. Virginia Citizens Consumer Council that advertising by pharmacists regarding the price of prescription drugs was commercial speech protected by the First Amendment.
2. National Association for the Advancement of Colored People v. Alabama, 357 U.S. 449 (1958), was a landmark decision of the US Supreme Court. Alabama sought to prevent the NAACP from conducting further business in the state. After the circuit court issued a restraining order, the state issued a subpoena for various records, including the NAACP's membership lists. The Supreme Court ruled that Alabama's demand for the lists had violated the right of due process guaranteed by the Fourteenth Amendment to the United States Constitution.

# Text 1184:

**Wainwright v. Greenfield, 474 U.S. 284 (1986), is a case in which the United States Supreme Court reversed the lower court's finding and overturned the petitioner's conviction, on the grounds that it was fundamentally unfair for the prosecutor to comment during the court proceedings on the petitioner's silence invoked as a result of a Miranda warning.**

1. Ford v. Wainwright, 477 U.S. 399 (1986), was a landmark U.S. Supreme Court case that upheld the common law rule that the insane cannot be executed; therefore the petitioner is entitled to a competency evaluation and to an evidentiary hearing in court on the question of their competency to be executed.
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 1185:

**Anderson v. Celebrezze, 460 U.S. 780 (1983), was a United States Supreme Court case in which the Court held that Ohio's filing deadline for independent candidates was unconstitutional.**

1. Williams v. Rhodes, 393 U.S. 23 (1968), is a decision by the United States Supreme Court which held that Ohio had violated the equal protection rights under the Fourteenth Amendment of two political parties by refusing to print their candidates' names on the ballot.
2. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.

# Text 1186:

**Massachusetts Board of Retirement v. Murgia, 427 U.S. 307 (1976), was a United States Supreme Court case in which the Court held a Massachusetts law setting a mandatory retirement age of 50 for police officers was Constitutionally permissible.**

1. Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256 (1979), was a case heard by the Supreme Court of the United States. The decision upheld the constitutionality of a state law, which granted a hiring preference to veterans over non-veterans.  
   The law was challenged as violating the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution by a woman who argued that the law discriminated on the basis of sex because few women were veterans.
2. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950), was a case in which the Supreme Court of the United States set forth the constitutional requirements for notice of judicial proceedings to a potential party under the Fourteenth Amendment to the United States Constitution.

# Text 1187:

**Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.**

1. Baltimore Gas & Electric Co. v. Natural Resources Defense Council, Inc., 462 U.S. 87 (1983), is a United States Supreme Court decision that held valid a Nuclear Regulatory Commission (NRC) rule that during the licensing of nuclear power plants, the permanent storage of nuclear waste should be assumed to have no environmental impact.
2. In Pacific Gas & Electric Co. v. State Energy Resources Conservation & Development Commission, 461 U.S. 190 (1983), the United States Supreme Court held that a state statute regulating economic aspects of nuclear generating plants was not preempted by the federal Atomic Energy Act of 1954. The case provides a framework that has guided other cases involving preemption of federal authority.

# Text 1188:

**Lefkowitz v. Newsome, 420 U.S. 283 (1975), is a U.S. Supreme Court case which held that when state law permits a defendant to plead guilty without giving up his right to judicial review of specified constitutional issues, such as the lawfulness of a search or the voluntariness of a confession, the defendant is not prevented from pursuing those constitutional claims in a federal habeas corpus proceeding.**

1. Schneckloth v. Bustamonte, 412 U.S. 218 (1973), was a U.S. Supreme Court case that ruled that in a case involving a consent search, although knowledge of a right to refuse consent is a factor in determining whether a grant of consent to a search was voluntary, the state does not need to prove that the person who granted consent to search knew of the right to refuse consent under the Fourth Amendment.
2. Warth v. Seldin, 422 U.S. 490 (1975), was a United States Supreme Court case in which the Court reviewed the concept of judicial standing and affirmed that if the plaintiffs lacked standing, they could not maintain a case against the defendants.

# Text 1189:

**Atlantic Sounding Co. v. Townsend, 557 U.S. 404 (2009), was a decision by the Supreme Court of the United States holding that a seaman may recover punitive damages from his employer for failure to pay maintenance and cure. Townsend reversed a line of cases, starting with Guevara v. Maritime Overseas Corp. in the United States Court of Appeals for the Fifth Circuit (New Orleans), that restricted damages in maritime personal injury cases only to "pecuniary" damages. Consequently, a seaman can now recover both attorney's fees and punitive damages for the willful and wanton refusal of a shipowner to provide medical care to a seaman injured on the job. The Court's 5-4 opinion was delivered by Justice Clarence Thomas.  
The Court explained that Congress never used the words "pecuniary" or "non-pecuniary" to describe the damages available for personal injuries (injuries not causing death) under either the Jones Act or the Federal Employers Liability Act. Congress merely said "damages"; hence, any limitation on those damages to "pecuniary damages" was a creation of the courts, not Congress. The Court stated that it "will not attribute words to Congress that Congress did not say."**

1. Wilburn Boat Company v. Fireman's Fund Insurance Company, 348 U.S. 310 (1955), is a United States Supreme Court case in which the Court held that state law, rather than federal admiralty law, should govern marine insurance contracts.
2. Exxon Shipping Co. v. Baker, 554 U.S. 471 (2008), was a case decided by the Supreme Court of the United States. The Court ruled in a 5-3 decision that the punitive damages awarded to the victims of the Exxon Valdez oil spill should be reduced from $2.5 billion to $500 million.  
   The case was received by the Supreme Court of the United States from an appeal from the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit had also ruled that Exxon could be held liable for the reckless conduct of the ship's captain, Joseph J. Hazelwood, who had left the bridge during the disaster and had been drinking vodka that evening. The Supreme Court was split 4–4 on the question of whether Exxon was liable for Hazelwood's action. The result of the split is that the Ninth Circuit's ruling on Exxon's respondeat superior liability for Hazelwood's conduct remains since Hazelwood acted in a managerial capacity under the Restatement (Second) of Torts Section 909(c) approach to punitive damages.  
   After considering the punitive damage policies of foreign nations, the Court reasoned that although punitive damages were warranted, they may not exceed what Exxon already paid to compensate victims for economic losses, which was about US$500 million. It held that a one-to-one ratio between punitive and compensatory damages was "a fair upper limit" in maritime cases that involved recklessness, compared to the lower liability of negligence or the higher liability of intentional conduct. Its reasoning, "The real problem, it seems, is the stark unpredictability of punitive awards," frustrates the goal of punitive damages, deterring reprehensible conduct, because predictable damages create an incentive to continue dangerous misconduct if the personal injury liability is less than the potential profit, as on the Ford Pinto. It suggested giving a "bad man" the chance to look ahead and to calculate the consequences of doing or not doing a bad act will deter harmful actions. He suggests the upper limits on punitive damages should be as predictable as the legislative range of criminal sentences, but no minimum for punitive damages were discussed.  
   Justice David Souter wrote for the majority, joined in full by Chief Justice John Roberts and Justices Antonin Scalia, Anthony Kennedy, and Clarence Thomas. Justice Samuel Alito took no part in the decision because he owns stock in ExxonMobil.  
   Justice Stevens wrote a separate opinion concurring in part and dissenting in part. His dissent advocated judicial restraint because Congress has chosen to regulate maritime tort law. Stevens wrote that the trial court award of $2.5 billion in punitive damages was not an abuse of discretion and should have been affirmed.  
   Of this reasoning, Boston University law professor Keith Hylton said, "The court's elaborate and lengthy argument for the one-to-one ratio is troubling for several reasons. First, the whole discussion was largely unnecessary if the court really wanted to limit its decision to maritime cases. The court's majority appears to be trying to make the case for imposing the one-to-one ratio as a default rule in ordinary civil cases."

# Text 1190:

**United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.**

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2. Mitchell v. Forsyth, 472 U.S. 511 (1985), was a United States Supreme Court case deciding on the issue of immunity of cabinet officers from suits from individuals.  
   In 1970, John N. Mitchell, Attorney General, authorized a warrantless wiretap for the purpose of gathering intelligence regarding the activities of a radical group that had made tentative plans to take actions threatening the Nation's security. During the time the wiretap was installed, the Government intercepted three conversations between a member of the group and respondent. In 1972, the Supreme Court in United States v. United States District Court (1972), also known as the Keith case, ruled that the Fourth Amendment does not permit warrantless wiretaps in cases involving domestic threats to the national security. Respondent then filed a damages action in Federal District Court against petitioner and others, alleging that the surveillance to which he had been subjected violated the Fourth Amendment and Title III of the Omnibus Crime Control and Safe Streets Act. Ultimately, the District Court, granting respondent's motion for summary judgment on the issue of liability, held that petitioner was not entitled to either absolute or qualified immunity. The Court of Appeals agreed with the denial of absolute immunity, but held, with respect to the denial of qualified immunity, that the District Court's order was not appealable under the collateral order doctrine.

# Text 1191:

**Trop v. Dulles, 356 U.S. 86 (1958), was a United States Supreme Court case in which the Court ruled that it was unconstitutional to revoke citizenship as a punishment for a crime. The ruling's reference to "evolving standards of decency" is frequently cited in Eighth Amendment jurisprudence.  
Albert Trop was a natural born citizen of the United States who, while serving as a private in the United States Army in 1944, escaped from an Army stockade in Casablanca, Morocco. The next day, he willingly surrendered to an army officer and was taken back to the base, where he was subsequently court-martialed, convicted of desertion, and sentenced to three years at hard labor, forfeiture of pay, and a dishonorable discharge.  
In 1952, Trop applied for a US passport, which was denied because §401(g) of the Nationality Act of 1940 provided that members of the armed forces of the United States who were convicted and dishonorably discharged for wartime desertion would lose their citizenship.  
Trop filed suit in US federal courts seeking declaratory judgment that he was a US citizen.  
The US district court ruled in favor of the government, and the United States Court of Appeals for the Second Circuit upheld the decision of the district court. The Supreme court granted certiorari. The petitioner was represented by Osmond K. Fraenkel.**

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2. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").

# Text 1192:

**Omega S. A. v. Costco Wholesale Corp., 541 F.3d 982 (9th Cir. 2008), was a case decided by the Ninth Circuit Court of Appeals that held that in copyright law, the first-sale doctrine does not act as a defense to claims of infringing distribution and importation for unauthorized sale of authentic, imported watches that bore a design registered in the Copyright Office. It is contrasted with Kirtsaeng v. John Wiley & Sons, Inc.**

1. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.
2. Blue Chip Stamps v. Manor Drug Stores, 421 U.S. 723 (1975), was a decision by the United States Supreme Court, which ruled that only those suffering direct loss from the purchase or sale of stock had standing to sue under federal securities law. The Court noted that under the Securities Exchange Act of 1934, derivative investors are considered buyers or sellers of securities for application of SEC Rule 10b-5.

# Text 1193:

**FEC v. National Conservative PAC, 470 U.S. 480 (1985), was a decision by the Supreme Court of the United States striking down expenditure prohibitions of the Federal Election Campaign Act of 1971 (FECA), which regulates the fundraising and spending in political campaigns. The FECA is the primary law that places regulations on campaign financing by limiting the amount that may be contributed. The Act established that no independent political action committee may contribute more than $1,000 to any given presidential candidate in support of a campaign.  
A political action committee is an organization that oversees contributions made by members for an electoral candidate. The committee then donates the funding to campaign for or against a candidate.  
The Democratic Party of the United States and the Federal Election Commission (FEC) accused the National Conservative Political Action Committee (NCPAC) of violating the Federal Election Campaign Act in 1975. The defendants were accused of violating the expenditure limit implemented by the FECA, with the assertion that the independent contribution was in violation of the Act. The NCPAC expressed concern that the FECA violated the First Amendment.  
In response, The Federal Election Commission claimed that the limitation of expenditures held by the FECA was not a violation of the First Amendment. The FEC said that because it is important to protect the integrity of the Government, as well as to uphold the public's perception of integrity, the limitation was necessary and still complied with the First Amendment. The FEC believed private financing could tarnish the protection of integrity and the public's perception. The Commission also believed the FECA would not hinder individual expression, and that ample room was left to freely express oneself under the Act.  
Justice William H. Rehnquist concluded in the majority opinion that an attempt to limit spending in support of a presidential candidate, regardless of financial numerical amount, is still an attempt to regulate the First Amendment and the freedom of association, and is therefore unconstitutional.**

1. Citizens United v. Federal Election Commission, 558 U.S. 310 (2010), is a landmark decision of the Supreme Court of the United States regarding campaign finance laws and free speech under the First Amendment to the U.S. Constitution. The court held 5–4 that the freedom of speech clause of the First Amendment prohibits the government from restricting independent expenditures for political campaigns by corporations, nonprofit organizations, labor unions, and other associations.  
   The majority held that the prohibition of all independent expenditures by corporations and unions in the Bipartisan Campaign Reform Act violated the First Amendment. The ruling barred restrictions on corporations, unions, and nonprofit organizations from independent expenditures, allowing groups to independently support political candidates with financial resources. In a dissenting opinion, Justice John Paul Stevens argued that the court's ruling represented "a rejection of the common sense of the American people, who have recognized a need to prevent corporations from undermining self government".  
   The decision remains highly controversial, generating much public discussion and receiving strong support or opposition from various politicians, commentators, and advocacy groups. Senator Mitch McConnell commended the decision, arguing that it represented "an important step in the direction of restoring the First Amendment rights". By contrast, then-president President Barack Obama stated that the decision "gives the special interests and their lobbyists even more power in Washington".
2. Buckley v. Valeo, 424 U.S. 1 (1976), was a landmark decision of the US Supreme Court on campaign finance. A majority of justices held that, as provided by section 608 of the Federal Election Campaign Act of 1971, limits on election expenditures are unconstitutional. In a per curiam (by the Court) opinion, they ruled that expenditure limits contravene the First Amendment provision on freedom of speech because a restriction on spending for political communication necessarily reduces the quantity of expression. It limited disclosure provisions and limited the Federal Election Commission's power. Justice Byron White dissented in part and wrote that Congress had legitimately recognized unlimited election spending "as a mortal danger against which effective preventive and curative steps must be taken".  
   Buckley v. Valeo was extended by the U.S. Supreme Court in further cases, including in the five to four decision of First National Bank of Boston v. Bellotti in 1978 and Citizens United v. Federal Election Commission in 2010. The latter held that corporations may spend from their general treasuries during elections. In 2014, McCutcheon v. Federal Election Commission held that aggregate limits on political giving by an individual are unconstitutional.  
   By some measures, Buckley is the longest opinion ever issued by the Supreme Court.

# Text 1194:

**United States v. Dion, 476 U.S. 734 (1986), was a decision by the Supreme Court of the United States which held that, pursuant to the Eagle Protection Act, American Indians were prohibited from hunting eagles. Justice Thurgood Marshall wrote the unanimous opinion of the Court.**

1. Antoine v. Washington, 420 U.S. 194 (1975), was a United States Supreme Court case in which the Court held that treaties and laws must be construed in favor of Native Americans (Indians); that the Supremacy Clause precludes the application of state game laws to the tribe; that Congress showed no intent to subject the tribe to state jurisdiction for hunting; and while the state can regulate non-Indians in the ceded area, Indians must be exempted from such regulations.
2. Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
   The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.

# Text 1195:

**Los Angeles County v. Humphries, 562 U.S. 29 (2010), is a decision by the Supreme Court of the United States that clarified one of the requirements for imposing liability on a municipality for violations of a federal right, in lawsuits brought under Section 1983 of the Civil Rights Act of 1871 (codified at 42 U.S.C. § 1983).  
The Court had previously ruled in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), that municipalities could only be liable under Section 1983 if the injury was a result of that municipality's "policy or custom." In Los Angeles County v. Humphries, the Court ruled that this "policy or custom" requirement applied regardless of whether the relief the plaintiff sought was monetary or prospective.**

1. Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights. Additionally, the Court held that §1983 claims against municipal entities must be based on implementation of a policy or custom.
2. Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.

# Text 1196:

**Poe v. Ullman, 367 U.S. 497 (1961), was a United States Supreme Court case, seeking pre-enforcement review, that held in the majority that plaintiffs (because the law had never been enforced) lacked standing to challenge a Connecticut law that banned the use of contraceptives and banned doctors from advising their use. Therefore, any challenge to the law was deemed unripe because there was no actual threat of injury to anyone who disobeyed the law. The same statute would be challenged again (this time successfully) just five years later in Griswold v. Connecticut.  
The Supreme Court cites the fact that the law prohibiting use of contraceptives had been on the books since 1879 and that during the near-century of its having been enacted, only one prosecution, in 1940, was ever initiated. Furthermore, the Court cites the fact that Connecticut drug stores openly sold contraceptives, and such an act invited enforcement far more than the private conduct being sued to allow, thus Connecticut is really not enforcing the law and the mere existence of the law does not give the Supreme Court cause to exercise its judicial review.**

1. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.
2. Eisenstadt v. Baird, 405 U.S. 438 (1972), was a landmark decision of the U.S. Supreme Court that established the right of unmarried people to possess contraception on the same basis as married couples.  
   The Court struck down a Massachusetts law prohibiting the distribution of contraceptives to unmarried people for the purpose of preventing pregnancy, ruling that it violated the Equal Protection Clause of the U.S. Constitution. The decision effectively legalized (heterosexual) premarital sex in the United States.

# Text 1197:

**United States v. Eichman, 496 U.S. 310 (1990), was a United States Supreme Court case that by a 5–4 decision invalidated a federal law against flag desecration as a violation of free speech under the First Amendment. It was argued together with the case United States v. Haggerty. It built on the opinion handed down in the Court's decision the prior year in Texas v. Johnson (1989), which invalidated on First Amendment grounds a Texas state statute banning flag burning.**

1. Texas v. Johnson, 491 U.S. 397 (1989), is a landmark decision by the Supreme Court of the United States in which the Court held, 5–4, that burning the Flag of the United States was protected speech under the First Amendment to the U.S. Constitution, as doing so counts as symbolic speech and political speech.  
   In the case, activist Gregory Lee Johnson was convicted for burning an American flag during a protest outside the 1984 Republican National Convention in Dallas, Texas, and was fined $2,000 and sentenced to one year in jail in accordance with Texas law. Justice William Brennan wrote for the five-justice majority that Johnson's flag burning was protected under the freedom of speech, and therefore the state could not censor Johnson nor punish him for his actions.  
   The ruling invalidated prohibitions on desecrating the American flag, which at the time were enforced in 48 of the 50 states. The ruling was unpopular with the general public and lawmakers, with President George H. W. Bush calling flag burning "dead wrong". The ruling was challenged by Congress, which passed the Flag Protection Act later that year, making flag desecration a federal crime. The law's constitutionality was contested before the Supreme Court, which again affirmed in United States v. Eichman (1990) that flag burning was a protected form of free speech and struck down the Flag Protection Act as violating the   
     
   First Amendment. In the years following the ruling, Congress several times considered the Flag Desecration Amendment, which would have amended the Constitution to make flag burning illegal, but never passed it. The issue of flag burning remained controversial decades later, and it is still used as a form of protest.  
   Time magazine described it as one of the best Supreme Court decisions since 1960, with legal scholars since stating about it that "Freedom of speech applies to symbolic expression, such as displaying flags, burning flags, wearing armbands, burning crosses, and the like."
2. Street v. New York, 394 U.S. 576 (1969), was a United States Supreme Court case in which the Court held that a New York state law making it a crime "publicly [to] mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act [any flag of the United States]" was, in part, unconstitutional because it prohibited speech against the flag. The Court left for a later day the question of whether it is constitutional or unconstitutional to prohibit, without reference to the utterance of words, the burning of the flag (see Texas v. Johnson and United States v. Eichman).

# Text 1198:

**Bowers v. Hardwick, 478 U.S. 186 (1986), was a landmark decision of the U.S. Supreme Court that upheld, in a 5–4 ruling, the constitutionality of a Georgia sodomy law criminalizing oral and anal sex in private between consenting adults, in this case with respect to homosexual sodomy, though the law did not differentiate between homosexual and heterosexual sodomy. It was overturned in Lawrence v. Texas (2003), though the statute had already been struck down by the Georgia Supreme Court in 1998.   
The majority opinion, by Justice Byron White, reasoned that the U.S. Constitution did not confer "a fundamental right to engage in homosexual sodomy". A concurring opinion by Chief Justice Warren E. Burger cited the "ancient roots" of prohibitions against homosexual sex, quoting William Blackstone's description of homosexual sex as an "infamous crime against nature", worse than rape, and "a crime not fit to be named". Burger concluded: "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching."   
The senior dissent, by Justice Harry Blackmun, framed the issue as revolving around the right to privacy. Blackmun's dissent accused the Court of an "almost obsessive focus on homosexual activity" and an "overall refusal to consider the broad principles that have informed our treatment of privacy in specific cases." In response to invocations of religious taboos against homosexuality, Blackmun wrote: "That certain, but by no means all, religious groups condemn the behavior at issue gives the State no license to impose their judgments on the entire citizenry. The legitimacy of secular legislation depends, instead, on whether the State can advance some justification for its law beyond its conformity to religious doctrine."  
Scholarly examinations of the case overwhelmingly sided with the dissenting minority. Some of the justices, including Lewis F. Powell, later said that they should not have joined the majority, although Powell also indicated in 1990 that the decision was of little importance. Seventeen years after Bowers, the Supreme Court directly overruled its decision in Lawrence v. Texas, holding that anti-sodomy laws are unconstitutional. In Lawrence, the Supreme Court subsequently based its decision on the American tradition of non-interference with private sexual decisions between consenting adults and on the notions of personal autonomy to define one's own relationships.**

1. Romer v. Evans, 517 U.S. 620 (1996), is a landmark United States Supreme Court case dealing with sexual orientation and state laws. It was the first Supreme Court case to address gay rights since Bowers v. Hardwick (1986), when the Court had held that laws criminalizing sodomy were constitutional.  
   The Court ruled in a 6–3 decision that a state constitutional amendment in Colorado preventing protected status based upon homosexuality or bisexuality did not satisfy the Equal Protection Clause. The majority opinion in Romer stated that the amendment lacked "a rational relationship to legitimate state interests", and the dissent stated that the majority "evidently agrees that 'rational basis'—the normal test for compliance with the Equal Protection Clause—is the governing standard". The state constitutional amendment failed rational basis review.  
   The decision in Romer set the stage for Lawrence v. Texas (2003), where the Court overruled its decision in Bowers; for the Supreme Court ruling striking down Section 3 of the Defense of Marriage Act in United States v. Windsor (2013); and for the Court's ruling striking down state bans on same-sex marriage in Obergefell v. Hodges (2015). Justice Anthony Kennedy authored all four opinions, and was joined by Justices Ruth Bader Ginsburg and Stephen Breyer in every one.
2. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.

# Text 1199:

**Bilski v. Kappos, 561 U.S. 593 (2010), was a case decided by the Supreme Court of the United States holding that the machine-or-transformation test is not the sole test for determining the patent eligibility of a process, but rather "a useful and important clue, an investigative tool, for determining whether some claimed inventions are processes under § 101." In so doing, the Supreme Court affirmed the rejection of an application for a patent on a method of hedging losses in one segment of the energy industry by making investments in other segments of that industry, on the basis that the abstract investment strategy set forth in the application was not patentable subject matter.**

1. KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007), is a decision by the Supreme Court of the United States concerning the issue of obviousness as applied to patent claims.
2. Gottschalk v. Benson, 409 U.S. 63 (1972), was a United States Supreme Court case in which the Court ruled that a process claim directed to a numerical algorithm, as such, was not patentable because "the patent would wholly pre-empt the mathematical formula and in practical effect would be a patent on the algorithm itself." That would be tantamount to allowing a patent on an abstract idea, contrary to precedent dating back to the middle of the 19th century. The ruling stated "Direct attempts to patent programs have been rejected [and] indirect attempts to obtain patents and avoid the rejection ... have confused the issue further and should not be permitted." The case was argued on October 16, 1972, and was decided November 20, 1972.

# Text 1200:

**Ontario v. Quon, 560 U.S. 746 (2010), is a United States Supreme Court case concerning the extent to which the right to privacy applies to electronic communications in a government workplace. It was an appeal by the city of Ontario, California, from a Ninth Circuit decision holding that it had violated the Fourth Amendment rights of two of its police officers when it disciplined them following an audit of pager text messages that discovered many of those messages were personal in nature, some sexually explicit. The Court unanimously held that the audit was work-related and thus did not violate the Fourth Amendment's protections against unreasonable search and seizure.  
Ontario police sergeant Jeff Quon, along with other officers and those they were exchanging messages with, had sued the city, their superiors and the pager service provider in federal court. They had alleged a violation of not only their constitutional rights but federal telecommunications privacy laws. Their defense was that a superior officer had promised the pager messages themselves would not be audited if the officers reimbursed the city for fees it incurred when they exceeded a monthly character limit.  
Justice Anthony Kennedy wrote the majority opinion signed by seven of his fellow justices. It decided the case purely on the reasonableness of the pager audit, explicitly refusing to consider "far-reaching issues" it raised on the grounds that modern communications technology and its role in society was still evolving. He nevertheless discussed those issues at some length in explaining why the Court chose not to rule on them, in addition to responding, for argument's sake, more directly to issues raised by the respondents. John Paul Stevens wrote a separate concurring opinion, as did Antonin Scalia, who would have used a different test he had proposed in an earlier case to reach the same result.  
Outside commentators mostly praised the justices for this display of restraint, but Scalia criticized it harshly in his concurrence, calling it vague. He considered his fellow justices in "disregard of duty" for their refusal to address the Fourth Amendment issues. A month after the court handed down its decision, an appellate court in Georgia similarly criticized it for "a marked lack of clarity" as it narrowed an earlier ruling to remove a finding that there was no expectation of privacy in the contents of email. An article in The New York Times later summarized this criticism, and its "faux unanimity", as emblematic of what some judges and lawyers have found an increasingly frustrating trend in Roberts Court opinions.**

1. O'Connor v. Ortega, 480 U.S. 709 (1987), is a United States Supreme Court decision on the Fourth Amendment rights of government employees with regard to administrative searches in the workplace, during investigations by supervisors for violations of employee policy rather than by law enforcement for criminal offenses. It was brought by Magno Ortega, a doctor at a California state hospital after his supervisors found allegedly inculpatory evidence in his office while he was on administrative leave pending an investigation of alleged misconduct. Some of what they uncovered was later used to impeach a witness who testified on his behalf at the hearing where he unsuccessfully appealed his dismissal.  
   Although lower courts had considered the issue, it was the first time the Supreme Court had. By a 5-4 margin, the Court ruled that public employees retain their Fourth Amendment rights. Justice Sandra Day O'Connor's plurality opinion established an "operating realities" test for future courts to consider when public employees challenged searches during investigations, reflecting the lower reasonable suspicion standard the government had to meet as an employer. That did not establish binding precedent, since Antonin Scalia argued in a separate concurring opinion that her standard was too vague, and that the same searches which would be reasonable for a private employer were proper when conducted by their public counterparts. Harry Blackmun wrote for four dissenting justices that the search was clearly an investigatory one and thus a breach of the doctor's privacy.  
   Since it could not decide how to apply that standard to Ortega's case as the record at that time did not establish whether the entry into Ortega's office had been for search purposes or not, the majority remanded the case to the district court. Eleven more years of litigation followed. At some points during it Ortega had to represent himself, and the Court itself had taken the unusual step of inviting Joel Klein to argue Ortega's case before them. It went back and forth between the district and appellate courts twice. Ortega finally prevailed after a jury trial in the late 1990s, and the Ninth Circuit denied Ortega's superiors their appeal.  
   Despite the two different standards resulting from the split five-justice majority, lower courts have generally followed O'Connor's "operational realities" test in future cases involving actual searches. Observers thought the justices might resolve the conflict the next time a similar case of public employees alleging a search violated their Fourth Amendment rights came before it. When it did, in 2010's Ontario v. Quon, they declined to do so, leaving the matter open for yet another future Court.
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 1201:

**United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.**

1. Miller v. United States, 357 U.S. 301 (1958), was a landmark decision by the United States Supreme Court, which held that one could not lawfully be arrested in one's home by officers breaking in without first giving one notice of their authority and purpose.
2. Smith v. Maryland, 442 U.S. 735 (1979), was a Supreme Court case holding that the installation and use of a pen register by the police to obtain information on a suspect's telephone calls was not a "search" within the meaning of the Fourth Amendment to the United States Constitution, and hence no search warrant was required. In the majority opinion, Justice Harry Blackmun rejected the idea that the installation and use of a pen register constitutes a violation of the suspect's reasonable expectation of privacy since the telephone numbers would be available to and recorded by the phone company anyway.  
   The Smith ruling was the Supreme Court's first significant articulation of the third-party doctrine in which government investigators may be permitted to search a person's private information by obtaining it not from the person directly, but from a business or other party with which the person has traded such information voluntarily.

# Text 1202:

**Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961), was a United States Supreme Court case that decided that the Equal Protection Clause applies to private business that operates in a relationship to a government that is close to the point that it becomes a "state actor."**

1. Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co., 463 U.S. 29 (1983), commonly known in U.S. administrative law as State Farm, is a United States Supreme Court decision concerning regulations requiring passive restraints in cars. Decided in 1983, one year before Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., the Court found that the National Highway Traffic Safety Administration had not provided a "reasoned analysis" for rescinding regulations that required either airbags or automatic seat belts in new cars.  
   It held that the arbitrary and capricious standard for reviewing agency action to enact regulations also applied to changing regulations. It held the rescinding the standard was arbitrary and capricious because the NHTSA did not provide evidence for the decision for two reasons: 1) The agency did not consider alternatives like requiring all cars to have airbags 2) The agency did not provide any evidence for its findings that automatic seat belts would not increase seat belt usage, even though the record evidence included surveys of drivers showing that seat belt usage more than doubled over manual seat belts.  
   The case is noteworthy not only for its effects on car safety but also in clarifying the Court's approach to reviewing agency actions under the Administrative Procedure Act.
2. Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), was a landmark decision of the Supreme Court of the United States holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in public accommodations.

# Text 1203:

**Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966), was a case in which the U.S. Supreme Court found that Virginia's poll tax was unconstitutional under the equal protection clause of the 14th Amendment. In the late 19th and early 20th centuries, eleven southern states established poll taxes as part of their disenfranchisement of most blacks and many poor whites. The Twenty-fourth Amendment to the United States Constitution (1964) prohibited poll taxes in federal elections; five states (Alabama, Arkansas, Mississippi, Texas and Virginia) continued to require poll taxes for voters in state elections. By this ruling, the Supreme Court banned the use of poll taxes in state elections.**

1. Harman v. Forssenius, 380 U.S. 528 (1965), was a United States Supreme Court case in which the Court ruled that Virginia's partial elimination of the poll tax violated the Twenty-fourth Amendment to the United States Constitution.  
   Virginia attempted to avoid the effect of the 24th Amendment by creating an "escape clause" to the poll tax. In lieu of paying the poll tax, a prospective voter could apply for a certificate establishing a place of residence in Virginia. The application had to be made six months prior to an election, a measure expected to decrease the number of eligible voters.  
   In the 1965 Supreme Court decision of Harman v. Forssenius, the Court unanimously found such measures unconstitutional and declared that, for federal elections, "the poll tax is abolished absolutely as a prerequisite to voting, and no equivalent or milder substitute may be imposed."
2. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.

# Text 1204:

**Doe v. Bolton, 410 U.S. 179 (1973), was a decision of the Supreme Court of the United States overturning the abortion law of Georgia. The Supreme Court's decision was released on January 22, 1973, the same day as the decision in the better-known case of Roe v. Wade.**

1. Beal v. Doe, 432 U.S. 438 (1977), was a United States Supreme Court case that concerned the disbursement of federal funds in Pennsylvania. Pennsylvania statute restricted federal funding to abortion clinics. The Supreme Court ruled states are not required to treat abortion in the same manner as potential motherhood. The opinion of the Court left the central holding of the Roe v. Wade decision – abortion as a right – intact. The statute was upheld, with Justice Powell writing the majority opinion.
2. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.

# Text 1205:

**Behrens v. Pelletier, 516 U.S. 299 (1996), was a United States Supreme Court case in which the Court held a defendant's immediate appeal of an unfavorable qualified immunity ruling on a motion to dismiss does not deprive the court of appeals of jurisdiction over a second appeal, also based on qualified immunity, immediately following denial of summary judgment.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. Harlow v. Fitzgerald, 457 U.S. 800 (1982), was a case decided by the United States Supreme Court involving the doctrines of qualified immunity and absolute immunity.

# Text 1206:

**Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.**

1. Dolan v. City of Tigard, 512 U.S. 374 (1994), more commonly Dolan v. Tigard, is a United States Supreme Court case. It is a landmark case regarding the practice of zoning and property rights, and has served to establish limits on the ability of cities and other government agencies to use zoning and land-use regulations to compel property owners to make unrelated public improvements as a condition to getting zoning approval, citing the violation of the Fifth Amendment’s Takings Clause.
2. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.

# Text 1207:

**Shaw v. Reno, 509 U.S. 630 (1993), was a landmark United States Supreme Court case in the area of redistricting and racial gerrymandering. After the 1990 census, North Carolina qualified to have a 12th district and drew it in a distinct snake-like manner to create a "majority-minority" Black district. From there, Ruth O. Shaw sued to challenge this proposed plan with the argument that this 12th district was unconstitutional and violated the Fourteenth Amendment under the clause of equal protection. In contrast, Reno, the Attorney General, argued that the district would allow for minority groups to have a voice in elections. In the decision, the court ruled in a 5–4 majority that redistricting based on race must be held to a standard of strict scrutiny under the equal protection clause and on the basis that it violated the Fourteenth Amendment because it was drawn solely based on race.  
Shaw v. Reno was an influential case and received backlash. Some southern states filed against majority-Black districts. This decision played a role in deciding many future cases, including Bush v. Vera and Miller v. Johnson. However, the phrasing of irregularly drawn districts has left room for much interpretation, letting judges use their opinions rather than relying on Shaw.**

1. Bush v. Vera, 517 U.S. 952 (1996), is a United States Supreme Court case concerning racial gerrymandering, where racial minority majority-electoral districts were created during Texas' 1990 redistricting to increase minority Congressional representation. The Supreme Court, in a plurality opinion, held that race was the predominant factor in the creation of the districts and that under a strict scrutiny standard the three districts were not narrowly tailored to further a compelling governmental interest.
2. Miller v. Johnson, 515 U.S. 900 (1995), was a United States Supreme Court case concerning "affirmative gerrymandering/racial gerrymandering", where racial minority-majority electoral districts are created during redistricting to increase minority Congressional representation.

# Text 1208:

**Miller v. California, 413 U.S. 15 (1973), was a landmark decision of the U.S. Supreme Court clarifying the legal definition of obscenity as material that lacks "serious literary, artistic, political, or scientific value". The ruling was the origin of the three-part judicial test for determining obscene media content that can be banned by government authorities, which is now known as the Miller test.**

1. Heller v. New York, 413 U.S. 483 (1973), was a United States Supreme Court decision which upheld that states could make laws limiting the distribution of obscene material, provided that these laws were consistent with the Miller test for obscene material established by the Supreme Court in Miller v. California, 413 U.S. 15 (1973). Heller was initially convicted for showing a sexually explicit film in the movie theater which he owned, under New York Penal Law § 235.0 which stated that and individual “is guilty of obscenity when, knowing its content and character, he 1. Promotes, or possesses with intent to promote, any obscene material; or 2. Produces, presents or directs an obscene performance or participates in a portion thereof which is obscene or which contributes to its obscenity."  
   Heller appealed this ruling to the supreme court, claiming that his first amendment rights had been violated due to the broad nature of New York's obscenity laws. The defendant also claimed that his 14th amendment rights had been violated due to the fact the film was seized prior to him receiving a hearing of any kind. The Supreme Court ruled in favor of Heller in a 5–4 decision, with the majority decision delivered by Justice Burger. The Court found the procedure by which the film was seized to be constitutional but ruled in favor of Heller in order to afford New York a chance to bring their obscenity laws in line with the guidelines established by the Supreme Court in Miller v. California]]. The dissenting opinions were written by Justices William O. Douglas and William J. Brennan Jr., the latter of which was joined by Justices Potter Stewart and Thurgood Marshall. These dissenting opinions argued that the obscenity laws that Heller was convicted under were themselves unconstitutional and thus the seizure of the film was unconstitutional. This case was one of several cases that the Burger court ruled on concerning obscenity laws in the early 1970s.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 1209:

**Communications Workers of America v. Beck, 487 U.S. 735 (1988), is a decision by the United States Supreme Court which held that, in a union security agreement, unions are authorized by statute to collect from non-members only those fees and dues necessary to perform its duties as a collective bargaining representative. The rights identified by the Court in Communications Workers of America v. Beck have since come to be known as "Beck rights", and defining what Beck rights are and how a union must fulfill its duties regarding them is an active area of modern United States labor law.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. Lechmere, Inc. v. National Labor Relations Board, 502 U.S. 527 (1992), is a US labor law case of the Supreme Court of the United States on union rights and private property rights. It forbids nonemployee union organizers from soliciting support on private property unless no reasonable alternatives exist.

# Text 1210:

**Barker v. Wingo, 407 U.S. 514 (1972), was a United States Supreme Court case involving the Sixth Amendment to the U.S. Constitution, specifically the right of defendants in criminal cases to a speedy trial. The Court held that determinations of whether or not the right to a speedy trial has been violated must be made on a case-by-case basis, and set forth four factors to be considered in the determination.**

1. Doggett v. United States, 505 U.S. 647 (1992), was a case decided by the Supreme Court of the United States.  
   The court held that the 8+1⁄2 year delay between Doggett's indictment and actual arrest violated his Sixth Amendment right to a speedy trial, arguing that the government had been negligent in pursuing him and that Doggett had remained unaware of the indictment until his arrest.
2. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.

# Text 1211:

**Abel v. United States, 362 U.S. 217 (1960), was a United States Supreme Court case.**

1. Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.
2. United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.

# Text 1212:

**INDOPCO, Inc. v. Commissioner, 503 U.S. 79 (1992), was a United States Supreme Court case in which the Court held that expenditures incurred by a target corporation in the course of a friendly takeover are nondeductible capital expenditures.**

1. Corn Products Refining Company v. Commissioner, 350 U.S. 46 (1955), is a United States Supreme Court decision that helps taxpayers classify whether or not the disposition of a commodity futures contract by a business of raw materials as part of its hedging of business risk is an ordinary or capital gain or loss for income tax purposes.
2. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.

# Text 1213:

**Shelley v. Kraemer, 334 U.S. 1 (1948), is a landmark United States Supreme Court case that held that racially restrictive housing covenants cannot legally be enforced.  
The case arose after an African-American family purchased a house in St. Louis that was subject to a restrictive covenant preventing "people of the Negro or Mongolian Race" from occupying the property. The purchase was challenged in court by a neighboring resident and was blocked by the Supreme Court of Missouri before going to the U.S. Supreme Court on appeal.  
In an opinion joined in by all participating justices, U.S. Supreme Court Chief Justice Fred Vinson held that the Fourteenth Amendment's Equal Protection Clause prohibits racially restrictive housing covenants from being enforced. Vinson held that while private parties could abide by the terms of a racially restrictive covenant, judicial enforcement of the covenant by a court qualified as a state action and was thus prohibited by the Equal Protection Clause.**

1. Reitman v. Mulkey, 387 U.S. 369 (1967), was a United States Supreme Court decision that set an important legal precedent that held that a state could not authorize invidious discrimination by private landlords without entangling itself in the ensuing discriminatory private decisions. Thus, the state constitutional amendment by referendum purporting to authorize landlord freedom was unconstitutional.
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 1214:

**Watson v. Fort Worth Bank & Trust, 487 U.S. 977 (1988), is a United States Supreme Court case on United States labor law, concerning proof of disparate treatment under the Civil Rights Act of 1964.**

1. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 1215:

**California Bankers Assn. v. Shultz, 416 U.S. 21 (1974), was a U.S. Supreme Court case in which the Court held that the Bank Secrecy Act, passed by Congress in 1970 requiring banks to record all transactions and report certain domestic and foreign transactions of high-dollar amounts to the United States Treasury, did not violate the First, Fourth, and Fifth Amendments of the U.S. Constitution.**

1. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.
2. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.

# Text 1216:

**Carey v. Population Services International, 431 U.S. 678 (1977), was a landmark decision of the U.S. Supreme Court in which the Court held that it was unconstitutional to prohibit anyone other than a licensed pharmacist to distribute nonprescription contraceptives to persons 16 years of age or over, to prohibit the distribution of nonprescription contraceptives by any adult to minors under 16 years of age, and to prohibit anyone, including licensed pharmacists, to advertise or display contraceptives.  
The Court held that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution does not allow a state to intrude on an individual's decisions on matters of procreation which is protected as privacy rights.**

1. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).
2. Rust v. Sullivan, 500 U.S. 173 (1991), was a case in the United States Supreme Court that upheld Department of Health and Human Services regulations prohibiting employees in federally funded family-planning facilities from counseling a patient on abortion. The department had removed all family planning programs that involving abortions. Physicians and clinics challenged this decision within the Supreme Court, arguing that the First Amendment was violated due to the implementation of this new policy. The Supreme Court, by a 5–4 verdict, allowed the regulation to go into effect, holding that the regulation was a reasonable interpretation of the Public Health Service Act, and that the First Amendment is not violated when the government merely chooses to "fund one activity to the exclusion of another".

# Text 1217:

**Microsoft Corp. v. AT&T Corp., 550 U.S. 437 (2007), was a United States Supreme Court case in which the Supreme Court reversed a previous decision by the Federal Circuit and ruled in favor of Microsoft, holding that Microsoft was not liable for infringement on AT&T's patent under 35 U.S.C. § 271(f).  
In this case, Microsoft exported abroad the "master version" of its Windows software disk, which incorporated a speech processing function claimed by one of AT&T's patents, with the intent that such software be copied abroad for installation onto foreign-manufactured computers.  
According to the Supreme Court, liability for such unauthorized replication and installation would have to arise under the patent laws of those foreign countries, not the U.S. Patent Act. Although AT&T argued that the Supreme Court's decision actually created a "loophole" for software makers to avoid liability under § 271(f), the Supreme Court explained that it is Congress, not the Court, that is responsible for addressing any such loopholes.**

1. Federal Communications Commission v. AT&T Inc., 562 U.S. 397 (2011), was a United States Supreme Court case on aspects of corporate personhood. It held that the exemption from Freedom of Information Act disclosure requirements for law enforcement records which "could reasonably be expected to constitute an unwarranted invasion of personal privacy" does not protect information related to corporate privacy.
2. Microsoft Corp. v. i4i Ltd. Partnership, 564 U.S. 91 (2011), was a case decided by the Supreme Court of the United States. It deals with the presumption of validity and the standard of evidence in patent lawsuits. This case in widely considered as a prime example of a frivolous lawsuit by a patent troll, underscoring the need for a reform of the US patent law.  
   The case was a patent dispute between small Toronto-based company i4i Ltd. Partnership and Microsoft for infringement of a patent regarding custom XML encoding in Microsoft Word, a feature that was “used by only a small fraction of Microsoft’s customers”. The original lawsuit was filed in the Federal Court for the Eastern District of Texas, known for its decisions favoring patent trolls. i4i prevailed both in the district court and on appeal to the CAFC. The latter awarded i4i $200 million against Microsoft as a reasonable royalty.  
   Under 35 U.S.C. § 282, a patent, which has been examined and issued by the USPTO is entitled to a presumption of validity in courts, and this presumption can be overcome based on clear and convincing evidence.  
   On appeal to the SCOTUS Microsoft argued that the clear and convincing evidence standard applied by the Federal Circuit was inappropriate, and that because of the backlog of unexamined patent applications at the USPTO, patent examiners do not have adequate amount of time to examine patent applications, and therefore a preponderance of the evidence standard should be applied by courts, when patent validity is challenged.  
   The US Supreme Court rejected Microsoft's position. Judge Sotomayor wrote: "Congress has amended the patent laws to account for concerns about 'bad' patents, including by expanding the reexamination process to provide for inter partes proceedings. Through it all the evidentiary standard adopted in §282 has gone untouched."  
   The courts also issued and confirmed a permanent injunction against Microsoft. The disputed feature has been removed from Word since.

# Text 1218:

**Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.**

1. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.
2. New York v. Quarles, 467 U.S. 649 (1984), was a decision by the United States Supreme Court regarding the public safety exception to the normal Fifth Amendment requirements of the Miranda warning.

# Text 1219:

**Honda Motor Company v. Oberg, 512 U.S. 415 (1994), was a United States Supreme Court case in which the Court held that an amendment to the Oregon state constitution disallowing judicial review of the size of punitive damages was a violation of due process.**

1. BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996), was a United States Supreme Court case limiting punitive damages under the Due Process Clause of the Fourteenth Amendment.
2. World-Wide Volkswagen Corp v. Woodson, 444 U.S. 286 (1980), is a United States Supreme Court case involving strict products liability, personal injury and various procedural issues and considerations. The 1980 opinion, written by Justice Byron White, is included in the first-year civil procedure curriculum at nearly every American law school for its focus on personal jurisdiction.

# Text 1220:

**United States v. Riverside Bayview, 474 U.S. 121 (1985), was a United States Supreme Court case challenging the scope of federal regulatory powers over waterways as pertaining to the definition of "waters of the United States" as written in the Clean Water Act of 1972. The Court ruled unanimously that the government does have the power to control intrastate wetlands as waters of the United States. This ruling was effectively revised in Rapanos v. United States (2006), in which the Court adopted a very narrow interpretation of "navigable waters."**

1. Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976), was a case in which the Supreme Court of the United States extensively refined the abstention doctrine to prevent duplicative litigation between state and federal courts.
2. Entergy Corp. v. Riverkeeper, Inc., 556 U.S. 208 (2009), is a decision by the United States Supreme Court that reviewed the Environmental Protection Agency's (EPA) interpretation of the Clean Water Act regulations with regard to cooling water intakes for power plants. Existing facilities are mandated to use the "Best Technology Available" to "minimize the adverse environmental impact." The issue was whether the agency may use a cost–benefit analysis (CBA) in choosing the Best Available Technology or (BAT) to meet the National Performance Standards (NPS).  
   Reversing a lower court opinion, the 5-1-3 ruling upheld the EPA's decision as reasonable to allow CBA to determine the best technology available to maintain national environmental standards.

# Text 1221:

**Flores-Figueroa v. United States, 556 U.S. 646 (2009), was a decision by the Supreme Court of the United States, holding that the law enhancing the sentence for identity theft requires proof that an individual knew that the identity card or number he had used belonged to another, actual person. Simply using a Social Security Number is not sufficient connection to another individual.**

1. Bowen v. Roy, 476 U.S. 693 (1986), was a United States Supreme Court case which ruled that a government program requiring the use of a social security number did not violate the first amendment.
2. United States v. Munoz-Flores, 495 U.S. 385 (1990), was a United States Supreme Court case that interpreted the Origination Clause of the United States Constitution. The Court was asked to rule on whether a statute that imposed mandatory monetary penalties on persons convicted of federal misdemeanors was enacted in violation of that clause, as the lower court had held.

# Text 1222:

**Griffin v. California, 380 U.S. 609 (1965), was a United States Supreme Court case in which the Court ruled, by a 6–2 vote, that it is a violation of a defendant's Fifth Amendment rights for the prosecutor to comment to the jury on the defendant's declining to testify, or for the judge to instruct the jury that such silence is evidence of guilt.  
The ruling specified that this new extension to defendants' Fifth Amendment rights was binding on all States through the Due Process Clause of the Fourteenth Amendment. This "no-comment rule" had already been binding on the federal government's courts because of an 1878 law.**

1. Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
   The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
   The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."
2. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.

# Text 1223:

**Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.**

1. Baldwin v. Fish & Game Commission of Montana, 436 U.S. 371 (1978), was a United States Supreme Court case that affirmed the right of the state of Montana to charge higher fees for out-of-state elk hunters.
2. United States v. Sioux Nation of Indians, 448 U.S. 371 (1980), was a United States Supreme Court case in which the Court held that: 1) the enactment by Congress of a law allowing the Sioux Nation to pursue a claim against the United States that had been previously adjudicated did not violate the doctrine of separation of powers; and 2) the taking of property that was set aside for the use of the tribe required just compensation, including interest. The Sioux have not accepted the compensation awarded to them by this case, valued at over $1 billion as of 2018.

# Text 1224:

**Ferguson v. Skrupa, 372 U.S. 726 (1963), was a case before the United States Supreme Court regarding the constitutionality of prohibiting debt adjustment.**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Perez v. Campbell, 402 U.S. 637 (1971), was a case in which the Supreme Court of the United States held that Arizona's law suspending a driver's license was unconstitutional due to its conflict with the federal Bankruptcy Act under the Supremacy Clause of the Constitution.

# Text 1225:

**Brinegar v. United States, 338 U.S. 160 (1949), was a United States Supreme Court case employing the "reasonableness test" in warrantless searches. The Court held that while the police need not always be factually correct in conducting a warrantless search, such a search must always be reasonable.**

1. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.
2. Ornelas v. United States, 517 U.S. 690 (1996), was a case decided by the Supreme Court of the United States that held that appellate courts should review probable cause determinations for warrantless searches de novo.

# Text 1226:

**Organization for a Better Austin v. Keefe, 402 U.S. 415 (1971), was a United States Supreme Court case in which the Court held that courts cannot prohibit peaceful distribution of pamphlets, unless a heavy burden is met to justify prior restraint.**

1. Austin v. Michigan Chamber of Commerce, 494 U.S. 652 (1990), was a decision of the Supreme Court of the United States regarding campaign finance regulations. The majority opinion authored by Thurgood Marshall held that the Michigan Campaign Finance Act, which burdened political speech by prohibiting corporations from using treasury money to make independent expenditures to support or oppose candidates in elections, was appropriately justified by a compelling state interest so as to overcome a First Amendment challenge. The court also found no Fourteenth Amendment violation, stating that Congress could treat press corporations and nonpress corporations differently without violating the Equal Protection Clause. Upholding the restriction on corporate political speech, The Court stated that "Corporate wealth can unfairly influence elections"; however, the Michigan law still allowed the corporation to make such expenditures from a segregated fund.
2. Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.

# Text 1227:

**Holder v. Humanitarian Law Project, 561 U.S. 1 (2010), was a case decided in June 2010 by the Supreme Court of the United States regarding the Patriot Act's prohibition on providing material support to foreign terrorist organizations (18 U.S.C. § 2339B). The case, petitioned by United States Attorney General Eric Holder, represents one of only two times in First Amendment jurisprudence that a restriction on political speech has overcome strict scrutiny. The other is Williams-Yulee v. Florida Bar.  
The Supreme Court ruled against the Humanitarian Law Project, which sought to help the Kurdistan Workers' Party in Turkey and Sri Lanka's Liberation Tigers of Tamil Eelam learn how to resolve conflicts peacefully. It concluded that the US Congress had intended to prevent aid to such groups, even for the purpose of facilitating peace negotiations or United Nations processes because that assistance fit the law's definition of material aid as "training," "expert advice or assistance," "service," and "personnel." The finding was based on the principle that any assistance could help to "legitimate" the terrorist organization and free up its resources for terrorist activities.  
The court noted that the proposed actions of the Humanitarian Law Project were general and "entirely hypothetical" and implied that a post-enforcement challenge to the application of the "material support" provisions was not prevented.**

1. Negusie v. Holder, 555 U.S. 511 (2009), was a decision by the United States Supreme Court involving whether the bar to asylum in the United States for persecutors applies to asylum applicants who have been the target of credible threats of harm or torture in their home countries for refusing to participate further in persecution. The petitioner, Daniel Negusie, claimed he was forced to assist in the mistreatment of prisoners in Eritrea under threat of execution, and that because any assistance he rendered was provided under duress he should still be eligible for asylum.  
   The Court held that the Board of Immigration Appeals and United States Court of Appeals for the Fifth Circuit erred in their interpretation of the Court's holding in Fedorenko v. United States (1981) when they evaluated Daniel's asylum petition, as they presumed that an alien's claimed coercion to participate in persecution was immaterial to determining whether the "persecutor bar" applies.
2. Gunn v. University Committee to End the War in Viet Nam, 399 U.S. 383 (1970), is a United States Supreme Court case in which the Court that since the District Court has issued neither an injunction nor an order granting or denying one, Supreme Court has no jurisdiction under 28 U.S.C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions.

# Text 1228:

**United States v. Singer Mfg. Co., 374 U.S. 174 (1963), was a 1963 decision of the Supreme Court, holding that the defendant Singer violated the antitrust laws by conspiring with two European competitors to exclude Japanese sewing machine competition from the US market. Singer effectuated the conspiracy by agreeing with the two European competitors to broaden US patent rights and concentrate them under Sanger's control in order to more effectively exclude the Japanese firms. A further aspect of the conspiracy was to fraudulently procure a US patent and use it as an exclusionary tool. This was the first Supreme Court decision holding that exclusionary use of a fraudulently procured patent could be an element supporting an antitrust claim.**

1. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.
2. Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225 (1964), was a United States Supreme Court case that limited state law on unfair competition when it prevents the copying of an item that is not covered by a patent.  
   Justice Hugo Black wrote for a unanimous Court that the US Constitution reserved power over intellectual property such as patents to the federal government exclusively. Since the trial court had found Stiffel's patent invalid as insufficiently inventive, its product design was thus in the public domain and no state law could be used to prevent Sears from copying it.  
   The Supreme Court made a similar ruling in a companion case decided the same day, Compco Corp. v. Day-Brite Lighting, Inc..  
   The two cases were the first decisions of the Supreme Court that the Supremacy Clause of the Constitution prevents from states passing their own patent or patent-like laws. The issue had been raised but not decided in Gibbons v. Ogden, in which Attorney General Wirt argued on behalf of the United States for federal patent preemption of New York's grant of a steamboat patent to Robert Fulton.

# Text 1229:

**McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950), was a United States Supreme Court case that prohibited racial segregation in state supported graduate or professional education. The unanimous decision was delivered on the same day as another case involving similar issues, Sweatt v. Painter.**

1. Sweatt v. Painter, 339 U.S. 629 (1950), was a U.S. Supreme Court case that successfully challenged the "separate but equal" doctrine of racial segregation established by the 1896 case Plessy v. Ferguson. The case was influential in the landmark case of Brown v. Board of Education four years later.  
   The case involved a black man, Heman Marion Sweatt, who was refused admission to the School of Law of the University of Texas, whose president was Theophilus Painter, on the grounds that the Texas State Constitution prohibited integrated education. The Supreme Court ruled in favor of law student Sweatt, reasoning that the state's racially separate law school was in fact unequal. Nonetheless, the Court limited its ruling in finding that it was not [yet] necessary to "reach [Sweatt]'s contention that Plessy v. Ferguson should be reexamined in the light of contemporary knowledge respecting the purposes of the Fourteenth Amendment and the effects of racial segregation." The decision was delivered on the same day as another case involving similar issues, McLaurin v. Oklahoma State Regents, also decided in favor of integrated graduate education.
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 1230:

**Village of Schaumburg v. Citizens for a Better Environment, 444 U.S. 620 (1980), was a case before the United States Supreme Court.**

1. C&A Carbone, Inc. v. Town of Clarkstown, New York, 511 U.S. 383 (1994), was a case before the United States Supreme Court in which the plaintiff, a private recycler with business in Clarkstown, New York, sought to ship its non-recyclable waste to cheaper waste processors out-of-state. Clarkstown opposed the move, and the company then brought suit, raising the unconstitutionality of Clarkstown's "flow control ordinance," which required solid wastes that were not recyclable or hazardous to be deposited at a particular private company's transfer facility. The ordinance involved fees that were above market rates. The Supreme Court sided with the plaintiff, concluding that Clarkstown's ordinance violated the Dormant Commerce Clause.  
   Furthermore, the Supreme Court held, "Discrimination against interstate commerce in favor of local business or investment is per se invalid," with a very narrow exception where the city can show, under rigorous scrutiny, that there are no other means to advance a legitimate local interest. In the case at hand, the city could have subsidized the waste disposal plant, which was at least one alternative to the discriminatory law that the city tried to use.  
   Justice Anthony Kennedy delivered the opinion of the Court.  
   It was held that the ordinance: (1) regulated interstate commerce, because (a) the company's recycling center processed waste from places other than the town, including from out of state, and (b) the ordinance: (i) drove up the cost for out-of-state interests to dispose of their solid waste, and (ii) deprived out-of-state businesses of access to a local market; and (2) violated the commerce clause by depriving competitors, including out-of-state firms, of access to a local market, because: (a) the ordinance: (i) discriminated by allowing only the favored operator to process waste within the town, (ii) hoarded solid waste, and the demand to get rid of it, for the benefit of the preferred processing facility, and (iii) squelched competition in waste-processing service, and (b) the town: (i) had nondiscriminatory alternatives, such as uniform safety regulations enacted without the object to discriminate, for addressing the health and environmental problems alleged to justify the ordinance, (ii) could not justify the ordinance as a way to steer solid waste away from out-of-town disposal sites that the town might deem harmful to the environment, where to do so would extend the town's police power beyond its jurisdictional bounds, and (iii) could subsidize the facility through general taxes or municipal bonds.  
   Justice Sandra Day O'Connor, in an opinion concurring with the judgment of the Court, agreed with the majority that the ordinance violated the commerce clause, but rejected the view that the ordinance discriminated against interstate commerce. Instead, she believed that the ordinance was unconstitutional since it imposed an excessive burden on interstate commerce.
2. Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.

# Text 1231:

**Marino v. Ortiz, 484 U.S. 301 (1988), was a United States Supreme Court case which resulted from a lawsuit filed by 350 New York City police officers that pitted the Equal Protection Clause of the Fourteenth Amendment against Title VII of the Civil Rights Act of 1964.  
The case originated with a lawsuit filed by African American and Hispanic advocacy groups (including the Puerto Rican Legal Defense and Education Fund) alleging that a police sergeant's examination had a disparate impact because the percentage of African Americans and Hispanics that passed the examination was disproportionate to overall percentage. A proposed settlement was reached between the plaintiffs and the city of New York; all of the officers eligible for promotion based on their score would be promoted as well as enough additional minorities to achieve a proportional outcome. The settlement was approved by the United States District Court for the Southern District of New York as a "consent decree" on an interim basis pending a hearing on its fairness and adequacy.  
After the ruling but before the hearing, 350 police officers filed suit in the same court alleging that the settlement had deprived them of equal protection of the laws under the Fourteenth Amendment. These officers were not eligible for promotion based on their scores, but they scored at least as high as the lowest scoring minority promoted under the terms of the consent decree. However, they did not seek to become party to the lawsuit that originated the settlement. The consent decree was ultimately approved, and as a result the police officers' lawsuit was dismissed. They appealed both the dismissal of their lawsuit and the consent decree itself.  
When oral arguments for the case were held in the fall of 1987, the Court had only eight members. Justice Lewis F. Powell, Jr. had retired from the court earlier in the year, the Senate had rejected Robert Bork's confirmation two months prior, and Anthony Kennedy would not be confirmed until after the decision was announced. This resulted in a gridlock 4-4 tie vote in the matter of whether the officers were correct to file a separate suit challenging the settlement. This being the case, the lower court ruling dismissing the suit was affirmed, but no precedent was set. The next case on the point, Martin v. Wilkes, Justice Kennedy voted that intervention was permissive (F.R.C.P. 24), not mandatory (F.R.C.P. 19) and that it was not an invalid collateral attack on the existing settlement in a similar case. Thereafter Congress amended the rules making intervention in such Title VII cases mandatory.  
The Court unanimously agreed that the officers could not appeal the consent decree directly, because "only parties to a lawsuit, or those that properly become parties, may appeal an adverse judgment."  
Though the Court's ruling did not directly address the constitutional issues raised, it foreshadowed a legal battle to come. Sonia Sotomayor, a future Supreme Court appointee by Barack Obama, promoted the minority officers' cause while at the Puerto Rican Legal Defense and Education Fund and would later rule against white plaintiffs in a similar case, Ricci v. DeStefano, in a decision that the Supreme Court would overturn by a 5–4 vote.**

1. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.
2. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.

# Text 1232:

**Kirby v. Illinois, 406 U.S. 682 (1972), was a case decided by the Supreme Court of the United States that held that the Sixth Amendment right to counsel did not attach during a pre-indictment identification.**

1. Scott v. Illinois, 440 U.S. 367 (1979), was a case heard by the Supreme Court of the United States. In Scott, the Court decided whether the Sixth and Fourteenth Amendments required Illinois to provide Scott with trial counsel. To emphasize the importance of court-appointed counsel, the Court opined, "[T]he interest protected by the right to have guilt or innocence determined by a jury... while important, is not as fundamental to the guarantee of a fair trial as is the right to counsel."
2. Escobedo v. Illinois, 378 U.S. 478 (1964), is a United States Supreme Court case holding that criminal suspects have a right to counsel during police interrogations under the Sixth Amendment. The case was decided a year after the court had held in Gideon v. Wainwright that indigent criminal defendants have a right to be provided counsel at trial.

# Text 1233:

**First Options of Chicago, Inc. v. Kaplan, 514 U.S. 938 (1995), was a case decided by the Supreme Court of the United States on who decides whether a dispute is subject to arbitration, the courts or an arbitrator.**

1. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.
2. Prima Paint Corp. v. Flood & Conklin Mfg. Co., 388 U.S. 395 (1967), is a United States Supreme Court decision that established what has become known as the "separability principle" in contracts with arbitration clauses. Following an appellate court ruling a decade earlier, it reads the 1925 Federal Arbitration Act (FAA) to require that any challenges to the enforceability of such a contract first be heard by an arbitrator, not a court, unless the claim is that the clause itself is unenforceable.  
   The case arose from a claim by a New Jersey manufacturer that a Maryland firm had misrepresented itself in a transaction and thus the contract between the two was unenforceable, precluding the arbitration agreed upon in the event of a dispute. Abe Fortas wrote for a 6-3 majority that the FAA was broad enough to require arbitration of all issues save the arbitration clause itself. Hugo Black's dissent called the majority's interpretation overbroad and at odds with Congressional intent in passing the law. He feared it would put legal matters in the hands of arbitrators with little or no legal understanding of it nor duty to follow the law.  
   In subsequent cases concerning the FAA, the Court has reaffirmed the separability principle and held that the FAA and this reading of it apply to arbitrable contracts under state law, even in cases where the contract is alleged to be illegal or state law provides for administrative dispute resolution. This has been seen as expanding the use of arbitration in contracts in the later 20th century, not only those between businesses but between businesses and consumers as well.

# Text 1234:

**Federal Communications Commission v. AT&T Inc., 562 U.S. 397 (2011), was a United States Supreme Court case on aspects of corporate personhood. It held that the exemption from Freedom of Information Act disclosure requirements for law enforcement records which "could reasonably be expected to constitute an unwarranted invasion of personal privacy" does not protect information related to corporate privacy.**

1. Talk America, Inc. v. Michigan Bell Telephone Co., 564 U.S. 50 (2011), was a United States Supreme Court case in which the Court held that the Federal Communications Commission (FCC) had advanced a reasonable interpretation of its regulations in a dispute with AT&T.
2. Sable Communications of California v. Federal Communications Commission, 492 U.S. 115 (1989), was a United States Supreme Court case involving the definition of "indecent material" and whether it is protected under the First Amendment to the United States Constitution. The Court invalidated part of a federal law that prohibited "dial-a-porn" telephone messaging services by making it a crime to transmit commercial telephone messages that were either "obscene" or "indecent".

# Text 1235:

**McDaniel v. Paty, 435 U.S. 618 (1978), was a United States Supreme Court case that struck down the last remaining state restriction against religious ministers holding elected office.**

1. Board of Trustees of Scarsdale v. McCreary, 471 U.S. 83 (1985), was a United States Supreme Court case in which an evenly split Court upheld per curiam a lower court's decision that the display of a privately sponsored nativity scene on public property does not violate the Establishment Clause of the First Amendment.
2. United States v. Lee, 455 U.S. 252 (1982), was a United States Supreme Court case establishing precedent regarding the limits of free exercise of religious conscience by employers.

# Text 1236:

**District of Columbia v. Heller, 554 U.S. 570 (2008), is a landmark decision of the Supreme Court of the United States. It ruled that the Second Amendment to the U.S. Constitution protects an individual's right to keep and bear arms—unconnected with service in a militia—for traditionally lawful purposes such as self-defense within the home, and that the District of Columbia's handgun ban and requirement that lawfully owned rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock" violated this guarantee. It also stated that the right to bear arms is not unlimited and that certain restrictions on guns and gun ownership were permissible. It was the first Supreme Court case to decide whether the Second Amendment protects an individual right to keep and bear arms for self-defense or whether the right was only intended for state militias.  
Because of the District of Columbia's status as a federal enclave (it is not in any U.S. state), the decision did not address the question of whether the Second Amendment's protections are incorporated by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution against the states. This point was addressed two years later by McDonald v. City of Chicago (2010), in which it was found that they are.  
On June 26, 2008, the Supreme Court affirmed by a vote of 5 to 4 the U.S. Court of Appeals for the D.C. Circuit in Heller v. District of Columbia. The Supreme Court struck down provisions of the Firearms Control Regulations Act of 1975 as unconstitutional, determined that handguns are "arms" for the purposes of the Second Amendment, found that the Regulations Act was an unconstitutional ban, and struck down the portion of the Act that requires all firearms including rifles and shotguns be kept "unloaded and disassembled or bound by a trigger lock". Prior to this decision, the law at issue also restricted residents from owning handguns except for those registered prior to 1975.**

1. McDonald v. City of Chicago, 561 U.S. 742 (2010), was a landmark decision of the Supreme Court of the United States that found that the right of an individual to "keep and bear arms", as protected under the Second Amendment, is incorporated by the Fourteenth Amendment and is thereby enforceable against the states. The decision cleared up the uncertainty left in the wake of District of Columbia v. Heller (2008) as to the scope of gun rights in regard to the states.  
   Initially, the Court of Appeals for the Seventh Circuit had upheld a Chicago ordinance banning the possession of handguns as well as other gun regulations affecting rifles and shotguns, citing United States v. Cruikshank (1876), Presser v. Illinois (1886), and Miller v. Texas (1894). The petition for certiorari was filed by Alan Gura, the attorney who had successfully argued Heller, and Chicago-area attorney David G. Sigale. The Second Amendment Foundation and the Illinois State Rifle Association sponsored the litigation on behalf of several Chicago residents, including retiree Otis McDonald.  
   The oral arguments took place on March 2, 2010. On June 28, 2010, the Supreme Court, in a 5–4 decision, reversed the Seventh Circuit's decision, holding that the Second Amendment was incorporated under the Fourteenth Amendment, thus protecting those rights from infringement by state and local governments. It then remanded the case back to the Seventh Circuit to resolve conflicts between certain Chicago gun restrictions and the Second Amendment.
2. McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."

# Text 1237:

**Planned Parenthood of Central Missouri v. Danforth, 428 U.S. 52 (1976), is a United States Supreme Court case on abortion. The plaintiffs challenged the constitutionality of a Missouri statute regulating abortion. The Court upheld the right to have an abortion, declaring unconstitutional the statute's requirement of prior written consent from a parent (in the case of a minor) or a spouse (in the case of a married woman).**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).

# Text 1238:

**Wisconsin v. City of New York, 517 U.S. 1 (1996), was a United States Supreme Court case that held that under the Constitution's Census Clause, Congress is granted with the authority to conduct an "actual enumeration" of the American society, chiefly for the purpose of allocating congressional representation among the states.  
Congress assigned the responsibility of conducting an "actual enumeration" of the American society to the Secretary of Commerce, who in the 1990 census, decided not to implement the statistical correction, better known as the post-enumeration survey (PES) to adjust an undercount in the initial population count.  
Furthermore, following several citizens' groups, states, and cities, Wisconsin disputed the Secretary's decision not to use PES declaring that it resulted in an undercounting of certain identifiable minority groups.**

1. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.
2. Board of Estimate of City of New York v. Morris, 489 U.S. 688 (1989), was a case argued before the United States Supreme Court regarding the structure of the New York City Board of Estimate.

# Text 1239:

**Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.**

1. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.
2. Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), was a United States Supreme Court case involving a challenge to Pennsylvania's Abortion Control Act of 1982.

# Text 1240:

**Okla. Tax Commission v. Citizen Band, Potawatomi Indian Tribe of Okla., 498 U.S. 505 (1991), was a case in which the Supreme Court of the United States held that the tribe was not subject to state sales taxes on sales made to tribal members, but that they were liable for taxes on sales to non-tribal members.**

1. Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
   The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
   Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.
2. Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985), was a case in which the Supreme Court of the United States held that an Indian tribe is not required to obtain the approval of the Secretary of the Interior in order to impose taxes on non-tribal persons or entities doing business on a reservation.

# Text 1241:

**National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.**

1. National Credit Union Administration v. First National Bank & Trust Co., 522 U.S. 479 (1998), is a 1998 legal case in which the Supreme Court of the United States ruled that banks had prudential standing to challenge regulations that permitted credit unions to enroll unaffiliated members.
2. Marquette Nat. Bank of Minneapolis v. First of Omaha Service Corp., 439 U.S. 299 (1978), is a unanimous U.S. Supreme Court decision holding that state anti-usury laws regulating interest rates cannot be enforced against nationally chartered banks based in other states. Justice William Brennan wrote that it was clearly the intent of Congress when it passed the National Banking Act that nationally chartered banks would be subject only to federal regulation by the Comptroller of Currency and the laws of the state in which they were chartered, and that only Congress or the appropriate state legislature could pass the laws regulating them.  
   The case has been called one of the most important of the late 20th century, since it freed nationally chartered banks to offer credit cards to anyone in the U.S. they deemed qualified, and more specifically because it allowed them to export credit card interest rates to states with stricter regulations, opening up a race between states in an effort to attract lending institutions to set up shop in their states and offer a wider variety of consumer credit products. Over the next decade, the states accelerated a process that had already begun of repealing or loosening their anti-usury laws, allowing state-chartered banks to compete more equally with national ones. As a result, the use of credit cards has vastly increased, and the mortgage industry soon followed suit.

# Text 1242:

**United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330 (2007), was a United States Supreme Court case about interstate commerce. Chief Justice John Roberts wrote the opinion of the Court, holding that New York county ordinances forcing private waste management companies to deliver waste to a public facility did not discriminate against interstate commerce. Justice Samuel Alito wrote a dissent.**

1. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.
2. C&A Carbone, Inc. v. Town of Clarkstown, New York, 511 U.S. 383 (1994), was a case before the United States Supreme Court in which the plaintiff, a private recycler with business in Clarkstown, New York, sought to ship its non-recyclable waste to cheaper waste processors out-of-state. Clarkstown opposed the move, and the company then brought suit, raising the unconstitutionality of Clarkstown's "flow control ordinance," which required solid wastes that were not recyclable or hazardous to be deposited at a particular private company's transfer facility. The ordinance involved fees that were above market rates. The Supreme Court sided with the plaintiff, concluding that Clarkstown's ordinance violated the Dormant Commerce Clause.  
   Furthermore, the Supreme Court held, "Discrimination against interstate commerce in favor of local business or investment is per se invalid," with a very narrow exception where the city can show, under rigorous scrutiny, that there are no other means to advance a legitimate local interest. In the case at hand, the city could have subsidized the waste disposal plant, which was at least one alternative to the discriminatory law that the city tried to use.  
   Justice Anthony Kennedy delivered the opinion of the Court.  
   It was held that the ordinance: (1) regulated interstate commerce, because (a) the company's recycling center processed waste from places other than the town, including from out of state, and (b) the ordinance: (i) drove up the cost for out-of-state interests to dispose of their solid waste, and (ii) deprived out-of-state businesses of access to a local market; and (2) violated the commerce clause by depriving competitors, including out-of-state firms, of access to a local market, because: (a) the ordinance: (i) discriminated by allowing only the favored operator to process waste within the town, (ii) hoarded solid waste, and the demand to get rid of it, for the benefit of the preferred processing facility, and (iii) squelched competition in waste-processing service, and (b) the town: (i) had nondiscriminatory alternatives, such as uniform safety regulations enacted without the object to discriminate, for addressing the health and environmental problems alleged to justify the ordinance, (ii) could not justify the ordinance as a way to steer solid waste away from out-of-town disposal sites that the town might deem harmful to the environment, where to do so would extend the town's police power beyond its jurisdictional bounds, and (iii) could subsidize the facility through general taxes or municipal bonds.  
   Justice Sandra Day O'Connor, in an opinion concurring with the judgment of the Court, agreed with the majority that the ordinance violated the commerce clause, but rejected the view that the ordinance discriminated against interstate commerce. Instead, she believed that the ordinance was unconstitutional since it imposed an excessive burden on interstate commerce.

# Text 1243:

**Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."

# Text 1244:

**Dusky v. United States, 362 U.S. 402 (1960), was a landmark United States Supreme Court case in which the Court affirmed a defendant's right to have a competency evaluation before proceeding to trial. The Court outlined the basic standards for determining competency.**

1. Marks v. United States, 430 U.S. 188 (1977), is a case decided by the Supreme Court of the United States that explained how the holding of a case should be viewed where there is no majority supporting the rationale of any opinion.
2. Dothard v. Rawlinson, 433 U.S. 321 (1977), was the first United States Supreme Court case in which the bona fide occupational qualifications (BFOQ) defense was used.

# Text 1245:

**United States v. Montoya De Hernandez, 473 U.S. 531 (1985), was a U.S. Supreme Court case regarding the Fourth Amendment's border search exception and balloon swallowing.**

1. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.
2. Almeida-Sanchez v. United States, 413 U.S. 266 (1973), was a United States Supreme Court case holding that the search of an automobile by the United States Border Patrol without a warrant or probable cause violates the Fourth Amendment. The vehicle was stopped and searched for illegal aliens twenty-five miles (40 km) from the Mexican border. The Court approached the search from four views: automobile search, administrative inspection, heavily regulated industry inspection, and border search. As to the validity of the search under the automobile exception, the Court found no justification for the search under the Carroll doctrine because there was no probable cause. As to the validity of the search under various administrative inspection doctrines, the Court found that the officers lacked an area warrant. As to the validity of the heavily regulated industry inspection, the Court found that the doctrine is not applicable to traveling on a state highway. As to the validity of a border search, the Court found that the site of the stop and the entirety of the road on which the stop occurred was too far from the border to be considered a border search.

# Text 1246:

**Immigration and Naturalization Service v. Elias-Zacarias, 502 U.S. 478 (1992), is a case in which the United States Supreme Court ruled that a Guatemalan man seeking asylum in the United States of America as a result of forced conscription in a guerrilla army did not establish persecution on account of political opinion, a legal requirement for asylum.**

1. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.
2. Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.

# Text 1247:

**Oregon v. Kennedy, 456 U.S. 667 (1982), was a United States Supreme Court decision dealing with the appropriate test for determining whether a criminal defendant has been "goaded" by the prosecution's bad actions into motioning for a mistrial. This matters because the answer determines whether a defendant can be retried. Ordinarily, a defendant who requests a mistrial can be forced to stand trial a second time, see United States v. Dinitz. However, if the prosecution's conduct was "intended to provoke the defendant into moving for a mistrial," double jeopardy protects the defendant from retrial. The Court emphasized that only prosecutorial actions where the intent is to provoke a mistrial — and not mere "harassment" or "overreaching" — trigger the double jeopardy protection.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. Bartkus v. Illinois, 359 U.S. 121 (1959), is a decision of the U.S. Supreme Court. The decision held that coordination of federal officials with state officials did not implicate the double jeopardy Clause of the Fifth Amendment to the U.S. Constitution. It also held that a defendant may be acquitted of a federal crime and convicted of a state crime, even if those crimes share the same evidence, without violating the Due Process Clause of the Fourteenth Amendment.  
   The case established the dual sovereign exception to the Double Jeopardy Clause, enabling state and federal prosecutions for substantially similar events.

# Text 1248:

**Arizona v. Evans, 514 U.S. 1 (1995), was a United States Supreme Court case in which the Court instituted an exclusionary rule exception allowing evidence obtained through a warrantless search to be valid when a police record erroneously indicates the existence of an outstanding warrant due to negligent conduct of a Clerk of Court.**

1. Arizona v. Johnson, 555 U.S. 323 (2009), is a United States Supreme Court case in which the Court held, by unanimous decision, that police may conduct a pat down search of a passenger in an automobile that has been lawfully stopped for a minor traffic violation, provided the police reasonably suspect the passenger is armed and dangerous.
2. Arizona v. Hicks, 480 U.S. 321 (1987), held that the Fourth Amendment requires the police to have probable cause to seize items in plain view.

# Text 1249:

**United States v. Sells Engineering, Inc., 463 U.S. 418 (1983), was a United States Supreme Court case concerning whether United States Department of Justice Civil Division attorneys were required to show particularized need in order to obtain disclosure.**

1. American Society of Mechanical Engineers v. Hydrolevel Corporation, 456 U.S. 556 (1982), is a United States Supreme Court case where a non-profit association, for the first time, was held liable for treble damages under the Sherman Antitrust Act due to antitrust violations.  
   In this case, the U.S. Supreme Court held an association liable when its agents appeared to be acting under the authority of the association. Such action is called apparent authority. The court determined that a non-profit association is liable when it fails to prevent antitrust violation through the misuse of the association's reputation by its agents (including lower level staff and unpaid volunteers).
2. United States v. R. Enterprises, Inc., 498 U.S. 292 (1991), was a United States Supreme Court case in which the court held that the three prong test for the issuance of a subpoena in United States v. Nixon does not apply to subpoenas issued by a grand jury. The Court concluded by stating that when a grand jury subpoena is challenged on relevancy grounds, the motion to quash must be denied "unless the district court determines that there is no reasonable possibility that the materials sought will produce information relevant to the grand jury's investigation."

# Text 1250:

**Brown v. Hotel and Restaurant Employees, 468 U.S. 491 (1984), is a 4-to-3 ruling by the United States Supreme Court which held that a New Jersey state gaming law requiring union leaders to be of good moral character was not preempted by the National Labor Relations Act (NLRA).**

1. Chamber of Commerce v. Brown, 554 U.S. 60 (2008), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 1251:

**Spano v. New York, 360 U.S. 315 (1959), represented the Supreme Court's movement away from the amorphous voluntariness standard for determining whether police violated due process standards when eliciting confessions and towards the modern rule in Miranda v. Arizona. In Spano, the Court focused less on factors such as meals provided to the accused and more on whether the accused had access to legal counsel.**

1. Dunaway v. New York, 442 U.S. 200 (1979), was a United States Supreme Court case that held a subsequent Miranda warning is not sufficient to cure the taint of an unlawful arrest, when the unlawful arrest led to a coerced confession.
2. Cruz v. New York, 481 U.S. 186 (1987), was a decision by the Supreme Court of the United States in which the Court held, 5–4, that the Confrontation Clause of the Constitution's Sixth Amendment barred the admission, in a joint trial, of a non-testifying codefendant's confession incriminating the defendant, even if the defendant's own confession was admitted against him.

# Text 1252:

**Alvarez v. Smith, 558 U.S. 87 (2009), was a United States Supreme Court decision on seizure of property by the Chicago Police Department, however the case was declared moot by the Court as the parties agreed that there was no longer contention over the property seized.**

1. Chicago Police Dept. v. Mosley, 408 U.S. 92 (1972), was a United States Supreme Court case which concerned freedom of speech under the First Amendment. Oral argument for this case was consolidated with Grayned v. City of Rockford, but separate opinions were issued for each. Earl Mosley had protested employment discrimination by carrying a sign on the sidewalk in front of a Chicago high school, until the city of Chicago made it illegal to do so. Although Chicago believed that its ordinance was a time, place, or manner restriction, and therefore was a constitutional law, the Supreme Court ruled that it was a content-based restriction, because it treated labor-related protests differently from other protests. Since the ordinance did not meet the higher standards for content-based restrictions, it was ruled unconstitutional.
2. Brown v. Illinois, 422 U.S. 590 (1975), was a case in which the Supreme Court of the United States held that the Fourth Amendment's protection against the introduction of evidence obtained in an illegal arrest is not attenuated by reading the defendant their Miranda Rights.

# Text 1253:

**McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), is a US employment law case by the United States Supreme Court regarding the burdens and nature of proof in proving a Title VII case and the order in which plaintiffs and defendants present proof. It was the seminal case in the McDonnell Douglas burden-shifting framework.  
Title VII of the Civil Rights Act of 1964 is a United States federal law that prohibits employment discrimination based on race, color, religion, sex or national origin. After the Supreme Court ruling, the Civil Rights Act of 1991 (Pub. L. 102-166) amended several sections of Title VII.  
Title VII prohibits employment discrimination "because of" certain reasons. While "because of" may be understood in the conversational sense, the McDonnell Douglas case was the first landmark case to define this phrase.**

1. Griggs v. Duke Power Co., 401 U.S. 424 (1971), was a court case argued before the Supreme Court of the United States on December 14, 1970. It concerned employment discrimination and the disparate impact theory, and was decided on March 8, 1971. It is generally considered the first case of its type.  
   The Supreme Court ruled that the company's employment requirements did not pertain to applicants' ability to perform the job, and so were unintentionally discriminating against black employees. The judgment famously held that "Congress has now provided that tests or criteria for employment or promotion may not provide equality of opportunity merely in the sense of the fabled offer of milk to the stork and the fox."
2. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.

# Text 1254:

**Minnesota v. Olson, 495 U.S. 91 (1990), is a landmark search and seizure case decided by the Supreme Court of the United States. In a 7-2 decision, the court held that a person staying as a guest in the house of another had a legal expectation of privacy, and that a warrantless entry into that house to arrest the person tainted the arrest and the individual's subsequent statements.**

1. Minnesota v. Dickerson, 508 U.S. 366 (1993), was a decision by the Supreme Court of the United States. The Court unanimously held that, when a police officer who is conducting a lawful patdown search for weapons feels something that plainly is contraband, the object may be seized even though it is not a weapon. By a 6-to-3 vote, however, the court held that the officer in this case had gone beyond the limits of a lawful patdown search before he could determine that the object was contraband, making the search and the subsequent seizure unlawful under the Fourth Amendment.  
   Associate Justice Byron White gave the opinion of the court.
2. United States v. Matlock, 415 U.S. 164 (1974), was a Supreme Court of the United States case in which the Court ruled that the Fourth Amendment prohibition on unreasonable searches and seizures was not violated when the police obtained voluntary consent from a third party who possessed common authority over the premises sought to be searched. The ruling of the court established the "co-occupant consent rule," which was later explained by Illinois v. Rodriguez, 497 U.S. 177 (1990) and distinguished later by Georgia v. Randolph (2006), in which the court held that a third party could not consent over the objections of a present co-occupant, and Fernandez v. California (2014), where the court held when the objecting co-resident is removed for objectively reasonable purposes (such as lawful arrest), the remaining resident may validly consent to search.

# Text 1255:

**Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), is a United States Supreme Court case determining the standard for admitting expert testimony in federal courts. In Daubert, the Court held that the enactment of the Federal Rules of Evidence implicitly overturned the Frye standard; the standard that the Court articulated is referred to as the Daubert standard.**

1. Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804 (1986), was a United States Supreme Court decision involving the original jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).
2. General Electric Co. v. Joiner, 522 U.S. 136 (1997), was a Supreme Court of the United States case between Robert Joiner and General Electric Co. that concerned whether the abuse of discretion standard is the correct standard an appellate court should apply in reviewing a trial court's decision to admit or exclude expert testimony. The case is notable for helping articulate the Daubert standard.

# Text 1256:

**City of Ladue v. Gilleo, 512 U.S. 43 (1994), was a free speech decision of the Supreme Court of the United States. It was a case challenging the legality of a city ordinance restricting the placement of signs in the yards of residents of Ladue, Missouri.**

1. Linmark Associates, Inc. v. Township of Willingboro, 431 U.S. 85 (1977), was a case in which the Supreme Court of the United States found that an ordinance prohibiting the posting of "for sale" and "sold" signs on real estate within the town violated the First Amendment to the United States Constitution protections for commercial speech.
2. Cox v. Louisiana, 379 U.S. 536 (1965), is a United States Supreme Court case based on the First Amendment to the U.S. Constitution. It held that a state government cannot employ "breach of the peace" statutes against protesters engaging in peaceable demonstrations that may potentially incite violence.

# Text 1257:

**Kinsella v. Krueger, 351 U.S. 470 (1956), was a landmark United States Supreme Court case in which the Court ruled that the Constitution supersedes international treaties ratified by the United States Senate. According to the decision, the Court recognized the supremacy of the Constitution over a treaty, although the case itself was with regard to an executive agreement, not a "treaty" in the U.S. legal sense, and the agreement itself has never been ruled unconstitutional.**

1. Katzenbach v. Morgan, 384 U.S. 641 (1966), was a landmark decision of the Supreme Court of the United States regarding the power of Congress, pursuant to Section 5 of the Fourteenth Amendment, to enact laws that enforce and interpret provisions of the Constitution.
2. Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.

# Text 1258:

**O'Connor v. Donaldson, 422 U.S. 563 (1975), was a landmark decision of the US Supreme Court in mental health law ruling that a state cannot constitutionally confine a non-dangerous individual who is capable of surviving safely in freedom by themselves or with the help of willing and responsible family members or friends. Since the trial court jury found, upon ample evidence, that petitioner did so confine respondent, the Supreme Court upheld the trial court's conclusion that petitioner had violated respondent's right to liberty. The case was important in the deinstitutionalization movement in the United States.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Foucha v. Louisiana, 504 U.S. 71 (1992), was a U.S. Supreme Court case in which the court addressed the criteria for the continued commitment of an individual who had been found not guilty by reason of insanity. The individual remained involuntarily confined on the justification that he was potentially dangerous even though he no longer suffered from the mental illness that served as a basis for his original commitment.

# Text 1259:

**Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261 (1997), was a United States Supreme Court case in which the Court held that the Coeur d'Alene Tribe could not maintain an action against the state of Idaho to press its claim to Lake Coeur d'Alene due to the state's Eleventh Amendment immunity from suit, notwithstanding the exception recognized in Ex parte Young. The case was an important precedent for aboriginal title in the United States and sovereign immunity in the United States.  
After the district court's decision dismissing the suit, the federal government—in its guardian capacity—brought a substantially similar suit against Idaho; in 2001, in 5–4 decision, the Court ruled for the federal government: Idaho v. United States (2001).**

1. Coeur Alaska, Inc. v. Southeast Alaska Conservation Council, 557 U.S. 261 (2009), is a United States Supreme Court case that was decided in favor of Coeur Alaska's permit to dump mine waste in a lake. The case addressed tailings from the Kensington mine, an underground mine located in Alaska. The gold mine had not operated since 1928, and Coeur Alaska obtained a permit in 2005 from the United States Army Corps of Engineers (USACE) to dispose of up to 4.5 million tons of tailings in Lower Slate Lake, which is located in a National Forest.  
   The suit was filed by three environmental non-governmental organizations and brought before the United States District Court for the District of Alaska who found in favor of Coeur Alaska. The District Court's decision was overturned by the U.S. 9th Circuit Court of Appeals before being brought before the Supreme Court, who also found in favor of Coeur Alaska.  
   The ruling was praised by the National Mining Association for the economic benefit it provided. Environmental groups criticised the decision for the impact it would have on Lower Slate Lake, and the opportunity for its use as a precedent in the future. In March 2009 proposed legislation, the Clean Water Protection Act, was introduced in Congress to remove mining waste from the definition of "fill material".
2. Menominee Tribe v. United States, 391 U.S. 404 (1968), is a case in which the Supreme Court ruled that the Menominee Indian Tribe kept their historical hunting and fishing rights even after the federal government ceased to recognize the tribe. It was a landmark decision in Native American case law.  
   The Menominee Indian Tribe had entered into a series of treaties with the United States that did not specifically state that they had hunting and fishing rights. In 1961, Congress terminated the tribe's federal recognition, ending its right to govern itself, federal support of health care and education programs, police and fire protection, and tribal rights to land. In 1963, three members of the tribe were charged with violating Wisconsin's hunting and fishing laws on land which had been a reservation for over 100 years. The tribe members were acquitted, but when the state appealed, the Wisconsin Supreme Court held that the Menominee tribe no longer had hunting and fishing rights because of the termination action by Congress.  
   The tribe sued the United States for compensation in the US Court of Claims, which ruled that tribal members still had hunting and fishing rights and that Congress had not abrogated the rights. The opposite rulings by the state and federal courts brought the issue to the Supreme Court. In 1968, the Supreme Court held that the tribe retained its hunting and fishing rights under the treaties involved and the rights were not lost after federal recognition was ended by the Menominee Indian Termination Act without a clear and unequivocal statement by Congress removing the rights.

# Text 1260:

**English v. General Electric, 496 U.S. 72 (1990), was a United States Supreme Court case in which the Court held that state-law claim for intentional infliction of emotional distress is not pre-empted by the Energy Reorganization Act of 1974.**

1. Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.
2. American Electric Power Company v. Connecticut, 564 U.S. 410 (2011), was a United States Supreme Court case in which the Court, in an 8–0 decision, held that corporations cannot be sued for greenhouse gas emissions (GHGs) under federal common law, primarily because the Clean Air Act (CAA) delegates the management of carbon dioxide and other GHG emissions to the Environmental Protection Agency (EPA). Brought to court in July 2004 in the Southern District of New York, this was the first global warming case based on a public nuisance claim.

# Text 1261:

**Ray v. Blair, 343 U.S. 214 (1952), is a major decision of the Supreme Court of the United States. It was a case on state political parties' requiring of presidential electors to pledge to vote for the party's nominees before being certified as electors. It ruled that it is constitutional for states to allow parties to require such a pledge of their candidates for elector, and that it was not a breach of otherwise qualified candidates' rights to be denied this position if they refused the pledge. However, the violation of any pledge a faithless elector made was not at issue. It officially defined state electors as representatives of their respective states, not the federal government. The case was argued on March 31, 1952 and the Court announced its decision on April 3, 1952; the majority and dissenting opinions were issued on April 15, 1952.**

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2. Edwards v. South Carolina, 372 U.S. 229 (1963), was a landmark decision of the US Supreme Court ruling that the First and Fourteenth Amendments to the U.S. Constitution forbade state government officials to force a crowd to disperse when they are otherwise legally marching in front of a state house.

# Text 1262:

**Napue v. Illinois, 360 U.S. 264 (1959), was a United States Supreme Court case in which the Court held that the knowing use of false testimony by a prosecutor in a criminal case violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, even if the testimony affects only the credibility of the witness and does not directly relate to the innocence or guilt of the defendant.**

1. James v. Illinois, 493 U.S. 307 (1990), was a United States Supreme Court case in which the Court forbade the admission of evidence obtained in violation of the Fourth Amendment for the use of impeaching statements made by a defense witness.
2. Scott v. Illinois, 440 U.S. 367 (1979), was a case heard by the Supreme Court of the United States. In Scott, the Court decided whether the Sixth and Fourteenth Amendments required Illinois to provide Scott with trial counsel. To emphasize the importance of court-appointed counsel, the Court opined, "[T]he interest protected by the right to have guilt or innocence determined by a jury... while important, is not as fundamental to the guarantee of a fair trial as is the right to counsel."

# Text 1263:

**Brady v. United States, 397 U.S. 742 (1970), was a United States Supreme Court case in which the Court refused to hold that large sentencing discounts and threats of the death penalty are sufficient evidence of coercion.**

1. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4
2. Connick v. Thompson, 563 U.S. 51 (2011), is a United States Supreme Court case in which the Court considered whether a prosecutor's office can be held liable for a single Brady violation by one of its members on the theory that the office provided inadequate training.

# Text 1264:

**New Process Steel, L.P. v. NLRB, 560 U.S. 674 (2010), is a U.S. labor law case of the United States Supreme Court holding that the National Labor Relations Board (NLRB) cannot make decisions without at least three members on a panel.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. Lechmere, Inc. v. National Labor Relations Board, 502 U.S. 527 (1992), is a US labor law case of the Supreme Court of the United States on union rights and private property rights. It forbids nonemployee union organizers from soliciting support on private property unless no reasonable alternatives exist.

# Text 1265:

**MANual Enterprises, Inc. v. Day, 370 U.S. 478 (1962), is a decision by the Supreme Court of the United States in which the Court held that magazines consisting largely of photographs of nude or near-nude male models are not considered "obscene" within the meaning of 18 U.S.C. § 1461, which prohibits the mailing of obscene material. It was the first case in which the Court engaged in plenary review of a Post Office Department order holding obscene matter "nonmailable".  
The case is notable for its ruling that photographs of nude men are not obscene, an implication which opened the U.S. mail to nude male pornographic magazines, especially those catering to gay men.**

1. United States v. Reidel, 402 U.S. 351 (1971), was a United States Supreme Court case in which the Court held that a postal regulation that banned the sale of adult materials was constitutionally permissible.
2. United States v. Thirty-seven Photographs, 402 U.S. 363 (1971), is a United States Supreme Court decision in an in rem case on procedures following the seizure of imported obscene material. A 6–3 court held that the federal statute governing the seizures was not in violation of the First Amendment as long as the government began forfeiture proceedings within 14 days of the seizure.  
   The case began with the seizure of the photographs, depicting various sexual positions, from Milton Luros, a Southern California publisher who was returning from Europe. He had intended to use them to illustrate a volume of the Kama Sutra, or failing that, to keep them for his own personal use. A district court panel, guided by the Court's Freedman v. Maryland decision of several years before, rejected his claims that the First Amendment allowed citizens to import obscene material, but found the statute unconstitutional due to the lack of time limits and ordered the Customs Service to return the images to Luros. The government appealed directly to the Supreme Court.  
   Justice Byron White wrote for the majority, distinguishing the case from Freedman v. Maryland, which had also involved time limits, by noting that it was a federal statute rather than a state one and therefore the Court could give it an authoritative construction. John Marshall Harlan and Potter Stewart also wrote concurring opinions expanding on aspects of the majority holding. Stewart did not agree with the majority that the ban on personal importation of obscene material was consistent with Stanley v. Georgia.  
   The dissenting justices wrote two opinions. Hugo Black and William O. Douglas took issue with every aspect of the holding, believing the government had no power to regulate obscenity. Thurgood Marshall agreed with them and Stewart that the blanket importation ban was constitutional. That issue would be reconsidered in a similar case two years later, United States v. 12 200-ft. Reels of Film. The case would have little impact on the future development of obscenity law. It has, however, been cited as the first forfeiture case to deal with the question of time limits, and also reaffirmed a principle by which the Court avoids dealing with constitutional questions when it can through alternative constructions.

# Text 1266:

**United States ex rel. Eisenstein v. City of New York, 556 U.S. 928 (2009), is a United States Supreme Court decision holding that where the Government has not intervened or actively participated, private plaintiffs under the False Claims Act must file an appeal within 30 days of the judgment or order being appealed, according to the Federal Rules of Appellate Procedure.**

1. Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978), was a landmark United States Supreme Court decision on compensation for regulatory takings. Penn Central sued New York City after the New York City Landmark Preservation Commission denied its bid to build a large office building on top of Grand Central Terminal. The Supreme Court ruled in the city's favor.
2. New York v. United States, 505 U.S. 144 (1992), was a decision of the United States Supreme Court. Justice Sandra Day O'Connor, writing for the majority, found that the federal government may not require states to “take title” to radioactive waste through the "Take Title" provision of the Low-Level Radioactive Waste Policy Amendments Act, which the Court found to exceed Congress's power under the Commerce Clause. The Court permitted the federal government to induce shifts in state waste policy through other means.

# Text 1267:

**Maryland v. Buie, 494 U.S. 325 (1990), was a decision by the Supreme Court of the United States handed down in 1990. In the case, the Court held that the Fourth Amendment permits a properly limited protective sweep in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene.**

1. Maryland v. Garrison, 480 U.S. 79 (1987), is a United States Supreme Court case dealing with the Fourth Amendment of the United States Constitution and the extent of discretion given to police officers acting in good faith. The Court held that where police reasonably believe their warrant was valid during a search, execution of the warrant does not violate respondent's Fourth Amendment rights.
2. Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
   Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
   The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.

# Text 1268:

**Auer v. Robbins, 519 U.S. 452 (1997), is a United States Supreme Court case that concerns the standard that the Court should apply when it reviews an executive department's interpretation of regulations established under federal legislation. The specific issue was whether sergeants and lieutenants in the St. Louis Police Department should be paid for working overtime. The Fair Labor Standards Act of 1938 established the overtime pay requirement, and the US Department of Labor issued regulations to determine if an employee was covered by the overtime requirement.  
The Court held that it should defer to the Secretary of Labor's interpretation of the regulations.**

1. Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), is a landmark United States Supreme Court decision in which the Court held that the Congress has the power under the Commerce Clause of the Constitution to extend the Fair Labor Standards Act, which requires that employers provide minimum wage and overtime pay to their employees, to state and local governments. In this case, the Court overruled its previous decision in National League of Cities v. Usery, in which the Court had held that regulation of the activities of state and local governments "in areas of traditional governmental functions" would violate the Tenth Amendment to the United States Constitution.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 1269:

**United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.**

1. United States v. United Mine Workers of America, 330 U.S. 258 (1947), was a case in which the United States Supreme Court examined whether a trial court acted appropriately when it issued a restraining order to prevent a labor strike organized by coal miners. In an opinion written by Chief Justice Fred M. Vinson, the Court held that a restraining order and preliminary injunction prohibiting a strike did not violate the Clayton Antitrust Act or the Norris–La Guardia Act, that the trial court was authorized to punish the violation of its orders as criminal contempt, and that fines imposed by the trial court were warranted in the situation.
2. United Mine Workers of America v. Bagwell, 512 U.S. 821 (1994), was a case in which the United States Supreme Court laid out the constitutional limitations for the use of contempt powers by courts.

# Text 1270:

**California Coastal Commission v. Granite Rock Co., 480 U.S. 572 (1987), is a United States Supreme Court case addressing the question of whether United States Forest Service regulations, federal land use statutes and regulations, or the Coastal Zone Management Act of 1972, preempt the California Coastal Commission's imposition of a permit requirement on operation of an unpatented mining claim in a national forest. The court ruled that even if federal land is not included in the Coastal Zone Management Act's interpretation of "coastal zone," the act does not automatically preempt all state regulation of activities on federal lands.**

1. In Nollan v. California Coastal Commission, 483 U.S. 825 (1987), the United States Supreme Court ruled that a California Coastal Commission regulation which required private homeowners to dedicate a public easement along valuable beachfront property as a condition of approval for a construction permit to renovate their beach bungalow was unconstitutional. The Coastal Commission had asserted that the public-easement condition was a legitimate state interest of diminishing the "blockage of the view of the ocean" caused by the home renovation, even though the easement would not have created any additional public view of the ocean. The Court held that in evaluating such claims, there must be an "essential nexus" between a legitimate state interest and the actual conditions of the permit being issued.  
   In a 5–4 ruling, the Supreme Court ruled that a requirement by the CCC was a taking in violation of the Takings Clause of the Fifth Amendment, as incorporated against the states by the Fourteenth Amendment.
2. Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, 435 U.S. 519 (1978), is a case in which the United States Supreme Court held that a court cannot impose rulemaking procedures on a federal government agency. The federal Administrative Procedure Act of 1946 and an agency's statutory mandate from Congress establish the maximum requirements for an agency's rulemaking (and adjudicative) process. An agency may grant additional procedural rights in the regulatory process (within constitutional and statutory limits). However, a reviewing court cannot "impose upon the agency its own notion of which procedures are 'best' or most likely to further some vague, undefined public good"; to do so would exceed the limits of judicial review of agency action.

# Text 1271:

**Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520 (1998), was a United States Supreme Court case. The local tribal council in Venetie, Alaska, wanted to collect tax from non-tribal members doing business on tribal lands. The Supreme Court granted certiorari on appeal from the United States Court of Appeals for the Ninth Circuit, which had ruled in the tribe's favor, saying they occupied Indian Country.  
The Court decided unanimously that the land was not the tribe's land subject to the tribal tax, even though it was owned by the tribe, because it was not part of a Native American reservation. Because all but one reservation in Alaska (the Annette Island reservation of the Tsimshian) had been eliminated by the Alaska Native Claims Settlement Act of 1971, the decision had the practical effect of prohibiting almost all Indian tribes in Alaska from collecting taxes for activities conducted on tribal land. Taxing authority is reserved as a right of the states and federal government.  
The State of Alaska, the petitioner, was represented by John G. Roberts, who later became the Chief Justice of the United States. The respondent was represented by Heather Kendall-Miller, an attorney of Athabascan descent.**

1. Oklahoma Tax Commission v. Sac & Fox Nation, 508 U.S. 114 (1993), was a case in which the Supreme Court of the United States held that absent explicit congressional direction to the contrary, it must be presumed that a State does not have jurisdiction to tax tribal members who live and work in Indian country, whether the particular territory consists of a formal or informal reservation, allotted lands, or dependent Indian communities.  
   The Sac and Fox Nation is an Indian (Native American) tribe that governs itself under the Indian Self-Determination Act and imposes taxes based on that authority. The State of Oklahoma sought to impose income and motor vehicle taxes on tribal members. The tribe brought suit to prevent the state from imposing those taxes.  
   Both the Tenth Circuit Court of Appeals and the Supreme Court held that Oklahoma, without a clear authorization from Congress, was prohibited from imposing taxes on tribal members in Indian country. This case, together with several other cases, are known as the "Oklahoma tax cases" in Native American case law.
2. Oneida Indian Nation of New York v. County of Oneida, 414 U.S. 661 (1974), is a landmark decision by the United States Supreme Court concerning aboriginal title in the United States. The original suit in this matter was the first modern-day Native American land claim litigated in the federal court system rather than before the Indian Claims Commission. It was also the first to go to final judgement.  
   The Supreme Court held that there is federal subject-matter jurisdiction for possessory land claims brought by Indian tribes based upon aboriginal title, the Nonintercourse Act, and Indian treaties. In delivering the opinion of the Court, Associate Justice Byron White wrote that jurisdiction for such suits arose both from 28 U.S.C. § 1331, conferring jurisdiction for cases arising under the Constitution, laws, or treaties of the United States and 28 U.S.C. § 1362, conferring similar jurisdiction to cases brought by Indian tribes regardless of the amount in controversy.  
   The case is often referred to as Oneida I because it is the first of three times the Oneida Indian Nation reached the Supreme Court in litigating its land rights claims. It was followed by County of Oneida v. Oneida Indian Nation of New York State (Oneida II) (1985), rejecting all of the affirmative defenses raised by the counties in the same action, and City of Sherrill v. Oneida Indian Nation of New York (Sherrill) (2005), rejecting the tribe's attempt in a later lawsuit to reassert tribal sovereignty over parcels of land reacquired by the tribe in fee simple.

# Text 1272:

**Felder v. Casey, 487 U.S. 131 (1988), was a United States Supreme Court case that held that a state notice-of-claim statute could not be applied to a civil rights suit under 42 U.S.C. § 1983 in state court.**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Newman v. Piggie Park Enterprises, Inc., 390 U.S. 400 (1968), is a 1968 United States Supreme Court case in which the court held per curiam that after a successful effort to obtain an injunction under Title II of the Civil Rights Act of 1964, attorney's fees under Section 204(b) are generally recoverable.

# Text 1273:

**California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972), was a landmark decision of the US Supreme Court involving the right to make petitions to the government. The right to petition is enshrined in the First Amendment to the United States Constitution as: "Congress shall make no law...abridging...the right of the people...to petition the Government for a redress of grievances." This case involved an accusation that one group of companies was using state and federal regulatory actions to eliminate competitors. The Supreme Court ruled that the right to petition is integral to the legal system but using lawful means to achieve unlawful restraint of trade is not protected.**

1. California v. Carney, 471 U.S. 386 (1985), was a United States Supreme Court case which held that a motor home was subject to the automobile exception to the search warrant requirement of the Fourth Amendment to the United States Constitution because the motor home was readily movable.  
   The dissent argues that this is contrary to the bright line rule established in Katz v. United States and that the majority opinion violates the protection of privacy rights provided by the Fourth Amendment.
2. Golden State Transit Corp v City of Los Angeles, 475 U.S. 608 (1986), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 1274:

**Malloy v. Hogan, 378 U.S. 1 (1964), was a case in which the Supreme Court of the United States deemed defendants' Fifth Amendment privilege not to be compelled to be witnesses against themselves was applicable within state courts as well as federal courts, overruling the decision in Twining v. New Jersey (1908). The majority decision holds that the Fourteenth Amendment allows the federal government to enforce the first eight amendments on state governments.  
The test for voluntariness used in the Malloy decision was later abrogated by Arizona v. Fulminante (1991).**

1. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.
2. Kastigar v. United States, 406 U.S. 441 (1972), was a United States Supreme Court decision that ruled on the issue of whether the government's grant of immunity from prosecution can compel a witness to testify over an assertion of the Fifth Amendment privilege against self-incrimination.  
   In a 5-2 decision (Justices Brennan and Rehnquist took no part in the consideration of the case), the Court held that the government can overcome a claim of Fifth Amendment privilege by granting a witness "use and derivative use" immunity in exchange for his testimony.

# Text 1275:

**Immigration and Naturalization Service v. Delgado, 466 U.S. 210 (1984), was a United States Supreme Court decision on the limits of worksite enforcement by immigration agents. Specifically, the Court ruled that factory raids by the Immigration and Naturalization Service (INS) were not illegal seizures under the Fourth Amendment to the U.S. Constitution.**

1. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.
2. Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.

# Text 1276:

**Gasperini v. Center for Humanities, 518 U.S. 415 (1996), was a decision by the Supreme Court of the United States in which the Court further refined the Erie doctrine regarding when and how federal courts are to apply state law in cases brought under diversity jurisdiction. The Court held that the New York state rule applied.**

1. Hanna v. Plumer, 380 U.S. 460 (1965), was a decision by the Supreme Court of the United States, in which the Court further refined the Erie doctrine regarding when and by what means federal courts are obliged to apply state law in cases brought under diversity jurisdiction. The question in the instant case was whether Federal Rules of Civil Procedure governing service of process should yield to state rules governing the service of process in diversity cases. The Court ruled that under the facts of this case, federal courts shall apply the federal rule. The decision was drafted by John Hart Ely, who was then a law clerk for Earl Warren.
2. Morton v. Mancari, 417 U.S. 535 (1974), was a United States legal case about the constitutionality, under the Fifth Amendment, of hiring preferences given to Indians within the Bureau of Indian Affairs. The Supreme Court of the United States held that the hiring preferences given by the United States Congress does not violate the Due Process Clause of the Fifth Amendment.

# Text 1277:

**Barefoot v. Estelle, 463 U.S. 880 (1983), is a United States Supreme Court case. The Court ruled on the admissibility of clinical opinions given by two psychiatrists hired by the prosecution in answer to hypothetical questions regarding the defendant's future dangerousness and the likelihood that he would present a continuing threat to society in this Texas death penalty case. The American Psychiatric Association submitted an amicus curiae brief in support of the defendant's position that such testimony should be inadmissible and urging curtailment of psychiatric testimony regarding future dangerousness and a prohibition of such testimony based on hypothetical data.  
In Estelle v. Smith, 451 U.S. 454 (1981), the Supreme Court previously ruled on a Texas death penalty case regarding the use of a psychiatric examination to determine the defendant's competency to stand trial to predict future dangerousness. In that case the Court held that the Fifth Amendment's privilege against self-incrimination applied to pretrial psychiatric examinations by a prosecution psychiatrist who later testified regarding the defendant's future dangerousness without warning the defendant that such evidence could be used against him. The Court reasoned that although a defendant has no generalized constitutional right to remain silent at a psychiatric examination limited to the issues of sanity or competency, full Miranda warnings must be given with respect to testimony concerning future dangerousness.**

1. Estelle v. Smith, 451 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that, per Miranda v. Arizona (1966), the state may not force a defendant to submit to a psychiatric examination solely for the purposes of sentencing. Any such examination violates the defendant's Fifth Amendment rights against self-incrimination as well as the Sixth Amendment right to counsel, and is therefore inadmissible at sentencing.
2. Estelle v. Gamble, 429 U.S. 97 (1976), was a case in which the Supreme Court of the United States established the standard of what a prisoner must plead in order to claim a violation of Eighth Amendment rights under 42 U.S.C. § 1983. Specifically, the Court held that a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. Though the Court credited Gamble's complaint that doctors had failed to provide appropriate care, it held that medical malpractice did not rise to the level of "cruel and unusual punishment" simply because the victim is a prisoner.

# Text 1278:

**Montejo v. Louisiana, 556 U.S. 778 (2009), is a 5–4 decision by the United States Supreme Court that overruled the Court's decision in Michigan v. Jackson. The case concerned the validity of a defendant's waiver of his right to counsel during a police interrogation. In reversing Jackson, the Court said such a waiver was valid.**

1. Michigan v. Jackson, 475 U.S. 625 (1986), was a case decided by the United States Supreme Court regarding the Sixth Amendment's right to counsel in a police interrogation. In a decision written by Justice Stevens, the Court held that once an accused individual has claimed a right to counsel at a plea hearing or other court proceeding, a waiver of that right during later police questioning would be invalid unless the accused individual initiated the communication.  
   This decision was overruled by the Supreme Court in Montejo v. Louisiana, by a 5–4 vote.
2. Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
   The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.

# Text 1279:

**Runyon v. McCrary, 427 U.S. 160 (1976), was a landmark case by the United States Supreme Court, which ruled that private schools that discriminate on the basis of race or establish racial segregation are in violation of federal law. Whereas Brown v. Board of Education barred segregation by public schools, this case barred segregation in private schools. This decision is built on Jones v. Alfred H. Mayer Co. another landmark civil rights case that affirmed the federal government's ability to penalize racist acts by private actors.  
Dissenting Justices Byron White and William Rehnquist (who allegedly opposed Brown v. Board of Education for parts of his life) argued that the legislative history of 42 U.S.C. § 1981 (popularly known as the Civil Rights Act of 1866) indicated that the Act was not designed to prohibit private racial discrimination, but only state-sponsored racial discrimination (as had been held in the Civil Rights Cases of 1883).**

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.
2. Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1 (1971), was a landmark United States Supreme Court case dealing with the busing of students to promote integration in public schools. The Court held that busing was an appropriate remedy for the problem of racial imbalance in schools, even when the imbalance resulted from the selection of students based on geographic proximity to the school rather than from deliberate assignment based on race. This was done to ensure the schools would be "properly" integrated and that all students would receive equal educational opportunities regardless of their race.  
   Judge John J. Parker of the U.S. Court of Appeals for the Fourth Circuit interpreted the Brown v. Board of Education case as a charge not to segregate rather than an order to integrate. In 1963, the Court ruled in McNeese v. Board of Education and Goss v. Board of Education in favor of integration, and showed impatience with efforts to end segregation. In 1968 the Warren Court ruled in Green v. County School Board that freedom of choice plans were insufficient to eliminate segregation; thus, it was necessary to take proactive steps to integrate schools. In United States v. Montgomery County Board of Education (1969), Judge Frank Johnson's desegregation order for teachers was upheld, allowing an approximate ratio of the races to be established by a district judge.

# Text 1280:

**Albrecht v. Herald Co., 390 U.S. 145 (1968), was a decision by the United States Supreme Court, which reaffirmed the law (as it then was) that fixing a maximum price was illegal per se. This rule was reversed in 1997 by State Oil Co. v. Khan, which held that maximum price-setting was not inherently anti-competitive and not always a violation of antitrust law, and should therefore be evaluated for legality under the rule of reason rather than a per se rule.  
Albrecht drew heavy criticism by economists who asserted that maximum price fixing actually increases consumer welfare, which they considered to be a primary goal of antitrust.**

1. State Oil Co. v. Khan, 522 U.S. 3 (1997), was a decision by the United States Supreme Court, which held that vertical maximum price fixing was not inherently unlawful, thereby overruling a previous Supreme Court decision, Albrecht v. Herald Co., 390 U.S. 145 (1968). However, the Court concluded that "[i]n overruling Albrecht, the Court does not hold that all vertical maximum price fixing is per se lawful, but simply that it should be evaluated under the rule of reason, which can effectively identify those situations in which it amounts to anticompetitive conduct."
2. United States v. Huck Mfg. Co., 382 U.S. 197 (1965), is the most recent patent-license price-fixing case to reach the United States Supreme Court. It was inconclusive, as the Court split 4–4 and affirmed the decision of the lower court without opinion.

# Text 1281:

**Rosenberger v. Rector and Visitors of the University of Virginia, 515 U.S. 819 (1995), was an opinion by the Supreme Court of the United States regarding whether a state university might, consistent with the First Amendment, withhold from student religious publications funding provided to similar secular student publications. The University of Virginia provided funding to every student organization that met funding-eligibility criteria, which Wide Awake, the student religious publication, fulfilled. The University's defense claimed that denying student activity funding to the religious magazine was necessary to avoid the University's violating the Establishment Clause of the First Amendment.  
The Supreme Court disagreed with the University; constitutional law scholar Michael W. McConnell argued on behalf of the student religious publication, and John Calvin Jeffries argued on behalf of the University of Virginia. The decision centered on the Memorial and Remonstrance Against Religious Assessments, a document on religious freedom by James Madison.**

1. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".
2. Richmond Newspapers Inc. v. Virginia, 448 U.S. 555 (1980), is a United States Supreme Court case involving issues of privacy in correspondence with the First Amendment to the United States Constitution, the freedom of the press, the Sixth Amendment to the United States Constitution and the Fourteenth Amendment to the United States Constitution. After a murder case ended in three mistrials, the judge closed the fourth trial to the public and the press. On appeal, the Supreme Court ruled the closing to be in violation of the First Amendment and Fourteenth Amendment asserting that the First Amendment implicitly guarantees the press access to public trials.

# Text 1282:

**United States v. Continental Can Co., 378 U.S. 441 (1964), was a U.S. Supreme Court case which addressed antitrust issues. One issue it addressed was how should a market segment be defined for purposes of reviewing a merger of companies which manufacture different but related products.**

1. Continental Television v. GTE Sylvania, 433 U.S. 36 (1977), was an antitrust decision of the Supreme Court of the United States. It widened the scope of the "rule of reason" to exclude the jurisdiction of antitrust laws.
2. United States v. Wise, 370 U.S. 405 (1962), was a case in which the Supreme Court of the United States held that corporate officers acting in their duties could be subject to sanctions under the Sherman Antitrust Act.

# Text 1283:

**Louisiana Power & Light Co. v. City of Thibodaux, 360 U.S. 25 (1959), was a case in which the Supreme Court created a new doctrine of abstention.**

1. Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976), was a case in which the Supreme Court of the United States extensively refined the abstention doctrine to prevent duplicative litigation between state and federal courts.
2. Taylor v. Louisiana, 419 U.S. 522 (1975), was a landmark decision of the US Supreme Court which held that systematically excluding women from a venire, or jury pool, by requiring (only) them to actively register for jury duty violated the defendant's right to a representative venire. The court overturned Hoyt v. Florida, the 1961 case that had allowed such a practice.

# Text 1284:

**The Bremen v. Zapata Off-Shore Company, 407 U.S. 1 (1972), was a United States Supreme Court case in which the Court considered when a U.S. court should uphold the validity of a contractual forum selection clause.  
The parties had entered into an agreement for a drilling rig to be towed from Louisiana to Italy, which included a clause stating that disputes would be settled by a court in England. When a storm forced the towing party to make land in Tampa, Florida, the other party sued there. After the lower courts refused to uphold the forum selection clause, the Supreme Court held that it was enforceable unless the party seeking to avoid it could meet the high burden of showing it to be unreasonable or unjust.**

1. Maine v. Taylor, 477 U.S. 131 (1986), was a case in which the Supreme Court of the United States held that there was an exception to the "virtually per se rule of invalidity" of the dormant commerce clause. The Supreme Court of the United States found that a Maine law prohibiting the importation of out-of-state bait fish was constitutional because Maine authorities couldn't be certain that imported fish would be free of "parasites and nonnative species" that might pose environmental harm to local ecology. Discriminatory laws may be upheld only if they serve "legitimate local purposes that could not adequately be served by available nondiscriminatory alternatives," wrote Justice Blackmun, author of the majority opinion. In City of Philadelphia v. New Jersey, the Court had previously ruled that New Jersey's ban of out-of-state solid waste was facially discriminatory to the state's residents in a national market and was therefore overturned.
2. Carnival Cruise Lines, Inc. v. Shute, 499 U.S. 585 (1991), was a case in which the Supreme Court held that United States federal courts will enforce forum selection clauses so long as the clause is not unreasonably burdensome to the party seeking to escape it.

# Text 1285:

**United States v. Martinez-Fuerte, 428 U.S. 543 (1976), was a decision of the United States Supreme Court that allowed the United States Border Patrol to set up permanent or fixed checkpoints on public highways leading to or away from the Mexican border and that the checkpoints are not a violation of the Fourth Amendment.**

1. United States v. Ortiz, 422 U.S. 891 (1975), was a United States Supreme Court case in which the Court held that the Fourth Amendment prevented Border Patrol officers from conducting warrantless, suspicionless searches of private vehicles removed from the border or its functional equivalent.
2. Almeida-Sanchez v. United States, 413 U.S. 266 (1973), was a United States Supreme Court case holding that the search of an automobile by the United States Border Patrol without a warrant or probable cause violates the Fourth Amendment. The vehicle was stopped and searched for illegal aliens twenty-five miles (40 km) from the Mexican border. The Court approached the search from four views: automobile search, administrative inspection, heavily regulated industry inspection, and border search. As to the validity of the search under the automobile exception, the Court found no justification for the search under the Carroll doctrine because there was no probable cause. As to the validity of the search under various administrative inspection doctrines, the Court found that the officers lacked an area warrant. As to the validity of the heavily regulated industry inspection, the Court found that the doctrine is not applicable to traveling on a state highway. As to the validity of a border search, the Court found that the site of the stop and the entirety of the road on which the stop occurred was too far from the border to be considered a border search.

# Text 1286:

**Kentucky v. King, 563 U.S. 452 (2011), was a decision by the US Supreme Court, which held that warrantless searches conducted in police-created exigent circumstances do not violate the Fourth Amendment as long as the police did not create the exigency by violating or threatening to violate the Fourth Amendment.**

1. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 1287:

**Ashcroft v. Iqbal, 556 U.S. 662 (2009), was a United States Supreme Court case which held that plaintiffs must present a "plausible" cause of action. Alongside Bell Atlantic Corp. v. Twombly (and together known as Twiqbal), Iqbal raised the threshold which plaintiffs needed to meet. Further, the Court held that government officials are not liable for the actions of their subordinates without evidence that they ordered the allegedly discriminatory activity. At issue was whether current and former federal officials, including FBI Director Robert Mueller and former United States Attorney General John Ashcroft, were entitled to qualified immunity against an allegation that they knew of or condoned racial and religious discrimination against Muslim men detained after the September 11 attacks. The decision also "transformed civil litigation in the federal courts" by making it much easier for courts to dismiss individuals' suits.**

1. Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), was a decision of the Supreme Court of the United States involving antitrust law and civil procedure. Authored by Justice David Souter, it established that parallel conduct, absent evidence of agreement, is insufficient to sustain an antitrust action under Section 1 of the Sherman Act. It also heightened the pleading requirement for federal civil cases by requiring for plaintiffs to include enough facts in their complaint to make it plausible, not merely possible or conceivable, that they will be able to prove facts to support their claims. The latter change in the law has been met with a great deal of controversy in legal circles, as evidenced by the dissenting opinion from Justice John Paul Stevens.
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 1288:

**Geduldig v. Aiello, 417 U.S. 484 (1974), was an equal protection case in the United States in which the Supreme Court of the United States ruled on whether unfavorable treatment to pregnant women could count as sex discrimination. It held that the denial of insurance benefits for work loss resulting from a normal pregnancy did not violate the Fourteenth Amendment. The California insurance program at issue did not exclude workers from eligibility based on sex but excluded pregnancy from a list of compensable disabilities. The majority found that even though only women would be directly affected by the administrative decision, the classification of normal pregnancy as non-compensable was not a sex-based classification and so the court would defer to the state so long as it could provide a rational basis for its categorization.**

1. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. AT&T Corporation v. Hulteen, 556 U.S. 701 (2009), is a US labor law case of the United States Supreme Court, holding that maternity leave taken before the passage of the 1978 Pregnancy Discrimination Act needed not to be considered in calculating employee pension benefits.

# Text 1289:

**Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1985), was a United States Supreme Court case in which the Court held that:  
  
certain public-sector employees can have a property interest in their employment, per Constitutional Due Process. See Board of Regents v. Roth  
this property right entails a right to "some kind of hearing" before being terminated—a right to oral or written notice of charges against them, an explanation of the employer's evidence, and an opportunity to present their sides of the story.  
thus, the pretermination hearing should be an initial check against mistaken decisions—not a full evidentiary hearing, but essentially a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.  
in this case, because the respondents alleged that they had no chance to respond, the District Court erred in dismissing for failure to state a claim.  
As a result of the case, public sector employers are required to provide a Loudermill hearing and/or a Loudermill letter before terminating an employee.**

1. Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972), was a case decided by the United States Supreme Court concerning alleged discrimination against a nontenured teacher at Wisconsin State University-Oshkosh.  
   David Roth was hired as a first year assistant professor of political science in 1968 for a fixed term of one year, with a possibility of extension on mutual consent of the parties. In accordance with procedural rules set by the Board of Regents, the president of the University informed Roth he would not be rehired for the next academic year, giving him no reason for the decision and no opportunity to challenge it in any sort of hearing. The Board's employment rules provided opportunity for review of teachers "dismissed" before the end of the employment term, but did not extend these protections to teachers whose contracts were simply not renewed.  
   Roth brought suit in federal district court alleging that he was being punished for statements he had made that were critical of the university administration. He said the decision not to rehire him infringed his First Amendment right to freedom of speech. He also alleged that the university's failure to provide a hearing violated his Fourteenth Amendment right to procedural due process of law.  
   In an opinion delivered by Justice Stewart, the Supreme Court held that the Fourteenth Amendment does not require an opportunity for a hearing prior to the nonrenewal of a nontenured state teacher's contract, unless he can show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, despite the lack of tenure or a formal contract.  
   Justice Douglas dissented, writing "When a violation of First Amendment rights is alleged, the reasons for dismissal or for nonrenewal of an employment contract must be examined to see if the reasons given are only a cloak for activity or attitudes protected by the Constitution."  
   Justice Marshall wrote a separate dissent saying that "every citizen who applies for a government job is entitled to it unless the government can establish some reason for denying the employment." He held government to higher scrutiny than private employers and said that government employees deserve "fair and adequate information" at their terminations in order to protect against arbitrary behavior.
2. Cleveland Board of Education v. LaFleur, 414 U.S. 632 (1974), found that overly restrictive maternity leave regulations in public schools violate the Due Process Clause of the Fifth Amendment and the Fourteenth Amendment.

# Text 1290:

**Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.**

1. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.
2. Branzburg v. Hayes, 408 U.S. 665 (1972), was a landmark decision of the US Supreme Court invalidating the use of the First Amendment as a defense for reporters summoned to testify before a grand jury. The case was argued February 23, 1972, and decided June 29 of the same year. The reporters lost their case by a vote of 5–4. This case is cited for the rule that in federal courts, a reporter may not generally avoid testifying in a criminal grand jury, and is one of a limited number of cases in which the U.S. Supreme Court has considered the use of reporters' privilege.

# Text 1291:

**Environmental Defense v. Duke Energy Corporation, 549 U.S. 561 (2007), is a United States Supreme Court case in which the Court held that while a term may be used more than once in a statute, an agency has the discretion to interpret each use of the term in a different way based on the context. It involved the Environmental Defense Fund and Duke Energy. In a unanimous decision, the court held in favor of the plaintiff's (Environmental Defense) argument.  
This case addressed the Clean Air Act (CAA) and two of its programs, Prevention of Significant Deterioration (PSD) and New Source Performance Standard (NSPS). PSD applies to regulating annual emissions; NSPS pertains to regulating hourly emissions, although the defendants argued that the hourly emissions of their facilities remained unchanged. Each section of the Clean Air Act, that outlines the provisions of the PSD and the NSPS, defines "modification" differently. As a result, the inconsistency of the term "modification" in the CAA becomes the main debate of the case and the main argument for both the plaintiffs and defendants.**

1. Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984), was a landmark decision of the United States Supreme Court that set forth the legal test used when U.S. federal courts must defer to a government agency's interpretation of a law or statute. The decision articulated a doctrine known as "Chevron deference". Chevron deference consisted of a two-part test that was deferential to government agencies: first, whether Congress has spoken directly to the precise issue at question, and second, "whether the agency's answer is based on a permissible construction of the statute".  
   The decision involved a legal challenge to a change in the U.S. government's interpretation of the word "source" in the Clean Air Act of 1963. The Act did not precisely define what constituted a "source" of air pollution. The Environmental Protection Agency (EPA) initially defined "source" to cover essentially any significant change or addition to a plant or factory. In 1981, the EPA changed its definition to mean only an entire plant or factory. This allowed companies to build new projects without going through the EPA's lengthy new review process if they simultaneously modified other parts of their plant to reduce emissions, avoiding any net change. Natural Resources Defense Council, an environmentalist advocacy group, challenged the legality of the EPA's new definition. NRDC won the case in a federal court, but the Supreme Court overturned that decision and ruled in favor of Chevron on the grounds that the courts should broadly defer to EPA and other independent regulatory agencies.  
   Chevron was one of the most important decisions in U.S. administrative law and was cited in thousands of cases. Forty years later, in June 2024, the Supreme Court overruled Chevron in Loper Bright Enterprises v. Raimondo, on the ground that it conflicts with the Administrative Procedure Act.
2. Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 (1978), was a case in which the United States Supreme Court overturned the United States District Court for the Western District of North Carolina's decision that the Price Anderson Act violated equal protection by treating victims of nuclear accidents differently from the victims of other industrial accidents.

# Text 1292:

**Lehnert v. Ferris Faculty Association, 500 U.S. 507 (1991), deals with First Amendment rights and unions in public employment.**

1. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.
2. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.

# Text 1293:

**Beacon Theatres, Inc. v. Westover, 359 U.S. 500 (1959), was a case decided by the Supreme Court of the United States dealing with jury trials in civil matters. The court held that where legal and equitable claims are joined in the same action, the legal claims must be tried by a jury before the equitable claims can be resolved.  
Cornell Law School's Legal Information Institute summarized it like this:  
  
In Beacon Theatres v. Westover, the Court held that a district court erred in trying all issues itself in an action in which the plaintiff sought a declaratory judgment and an injunction barring the defendant from instituting an antitrust action against it, and the defendant had filed a counterclaim alleging violation of the antitrust laws and asking for treble damages. It did not matter, the Court ruled, that the equitable claims had been filed first and the law counterclaims involved allegations common to the equitable claims. Subsequent jury trial of these issues would probably be precluded by collateral estoppel, hence "only under the most imperative circumstances which in view of the flexible procedures of the Federal Rules we cannot now anticipate, can the right to a jury trial of legal issues be lost through prior determination of equitable claims."  
The question was whether the exclusive agreement of Fox Theatres with the distributor Westover for first-run movies was reasonable.**

1. Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), is a United States Supreme Court case on whether the interpretation of patent claims is a matter of law or a question of fact. An issue designated as a matter of law is resolved by the judge, and an issue construed as a question of fact is determined by the jury.
2. Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), was a case in which the Supreme Court of the United States held that localities may impose regulations prohibiting adult theaters from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction. The specific restriction at issue was established by Renton, Washington, and prohibited adult theaters within 1,000 feet from any residential zone, single- or multiple-family dwelling, church, park, or school.

# Text 1294:

**Rowan v. Post Office Dept., 397 U.S. 728 (1970), is a case in which the United States Supreme Court ruled that an addressee of postal mail has sole, complete, unfettered and unreviewable discretion to decide whether he or she wishes to receive further material from a particular sender, and that the sender does not have a constitutional right to send unwanted material into someone's home. It thus created a quasi-exception to free speech in cases in which a person is held as a "captive audience".**

1. United States v. Reidel, 402 U.S. 351 (1971), was a United States Supreme Court case in which the Court held that a postal regulation that banned the sale of adult materials was constitutionally permissible.
2. Lamont v. Postmaster General, 381 U.S. 301 (1965), was a landmark First Amendment Supreme Court case, in which the ruling of the Supreme Court struck down § 305(a) of the Postal Service and Federal Employees Salary Act of 1962, a federal statute requiring the Postmaster General to detain and deliver only upon the addressee's request unsealed foreign mailings of "communist political propaganda."

# Text 1295:

**Aguilar v. Felton, 473 U.S. 402 (1985), was a United States Supreme Court case holding that New York City's program that sent public school teachers into parochial schools to provide remedial education to disadvantaged children pursuant to Title I of the Elementary and Secondary Education Act of 1965 necessitated an excessive entanglement of church and state and violated the Establishment Clause of the First Amendment to the United States Constitution.  
Aguilar v. Felton was subsequently overruled by Agostini v. Felton, 521 U.S. 203 (1997).**

1. Agostini v. Felton, 521 U.S. 203 (1997), is a landmark decision of the Supreme Court of the United States. In this case, the Court overruled its decision in Aguilar v. Felton (1985), now finding that it was not a violation of the Establishment Clause of the First Amendment for a state-sponsored education initiative to allow public school teachers to instruct at religious schools, so long as the material was secular and neutral in nature and no "excessive entanglement" between government and religion was apparent. This case is noteworthy in a broader sense as a sign of evolving judicial standards surrounding the First Amendment, and the changes that have occurred in modern Establishment Clause jurisprudence.
2. Edwards v. Aguillard, 482 U.S. 578 (1987), was a United States Supreme Court case concerning the constitutionality of teaching creationism. The Court considered a Louisiana law requiring that where evolutionary science was taught in public schools, creation science must also be taught. The constitutionality of the law was successfully challenged in District Court, Aguillard v. Treen, 634 F. Supp. 426 (ED La.1985), and the United States Court of Appeals for the Fifth Circuit affirmed, Aguillard v. Edwards, 765 F.2d 1251 (CA5 1985). The United States Supreme Court ruled that this law violated the Establishment Clause of the First Amendment because the law was specifically intended to advance a particular religion. In its decision, the court opined that "teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction."  
   In support of Aguillard, 72 Nobel Prize-winning scientists, 17 state academies of science, and seven other scientific organizations filed amicus briefs that described creation science as being composed of religious tenets.

# Text 1296:

**14 Penn Plaza LLC v. Pyett, 556 U.S. 247 (2009), is a United States labor law case decided by the United States Supreme Court on the rights of unionized workers to sue their employer for age discrimination. In this 2009 decision, the Court decided that whenever a union contract "clearly and unmistakably" requires that all age discrimination claims under the Age Discrimination in Employment Act of 1967 (ADEA) be decided through arbitration, then employees subject to that contract cannot have those claims heard in court.  
Pyett's lawyers, in addition to arguing that a union could not legally bargain away an employee's right to pursue an ADEA claim in court, also argued that "the facts… [show that the union] Local32BJ… has not done so in this case." However, because these arguments had not been raised in the lower courts, the Supreme Court chose not to consider them and decided that the Collective Bargaining Agreement in this case did mandate that the employees' ADEA claims had to be resolved through arbitration.  
Prior to the Supreme Court's decision in 14 Penn Plaza v. Pyett, employees who were covered under union contracts, often referred to as bargaining unit members, had been able to raise any claims of civil rights violations by their employer in court. This had been the case regardless of the language which was stated in their union contract, a document often referred to as a collective bargaining agreement, or CBA.**

1. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.
2. Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.

# Text 1297:

**Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), is a United States Supreme Court case that involved issues concerning statutory standing in antitrust law.  
The decision established the rule that indirect purchasers of goods or services along a supply chain cannot seek damages for antitrust violations committed by the original manufacturer or service provider, but it permitted such claims by direct purchasers. Several courts recognize exceptions to the rule.  
The decision has become known as the "Illinois Brick doctrine" and is applied to determine whether a plaintiff has standing to bring claims under various federal antitrust statutes.**

1. Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959), is a United States Supreme Court case in which the Court held that the Illinois law requiring trucks to have unique mudguards was unconstitutional under the Commerce clause.
2. Federal Trade Commission v. Sperry & Hutchinson Trading Stamp Co., 405 U.S. 233 (1972), is a decision of the United States Supreme Court holding that the Federal Trade Commission (FTC) may act against a company's “unfair” business practices even though the practice is none of the following: an antitrust violation, an incipient antitrust violation, a violation of the “spirit” of the antitrust laws, or a deceptive practice. This legal theory is termed the "unfairness doctrine."

# Text 1298:

**Eisenstadt v. Baird, 405 U.S. 438 (1972), was a landmark decision of the U.S. Supreme Court that established the right of unmarried people to possess contraception on the same basis as married couples.  
The Court struck down a Massachusetts law prohibiting the distribution of contraceptives to unmarried people for the purpose of preventing pregnancy, ruling that it violated the Equal Protection Clause of the U.S. Constitution. The decision effectively legalized (heterosexual) premarital sex in the United States.**

1. Griswold v. Connecticut, 381 U.S. 479 (1965), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States protects the liberty of married couples to use contraceptives without government restriction. The case involved a Connecticut "Little Comstock Act" that prohibited any person from using "any drug, medicinal article or instrument for the purpose of preventing conception". The court held that the statute was unconstitutional, and that its effect was "to deny disadvantaged citizens ... access to medical assistance and up-to-date information in respect to proper methods of birth control." By a vote of 7–2, the Supreme Court invalidated the law on the grounds that it violated the "right to marital privacy", establishing the basis for the right to privacy with respect to intimate practices. This and other cases view the right to privacy as "protected from governmental intrusion".  
   Although the U.S. Bill of Rights does not explicitly mention "privacy", Justice William O. Douglas wrote for the majority, "Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship." Justice Arthur Goldberg wrote a concurring opinion in which he used the Ninth Amendment to the U.S. Constitution in support of the ruling. Justice John Marshall Harlan II wrote a concurring opinion arguing that privacy is protected by the due process clause of the Fourteenth Amendment to the U.S. Constitution, while Justice Byron White argued that Connecticut's law failed the rational basis standard.
2. Carey v. Population Services International, 431 U.S. 678 (1977), was a landmark decision of the U.S. Supreme Court in which the Court held that it was unconstitutional to prohibit anyone other than a licensed pharmacist to distribute nonprescription contraceptives to persons 16 years of age or over, to prohibit the distribution of nonprescription contraceptives by any adult to minors under 16 years of age, and to prohibit anyone, including licensed pharmacists, to advertise or display contraceptives.  
   The Court held that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution does not allow a state to intrude on an individual's decisions on matters of procreation which is protected as privacy rights.

# Text 1299:

**Scales v. United States, 367 U.S. 203 (1961), was a 1960 decision of the United States Supreme Court that upheld the conviction of Junius Scales for violating of the Smith Act on the basis on his membership in the Communist Party of the United States (CPUSA).**

1. Marks v. United States, 430 U.S. 188 (1977), is a case decided by the Supreme Court of the United States that explained how the holding of a case should be viewed where there is no majority supporting the rationale of any opinion.
2. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.

# Text 1300:

**Hodgson v. Minnesota, 497 U.S. 417 (1990), was a United States Supreme Court abortion rights case that dealt with whether a state law may require notification of both parents before a minor can obtain an abortion. The law in question provided a judicial alternative.**

1. H. L. v. Matheson, 450 U.S. 398 (1981), was a United States Supreme Court abortion rights case, according to which a state may require a doctor to inform a teenaged girl's parents before performing an abortion or face criminal penalty.
2. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.

# Text 1301:

**Herrera v. Collins, 506 U.S. 390 (1993), was a case in which the Supreme Court of the United States ruled by 6 votes to 3 that a claim of actual innocence does not entitle a petitioner to federal habeas corpus relief by way of the Eighth Amendment's ban on cruel and unusual punishment.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18

# Text 1302:

**Estelle v. Williams, 425 U.S. 501 (1976), is a Supreme Court case involving Harry Lee Williams' conviction of assault on his former landlord in Harris County, Texas. While awaiting trial Williams was unable to post bail. He was tried in his prison uniform, and later was found guilty. He sought a writ of habeas corpus saying being tried in a prison uniform violated his Constitutional rights in accordance with the 14th Amendment. The Court of Appeals ruled that the accused does not have to stand trial in identifiable prison clothes and Williams’ right to due process was violated. The Supreme Court reversed, reinstating the conviction, on June 21, 1976.**

1. Estelle v. Smith, 451 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that, per Miranda v. Arizona (1966), the state may not force a defendant to submit to a psychiatric examination solely for the purposes of sentencing. Any such examination violates the defendant's Fifth Amendment rights against self-incrimination as well as the Sixth Amendment right to counsel, and is therefore inadmissible at sentencing.
2. Estelle v. Gamble, 429 U.S. 97 (1976), was a case in which the Supreme Court of the United States established the standard of what a prisoner must plead in order to claim a violation of Eighth Amendment rights under 42 U.S.C. § 1983. Specifically, the Court held that a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. Though the Court credited Gamble's complaint that doctors had failed to provide appropriate care, it held that medical malpractice did not rise to the level of "cruel and unusual punishment" simply because the victim is a prisoner.

# Text 1303:

**Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.**

1. Ham v. South Carolina, 409 U.S. 524 (1973), was a United States Supreme Court decision concerning examinations of prospective jurors during voir dire. The Court held that the trial court's failure to "have the jurors interrogated on the issue of racial bias" violated the petitioner's due process right under the Fourteenth Amendment. This right does not extend to any question of bias, but it does not preclude questions of relevant biases.
2. NAACP v. Button, 371 U.S. 415 (1963), is a ruling by the Supreme Court of the United States which held that the reservation of jurisdiction by a federal district court did not bar the U.S. Supreme Court from reviewing a state court's ruling, and also overturned certain laws enacted by the state of Virginia in 1956 as part of the Stanley Plan and massive resistance, as violating the First and Fourteenth Amendments to the United States Constitution. The statutes struck down by the Supreme Court (and one overturned by the Virginia Supreme Court after the 1959 remand in Harrison v. NAACP) had expanded the definitions of the traditional common law crimes of champerty and maintenance, as well as barratry, and had been targeted at the NAACP and its civil rights litigation.

# Text 1304:

**Ybarra v. Illinois was a decision of the U.S. Supreme Court which ruled that a warrant can not be used to search an unnamed individual unless the warrant mentions that unnamed parties are involved or exigent circumstances are shown to exist.**

1. Illinois v. Rodriguez, 497 U.S. 177 (1990), is a U.S. Supreme Court case dealing with the issue of whether a warrantless search conducted pursuant to third party consent violates the Fourth Amendment when the third party does not actually possess common authority over the premises.
2. Rakas v. Illinois, 439 U.S. 128 (1978), was a decision by the United States Supreme Court, in which the Court held that the "legitimately on the property" requirement of Jones v. United States, for challenging the legality of a police search, was too broad. The majority opinion by then-Associate Justice Rehnquist held that a defendant needs to show a "legitimate" expectation of privacy in the place searched in order to be eligible to challenge the search. For example, an overnight guest in a friend's apartment has such "standing".  
   In the case at issue, the Court ruled that vehicular passengers in a car they did not own had no such legitimate expectation.

# Text 1305:

**Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986), was a United States Supreme Court case involving a challenge to Pennsylvania's Abortion Control Act of 1982.**

1. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.
2. Beal v. Doe, 432 U.S. 438 (1977), was a United States Supreme Court case that concerned the disbursement of federal funds in Pennsylvania. Pennsylvania statute restricted federal funding to abortion clinics. The Supreme Court ruled states are not required to treat abortion in the same manner as potential motherhood. The opinion of the Court left the central holding of the Roe v. Wade decision – abortion as a right – intact. The statute was upheld, with Justice Powell writing the majority opinion.

# Text 1306:

**Oyler v. Boles, 368 U.S. 448 (1962), was a case heard by the Supreme Court of the United States.**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Monell v. Department of Social Services, 436 U.S. 658 (1978), is an opinion given by the United States Supreme Court in which the Court overruled Monroe v. Pape by holding that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil action for deprivation of rights. Additionally, the Court held that §1983 claims against municipal entities must be based on implementation of a policy or custom.

# Text 1307:

**Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.**

1. Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985), is a United States Supreme Court decision concerning arbitration of antitrust claims. The Court heard the case on appeal from the United States Court of Appeals for the First Circuit, which had ruled that the arbitration clause in a Puerto Rican car dealer's franchise agreement was broad enough to reach its antitrust claim. By a 5–3 margin it upheld the lower court, requiring that the dealer arbitrate its claim before a panel in Tokyo, as stipulated in the contract.  
   Justice Harry Blackmun wrote for the majority that the Federal Arbitration Act (FAA) was broad enough to require arbitration of statutory claims as well as contractual ones, extending a recent line of Court decisions favorable to arbitration. A controversial footnote, creating a possible "prospective waiver" doctrine that would allow a party to avoid arbitration under foreign law, has been much criticized by commentators and at the same time raised by many litigants. In 2009 the Eleventh Circuit found it valid for an injured cruise-ship worker, but two years later cast doubt on that conclusion.  
   In dissent, Justice John Paul Stevens argued that antitrust claims were too complex and important to be left to arbitrators and that in any event none of the claims were arbitrable under the terms of the contract itself. He expressed incredulousness that his colleagues would require an American company to arbitrate a claim under American antitrust law before a panel of foreign arbitrators.  
   While the case formed an important part of the Court's expansion of arbitrability in the late 20th and early 21st centuries, it could not have reached a court today. In 2002, after years of lobbying by the National Automobile Dealers Association, Congress passed the Motor Vehicle Franchise Contract Arbitration Fairness Act, which prohibited mandatory predispute arbitration clauses in motor vehicle dealership franchise agreements. President George W. Bush signed it into law, the first time a specific exception to the FAA had been legislated since the Court began expanding its scope.
2. AT&T Mobility LLC v. Concepcion, 563 U.S. 333 (2011), is a legal dispute that was decided by the United States Supreme Court. On April 27, 2011, the Court ruled, by a 5–4 margin, that the Federal Arbitration Act of 1925 preempts state laws that prohibit contracts from disallowing class-wide arbitration, such as the law previously upheld by the California Supreme Court in the case of Discover Bank v. Superior Court. As a result, businesses that include arbitration agreements with class action waivers can require consumers to bring claims only in individual arbitrations, rather than in court as part of a class action.: 708–09   
   The decision was described by Jean Sternlight as a "tsunami that is wiping out existing and potential consumer and employment class actions": 704  and by law professor Myriam Gilles as "the real game-changer for class action litigation". By April 2012, Concepcion was cited in at least 76 decisions sending putative class actions to individual arbitration. After the decision, several major businesses introduced or changed arbitration terms in their consumer contracts (some of which were based on the consumer-friendly terms found in the AT&T Mobility agreement), although the hypothesis of massive adoption of consumer arbitration clauses following the decision has been disputed.

# Text 1308:

**Hanna v. Plumer, 380 U.S. 460 (1965), was a decision by the Supreme Court of the United States, in which the Court further refined the Erie doctrine regarding when and by what means federal courts are obliged to apply state law in cases brought under diversity jurisdiction. The question in the instant case was whether Federal Rules of Civil Procedure governing service of process should yield to state rules governing the service of process in diversity cases. The Court ruled that under the facts of this case, federal courts shall apply the federal rule. The decision was drafted by John Hart Ely, who was then a law clerk for Earl Warren.**

1. Gasperini v. Center for Humanities, 518 U.S. 415 (1996), was a decision by the Supreme Court of the United States in which the Court further refined the Erie doctrine regarding when and how federal courts are to apply state law in cases brought under diversity jurisdiction. The Court held that the New York state rule applied.
2. Burlington Northern Railroad Co. v. Woods, 480 U.S. 1 (1987), was a United States Supreme Court case that applied the precedent of Hanna v. Plumer to a conflict between state and federal procedural rules for a federal court sitting in diversity.

# Text 1309:

**Baxstrom v. Herold, 383 U.S. 107 (1966), was a case decided by the Supreme Court of the United States that held that civil commitment following a prison term does not run afoul of double jeopardy principles.**

1. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.
2. Addington v. Texas, 441 U.S. 418 (1979), was a landmark decision of the US Supreme Court that set the standard for involuntary commitment for treatment by raising the burden of proof required to commit persons for psychiatric treatment from the usual civil burden of proof of "preponderance of the evidence" to "clear and convincing evidence".

# Text 1310:

**Scott v. Harris, 550 U.S. 372 (2007), was a decision by the Supreme Court of the United States involving a lawsuit against a sheriff's deputy brought by a motorist who was paralyzed after the officer ran his eluding vehicle off the road during a high-speed car chase. The driver contended that this action was an unreasonable seizure under the Fourth Amendment. The case also involved the question of whether a police officer's qualified immunity shielded him from suit under Section 1983. On April 30, 2007, in an 8–1 decision, the court sided with police and ruled that a "police officer's attempt to terminate a dangerous high-speed car chase that threatens the lives of innocent bystanders does not violate the Fourth Amendment, even when it places the fleeing motorist at risk of serious injury or death." In a rare occurrence, the court accepted the presentation of video evidence of the high-speed pursuit. Such procedure is quite uncommon in the Supreme Court and was viewed as part of an interesting relationship between the Supreme Court and technology. The video had a strong effect on the Court's decision and is viewed as a major factor in how the court made its decision. The author of the opinion, Justice Antonin Scalia, in a first-time occurrence ever, posted the video of the car chase online (for access to the video, see external links below).  
Justice John Paul Stevens, the lone dissenter, argued that the videotape evidence was not decisive, as the majority claimed it to be, and that a jury should determine if deadly force was justified. He stated a jury should be used, instead of the case "being decided by a group of elderly appellate judges," a reference to himself and his colleagues on the court (this sentence is not in the text of the dissent, but he pronounced it while reading the opinion at bench).  
Three law professors created an experiment based on the video, showing it to over a thousand subjects and then asking them whether they thought the use of deadly force was reasonable. The study found "[a] fairly substantial majority did interpret the facts the way the Court did. But members of various subcommunities did not." The study and the disagreement over the reasonableness of the use of deadly force was reported in the Harvard Law Review.**

1. Tennessee v. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."  
   It was found that the use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.: 563–7  Legal scholars have expressed support for this decision stating that the decision had "a strong effect on police behavior" and specifically that it can "influence police use of deadly force."
2. Whren v. United States, 517 U.S. 806 (1996), was a unanimous United States Supreme Court decision that "declared that any traffic offense committed by a driver was a legitimate legal basis for a stop."  
   In an opinion authored by Antonin Scalia, the court held that a search and seizure is not a violation of the Fourth Amendment in cases where the police officers have a "reasonable suspicion" that a traffic violation has occurred. The personal, or subjective, motives of an officer are not a factor in the Court's Fourth Amendment analysis of whether the cause for a stop is sufficient. The standard for reasonable suspicion is purely an objective one.  
   A major concern with this case's ruling is that police conducting traffic stops may racially profile the stopped persons. Similar to the controversy around New York City's Stop and Frisk program, some believe that the ruling in Whren will lead to an increase in racial profiling towards young African American males.

# Text 1311:

**Dandridge v. Williams, 397 U.S. 471 (1970), was a United States Supreme Court case based on the Equal Protection Clause of the Fourteenth Amendment. It held that a state can cap welfare based on the Aid to Families with Dependent Children at $250.00 per month regardless of the family's size or need. The plaintiffs were attempting to make the amount variable based on size.**

1. King v. Smith, 392 U.S. 309 (1968), was a unanimous decision in which the Supreme Court of the United States held that Aid to Families with Dependent Children (AFDC) could not be withheld because of the presence of a "substitute father" who visited a family on weekends. The issue before the US Supreme Court involved how the states could determine how to implement a federal program. The court used the term "co-operative federalism." Shapiro v. Thompson, King v. Smith and Goldberg v. Kelly were a set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.
2. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."

# Text 1312:

**Sherman v. United States, 356 U.S. 369 (1958), was a United States Supreme Court case on the issue of entrapment. Unanimously, the Court overturned the conviction of a recovering New York drug addict who had been repeatedly solicited for drug sales by a fellow former addict who was working with federal agents.  
The case was a virtual replay of Sorrells v. United States, the 1932 case in which the justices had first recognized entrapment as a defense. As in that case, all agreed the defendant had been entrapped, but the majority and a separate concurrence were at odds over what the best grounding for the entrapment defense was.**

1. United States v. Russell, 411 U.S. 423 (1973), is a Supreme Court case dealing with the entrapment defense. The court split 5-4 and maintained the subjective theory that had first been adopted in Sorrells v. United States, 287 U.S. 435 (1932). Although an undercover federal agent had helped procure a key ingredient for an illegal methamphetamine manufacturing operation, and assisted in the process, the Court followed its earlier rulings on the subject and found that the defendant had a predisposition to make and sell illegal drugs whether he worked with the government or not.  
   Russell had admitted to that during his appeal, but he and his lawyers argued that the entrapment defense should focus entirely on what the federal operatives did and not his state of mind. They asked the Court to overrule two previous cases that had established this "subjective" test in favor of the "objective" one they advocated. It declined to do so. But Justice William Rehnquist pondered the possibility that what has become known as "outrageous government conduct" might force a judicial hand in an entrapment case regardless of any specific rights that had been or not been violated. While he backed away from it in a later opinion, his words have become a rallying point for advocates of the objective entrapment standard.
2. Hampton v. United States, 425 U.S. 484 (1976), is a United States Supreme Court decision on the subject of Entrapment. By a 5–3 margin, the Court upheld the conviction of a Missouri man for selling heroin even though all the drug sold was supplied to him, he claimed, by a Drug Enforcement Administration informant who had, in turn, gotten it from the DEA. The majority held that the record showed Hampton was predisposed to sell drugs no matter his source.  
   The case came before the court when the defendant argued that while he was predisposed, it was irrelevant since the government's possible role as sole supplier in the case constituted the sort of "outrageous government conduct" that Justice William Rehnquist had speculated could lead to the reversal of a conviction in the court's last entrapment case, United States v. Russell. Rehnquist was not impressed and rejected the argument in his majority opinion.  
   The dissents agreed that the government's purported action was outrageous and that the conviction should be overturned on those grounds. The justices were among those who had said in Russell that the "subjective" entrapment standard adopted by the Court since it first recognized entrapment as a valid defense in Sorrells v. United States, was less fair and appropriate than the "objective" standard of evaluating official conduct, which dissents and concurrences in entrapment cases over the years had argued for. However, this was the last entrapment case to feature that conflict.

# Text 1313:

**Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992), was a case in which the Supreme Court of the United States established the "total takings" test for evaluating whether a particular regulatory action constitutes a regulatory taking that requires compensation.**

1. In Nollan v. California Coastal Commission, 483 U.S. 825 (1987), the United States Supreme Court ruled that a California Coastal Commission regulation which required private homeowners to dedicate a public easement along valuable beachfront property as a condition of approval for a construction permit to renovate their beach bungalow was unconstitutional. The Coastal Commission had asserted that the public-easement condition was a legitimate state interest of diminishing the "blockage of the view of the ocean" caused by the home renovation, even though the easement would not have created any additional public view of the ocean. The Court held that in evaluating such claims, there must be an "essential nexus" between a legitimate state interest and the actual conditions of the permit being issued.  
   In a 5–4 ruling, the Supreme Court ruled that a requirement by the CCC was a taking in violation of the Takings Clause of the Fifth Amendment, as incorporated against the states by the Fourteenth Amendment.
2. Skipper v. South Carolina, 476 U.S. 1 (1986), is a United States Supreme Court case in which the Court held that the rule from Lockett v. Ohio (1978) dictated that mitigating evidence not be subject to limitations based on relevance.

# Text 1314:

**Fong Foo v. United States, 369 U.S. 141 (1962), was a Supreme Court ruling that upheld the protection from double jeopardy by the federal government. While the protection from double jeopardy did not get incorporated to apply to the state governments until 1969 (see Benton v. Maryland), the Supreme Court ruled that the Fifth Amendment to the United States Constitution prevented the Federal Government from bringing a defendant to trial twice for the same charge. In this case, the court ruled that despite the error of the District Judge, the 5th Amendment protected the defendants from facing a second trial for the same charge.**

1. Benton v. Maryland, 395 U.S. 784 (1969), is a Supreme Court of the United States decision concerning double jeopardy. Benton ruled that the Double Jeopardy Clause of the Fifth Amendment applies to the states. In doing so, Benton expressly overruled Palko v. Connecticut.
2. Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
   This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.

# Text 1315:

**Rogers v. Lodge, 458 U.S. 613 (1982), was a United States Supreme Court case in which the Court held that an at-large election system for a large rural county with a large black population violated the Equal Protection Clause.**

1. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.
2. Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.

# Text 1316:

**Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.**

1. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.
2. Sun Oil Co. v. Wortman, 486 U.S. 717 (1988), was a conflict of laws case decided by the United States Supreme Court.

# Text 1317:

**Forest Grove School District v. T. A., 557 U.S. 230 (2009), is a case in which the United States Supreme Court held that the Individuals with Disabilities Education Act (IDEA) authorizes reimbursement for private special education services when a public school fails to provide a "free appropriate public education" (FAPE) and the private school placement is appropriate, regardless of whether the child previously received special education services through the public school.**

1. Winkelman v. Parma City School District, 550 U.S. 516 (2007), is a civil suit under the Individuals with Disabilities Education Act decided by the Supreme Court of the United States. Justice Kennedy held for the seven-justice majority that parents may file suit under IDEA pro se. Justice Kennedy declined to reach the question whether parents may represent the interests of their children pro se, instead concluding that IDEA created a set of independently enforceable rights in parents.
2. Florence County School Dist. Four v. Carter, 510 U.S. 7 (1993), was a case in which the Supreme Court of the United States held that, in certain circumstances, a court may order that parents be reimbursed for unilaterally withdrawing disabled children from schools that do not comply with the Individuals with Disabilities Education Act.

# Text 1318:

**Dean v. United States, 556 U.S. 568 (2009), was a decision by the United States Supreme Court upholding a 10-year penalty for the discharge of a firearm during the commission of any violent or drug trafficking crime, against a bank robber whose gun went off accidentally.**

1. Smith v. United States, 508 U.S. 223 (1993), is a United States Supreme Court case that held that the exchange of a gun for drugs constituted "use" of the firearm for purposes of a federal statute imposing penalties for "use" of a firearm "during and in relation to" a drug trafficking crime.  
   In Watson v. United States, 128 S.Ct. 697 (2007) the court later decided that a transaction in the opposite direction does not violate the same statute (i.e., Smith holds that one "uses" a gun by giving it in exchange for drugs, but Watson holds that one does not "use" a gun by receiving it in exchange for drugs).
2. McLaughlin v. United States, 476 U.S. 16 (1986), was a United States Supreme Court case in which the Court unanimously held that an unloaded handgun is a “dangerous weapon” within the meaning of federal bank robbery laws. Justice John Paul Stevens' brief four-paragraph opinion in McLaughlin has been described by some analysts as "the shortest opinion by the Court in decades."

# Text 1319:

**Ingersoll-Rand Co. v. McClendon, 498 U.S. 133 (1990), is a US labor law case, concerning the scope of labor rights in the United States.**

1. National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980), is a US labor law case, concerning the scope of labor rights in the United States.
2. Machinists v. Wisconsin Employment Relations Commission, 427 U.S. 132 (1976), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 1320:

**Red Lion Broadcasting Co. v. Federal Communications Commission, 395 U.S. 367 (1969), was a seminal First Amendment ruling at the United States Supreme Court. The Supreme Court held that radio broadcasters enjoyed free speech rights under the First Amendment, but those rights could be partially restricted by the Federal Communications Commission (FCC) to maintain the public interest in equitable use of scarce broadcasting frequencies. As a result, the FCC's Fairness Doctrine was found to be constitutional.**

1. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.
2. Federal Communications Commission v. Fox Television Stations, Inc., 556 U.S. 502 (2009), is a decision by the United States Supreme Court that upheld regulations of the Federal Communications Commission that ban "fleeting expletives" on television broadcasts, finding they were not arbitrary and capricious under the Administrative Procedure Act. The constitutional issue, however, was not resolved and was remanded to the Second Circuit and re-appealed to the Supreme Court for a decision in June 2012.

# Text 1321:

**Arizonans for Official English v. Arizona, 520 U.S. 43 (1996), was a United States Supreme Court decision that held that Article III required standing for each stage of litigation, rather than just when a complaint is filed.**

1. McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973), was a case in which the Supreme Court of the United States holding that Arizona has no jurisdiction to impose a tax on the income of Navajo Indians residing on the Navajo Reservation if their income is wholly derived from reservation sources.
2. Williams v. Lee, 358 U.S. 217 (1959), was a landmark case in which the Supreme Court of the United States held that the State of Arizona does not have jurisdiction to try a civil case between a non-Indian doing business on a reservation with tribal members who reside on the reservation, the proper forum for such cases being the tribal court.  
   The Navajo tribe has lived in the southwestern United States and first came into contact with the United States government in 1846, signing a treaty with the government in 1849. In the early 1860s, the government removed the tribe from their traditional area to eastern New Mexico at the Bosque Redondo. In 1868, the United States and the tribe signed a new treaty to put it back on a reservation in their traditional lands, where the tribe focused on raising sheep and goats.

# Text 1322:

**Connick v. Myers, 461 U.S. 138 (1983), is a United States Supreme Court decision concerning the First Amendment rights of public employees who speak on matters of possible public concern within the workplace context. It was first brought by Sheila Myers, an Orleans Parish, Louisiana, assistant district attorney (ADA). She had been fired by her superior, District Attorney Harry Connick Sr., when, after receiving a transfer she had fiercely resisted in private conversations with him and his chief assistant district attorney, she distributed a questionnaire to her fellow prosecutors asking about their experience with Connick's management practices. At trial, Judge Jack Gordon of the Eastern District of Louisiana found the firing had been motivated by the questionnaire and was thus an infringement on her right to speak out on matters of public concern as a public employee. After the Fifth Circuit affirmed the verdict, Connick appealed to the Supreme Court.  
The justices reversed the lower courts by a 5–4 margin. Justice Byron White wrote for the majority that most of the matters Myers' questionnaire had touched on were of personal, not public, concern and that the action had damaged the harmonious relations necessary for the efficient operation of the district attorney's office. William Brennan argued in dissent that the majority's application of precedent was flawed. He argued that all the matters in the questionnaire were of public concern, and feared a chilling effect on speech by public employees about such matters would result.  
The case was the first in a line considering the right of public employees to speak contemporaneously with their employment that had started with Pickering v. Board of Education (1968) fifteen years earlier in which the Court sided with the employee. It introduced the test of whether the employee's speech had been on matters of public concern to the balancing of employer and employee interest prescribed in the earlier case. The two would guide the Court's interpretation of later cases such as Rankin v. McPherson (1987). In the 1990s and 2000s, Waters v. Churchill (1994) and Garcetti v. Ceballos (2006), the latter with some similarities to the circumstances of Connick, would further clarify the Court's holding.**

1. Connick v. Thompson, 563 U.S. 51 (2011), is a United States Supreme Court case in which the Court considered whether a prosecutor's office can be held liable for a single Brady violation by one of its members on the theory that the office provided inadequate training.
2. Waters v. Churchill, 511 U.S. 661 (1994), is a United States Supreme Court case concerning the First Amendment rights of public employees in the workplace. By a 7–2 margin the justices held that it was not necessary to determine what a nurse at a public hospital had actually said while criticizing a supervisor's staffing practices to coworkers, as long as the hospital had formed a reasonable belief as to the content of her remarks and reasonably believed that they could be disruptive to its operations. They vacated a Seventh Circuit Court of Appeals ruling in her favor, and ordered the case remanded to district court to determine instead if the nurse had been fired for the speech or other reasons, per the Court's ruling two decades prior in Mt. Healthy City School District Board of Education v. Doyle.  
   The case had first been brought by Cheryl Churchill, a nurse in the obstetrics ward at McDonough District Hospital, operated by the city of Macomb, Illinois. During a dinner break one night in early 1987, she had been talking with another nurse who was considering transferring to obstetrics. In that conversation she made statements critical of cross-training practices recently implemented by the hospital's nursing supervisor, Cindy Waters, and referred to personal issues between the two. Another nurse who overheard the conversation believed Churchill's comments about Waters had dissuaded her interlocutor from the transfer, and reported it to Waters. After an investigation in which Churchill alleged she was never asked about what she had said, she was fired.  
   There were four separate opinions. Sandra Day O'Connor wrote for a four-justice plurality that the government has a lower obligation to respect constitutional rights when it acts as employer rather than as the sovereign. Accordingly, in that situation it should not be required to meet a due process standard greater than the reasonableness of its own finding of fact. David Souter added a short concurring opinion qualifying the plurality, which he said was in fact a majority, with his insistence that in such cases the government must demonstrate that its understanding of what the employee said was not only a reasonable belief but a truthful one. Antonin Scalia concurred as well, but harshly criticized O'Connor's opinion. He read it as requiring a procedural handling of every possible adverse personnel action where First Amendment rights might be implicated, providing "more questions than answers". John Paul Stevens' dissent argued that the First Amendment required that the lower court determine exactly what Churchill had said before ruling on whether it was protected.  
   Outside commentators have also been critical of the decision, since it might discourage whistleblowers. In addition to echoing Stevens' concerns, they have seen it as abandoning any concern for the truth, imposing a heavy burden on a plaintiff, relying on an overly narrow conception of the public's interest, and possibly discouraging people from entering public service. The decision resulted in a lower court changing its ruling in a high-profile case involving controversial academic Leonard Jeffries.

# Text 1323:

**Townsend v. Sain, 372 U.S. 293 (1963), was a United States Supreme Court case wherein the Court expanded the circumstances in which federal courts should hold evidentiary hearings when presented with petitions for habeas corpus by state prisoners following denial of postconviction relief in state court. The Court held that federal district courts must hold evidentiary hearings if the state court did not resolve all material factual disputes in a full and fair hearing supported by the record.  
The case centered around Charles Townsend, who was convicted of a series of murders and robberies and sentenced to death. The issue heard in the Supreme Court centered around a confession Townsend had given while under the influence of an alleged "truth serum". Townsend's attorneys argued that the effects of the truth serum had made the confession inadmissible. Townsend appealed the case by filing a writ of habeas corpus against Sheriff Frank G. Sain of Cook County, Illinois. The case made it to Illinois Supreme Court once, and the Supreme Court twice: first in 1959 and again in 1963. The appeals case however did not revolve around the truth serum, but instead procedural questions surrounding a prisoner's right to an evidentiary hearing during the appeal process.   
The court held that Townsend's writ of habeas corpus should not have been summarily denied, and that the lower court should have held an evidentiary hearing to determine the veracity of Townsend's claims. The court repeated its previous decision that coerced confessions were inadmissible, and theorized that a confession via truth serum would thus be inadmissible; the court was careful to avoid saying whether or not Townsend had actually been given a truth serum.  
Alongside Fay v. Noia and Sanders v. United States, Townsend is cited as revolutionizing and greatly expanding the use of habeas corpus, leading to it being used as a general purpose appeals tool. However a variety of Supreme Court decisions since then have narrowed its application.**

1. James v. Illinois, 493 U.S. 307 (1990), was a United States Supreme Court case in which the Court forbade the admission of evidence obtained in violation of the Fourth Amendment for the use of impeaching statements made by a defense witness.
2. Schmerber v. California, 384 U.S. 757 (1966), was a landmark United States Supreme Court case in which the Court clarified the application of the Fourth Amendment's protection against warrantless searches and the Fifth Amendment right against self-incrimination for searches that intrude into the human body. Until Schmerber, the Supreme Court had not yet clarified whether state police officers must procure a search warrant before taking blood samples from criminal suspects. Likewise, the Court had not yet clarified whether blood evidence taken against the wishes of a criminal suspect may be used against that suspect in the course of a criminal prosecution.  
   In a 5–4 opinion, the Court held that forced extraction and analysis of a blood sample is not compelled testimony; therefore, it does not violate the Fifth Amendment right against self-incrimination. The Court also held that intrusions into the human body ordinarily require a search warrant. However, the Court ruled that the involuntary, warrantless blood sample taken in this case was justified under the Fourth Amendment's exigent circumstances exception because evidence of blood alcohol would be destroyed by the body's natural metabolic processes if the officers were to wait for a warrant. In 2013, the Supreme Court clarified in Missouri v. McNeely that the natural metabolism of alcohol in the bloodstream is not a per se exigency that would always justify warrantless blood tests of individuals suspected of driving under the influence of alcohol.  
   In the years following the Court's decision in Schmerber, many legal scholars feared the ruling would be used to limit civil liberties. Other scholars, including Nita A. Farahany, Benjamin Holley, and John G. New, have suggested courts may use the ruling in Schmerber to justify the use of mind reading devices against criminal suspects. Because the Court's ruling in Schmerber prohibited the use of warrantless blood tests in most circumstances, some commentators argue that the decision was responsible for the proliferation of breathalyzers to test for alcohol and urine analyses to test for controlled substances in criminal investigations.

# Text 1324:

**Craig v. Boren, 429 U.S. 190 (1976), was a landmark decision of the US Supreme Court ruling that statutory or administrative sex classifications were subject to intermediate scrutiny under the Fourteenth Amendment's Equal Protection Clause. The case was argued by future Supreme Court justice Ruth Bader Ginsburg while she was working for the American Civil Liberties Union.**

1. Duren v. Missouri, 439 U.S. 357 (1979), was a United States Supreme Court case related to the Sixth Amendment. It challenged Missouri's law allowing gender-based exemption from jury service.  
   Ruth Bader Ginsburg, who later became a Supreme Court Justice, and Lee Nation argued for Duren in what became Ginsburg's last case before the Supreme Court as an attorney. Part of her argument was that making jury duty optional for women should be struck down because it treated women's service on juries as less valuable than men's, and also discriminated against men who enjoyed no such exemption.
2. Duren v. Missouri, 439 U.S. 357 (1979), was a United States Supreme Court case related to the Sixth Amendment. It challenged Missouri's law allowing gender-based exemption from jury service.  
   Ruth Bader Ginsburg, who later became a Supreme Court Justice, and Lee Nation argued for Duren in what became Ginsburg's last case before the Supreme Court as an attorney. Part of her argument was that making jury duty optional for women should be struck down because it treated women's service on juries as less valuable than men's, and also discriminated against men who enjoyed no such exemption.

# Text 1325:

**Granholm v. Heald, 544 U.S. 460 (2005), was a court case decided by the Supreme Court of the United States in a 5–4 decision that ruled that laws in New York and Michigan that permitted in-state wineries to ship wine directly to consumers but prohibited out-of-state wineries from doing the same were unconstitutional. The case was unusual because the arguments centered on the rarely-invoked Twenty-First Amendment to the Constitution, ratified in 1933, which ended Prohibition in the United States.**

1. Rice v. Rehner, 463 U.S. 713 (1983), was a United States Supreme Court case in which the Court held California may properly require respondent to obtain a state license in order to sell liquor for off-premises consumption.
2. 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), was a United States Supreme Court case in which the Court held that a complete ban on the advertising of alcohol prices was unconstitutional under the First Amendment, and that the Twenty-first Amendment, empowering the states to regulate alcohol, did not lessen other constitutional restraints of state power.

# Text 1326:

**Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.

# Text 1327:

**Tennessee Valley Authority v. Hiram Hill et al., or TVA v. Hill, 437 U.S. 153 (1978), was a United States Supreme Court case and the Court's first interpretation of the Endangered Species Act of 1973. After the discovery of the snail darter fish in the Little Tennessee River in August 1973, a lawsuit was filed alleging that the Tennessee Valley Authority (TVA)'s Tellico Dam construction was in violation of the Endangered Species Act. Plaintiffs argued dam construction would destroy critical habitat and endanger the population of snail darters. It was decided by a 6-3 vote, in which the U.S. Supreme Court ruled in favor of Hill, et al. and granted an injunction stating that there would be conflict between Tellico Dam operation and the explicit provisions of Section 7 of the Endangered Species Act.  
The majority opinion, delivered by Chief Justice Warren E. Burger, affirmed the Sixth Circuit Court of Appeals decision in granting an injunction. This decision by the Supreme Court to not allow exemptions confirmed that Section 7 of the Endangered Species Act was a strong substantive provision and helped shape federal environmental law. The case is commonly cited as an example of the strict construction-plain meaning canon of construction, and the equitable principle that courts cannot balance equities to override statutory mandates unless on constitutional grounds.**

1. PUD No. 1 of Jefferson County v. Washington Department of Ecology, 511 U.S. 700 (1994), is a case decided by the United States Supreme Court that interpreted section 401 of the Clean Water Act. The case involved an application by the Jefferson County Public Utility District and Tacoma City Light in northwestern Washington to build a hydropower facility on the Dosewallips River, first proposed in 1982 and known as the "Elkhorn Dam" project. The Washington State Department of Ecology issued a certification to the project in 1986 that imposed minimum water flow requirements to protect species of salmon and steelhead under the federal Clean Water Act. Tacoma City Light argued that the dam project would only need to adhere to minimum flow standards set by the Federal Energy Regulatory Commission (FERC), who license dams. Environmentalist groups argued that the FERC was insensitive to recreation and protection of salmon and steelhead and asked the state to enforce its minimum flow standards.  
   The Washington State Supreme Court ruled in favor of the state Department of Ecology on April 1, 1993. The case was taken to the United States Supreme Court the following year, where the court ruled 7–2 in favor of the state.
2. Hughes v. Oklahoma, 441 U.S. 322 (1979), was a United States Supreme Court decision, which held that the United States Congress may enact legislation governing wildlife on federal lands.

# Text 1328:

**Ricci v. DeStefano, 557 U.S. 557 (2009), is a United States labor law case of the United States Supreme Court on unlawful discrimination through disparate impact under the Civil Rights Act of 1964.  
Twenty city firefighters at the New Haven Fire Department, nineteen white and one Hispanic, passed the test for promotion to a management position, yet the city declined to promote them because none of the black firefighters who took the same test scored high enough to be considered for promotion. New Haven officials invalidated the test results because they feared a lawsuit over the test's disproportionate exclusion of a certain racial group (blacks) from promotion under a disparate impact cause of action. The twenty non-black firefighters claimed discrimination under Title VII of the Civil Rights Act of 1964.  
The Supreme Court held 5–4 that New Haven's decision to ignore the test results violated Title VII because the city did not have a "strong basis in evidence" that it would have subjected itself to disparate impact liability if it had promoted the white and Hispanic firefighters instead of the black firefighters. Because the plaintiffs won under their Title VII claim, the Court did not consider the plaintiffs' argument that New Haven violated the constitutional right to equal protection.**

1. Ricci v. DeStefano, 557 U.S. 557 (2009), is a United States labor law case of the United States Supreme Court on unlawful discrimination through disparate impact under the Civil Rights Act of 1964.  
   Twenty city firefighters at the New Haven Fire Department, nineteen white and one Hispanic, passed the test for promotion to a management position, yet the city declined to promote them because none of the black firefighters who took the same test scored high enough to be considered for promotion. New Haven officials invalidated the test results because they feared a lawsuit over the test's disproportionate exclusion of a certain racial group (blacks) from promotion under a disparate impact cause of action. The twenty non-black firefighters claimed discrimination under Title VII of the Civil Rights Act of 1964.  
   The Supreme Court held 5–4 that New Haven's decision to ignore the test results violated Title VII because the city did not have a "strong basis in evidence" that it would have subjected itself to disparate impact liability if it had promoted the white and Hispanic firefighters instead of the black firefighters. Because the plaintiffs won under their Title VII claim, the Court did not consider the plaintiffs' argument that New Haven violated the constitutional right to equal protection.
2. Marino v. Ortiz, 484 U.S. 301 (1988), was a United States Supreme Court case which resulted from a lawsuit filed by 350 New York City police officers that pitted the Equal Protection Clause of the Fourteenth Amendment against Title VII of the Civil Rights Act of 1964.  
   The case originated with a lawsuit filed by African American and Hispanic advocacy groups (including the Puerto Rican Legal Defense and Education Fund) alleging that a police sergeant's examination had a disparate impact because the percentage of African Americans and Hispanics that passed the examination was disproportionate to overall percentage. A proposed settlement was reached between the plaintiffs and the city of New York; all of the officers eligible for promotion based on their score would be promoted as well as enough additional minorities to achieve a proportional outcome. The settlement was approved by the United States District Court for the Southern District of New York as a "consent decree" on an interim basis pending a hearing on its fairness and adequacy.  
   After the ruling but before the hearing, 350 police officers filed suit in the same court alleging that the settlement had deprived them of equal protection of the laws under the Fourteenth Amendment. These officers were not eligible for promotion based on their scores, but they scored at least as high as the lowest scoring minority promoted under the terms of the consent decree. However, they did not seek to become party to the lawsuit that originated the settlement. The consent decree was ultimately approved, and as a result the police officers' lawsuit was dismissed. They appealed both the dismissal of their lawsuit and the consent decree itself.  
   When oral arguments for the case were held in the fall of 1987, the Court had only eight members. Justice Lewis F. Powell, Jr. had retired from the court earlier in the year, the Senate had rejected Robert Bork's confirmation two months prior, and Anthony Kennedy would not be confirmed until after the decision was announced. This resulted in a gridlock 4-4 tie vote in the matter of whether the officers were correct to file a separate suit challenging the settlement. This being the case, the lower court ruling dismissing the suit was affirmed, but no precedent was set. The next case on the point, Martin v. Wilkes, Justice Kennedy voted that intervention was permissive (F.R.C.P. 24), not mandatory (F.R.C.P. 19) and that it was not an invalid collateral attack on the existing settlement in a similar case. Thereafter Congress amended the rules making intervention in such Title VII cases mandatory.  
   The Court unanimously agreed that the officers could not appeal the consent decree directly, because "only parties to a lawsuit, or those that properly become parties, may appeal an adverse judgment."  
   Though the Court's ruling did not directly address the constitutional issues raised, it foreshadowed a legal battle to come. Sonia Sotomayor, a future Supreme Court appointee by Barack Obama, promoted the minority officers' cause while at the Puerto Rican Legal Defense and Education Fund and would later rule against white plaintiffs in a similar case, Ricci v. DeStefano, in a decision that the Supreme Court would overturn by a 5–4 vote.

# Text 1329:

**Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, 473 U.S. 172 (1985), is a U.S. Supreme Court case that limited access to federal court for plaintiffs alleging uncompensated takings of private property under the Fifth Amendment. In June 2019, this case was overruled in part by the Court's decision in Knick v. Township of Scott, Pennsylvania.**

1. Barnett Bank of Marion County, N.A. v. Nelson, 517 U.S. 25 (1996), is a Supreme court case that ruled that states could moderate national banks if doing so does not prevent or largely interfere with the national bank's ability to exercise its powers. Later, in 2004, the OCC (Office of the Comptroller of the Currency) authorized its preemption rule which declared that a national bank's ability to exert its incidental powers which include lending and deposit taking inhibited state laws that obstruct, impair or condition” the business of banking."
2. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.

# Text 1330:

**Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997), was a case heard before the United States Supreme Court related to legal protection of access to abortion. The question before the court was whether the First Amendment was violated by placing an injunction on protesters outside abortion clinics. The court ruled in a 6–3 decision that "floating buffer zones" preventing protesters approaching people entering or leaving the clinics were unconstitutional, though "fixed buffer zones" around the clinics themselves remained constitutional. The Court's upholding the fixed buffer was the most important aspect of the ruling, because it was a common feature of injunctions nationwide.  
Paul Schenck challenged a Federal District Court injunction that restricted "sidewalk counselors" from approaching abortion clinic patients and others with Bibles, tracts and anti-abortion messages. Because these protesters often violently harassed and intimidated patients and staff or prevented them from entering the clinic, the Court upheld the fixed buffer zone around the clinics, although it struck down the floating buffer zone around individuals because its indefinite and movable nature made it difficult to administer and risked overly restricting free speech.**

1. Madsen v. Women's Health Center, Inc., 512 U.S. 753 (1994), is a United States Supreme Court case where Petitioners challenged the constitutionality of an injunction entered by a Florida state court which prohibits antiabortion protesters from demonstrating in certain places, and in various ways outside of a health clinic that performs abortions.  
   The Petitioners, Madsen and other abortion protesters (Petitioners) regularly protested the Respondents, the Women’s Health Center and other abortion clinics (Respondent), in Melbourne, Florida as well as in front of the homes of clinic employees. The Respondents then sought and were granted, by a Florida trial court, an injunction on several grounds, restraining the Petitioner’s ability to protest, which was upheld by the Florida Supreme Court. The Petitioner’s appeal to the United States Supreme Court claimed that the injunction restricted their rights to free speech under the First Amendment of the United States Constitution. The U.S. Supreme Court affirmed in part and reversed in part.
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 1331:

**Kyles v. Whitley, 514 U.S. 419 (1995), is a United States Supreme Court case that held that a prosecutor has an affirmative duty to disclose evidence favorable to a defendant pursuant to Brady v. Maryland and United States v. Bagley.**

1. Burns v. Reed, 500 U.S. 478 (1991), was a United States Supreme Court case. A prosecutor was absolutely immune from damages based upon positions taken in a probable cause hearing for a search warrant. The same prosecutor was not held entitled to immunity for giving legal advice to the police about the legality of an investigative practice.
2. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4

# Text 1332:

**Rockwell International Corp. v. United States, 549 U.S. 457 (2007), is a United States Supreme Court case in which the Court examined the "original source" exception to the "public-disclosure" bar of the False Claims Act. The Court held that (1) the original source requirement of the FCA provision setting for the original-source exception to the public-disclosure bar on federal-court jurisdiction is jurisdictional; (2) the statutory phrase "information on which the allegations are based" refers to the relator's allegations and not the publicly disclosed allegations; the terms "allegations" is not limited to the allegations in the original complaint, but includes, at a minimum, the allegations in the original complaint as amended; (3) relator's knowledge with respect to the pondcrete fell short of the direct and independent knowledge of the information on which the allegations are based required for him to qualify as an original source; and (4) the government's intervention did not provide an independent basis of jurisdiction with respect to the relator.**

1. Inwood Laboratories Inc. v. Ives Laboratories, Inc., 456 U.S. 844 (1982), is a United States Supreme Court case, in which the Court confirmed the application of and set out a test for contributory trademark liability under § 32 of the Lanham Act (15 U.S.C. § 1114).
2. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.

# Text 1333:

**Perez v. Campbell, 402 U.S. 637 (1971), was a case in which the Supreme Court of the United States held that Arizona's law suspending a driver's license was unconstitutional due to its conflict with the federal Bankruptcy Act under the Supremacy Clause of the Constitution.**

1. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.
2. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
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# Text 1334:

**Keller v. State Bar of California, 496 U.S. 1 (1990), was a case in which the Supreme Court of the United States held that attorneys who are required to be members of a state bar association have a First Amendment right to refrain from subsidizing the organization’s political or ideological activities.**

1. Baird v. State Bar of Arizona, 401 U.S. 1 (1971), was a United States Supreme Court case in which the Court ruled:  
     
   A State's power to inquire about a person's beliefs or associations is limited by the First Amendment, which prohibits a State from excluding a person from a profession solely because of membership in a political organization or because of his beliefs.  
   In this case, a law school graduate who had passed the Arizona written bar examination had applied to be admitted to the Arizona bar, but had refused to answer a question as to whether she had ever been a member of the Communist party. On that basis, the State Bar of Arizona refused to admit her.
2. Smith v. California, 361 U.S. 147 (1959), was a U.S. Supreme Court case upholding the freedom of the press. The decision deemed unconstitutional a city ordinance that made one in possession of obscene books criminally liable because it did not require proof that one had knowledge of the book's content, and thus violated the freedom of the press guaranteed in the First Amendment. Smith v. California continued the Supreme Court precedent of ruling that questions of freedom of expression were protected by the Due Process Clause of the Fourteenth Amendment from invasion by state action. It also established that in order for one to be criminally liable for possession of obscene material, there must be proof of one's knowledge of the material. It described that by requiring booksellers to know the contents of all of the books that they sell, this would lead to the government compelling booksellers to self-censor thereby restricting the public's access to books which the State could not constitutionally suppress directly.

# Text 1335:

**National Organization for Women v. Scheidler, 510 U.S. 249 (1994), is a United States Supreme Court case in which the Court ruled that the Racketeer Influenced and Corrupt Organizations Act (RICO) could apply to enterprises without economic motives; anti-abortion protesters could thus be prosecuted under it. An organization without an economic motive can still affect interstate or foreign commerce and thus satisfy the Act's definition of a racketeering enterprise.  
The Court did not issue judgment on whether or not the Pro-Life Action Network, the organization in question, had committed actions that could be prosecuted under RICO.  
G. Robert Blakey argued on behalf of Joseph Scheidler, while Miguel Estrada represented the United States as amicus curiae in favor of reversal.**

1. Schenck v. Pro-Choice Network of Western New York, 519 U.S. 357 (1997), was a case heard before the United States Supreme Court related to legal protection of access to abortion. The question before the court was whether the First Amendment was violated by placing an injunction on protesters outside abortion clinics. The court ruled in a 6–3 decision that "floating buffer zones" preventing protesters approaching people entering or leaving the clinics were unconstitutional, though "fixed buffer zones" around the clinics themselves remained constitutional. The Court's upholding the fixed buffer was the most important aspect of the ruling, because it was a common feature of injunctions nationwide.  
   Paul Schenck challenged a Federal District Court injunction that restricted "sidewalk counselors" from approaching abortion clinic patients and others with Bibles, tracts and anti-abortion messages. Because these protesters often violently harassed and intimidated patients and staff or prevented them from entering the clinic, the Court upheld the fixed buffer zone around the clinics, although it struck down the floating buffer zone around individuals because its indefinite and movable nature made it difficult to administer and risked overly restricting free speech.
2. Boyle v. United States, 556 U.S. 938 (2009), is a decision by the United States Supreme Court involving what constitutes an "enterprise" under the Racketeer Influenced and Corrupt Organizations Act (RICO). The Court, in a 7-2 opinion, held that any group convened to carry out a crime meets the definition of an enterprise, even if it was only created for that purpose.

# Text 1336:

**National Socialist Party of America v. Village of Skokie, 432 U.S. 43 (1977), arising out of what is sometimes referred to as the Skokie Affair, was a landmark decision of the US Supreme Court dealing with freedom of speech and freedom of assembly. This case is considered a "classic" free speech case in constitutional law classes. Related court decisions are captioned Skokie v. NSPA, Collin v. Smith, and Smith v. Collin. The Supreme Court ruled 5–4, per curiam. The Supreme Court's 1977 ruling granted certiorari and reversed and remanded the Illinois Supreme Court's denial to lift the lower court's injunction on the NSPA's march. In other words: the courts decided a person's assertion that speech is being restrained must be reviewed immediately by the judiciary. By requiring the state court to consider the neo-Nazis' appeal without delay, the U.S. Supreme Court decision opened the door to allowing the National Socialist Party of America to march.**

1. Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.
2. Brown v. Socialist Workers '74 Campaign Committee, 459 U.S. 87 (1982), was a United States Supreme Court case that dealt with political speech, and whether a state could require a minor political party to disclose its membership, expenditures, and contributors.  
   At the time, most states required political parties to disclose their contributions and expenditures; in 1982, the Court ruled that the Socialist Workers Party, a minor party in Ohio, was not required to disclose its contributors or recipients, on the basis of retributive animus and harassment if party functionaries did so.

# Text 1337:

**Rothgery v. Gillespie County, 554 U.S. 191 (2008), is a United States Supreme Court case in which the Court held that a criminal defendant's initial appearance before a magistrate judge, where he learns the charge against him and his liberty is subject to restriction, marks the initiation of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel. Attachment does not also require that a prosecutor (as distinct from a police officer) be aware of that initial proceeding or involved in its conduct.**

1. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.
2. Gideon v. Wainwright, 372 U.S. 335 (1963), was a landmark U.S. Supreme Court decision in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own. The case extended the right to counsel, which had been found under the Fifth and Sixth Amendments to impose requirements on the federal government, by imposing those requirements upon the states as well.  
   The Court reasoned that the assistance of counsel is "one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty", and that the Sixth Amendment serves as a warning that "if the constitutional safeguards it provides be lost, justice will not still be done."

# Text 1338:

**Fogerty v. Fantasy, Inc., 510 U.S. 517 (1994), was a United States Supreme Court case that addressed the standards governing awards of attorneys' fees in copyright cases. The Copyright Act of 1976 authorizes, but does not require, the court to award attorneys' fees to "the prevailing party" in a copyright action. In Fogerty, the Court held that such attorneys'-fees awards are discretionary, and that the same standards should be applied in the case of a prevailing plaintiff and a prevailing defendant.**

1. Twentieth Century Music Corp v. Aiken, 422 U.S. 151 (1975), was an important decision of the United States Supreme Court, out of the Third Circuit, that questioned whether the reception of a copyrighted song on a radio broadcast constitutes a copyright violation if the copyright owner has only licensed the broadcaster to "perform the composition publicly for profit".
2. Miller Music Corp. v. Charles N. Daniels, Inc., 362 U.S. 373 (1960), was a United States Supreme Court case in which the Court held the executor of a copyright holder's will is eligible to renew that copyright.

# Text 1339:

**City of Boerne v. Flores, 521 U.S. 507 (1997), was a landmark decision of the Supreme Court of the United States concerning the scope of Congress's power of enforcement under Section 5 of the Fourteenth Amendment. The case also had a significant impact on historic preservation.  
In this case, the Court struck down the Religious Freedom Restoration Act (RFRA), as it applied to the states, stating the statute was an unconstitutional use of Congress's enforcement powers. Legal scholars have criticized this case stating that, "Without RFRA, questions of religious freedom will be decided in different ways in different states, and even for different religious groups." Scholars also stated that, "This places smaller religions at a relative disadvantage- a situation inconsistent with the governing ideal of the Fourteenth Amendment."**

1. Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.
2. Sherbert v. Verner, 374 U.S. 398 (1963), was a case in which the Supreme Court of the United States held that the Free Exercise Clause of the First Amendment required the government to demonstrate both a compelling interest and that the law in question was narrowly tailored before it denied unemployment compensation to someone who was fired because her job requirements substantially conflicted with her religion.  
   The case established the Sherbert Test, requiring demonstration of such a compelling interest and narrow tailoring in all Free Exercise cases in which a religious person was substantially burdened by a law. The conditions are the key components of what is usually called strict scrutiny. This means that if someone's religious beliefs faced a serious burden due to a law and the government had no reasonable alternatives for that law, the government would have the burden to prove that the law was justified. The Sherbert test has received praise by legal scholars at the time and thereafter.  
   In 1990, the Supreme Court decided that the Sherbert Test, as a judicial constitutional analysis tool, was too broad when applied to all laws. With respect to religiously neutral, generally applicable laws that incidentally burden religious exercise, the Sherbert Test was eliminated in Employment Division v. Smith. For laws that discriminate along religious/secular lines or neutral laws that are enforced in a discriminatory way, the components of the Sherbert Test are still appropriate constitutional tools for courts to use.  
   In response to the 1990 Smith decision, Congress created an enhanced version of the Sherbert Test as a statutory, rather than constitutional, right in the federal Religious Freedom Restoration Act (RFRA) of 1993. Its provisions were designed to apply broadly to all laws and regulations, both federal and state. Although Congress replaced the "narrowly tailored" constitutional requirement with a "least restrictive means" statutory requirement, the enhanced test is still referred to as the Sherbert Test.  
   However, the Supreme Court held in City of Boerne v. Flores that the law was unconstitutional because its enhanced Sherbert Test, as a purported change in constitutional rights, could not be enforced against the states. It impermissibly interfered with the judiciary's sole power to interpret the Constitution. However, the ruling did not necessarily limit its effect on interpretation of federal statutes.  
   In 2000, Congress passed the Religious Land Use and Institutionalized Persons Act (RLUIPA) that applied only to federal laws. Both laws contain the same language for an even further enhanced Sherbert Test, one that broadens the definition of substantial religious burden.  
   The Supreme Court has since relied on the statutory Sherbert Test to decide several prominent cases, including Burwell v. Hobby Lobby, 573 U.S. 682 (2014), and Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U.S. 418 (2006).

# Text 1340:

**Garrity v. New Jersey, 385 U.S. 493 (1967), was a case in which the Supreme Court of the United States held that law enforcement officers and other public employees have the right to be free from compulsory self-incrimination. It gave birth to the Garrity warning, which is administered by investigators to suspects in internal and administrative investigations in a similar manner as the Miranda warning is administered to suspects in criminal investigations.**

1. New York v. Quarles, 467 U.S. 649 (1984), was a decision by the United States Supreme Court regarding the public safety exception to the normal Fifth Amendment requirements of the Miranda warning.
2. New Jersey v. T. L. O., 469 U.S. 325 (1985), is a landmark decision by the Supreme Court of the United States which established the standards by which a public school official can search a student in a school environment without a search warrant, and to what extent.  
   The case centered around a student at Piscataway High School in Middlesex County, New Jersey, known then only by her initials T. L. O., who was searched for contraband after she was caught smoking in a school bathroom. She was sent to the principal's office, where the assistant vice principal searched her purse and found marijuana, drug paraphernalia, and documentation of drug sales. She was suspended from the school and charged by police for the paraphernalia found in the search, but fought the charges on the basis that the search of her purse violated the Fourth Amendment's prohibition against unreasonable search and seizure.  
   The New Jersey Superior Court affirmed the constitutionality of the search, but the Supreme Court of New Jersey reversed, holding that the search of her purse was unreasonable. On appeal to the U.S. Supreme Court, the Court held that the Fourth Amendment applies to searches conducted by school officials in a school setting. However, school officials do not need to have probable cause nor obtain a warrant before searching a student. Instead, in order for a search to be justified, school officials must have "reasonable suspicion" that the student has violated either the law or school rules. In a 6–3 decision delivered by Justice Byron White, the Court ruled that the school's search of T. L. O.'s purse was constitutional, setting a new precedent for school searches and student privacy.

# Text 1341:

**Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977), is a United States Supreme Court case regarding the Commerce Clause and sales tax.**

1. American Automobile Association v. United States, 367 U.S. 687 (1961), was an income tax case before the United States Supreme Court.
2. California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972), was a landmark decision of the US Supreme Court involving the right to make petitions to the government. The right to petition is enshrined in the First Amendment to the United States Constitution as: "Congress shall make no law...abridging...the right of the people...to petition the Government for a redress of grievances." This case involved an accusation that one group of companies was using state and federal regulatory actions to eliminate competitors. The Supreme Court ruled that the right to petition is integral to the legal system but using lawful means to achieve unlawful restraint of trade is not protected.

# Text 1342:

**Federal Communications Commission v. Pacifica Foundation, 438 U.S. 726 (1978), was a landmark decision of the United States Supreme Court that upheld the ability of the Federal Communications Commission (FCC) to regulate indecent content sent over the broadcast airwaves.**

1. Sable Communications of California v. Federal Communications Commission, 492 U.S. 115 (1989), was a United States Supreme Court case involving the definition of "indecent material" and whether it is protected under the First Amendment to the United States Constitution. The Court invalidated part of a federal law that prohibited "dial-a-porn" telephone messaging services by making it a crime to transmit commercial telephone messages that were either "obscene" or "indecent".
2. Federal Communications Commission v. Fox Television Stations, Inc., 556 U.S. 502 (2009), is a decision by the United States Supreme Court that upheld regulations of the Federal Communications Commission that ban "fleeting expletives" on television broadcasts, finding they were not arbitrary and capricious under the Administrative Procedure Act. The constitutional issue, however, was not resolved and was remanded to the Second Circuit and re-appealed to the Supreme Court for a decision in June 2012.

# Text 1343:

**Schlup v. Delo, 513 U.S. 298 (1995), was a case in which the United States Supreme Court expanded the ability to reopen a case in light of new evidence of innocence.  
Petitioner Lloyd E. Schlup, Jr., a Missouri prisoner under a sentence of death for the 1984 murder of an inmate named Arthur Dade, filed a habeas corpus petition alleging that constitutional error deprived the jury of critical evidence that would have established his innocence. At trial, the state's evidence consisted of the testimony of two corrections officers who had witnessed the murder. Schlup's defense was that the videotape from a camera in the dining room showed that he was not the man that killed Arthur Dade. Schlup was denied his federal habeas corpus petition and filed a second petition alleging ineffective counsel. However, he did not argue his ineffective counsel claim in his first habeas corpus petition. Due to this, he was procedurally barred from arguing his case unless he could show that he was actually innocent and his conviction would be a miscarriage of justice. The Court granted certiorari to consider whether the Sawyer v. Whitley standard provides adequate protection against the kind of miscarriage of justice that would result from the execution of a person who is actually innocent.**

1. McCleskey v. Kemp, 481 U.S. 279 (1987), is a United States Supreme Court case, in which the death sentence of Warren McCleskey for armed robbery and murder was upheld. The Court said the "racially disproportionate impact" in the Georgia death penalty indicated by a comprehensive scientific study was not enough to mitigate a death penalty determination without showing a "racially discriminatory purpose." McCleskey has been described as the "most far-reaching post-Gregg challenge to capital sentencing."  
   McCleskey has been named one of the worst Supreme Court decisions since World War II by a Los Angeles Times poll of liberal jurists. In a New York Times comment eight days after the decision, Anthony Lewis charged that the Supreme Court had "effectively condoned the expression of racism in a profound aspect of our law." Anthony G. Amsterdam called it "the Dred Scott decision of our time."  
   Justice Lewis Powell, when asked by his biographer if he wanted to change his vote in any case, replied, "Yes, McCleskey v. Kemp."
2. Lefkowitz v. Newsome, 420 U.S. 283 (1975), is a U.S. Supreme Court case which held that when state law permits a defendant to plead guilty without giving up his right to judicial review of specified constitutional issues, such as the lawfulness of a search or the voluntariness of a confession, the defendant is not prevented from pursuing those constitutional claims in a federal habeas corpus proceeding.

# Text 1344:

**Skipper v. South Carolina, 476 U.S. 1 (1986), is a United States Supreme Court case in which the Court held that the rule from Lockett v. Ohio (1978) dictated that mitigating evidence not be subject to limitations based on relevance.**

1. Lockett v. Ohio, 438 U.S. 586 (1978), is a United States Supreme Court case in which the Court held that sentencing authorities must have the discretion to consider at least some mitigating factors, rather than being limited to a specific list of factors.
2. In re Winship, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.": 17  It established this burden in all cases in all states (constitutional case).: 17   
   In an opinion authored by Justice Brennan, the Court held that when a juvenile is charged with an act that would be a crime if committed by an adult, every element of the offense must be proved beyond reasonable doubt, not preponderance of the evidence. The case has come to stand for a broader proposition, however: in a criminal prosecution, every essential element of the offense must be proved beyond reasonable doubt. See, e.g., Apprendi v. New Jersey, 530 U.S. 466, 477 (2000); Sullivan v. Louisiana, 508 U.S. 275, 278 (1993). This case marked a rejection of the preponderance of evidence standard in any criminal cases and expanded the protections afforded by the Due Process Clause.

# Text 1345:

**Elrod v. Burns, 427 U.S. 347 (1976), is a United States Supreme Court decision regarding political speech of public employees. The Court ruled in this case that public employees may be active members in a political party, but cannot allow patronage to be a deciding factor in work related decisions. The court upheld the decision by the 7th Circuit Court of Appeals ruling in favor of the respondent.**

1. Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), was a United States Supreme Court decision that held that the First Amendment forbids a government entity from basing its decision to promote, transfer, recall, or hire low-level public employees based upon their party affiliation.
2. Broadrick v. Oklahoma, 413 U.S. 601 (1973), is a United States Supreme Court decision upholding an Oklahoma statute which prohibited state employees from engaging in partisan political activities. Broadrick is often cited to enunciate the test for a facial overbreadth challenge that "the overbreadth of a statute must not only be real, but substantial as well, judged in relation to the statute's plainly legitimate sweep."

# Text 1346:

**Nebraska Press Association v. Stuart, 427 U.S. 539 (1976), was a landmark Supreme Court of the United States decision in which the Court held unconstitutional prior restraints on media coverage during criminal trials.**

1. Miami Herald Publishing Co. v. Tornillo, 418 U.S. 241 (1974), was a seminal First Amendment ruling by the United States Supreme Court. The Supreme Court overturned a Florida state law that required newspapers to offer equal space to political candidates who wished to respond to election-related editorials or endorsements. The Supreme Court ruled that law was an unconstitutional restriction of freedom of the press under the First Amendment.
2. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.

# Text 1347:

**Bailey v. United States, 516 U.S. 137 (1995), was a United States Supreme Court case in which the Court interpreted a frequently used section of the federal criminal code. At the time of the decision, 18 U.S.C. § 924(c) imposed a mandatory, consecutive five-year prison term on anyone who "during and in relation to any... drug trafficking crime... uses a firearm." The lower court had sustained the defendants' convictions, defining "use" in such a way as to mean little more than mere possession. The Supreme Court ruled instead that "use" means "active employment" of a firearm, and sent the cases back to the lower court for further proceedings. As a result of the Court's decision in Bailey, Congress amended the statute to expressly include possession of a firearm as requiring the additional five-year prison term.**

1. Smith v. United States, 508 U.S. 223 (1993), is a United States Supreme Court case that held that the exchange of a gun for drugs constituted "use" of the firearm for purposes of a federal statute imposing penalties for "use" of a firearm "during and in relation to" a drug trafficking crime.  
   In Watson v. United States, 128 S.Ct. 697 (2007) the court later decided that a transaction in the opposite direction does not violate the same statute (i.e., Smith holds that one "uses" a gun by giving it in exchange for drugs, but Watson holds that one does not "use" a gun by receiving it in exchange for drugs).
2. Abbott v. United States, 562 U.S. 8 (2010), is a decision by the Supreme Court of the United States that addressed the mandatory sentencing increase under federal law for the possession or use of a deadly weapon in drug trafficking and violent crimes. In an 8–0 decision, the Court ruled that 18 U.S.C. § 924(c), which required a minimum five-year prison sentence, was to be imposed in addition to any other mandatory sentence given for another crime, including the underlying drug-related or violent offense. The only exception to the five-year addition applied only when another provision required a longer mandatory term for conduct violating §924(c) specifically, rather than a mandatory sentence for another crime as the defendants had unsuccessfully argued.  
   Abbott was the first signed opinion of the Court's 2010 term. The newly appointed Justice Elena Kagan did not participate, having disqualified herself because she had worked on the case as Solicitor General of the United States prior to joining the Court.

# Text 1348:

**Godinez v. Moran, 509 U.S. 389 (1993), was a landmark decision in which the U.S. Supreme Court ruled that if a defendant was competent to stand trial, they were automatically competent to plead guilty, and thereby waive the panoply of trial rights, including the right to counsel.**

1. Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
   Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.
2. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.

# Text 1349:

**Skilling v. United States, 561 U.S. 358 (2010), is a United States Supreme Court case interpreting the honest services fraud statute, 18 U.S.C. § 1346. The case involves former Enron CEO Jeffrey Skilling and the honest services fraud statute, which prohibits "a scheme or artifice to deprive another of the intangible right of honest services". The Court found the statute vague, meaning it was written in a manner that almost anyone could be convicted of the statute by engaging in most legal activities. However, the Court refused to void the statute as unconstitutionally vague. The Court decided to limit the application of the statute only to defendants who hold a fiduciary duty and they participate in bribery and kickback schemes. The Court supported its decision not to rule the statute void for vagueness on its obligation to construe and not condemn Congress' laws. Ultimately, Skilling's sentence was reduced by 10 years as a result.**

1. Pereira v. United States, 347 U.S. 1 (1954), was a United States Supreme Court case in which the Court held that the word "knowingly" in the federal mail fraud statute, 18 U.S.C. § 1341, should extend to all reasonably foreseeable consequences, even ones not specifically intended.
2. Bronston v. United States, 409 U.S. 352 (1973), is a seminal United States Supreme Court decision strictly construing the federal perjury statute. Chief Justice Warren Burger wrote for a unanimous Court that responses to questions made under oath that relayed truthful information in and of themselves but were intended to mislead or evade the examiner could not be prosecuted. Instead, the criminal-justice system had to rely on more carefully worded follow-up questions.  
   The decision has been cited in many cases since then and has become the controlling legal standard of perjury in federal jurisprudence. It was invoked during Bill Clinton's impeachment proceedings in 1998 as a defense to charges of perjury against him.  
   It has long been criticized for the loophole it creates in the perjury statutes as essentially allowing a witness to lie without consequences. Nevertheless, later Courts have refused to overrule or otherwise limit it despite some moves in that direction by lower courts.

# Text 1350:

**Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.**

1. Allstate Insurance Co. v. Hague, 449 U.S. 302 (1981), was a conflict of laws case decided by the United States Supreme Court.
2. Wilburn Boat Company v. Fireman's Fund Insurance Company, 348 U.S. 310 (1955), is a United States Supreme Court case in which the Court held that state law, rather than federal admiralty law, should govern marine insurance contracts.

# Text 1351:

**Herring v. United States, 555 U.S. 135 (2009), was a case decided by the Supreme Court of the United States on January 14, 2009. The court decided that the good-faith exception to the exclusionary rule applies when a police officer makes an arrest based on an outstanding warrant in another jurisdiction, but the information regarding that warrant is later found to be incorrect because of a negligent error by that agency.**

1. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.
2. United States v. Watson, 423 U.S. 411 (1976), was a case decided by the Supreme Court of the United States that decided that a warrantless arrest in public and consenting to a vehicle search did not violate the Fourth Amendment.

# Text 1352:

**Board of Governors, FRS v. Investment Company Institute, 450 U.S. 46 (1981), was a decision by the United States Supreme Court, which held that the amendment to Regulation Y does not exceed the Board's statutory authority.**

1. Board of Trustees of State University of New York v. Fox, 492 U.S. 469 (1989), is a United States Supreme Court case in which the Court instructed a lower court to reevaluate the compatibility of a resolution of the State University of New York that prohibited private commercial enterprises from operating in SUNY facilities with the First Amendment. The Court instructed the lower court to use the standard outlined in Central Hudson Gas & Electric Corp. v. Public Service Commission (1980) and determine whether the restriction on speech advanced the state's interest and, if so, whether the state's method was the least restrictive means to that end. This approach ensures a balanced consideration, safeguarding the fundamental right to free speech while addressing the state's concerns in the most efficient and non-restrictive manner possible.
2. Jones v. Harris Associates L.P., 559 U.S. 335 (2010), is a case decided by the United States Supreme Court in which investors claimed that the fees they paid to an investment advisor were too steep, violating the Investment Company Act of 1940.  
   The case held that the court has the jurisdiction to regulate fees of investment advisers in the mutual fund industry under the Investment Company Act of 1940, when those fees are excessive, and in breach of fiduciary duty. It is notable from a law and economics perspective for the vigorous opinion in the Seventh Circuit Court of Appeal of Judge Frank Easterbrook and the powerful dissent of Richard Posner, regarding the necessity and market failure in respect of adviser fee regulation.

# Text 1353:

**Estelle v. Gamble, 429 U.S. 97 (1976), was a case in which the Supreme Court of the United States established the standard of what a prisoner must plead in order to claim a violation of Eighth Amendment rights under 42 U.S.C. § 1983. Specifically, the Court held that a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. Though the Court credited Gamble's complaint that doctors had failed to provide appropriate care, it held that medical malpractice did not rise to the level of "cruel and unusual punishment" simply because the victim is a prisoner.**

1. Estelle v. Smith, 451 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that, per Miranda v. Arizona (1966), the state may not force a defendant to submit to a psychiatric examination solely for the purposes of sentencing. Any such examination violates the defendant's Fifth Amendment rights against self-incrimination as well as the Sixth Amendment right to counsel, and is therefore inadmissible at sentencing.
2. Barefoot v. Estelle, 463 U.S. 880 (1983), is a United States Supreme Court case. The Court ruled on the admissibility of clinical opinions given by two psychiatrists hired by the prosecution in answer to hypothetical questions regarding the defendant's future dangerousness and the likelihood that he would present a continuing threat to society in this Texas death penalty case. The American Psychiatric Association submitted an amicus curiae brief in support of the defendant's position that such testimony should be inadmissible and urging curtailment of psychiatric testimony regarding future dangerousness and a prohibition of such testimony based on hypothetical data.  
   In Estelle v. Smith, 451 U.S. 454 (1981), the Supreme Court previously ruled on a Texas death penalty case regarding the use of a psychiatric examination to determine the defendant's competency to stand trial to predict future dangerousness. In that case the Court held that the Fifth Amendment's privilege against self-incrimination applied to pretrial psychiatric examinations by a prosecution psychiatrist who later testified regarding the defendant's future dangerousness without warning the defendant that such evidence could be used against him. The Court reasoned that although a defendant has no generalized constitutional right to remain silent at a psychiatric examination limited to the issues of sanity or competency, full Miranda warnings must be given with respect to testimony concerning future dangerousness.

# Text 1354:

**Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.**

1. Immigration and Naturalization Service v. Predrag Stevic, 467 U.S. 407 (1984), was a Supreme Court of the United States decision that held if an alien seeks to avoid deportation proceedings by claiming that he will be persecuted if he is returned to his native land, he must show a "clear probability" that he will be persecuted there.
2. Immigration and Naturalization Service v. Doherty, 502 U.S. 314 (1992), was a United States Supreme Court case which confirmed that the Attorney General of the United States has broad discretion to reopen deportation (now called "removal") proceedings, as well as other adjudications heard before immigration courts.

# Text 1355:

**Richardson v. Ramirez, 418 U.S. 24 (1974), was a landmark decision by the Supreme Court of the United States in which the Court held, 6–3, that convicted felons could be barred from voting beyond their sentence and parole without violating the Equal Protection Clause of the Fourteenth Amendment to the Constitution. Such felony disenfranchisement is practiced in a number of states.**

1. Graham v. Richardson, 403 U.S. 365 (1971), was a United States Supreme Court case in which the Court determined that state restrictions on welfare benefits for legal aliens but not for citizens violated the Equal Protection Clause of the Fourteenth Amendment. The Court invalidated an Arizona law that required citizenship or 15 years of residence to receive welfare benefits. The 9–0 decision was written by Harry A. Blackmun.  
   The state argued that rational basis review should apply, which would require the non-citizen to prove that the law served no conceivable legitimate state interest, or alternatively that the law was not rationally related to the government's purpose. However, the court applied the strict scrutiny standard, holding, "Aliens as a class are a prime example of a 'discrete and insular' minority for whom such heightened judicial solicitude is appropriate."
2. Hunter v. Underwood, 471 U.S. 222 (1985), was a case in which the Supreme Court of the United States unanimously invalidated the criminal disenfranchisement provision of § 182 of the Alabama Constitution as a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

# Text 1356:

**Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978), is a United States Supreme Court case deciding that Indian tribal courts have no criminal jurisdiction over non-Indians. The case was decided on March 6, 1978 with a 6–2 majority. The court opinion was written by William Rehnquist, and a dissenting opinion was written by Thurgood Marshall, who was joined by Chief Justice Warren Burger. Justice William J. Brennan did not participate in the decision.  
Congress partially abrogated the Supreme Court's decision by enacting the Violence Against Women Reauthorization Act of 2013, which recognizes the criminal jurisdiction of tribes over non-Indian perpetrators of domestic violence that occur in Indian Country when the victim is Indian.**

1. Santa Clara Pueblo v. Martinez, 436 U.S. 49 (1978), was a landmark case in the area of federal Indian law involving issues of great importance to the meaning of tribal sovereignty in the contemporary United States. The Supreme Court sustained a law passed by the governing body of the Santa Clara Pueblo that explicitly discriminated on the basis of sex. In so doing, the Court advanced a theory of tribal sovereignty that weighed the interests of tribes sufficient to justify a law that, had it been passed by a state legislature or Congress, would have almost certainly been struck down as a violation of equal protection.  
   Along with the watershed cases, United States v. Wheeler and Oliphant v. Suquamish Indian Tribe, Santa Clara completed the trilogy of seminal Indian law cases to come down in the 1978 term.
2. Antoine v. Washington, 420 U.S. 194 (1975), was a United States Supreme Court case in which the Court held that treaties and laws must be construed in favor of Native Americans (Indians); that the Supremacy Clause precludes the application of state game laws to the tribe; that Congress showed no intent to subject the tribe to state jurisdiction for hunting; and while the state can regulate non-Indians in the ceded area, Indians must be exempted from such regulations.

# Text 1357:

**Mullaney v. Wilbur, 421 U.S. 684 (1975), is a criminal case in which a unanimous court struck down a state statute requiring a defendant to prove the defense of provocation to downgrade a murder conviction to manslaughter.: 17  Previous common law, such as in Commonwealth v. York (1845), allowed such burden on the defense.: 17   
Maine's statute defined murder as unlawfully killing with malice, with malice defined as deliberate and unprovoked cruelty, and added that killings were presumed to be unprovoked unless the defense proved provocation by a preponderance of the evidence.: 17  Justice Powell delivered the opinion for the court that provocation was a crucial part of the charge in that it determined "the degree of culpability attaching to the criminal homicide".: 17   
States were able to circumvent this decision by careful wording, as in Patterson v. New York, in which provocation, or "extreme emotional disturbance", was classified as an allowable defense excuse, not as a listed element.: 17**

1. Patterson v. New York, 432 U.S. 197 (1977), was a legal case heard by the Supreme Court of the United States that stated that the Due Process Clause Fourteenth Amendment did not prevent the burdening of a defendant to prove the affirmative defense of extreme emotional disturbance as defined by law in the state of New York.  
   The court found that the State of New York had reclassified provocation ("extreme emotional disturbance") as an excuse (an affirmative defense requiring proof by preponderance of the evidence), rather than mens rea, which the prosecution had to prove beyond a reasonable doubt, as was the situation in Mullaney v. Wilbur (1975).: 18
2. Martin v. Ohio, 480 U.S. 228 (1987), is a criminal case in which the United States Supreme Court held that the presumption of innocence requiring prosecution to prove each element of a crime beyond a reasonable doubt only applies to elements of the offense, and does not extend to the defense of justification, whereby states could legislate a burden on the defense to prove justification.: 18  The decision was split 5–4.: 18  The decision does not preclude states from requiring such a burden on the prosecution in their laws.: 18

# Text 1358:

**Penry v. Lynaugh, 492 U.S. 302 (1989), was a United States Supreme Court case that sanctioned the death penalty for mentally disabled offenders because the Court determined executing the mentally disabled was not "cruel and unusual punishment" under the Eighth Amendment. However, because Texas law did not allow the jury to give adequate consideration as a mitigating factor to Johnny Paul Penry's intellectual disability at the sentencing phase of his murder trial, the Court remanded the case for further proceedings. Eventually, Penry was retried for capital murder, again sentenced to death, and again the Supreme Court ruled, in Penry v. Johnson, that the jury was not able to adequately consider Penry's intellectual disability as a mitigating factor at the sentencing phase of the trial. Ultimately, Penry was spared the death penalty because of the Supreme Court's ruling in Atkins v. Virginia, which, while not directly overruling the holding in "Penry I", did give considerable negative treatment to Penry on the basis that the Eighth Amendment allowed execution of mentally disabled people.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Perry v. Louisiana, 498 U.S. 38 (1990), was a United States Supreme Court case over the legality of forcibly medicating a death row inmate with a mental disorder, to render him competent to be executed.

# Text 1359:

**PUD No. 1 of Jefferson County v. Washington Department of Ecology, 511 U.S. 700 (1994), is a case decided by the United States Supreme Court that interpreted section 401 of the Clean Water Act. The case involved an application by the Jefferson County Public Utility District and Tacoma City Light in northwestern Washington to build a hydropower facility on the Dosewallips River, first proposed in 1982 and known as the "Elkhorn Dam" project. The Washington State Department of Ecology issued a certification to the project in 1986 that imposed minimum water flow requirements to protect species of salmon and steelhead under the federal Clean Water Act. Tacoma City Light argued that the dam project would only need to adhere to minimum flow standards set by the Federal Energy Regulatory Commission (FERC), who license dams. Environmentalist groups argued that the FERC was insensitive to recreation and protection of salmon and steelhead and asked the state to enforce its minimum flow standards.  
The Washington State Supreme Court ruled in favor of the state Department of Ecology on April 1, 1993. The case was taken to the United States Supreme Court the following year, where the court ruled 7–2 in favor of the state.**

1. Tennessee Valley Authority v. Hiram Hill et al., or TVA v. Hill, 437 U.S. 153 (1978), was a United States Supreme Court case and the Court's first interpretation of the Endangered Species Act of 1973. After the discovery of the snail darter fish in the Little Tennessee River in August 1973, a lawsuit was filed alleging that the Tennessee Valley Authority (TVA)'s Tellico Dam construction was in violation of the Endangered Species Act. Plaintiffs argued dam construction would destroy critical habitat and endanger the population of snail darters. It was decided by a 6-3 vote, in which the U.S. Supreme Court ruled in favor of Hill, et al. and granted an injunction stating that there would be conflict between Tellico Dam operation and the explicit provisions of Section 7 of the Endangered Species Act.  
   The majority opinion, delivered by Chief Justice Warren E. Burger, affirmed the Sixth Circuit Court of Appeals decision in granting an injunction. This decision by the Supreme Court to not allow exemptions confirmed that Section 7 of the Endangered Species Act was a strong substantive provision and helped shape federal environmental law. The case is commonly cited as an example of the strict construction-plain meaning canon of construction, and the equitable principle that courts cannot balance equities to override statutory mandates unless on constitutional grounds.
2. Entergy Corp. v. Riverkeeper, Inc., 556 U.S. 208 (2009), is a decision by the United States Supreme Court that reviewed the Environmental Protection Agency's (EPA) interpretation of the Clean Water Act regulations with regard to cooling water intakes for power plants. Existing facilities are mandated to use the "Best Technology Available" to "minimize the adverse environmental impact." The issue was whether the agency may use a cost–benefit analysis (CBA) in choosing the Best Available Technology or (BAT) to meet the National Performance Standards (NPS).  
   Reversing a lower court opinion, the 5-1-3 ruling upheld the EPA's decision as reasonable to allow CBA to determine the best technology available to maintain national environmental standards.

# Text 1360:

**Harmelin v. Michigan, 501 U.S. 957 (1991), was a case decided by the Supreme Court of the United States under the Eighth Amendment to the United States Constitution. The Court ruled that the Eighth Amendment's Cruel and Unusual Punishment Clause allowed a state to impose a life sentence without the possibility of parole for the possession of 672 grams (23.70 oz) of cocaine.  
The Court's narrow ruling left a major question of Eighth Amendment law unresolved. Since the Court's decision in Gregg v. Georgia, the Court had incorporated a detailed proportionality analysis into the cruel and unusual punishment analysis required in capital cases. The defendant Ronald Harmelin directly asked the Court to extend the reach of that analysis to noncapital cases such as his. Although five Justices agreed that Harmelin's sentence was not unconstitutionally cruel and unusual, six Justices agreed that the Cruel and Unusual Punishment Clause bore some kind of proportionality analysis. Yet among those six, three supported a proportionality principle that is highly deferential to legislative judgments, while three others supported a more searching proportionality analysis that would have struck down Michigan's mandatory life-without-parole sentence for possessing more than 650 grams (22.93 oz) of cocaine (672 grams or 23.70 ounces).  
The State of Michigan was represented by Richard Thompson and Michael Modelski. Thompson's other credits include serving as a prosecutor of Dr. Jack Kevorkian. Various state attorneys general, as well as the United States Solicitor General, filed amicus curiae briefs on behalf of the State of Michigan. The Court-appointed counsel for Harmelin, the ACLU and a group of criminal defense attorneys filed briefs in support of the defendant's position.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 1361:

**Paris Adult Theatre I v. Slaton, 413 U.S. 49 (1973), was a case in which the U.S. Supreme Court upheld a state court's injunction against the showing of obscene films in a movie theatre restricted to consenting adults. The Court distinguished the case from Stanley v. Georgia, saying that the privacy of the home that was controlling in Stanley was not present in the commercial exhibition of obscene movies in a theatre.**

1. Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), was a case in which the Supreme Court of the United States held that localities may impose regulations prohibiting adult theaters from operating within certain areas, finding that the regulation in question was a content-neutral time/place/manner restriction. The specific restriction at issue was established by Renton, Washington, and prohibited adult theaters within 1,000 feet from any residential zone, single- or multiple-family dwelling, church, park, or school.
2. Jenkins v. Georgia, 418 U.S. 153 (1974), was a United States Supreme Court case overturning a Georgia Supreme Court ruling regarding the depiction of sexual conduct in the film Carnal Knowledge.  
   The changes in the morals of American society of the 1960s and 1970s and the general receptiveness to the public to frank discussion of sexual issues was sometimes at odds with local community standards. A theatre in Albany, Georgia showed the film. On January 13, 1972, the local police served a search warrant on the theatre, and seized the film. In March 1972, the theatre manager, Mr. Jenkins, was convicted of the crime of "distributing obscene material". His conviction was upheld by the Supreme Court of Georgia.  
   On June 24, 1974, the U.S. Supreme Court ruled that the State of Georgia had gone too far in classifying material as obscene in view of the Court's prior landmark decision in Miller v. California, 413 U.S. 15 (1973) (the Miller standard), and overturned the conviction. The court said,  
     
   Our own viewing of the film satisfies us that Carnal Knowledge could not be found ... to depict sexual conduct in a patently offensive way. Nothing in the movie falls within ... material which may constitutionally be found ... "patently offensive" ... While the subject matter of the picture is, in a broader sense, sex, and there are scenes in which sexual conduct including "ultimate sexual acts" is to be understood to be taking place, the camera does not focus on the bodies of the actors at such times. There is no exhibition whatever of the actors' genitals, lewd or otherwise, during these scenes. There are occasional scenes of nudity, but nudity alone is not enough to make material legally obscene ... Appellant's showing of the film Carnal Knowledge is simply not the "public portrayal of hard core sexual conduct for its own sake, and for the ensuing commercial gain" which we said was punishable ...

# Text 1362:

**Sun Oil Co. v. Wortman, 486 U.S. 717 (1988), was a conflict of laws case decided by the United States Supreme Court.**

1. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.
2. Clay v. Sun Insurance Office, Ltd., 363 U.S. 207 (1960) and 377 U.S. 179 (1964), was a conflict of laws case that was twice heard by the Supreme Court of the United States, with an initial decision remanding the case for further proceedings in 1960, and a final resolution in 1964.

# Text 1363:

**Teleprompter Corp. v. Columbia Broadcasting, 415 U.S. 394 (1974), was a United States Supreme Court case in which the Court held that receiving a television broadcast from a "distant" source does not constitute a "performance".**

1. Broadcast Music Inc. v. Columbia Broadcasting System Inc., 441 U.S. 1 (1979), was an important antitrust case decided by the Supreme Court of the United States. It examined a complaint brought by CBS affiliates that the method in which broadcast companies determine fees for the issuance of blanket licenses (the permission to use a set of copyrighted media materials) was a violation of the Sherman Antitrust Act. The Supreme Court ruled that the issuance of blanket licenses was not a violation of the act, holding that the nature of blanket licenses did not arise to price fixing.
2. Turner Broadcasting System, Inc. v. FCC is the general title of two rulings of the United States Supreme Court on the constitutionality of must-carry regulations enforced by the Federal Communications Commission on cable television operators. In the first ruling, known colloquially as Turner I, 512 U.S. 622 (1994), the Supreme Court held that cable television companies were First Amendment speakers who enjoyed free speech rights when determining what channels and content to carry on their networks, but demurred on whether the must-carry rules at issue were restrictions of those rights. After a remand to a lower court for fact-finding on the economic effects of the then-recent Cable Television Consumer Protection and Competition Act, the dispute returned to the Supreme Court. In Turner II, 520 U.S. 180 (1997), the Supreme Court held that must-carry rules for cable television companies were not restrictions of their free speech rights because the U.S. government had a compelling interest in enabling the distribution of media content from multiple sources and in preserving local television.

# Text 1364:

**Jacobson v. United States, 503 U.S. 540 (1992), is a case decided by the United States Supreme Court regarding the criminal procedure topic of entrapment. A narrowly divided court overturned the conviction of a Nebraska man for receiving child sexual abuse material through the mail, ruling that postal inspectors had implanted a desire to do so through repeated written entreaties.  
It was the first time the court had considered an entrapment case from outside the realm of controlled-substance enforcement, or one involving conduct that had only recently been criminalized. By relying exclusively on whether the defendant had a predisposition to commit the crime, the court appeared to have finally resolved a lingering issue in its previous decisions on the subject.  
The decision was seen as a rare triumph for defendants before a conservative court that frequently sided with prosecutors. Guidelines for federal law enforcement agents were changed in its wake, and it was described as having brought entrapment "back from the dead."**

1. Sherman v. United States, 356 U.S. 369 (1958), was a United States Supreme Court case on the issue of entrapment. Unanimously, the Court overturned the conviction of a recovering New York drug addict who had been repeatedly solicited for drug sales by a fellow former addict who was working with federal agents.  
   The case was a virtual replay of Sorrells v. United States, the 1932 case in which the justices had first recognized entrapment as a defense. As in that case, all agreed the defendant had been entrapped, but the majority and a separate concurrence were at odds over what the best grounding for the entrapment defense was.
2. Hampton v. United States, 425 U.S. 484 (1976), is a United States Supreme Court decision on the subject of Entrapment. By a 5–3 margin, the Court upheld the conviction of a Missouri man for selling heroin even though all the drug sold was supplied to him, he claimed, by a Drug Enforcement Administration informant who had, in turn, gotten it from the DEA. The majority held that the record showed Hampton was predisposed to sell drugs no matter his source.  
   The case came before the court when the defendant argued that while he was predisposed, it was irrelevant since the government's possible role as sole supplier in the case constituted the sort of "outrageous government conduct" that Justice William Rehnquist had speculated could lead to the reversal of a conviction in the court's last entrapment case, United States v. Russell. Rehnquist was not impressed and rejected the argument in his majority opinion.  
   The dissents agreed that the government's purported action was outrageous and that the conviction should be overturned on those grounds. The justices were among those who had said in Russell that the "subjective" entrapment standard adopted by the Court since it first recognized entrapment as a valid defense in Sorrells v. United States, was less fair and appropriate than the "objective" standard of evaluating official conduct, which dissents and concurrences in entrapment cases over the years had argued for. However, this was the last entrapment case to feature that conflict.

# Text 1365:

**World-Wide Volkswagen Corp v. Woodson, 444 U.S. 286 (1980), is a United States Supreme Court case involving strict products liability, personal injury and various procedural issues and considerations. The 1980 opinion, written by Justice Byron White, is included in the first-year civil procedure curriculum at nearly every American law school for its focus on personal jurisdiction.**

1. BMW of North America, Inc. v. Gore, 517 U.S. 559 (1996), was a United States Supreme Court case limiting punitive damages under the Due Process Clause of the Fourteenth Amendment.
2. Honda Motor Company v. Oberg, 512 U.S. 415 (1994), was a United States Supreme Court case in which the Court held that an amendment to the Oregon state constitution disallowing judicial review of the size of punitive damages was a violation of due process.

# Text 1366:

**Locke v. Karass, 555 U.S. 207 (2009), is a court case in which the Supreme Court of the United States held that the Constitution permits the local chapter of a labor union to charge a "service fee" to non-members to cover non-local litigation expenses if (a) the expenses are "appropriately related to collective bargaining" and (b) there is a reciprocal relationship between the local chapter and the national union. The case expanded on and clarified the earlier Lehnert v. Ferris Faculty Association, which permitted such service fees for non-political activities but did not reach a consensus on whether "national" expenses were chargeable.**

1. Christiansburg Garment Co. v. Equal Employment Opportunity Commission, 434 U.S. 412 (1978), was a case decided by the Supreme Court of the United States that interpreted 42 U.S.C. §1988(b) to generally not require unsuccessful plaintiffs in civil rights cases to pay attorney's fees to the defendant. There would be an exception, however, for plaintiffs that brought frivolous claims. This decision has essentially helped create one way fee shifting for plaintiffs in civil rights cases.
2. Communications Workers of America v. Beck, 487 U.S. 735 (1988), is a decision by the United States Supreme Court which held that, in a union security agreement, unions are authorized by statute to collect from non-members only those fees and dues necessary to perform its duties as a collective bargaining representative. The rights identified by the Court in Communications Workers of America v. Beck have since come to be known as "Beck rights", and defining what Beck rights are and how a union must fulfill its duties regarding them is an active area of modern United States labor law.

# Text 1367:

**Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972), was a case decided by the United States Supreme Court concerning alleged discrimination against a nontenured teacher at Wisconsin State University-Oshkosh.  
David Roth was hired as a first year assistant professor of political science in 1968 for a fixed term of one year, with a possibility of extension on mutual consent of the parties. In accordance with procedural rules set by the Board of Regents, the president of the University informed Roth he would not be rehired for the next academic year, giving him no reason for the decision and no opportunity to challenge it in any sort of hearing. The Board's employment rules provided opportunity for review of teachers "dismissed" before the end of the employment term, but did not extend these protections to teachers whose contracts were simply not renewed.  
Roth brought suit in federal district court alleging that he was being punished for statements he had made that were critical of the university administration. He said the decision not to rehire him infringed his First Amendment right to freedom of speech. He also alleged that the university's failure to provide a hearing violated his Fourteenth Amendment right to procedural due process of law.  
In an opinion delivered by Justice Stewart, the Supreme Court held that the Fourteenth Amendment does not require an opportunity for a hearing prior to the nonrenewal of a nontenured state teacher's contract, unless he can show that the nonrenewal deprived him of an interest in "liberty" or that he had a "property" interest in continued employment, despite the lack of tenure or a formal contract.  
Justice Douglas dissented, writing "When a violation of First Amendment rights is alleged, the reasons for dismissal or for nonrenewal of an employment contract must be examined to see if the reasons given are only a cloak for activity or attitudes protected by the Constitution."  
Justice Marshall wrote a separate dissent saying that "every citizen who applies for a government job is entitled to it unless the government can establish some reason for denying the employment." He held government to higher scrutiny than private employers and said that government employees deserve "fair and adequate information" at their terminations in order to protect against arbitrary behavior.**

1. Cleveland Board of Education v. Loudermill, 470 U.S. 532 (1985), was a United States Supreme Court case in which the Court held that:  
     
   certain public-sector employees can have a property interest in their employment, per Constitutional Due Process. See Board of Regents v. Roth  
   this property right entails a right to "some kind of hearing" before being terminated—a right to oral or written notice of charges against them, an explanation of the employer's evidence, and an opportunity to present their sides of the story.  
   thus, the pretermination hearing should be an initial check against mistaken decisions—not a full evidentiary hearing, but essentially a determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed action.  
   in this case, because the respondents alleged that they had no chance to respond, the District Court erred in dismissing for failure to state a claim.  
   As a result of the case, public sector employers are required to provide a Loudermill hearing and/or a Loudermill letter before terminating an employee.
2. Roth v. United States, 354 U.S. 476 (1957), along with its companion case Alberts v. California, was a landmark decision of the Supreme Court of the United States which redefined the constitutional test for determining what constitutes obscene material unprotected by the First Amendment. The Court, in an opinion by Justice William J. Brennan Jr. created a test to determine what constituted obscene material: Whether the average person, applying contemporary community standards would find that the material appeals to a prurient interest in sex, and whether the material was utterly without redeeming social value. Although the Court upheld Roth’s conviction and allowed some obscenity prosecutions, it drastically loosened obscenity laws. The decision dissatisfied both social conservatives who thought that it had gone too far in tolerating sexual imagery, and liberals who felt that it infringed on the rights of consenting adults.  
   The decision was superseded by Miller v. California which removed the "utterly without redeeming social value" test, and replaced it with without "serious literary, artistic, political, or scientific value". In that case, Justice Brennan dissented, repudiating his previous position in Roth, arguing that states could not ban the sale, advertisement, or distribution of obscene materials to consenting adults.

# Text 1368:

**United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as not allowing a gas supply company to unilaterally modify rates in a natural gas supply contract by filing a new rate schedule with the Federal Power Commission (FPC). Mobile Gas and its companion case Federal Power Commission v. Sierra Pacific Power Co. established the Mobile-Sierra presumption which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).**

1. United Gas Pipe Line Co. v. Memphis Light, Gas, and Water Division, 358 U.S. 103 (1958), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as allowing a gas supply company to unilaterally modify a rate in a natural gas supply contract if the contract specified that the rate was that of the rate schedule filed with the Federal Power Commission (FPC) and the gas company filed a new rate schedule. This case clarified the Mobile-Sierra doctrine established by United Gas Pipe Line Co. v. Mobile Gas Service Corp. (1956) and its companion case Federal Power Commission v. Sierra Pacific Power Co. (1956), which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).
2. Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956), is a United States Supreme Court case in which the Court interpreted the Federal Power Act (FPA) as permitting the Federal Power Commission (FPC) to modify a rate specified in a contract between an electric utility and distribution company only upon a finding that the contract rate is unlawful because it adversely affects the public interest. Sierra Pacific and its companion case United Gas Pipe Line Co. v. Mobile Gas Service Corp. established the Mobile-Sierra doctrine, which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the FPA or Natural Gas Act (NGA).

# Text 1369:

**United States v. General Dynamics Corp., 481 U.S. 239 (1987), is a United States Supreme Court case, which hold that under 162(a) of the Internal Revenue Code (26 U.S.C. 162(a)) and Treasury Regulation 1.461-1(a)(2) ( 26 CFR 1.461-1(a)(2)), the "all events" test entitled an accrual-basis taxpayer to a federal income tax business-expense deduction, for the taxable year in which (1) all events had occurred which determined the fact of the taxpayer's liability, and (2) the amount of that liability could be determined with reasonable accuracy.**

1. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.
2. American Automobile Association v. United States, 367 U.S. 687 (1961), was an income tax case before the United States Supreme Court.

# Text 1370:

**Schlesinger v. Ballard, 419 U.S. 498 (1975), was a United States Supreme Court case that upheld a federal statute granting female Naval officers four more years of commissioned service before mandatory discharge than male Naval officers. A group of naval officers who were discharged prior to their tenth year of commissioned service, as a result of not being promoted, received a lower rate of separation pay than female officers who were permitted to remain in service longer and receive three additional promotion board opportunities. As a result, the female officers who failed to be promoted received a higher rate of separation pay over their male counterparts. Ballard, a male officer who was passed over earned $15,000 in separation pay, but if he had been a similarly situated female officer, he argued that he would have received over $200,000 in separation pay. Ballard had also served as an enlisted sailor, but his eighteen years of total service was not enough to earn a military retirement. Although Justice Harry Blackmun's clerk pointed this out in a memorandum, Blackmun responded "We are first of all, dealing with the military and not with some civilian set-up, and I suppose this adds a protective factor to the government's position."**

1. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.
2. Schlesinger v. Councilman, 420 U.S. 738 (1975), was a case decided by the Supreme Court of the United States.  
   The case was a key part of government arguments in the 2006 case of Hamdan v. Rumsfeld, defending its contention that the Supreme Court should not have heard the case, because Hamdan was still being processed by a military tribunal court in Guantanamo Bay.  
   Both the majority opinion by Justice John Paul Stevens and the dissenting argument of Justice Antonin Scalia referenced the case.

# Text 1371:

**Dalton v. Specter, 511 U.S. 462 (1994), was a case in which the United States Supreme Court held that an Executive Order to shut down the Philadelphia Naval Base was not subject to judicial review. In an opinion written by Chief Justice William Rehnquist, the Court held that the decision to close the base was not subject to review under the Administrative Procedure Act because the decision to close the base did not constitute the final action of an agency. Additionally, the Court held that the decision to close the base, which was made pursuant to the Defense Base Closure and Realignment Act of 1990, was not subject to judicial review because the 1990 Act "commits decisionmaking to the discretion of the President".**

1. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.
2. Gunn v. University Committee to End the War in Viet Nam, 399 U.S. 383 (1970), is a United States Supreme Court case in which the Court that since the District Court has issued neither an injunction nor an order granting or denying one, Supreme Court has no jurisdiction under 28 U.S.C. § 1253, which provides for review of orders granting or denying interlocutory or permanent injunctions.

# Text 1372:

**Arkansas v. Sanders, 442 U.S. 753 (1979), was a decision by the United States Supreme Court, which held that absent exigency, the warrantless search of personal luggage merely because it was located in an automobile lawfully stopped by the police, is a violation of the Fourth Amendment and not justified under the automobile exception. Similar to United States v. Chadwick (1977), the luggage was the subject of police suspicion before being placed in the vehicle.  
Sanders resolved two distinct lines of cases: on the one hand, Carroll v. United States (1925) laid down the automobile exception which allowed for warrantless searches of automobiles; on the other hand, Chadwick did not allow for a warrantless search of luggage. Sanders declined to extend the automobile exception here, again stressing, as in Chadwick, the heightened expectation of privacy in one's luggage.**

1. United States v. Chadwick, 433 U.S. 1 (1977), was a decision by the United States Supreme Court, which held that, absent exigency, the warrantless search of double-locked luggage just placed in the trunk of a parked vehicle is a violation of the Fourth Amendment and not justified under the automobile exception. The Court reasoned that while luggage is movable like an automobile, it does not have the lesser expectation of privacy associated with an automobile.  
   Chadwick was later abrogated on other grounds by California v. Acevedo (1991), in which the Court overruled Chadwick's holding with respect to containers within a vehicle, holding that police may search a container within a vehicle without a warrant if they have probable cause to believe that the container itself holds contraband or evidence.  
   The holding in Chadwick that a search incident to arrest must not be too remote in time or place is still good law.
2. California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
   It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.

# Text 1373:

**Oregon v. Bradshaw, 462 U.S. 1039 (1983), applied the rule first announced in Edwards v. Arizona (1981) and clarified the manner in which a suspect may waive his right under Miranda v. Arizona (1966) to have counsel present during interrogation by the police.**

1. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."
2. Miranda v. Arizona, 384 U.S. 436 (1966), was a landmark decision of the U.S. Supreme Court in which the Court ruled that law enforcement in the United States must warn a person of their constitutional rights before interrogating them, or else the person's statements cannot be used as evidence at their trial. Specifically, the Court held that under the Fifth Amendment to the U.S. Constitution, the government cannot use a person's statements made in response to an interrogation while in police custody as evidence at the person's criminal trial unless they can show that the person was informed of the right to consult with a lawyer before and during questioning, and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights but also voluntarily waived them before answering questions.  
   Miranda was viewed by many as a radical change in American criminal law, since the Fifth Amendment was traditionally understood only to protect Americans against formal types of compulsion to confess, such as threats of contempt of court. It has had a significant impact on law enforcement in the United States, by making what became known as the Miranda warning part of routine police procedure to ensure that suspects were informed of their rights, which would become known as "Miranda rights". The concept of "Miranda warnings" quickly caught on across American law enforcement agencies, who came to call the practice "Mirandizing".  
   Pursuant to the U.S. Supreme Court decision Berghuis v. Thompkins (2010), criminal suspects who are aware of their right to silence and to an attorney but choose not to "unambiguously" invoke them may find any subsequent voluntary statements treated as an implied waiver of their rights, and used as or as part of evidence. At least one scholar has argued that Thompkins "fully undermined" Miranda.

# Text 1374:

**Keeton v. Hustler Magazine, Inc., 465 U.S. 770 (1984), was a case in which the United States Supreme Court held that a state could assert personal jurisdiction over the publisher of a national magazine which published an allegedly defamatory article about a resident of another state, and where the magazine had wide circulation in that state.**

1. Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988), is a landmark decision by the Supreme Court of the United States in which the Court held that parodies of public figures, even those intending to cause emotional distress, are protected by the First and Fourteenth Amendments to the U.S. Constitution.  
   In the case, Hustler magazine ran a full-page parody ad against televangelist and political commentator Jerry Falwell Sr., depicting him as an incestuous drunk who had sex with his mother in an outhouse. The ad was marked as a parody that was "not to be taken seriously". In response, Falwell sued Hustler and the magazine's publisher Larry Flynt for intentional infliction of emotional distress, libel, and invasion of privacy, but Flynt defended the ad's publication as protected by the First Amendment.  
   In an 8–0 decision, the Court held that the emotional distress inflicted on Falwell by the ad was not a sufficient reason to deny the First Amendment protection to speech that is critical of public officials and public figures.  
   Constitutional limits to defamation liability cannot be circumvented for claims arising from speech by asserting an alternative theory of tort liability such as intentional infliction of emotional distress.
2. Calder v. Jones, 465 U.S. 783 (1984), was a case in which the United States Supreme Court held that a court within a state could assert personal jurisdiction over the author and editor of a national magazine which published an allegedly libelous article about a resident of that state, and where the magazine had wide circulation in that state.

# Text 1375:

**Rock v. Arkansas, 483 U.S. 44 (1987), was a Supreme Court of the United States case in which the Court held that criminal defendants have a constitutional right to testify on their own behalf.  
The right of a person to represent oneself in a court of law had been recognized for a very long time prior to this case. This right has been established by both legislative enactments and judicial rulings alike. An 1864 appropriations act allowed defendants to testify for themselves. The right of a criminal defendant to represent oneself had already been recognized by courts prior to this case. In Faretta v. California, the United States Supreme Court held that criminal defendants are constitutionally free to decline or reject professional lawyers as legal representation in state-level courts as well as to serve as their own legal counsels in such trials. In that case, the Court noted the lengthy history of the right by stating:  
  
In the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that "in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel."  
The movement in favor of allowing defendants to testify for themselves was popular, but its critics worried that it would destroy the presumption of innocence because of the perception that someone who is innocent of a crime would certainly speak to defend themselves and a person who is guilty of a crime would certainly not do so. This perception is inaccurate because a defendant's past becomes broadly admissible as evidence when they take the stand, so testifying may be against their interests. For example, when an individual with a criminal record testifies in their own trial, that past record can be presented to persuade the jury that they are the kind of person who would have done what they are accused of in the present. In a sense, the critics' worries have come to pass because relevant scholarship indicates that there is a measurable difference between the conviction rates of factually-innocent people whenever they do testify or they do not testify. Juries tend to convict criminal defendants who choose to testify for themselves at higher rates; likewise, juries tend to acquit criminal defendants who decline to testify for themselves.**

1. Stewart v. United States, 366 U.S. 1 (1961), was a United States Supreme Court case in which the Court held that asking a criminal defendant whether he had testified in previous trials violated his Fifth Amendment rights.  
   Willie Lee Stewart had already been tried twice for murder and had not testified in either trial. During his third trial his defense was insanity and he chose to testify in his own defense. During his cross-examination, the prosecutor asked, "This is the first time you have gone on the stand, isn't it, Willie?", alluding to the fact that Stewart had not testified in his first two trials. Stewart's attorney objected and ultimately appealed Stewart's criminal conviction to the Supreme Court.  
   The Fifth Amendment provides a criminal defendant with a right to refuse to testify. Relying on that provision, the Court held that the prosecutor's question was unduly prejudicial and unconstitutional. The Court further held that the error was not harmless and remanded for a new trial.
2. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.

# Text 1376:

**Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.**

1. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.
2. Abington School District v. Schempp, 374 U.S. 203 (1963), was a United States Supreme Court case in which the Court decided 8–1 in favor of the respondent, Edward Schempp, on behalf of his son Ellery Schempp, and declared that school-sponsored Bible reading and the recitation of the Lord's Prayer in public schools in the United States was unconstitutional.

# Text 1377:

**Benton v. Maryland, 395 U.S. 784 (1969), is a Supreme Court of the United States decision concerning double jeopardy. Benton ruled that the Double Jeopardy Clause of the Fifth Amendment applies to the states. In doing so, Benton expressly overruled Palko v. Connecticut.**

1. Fong Foo v. United States, 369 U.S. 141 (1962), was a Supreme Court ruling that upheld the protection from double jeopardy by the federal government. While the protection from double jeopardy did not get incorporated to apply to the state governments until 1969 (see Benton v. Maryland), the Supreme Court ruled that the Fifth Amendment to the United States Constitution prevented the Federal Government from bringing a defendant to trial twice for the same charge. In this case, the court ruled that despite the error of the District Judge, the 5th Amendment protected the defendants from facing a second trial for the same charge.
2. Waller v. Florida, 397 U.S. 387 (1970), was a decision by the United States Supreme Court, which held that the Double Jeopardy Clause protects defendants from successive prosecutions by states and municipalities for offenses based on the same criminal conduct.

# Text 1378:

**Kirchberg v. Feenstra, 450 U.S. 455 (1981), was a United States Supreme Court case in which the Court held a Louisiana Head and Master law, which gave sole control of marital property to the husband and indicated the husband's dominance over the wife in the marriage, unconstitutional.**

1. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.
2. Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
   The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.

# Text 1379:

**Immigration and Naturalization Service v. Chadha, 462 U.S. 919 (1983), was a United States Supreme Court case ruling in 1983 that the one-house legislative veto violated the constitutional separation of powers.**

1. Boutilier v. Immigration and Naturalization Service, 387 U.S. 118 (1967), was a United States Supreme Court case in which the Court upheld Clive Michael Boutilier's deportation from the United States under the Immigration and Nationality Act of 1952 due to his history of homosexual activities. The Act itself did not specify homosexuality among its exclusion criteria, but the Court held that Congress clearly intended that a homosexual individual be excluded from entry into the United States as one "afflicted with [a] psychopathic personality." The decision was abrogated by the Immigration Act of 1990, which rejected sexual orientation as a basis for excluding an individual from immigration.
2. Immigration and Naturalization Service v. Elias-Zacarias, 502 U.S. 478 (1992), is a case in which the United States Supreme Court ruled that a Guatemalan man seeking asylum in the United States of America as a result of forced conscription in a guerrilla army did not establish persecution on account of political opinion, a legal requirement for asylum.

# Text 1380:

**In re Winship, 397 U.S. 358 (1970), was a United States Supreme Court decision that held that "the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime charged.": 17  It established this burden in all cases in all states (constitutional case).: 17   
In an opinion authored by Justice Brennan, the Court held that when a juvenile is charged with an act that would be a crime if committed by an adult, every element of the offense must be proved beyond reasonable doubt, not preponderance of the evidence. The case has come to stand for a broader proposition, however: in a criminal prosecution, every essential element of the offense must be proved beyond reasonable doubt. See, e.g., Apprendi v. New Jersey, 530 U.S. 466, 477 (2000); Sullivan v. Louisiana, 508 U.S. 275, 278 (1993). This case marked a rejection of the preponderance of evidence standard in any criminal cases and expanded the protections afforded by the Due Process Clause.**

1. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4
2. Patterson v. New York, 432 U.S. 197 (1977), was a legal case heard by the Supreme Court of the United States that stated that the Due Process Clause Fourteenth Amendment did not prevent the burdening of a defendant to prove the affirmative defense of extreme emotional disturbance as defined by law in the state of New York.  
   The court found that the State of New York had reclassified provocation ("extreme emotional disturbance") as an excuse (an affirmative defense requiring proof by preponderance of the evidence), rather than mens rea, which the prosecution had to prove beyond a reasonable doubt, as was the situation in Mullaney v. Wilbur (1975).: 18

# Text 1381:

**Diamond v. Chakrabarty, 447 U.S. 303 (1980), was a United States Supreme Court case dealing with whether living organisms can be patented. Writing for a five-justice majority, Chief Justice Warren E. Burger held that human-made bacteria could be patented under the patent laws of the United States because such an invention constituted a "manufacture" or "composition of matter". Justice William J. Brennan Jr., along with Justices Byron White, Thurgood Marshall, and Lewis F. Powell Jr., dissented from the Court's ruling, arguing that because Congress had not expressly authorized the patenting of biological organisms, the Court should not extend patent law to cover them.  
In the decades since the Court's ruling, the case has been recognized as a landmark case for U.S. patent law, with industry and legal commentators identifying it as a turning point for the biotechnology industry.**

1. Diamond v. Diehr, 450 U.S. 175 (1981), was a United States Supreme Court decision which held that controlling the execution of a physical process, by running a computer program did not preclude patentability of the invention as a whole. The high court reiterated its earlier holdings that mathematical formulas in the abstract could not be patented, but it held that the mere presence of a software element did not make an otherwise patent-eligible machine or process patent ineligible. Diehr was the third member of a trilogy of Supreme Court decisions on the patent-eligibility of computer software related inventions.
2. Blonder-Tongue Labs., Inc. v. University of Ill. Foundation, 402 U.S. 313 (1971), is a decision of the United States Supreme Court holding that a final judgment in an infringement suit against a first defendant that a patent is invalid bars the patentee from relitigating the same patent against other defendants. In so ruling, the Supreme Court overruled its 1936 decision in Triplett v. Lowell, which had required mutuality of estoppel to bar such preclusion, and held that the better view was to prevent relitigating if the plaintiff had had a full and fair opportunity to litigate the issue in question.

# Text 1382:

**Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.**

1. Louisiana ex rel. Francis v. Resweber, 329 U.S. 459 (1947), is a case in which the U.S. Supreme Court was asked whether imposing capital punishment (the electric chair) a second time, after it failed in an attempt to execute Willie Francis in 1946, constituted a violation of the United States Constitution. The issues raised surrounded the double jeopardy clause of the Fifth Amendment, and the cruel and unusual punishment clause of the Eighth Amendment, as made applicable to the State of Louisiana via the due process clause of the Fourteenth Amendment.  
   In an opinion by Justice Stanley Forman Reed, which three other justices (Chief Justice Vinson and Associate Justices Hugo Black and Robert H. Jackson) joined, and with which Justice Felix Frankfurter concurred, the Court held that re-executing Francis did not constitute double jeopardy or cruel and unusual punishment. Justice Reed wrote,  
     
   Our minds rebel against permitting the same sovereignty to punish an accused twice for the same offense. But where the accused successfully seeks review of a conviction, there is no double jeopardy upon a new trial. Even where a state obtains a new trial after conviction because of errors, while an accused may be placed on trial a second time, it is not the sort of hardship to the accused that is forbidden by the Fourteenth Amendment ... For we see no difference from a constitutional point of view between a new trial for error of law at the instance of the state that results in a death sentence instead of imprisonment for life and an execution that follows a failure of equipment. When an accident, with no suggestion of malevolence, prevents the consummation of a sentence, the state's subsequent course in the administration of its criminal law is not affected on that account by any requirement of due process under the Fourteenth Amendment. We find no double jeopardy here which can be said to amount to a denial of federal due process in the proposed execution. (Citations omitted).  
   Dissenting, however, Justice Harold Burton (joined by Justices William O. Douglas, Frank Murphy, and Wiley Rutledge) argued,   
     
   How many deliberate and intentional reapplications of electric current does it take to produce a cruel, unusual and unconstitutional punishment? While five applications would be more cruel and unusual than one, the uniqueness of the present case demonstrates that, today, two separated applications are sufficiently 'cruel and unusual' to be prohibited. If five attempts would be 'cruel and unusual,' it would be difficult to draw the line between two, three, four and five. It is not difficult, however, as we here contend, to draw the line between the one continuous application prescribed by statute and any other application of the current. Lack of intent that the first application be less than fatal is not material. The intent of the executioner cannot lessen the torture or excuse the result.  
   Francis was successfully executed the following year.
2. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"

# Text 1383:

**Wisconsin v. Mitchell, 508 U.S. 476 (1993), was a case in which the United States Supreme Court held that enhanced penalties for hate crimes do not violate criminal defendants' First Amendment rights. It was a landmark precedent pertaining to First Amendment free speech arguments for hate crime legislation. In effect, the Court ruled that a state may consider whether a crime was committed or initially considered due to an intended victim's status in a protected class.**

1. Mitchell v. Donovan, 398 U.S. 427 (1970), was a United States Supreme Court case.
2. United States v. Mitchell, 463 U.S. 206 (1983), was a case in which the Supreme Court of the United States held that the United States is accountable in money damages for alleged breaches of trust in connection with its management of forest resources on allotted lands of the Quinault Reservation.

# Text 1384:

**First English Evangelical Lutheran Church v. Los Angeles County, 482 U.S. 304 (1987), was a 6–3 decision of the United States Supreme Court. The court held that the complete destruction of the value of property constituted a "taking" under the Fifth Amendment even if that taking was temporary and the property was later restored.**

1. Los Angeles County v. Humphries, 562 U.S. 29 (2010), is a decision by the Supreme Court of the United States that clarified one of the requirements for imposing liability on a municipality for violations of a federal right, in lawsuits brought under Section 1983 of the Civil Rights Act of 1871 (codified at 42 U.S.C. § 1983).  
   The Court had previously ruled in Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978), that municipalities could only be liable under Section 1983 if the injury was a result of that municipality's "policy or custom." In Los Angeles County v. Humphries, the Court ruled that this "policy or custom" requirement applied regardless of whether the relief the plaintiff sought was monetary or prospective.
2. United States v. Carmack, 329 U.S. 230 (1946), was a unanimous decision of the Supreme Court of the United States which held that the United States federal government was empowered by Condemnation Act of August 1, 1888; the Public Buildings Act of 1926; and the United States Constitution to exercise its right of eminent domain over land containing buildings owned by a state or local government.

# Text 1385:

**Village of Arlington Heights v. Metropolitan Housing Development Corp, 429 U.S. 252 (1977), was a case heard by the Supreme Court of the United States dealing with a zoning ordinance that in a practical way barred families of various socio-economic, and ethno-racial backgrounds from residing in a neighborhood. The Court held that the ordinance was constitutional because there was no proof that "discriminatory purpose was a motivating factor in the Village's decision."**

1. Village of Belle Terre v. Boraas, 416 U.S. 1 (1974), is a United States Supreme Court case in which the Court upheld the constitutionality of a residential zoning ordinance in Belle Terre, New York, allowing a restrictive definition of family that prevented unrelated college students from residing in a single-family dwelling.
2. Hunter v. Erickson, 393 U.S. 385 (1969), was a United States Supreme Court case.  
   The question in the case was "whether the City of Akron, Ohio, has denied [a black citizen] the equal protection of its laws by amending the city charter to prevent the city council from implementing any ordinance dealing with racial, religious, or ancestral discrimination in housing without the approval of the majority of the voters of Akron."  
   The Court held an amendment of a city charter to discriminate against minorities, and constitute a real, substantial, and invidious denial of the equal protection of the laws under the Fourteenth Amendment.  
   This amendment provided that an ordinance enacted by the city council would not be effective unless approved by a majority of the city voters at a regular or general election, and that any such ordinance in effect at the time of the charter amendment shall cease to be effective until approved by the voters, a fair housing ordinance having in fact been previously enacted by the city council; that ordinance dealt with racial, religious, or ancestral discrimination in housing.  
   The amendment discriminated and violated the equal protection of the laws since, under the city's general system of enacting ordinances, an ordinance was effective a specified time after passage by the city council unless 10 percent of the voters petitioned for a referendum, and the amendment of the charter not only suspended the operation of the existing ordinance forbidding housing discrimination, but also made an explicit racial classification treating racial housing matters differently from other racial matters or other housing matters and made it more difficult to secure enactment of ordinances subject to the amendment, it being immaterial that the amendment drew no distinctions among racial and religious groups, since the amendment disadvantaged those who would benefit from laws barring racial, religious, or ancestral discriminations as against those who would bar other discriminations or who would otherwise regulate the real-estate market in their favor, and since the reality is that the law's impact falls on the minority and places special burdens on racial minorities within the governmental process.

# Text 1386:

**Washington v. Davis, 426 U.S. 229 (1976), was a United States Supreme Court case that established that laws that have a racially discriminatory effect but were not adopted to advance a racially discriminatory purpose are valid under the U.S. Constitution.**

1. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.
2. Lee v. Washington, 390 U.S. 333 (1968), is a United States Supreme Court decision that upheld an appeals court decision to forbid segregation of public prisons.

# Text 1387:

**Vasquez v. Hillery, 474 U.S. 254 (1986), is a United States Supreme Court case, which held that a defendant's conviction must be reversed if members of their race were systematically excluded from the grand jury that indicted them, even if they were convicted following an otherwise fair trial.**

1. Hernandez v. New York, 500 U.S. 352 (1991), was a decision by the United States Supreme Court, which held that a prosecutor may dismiss jurors who are bilingual in Spanish and English from juries that will consider Spanish-language testimony.  
   Peremptory challenges are used to remove jurors thought to be undesirable for virtually any reason by either side in a court case. However, in Batson v. Kentucky (1986), the Supreme Court ruled that peremptory challenges may not be used to remove jurors because of their race. In Hernandez, the Supreme Court had to decide whether the peremptory exclusion of two Hispanic jurors was tantamount to exclusion because of race—and therefore violated the Equal Protection Clause of the United States Constitution.The case is recognized as expanding a Batson challenge to a peremptory strike based on a juror's ethnicity.
2. Robinson v. Florida, 378 U.S. 153 (1964), was a case in which the Supreme Court of the United States reversed the convictions of several white and African American persons who were refused service at a restaurant based upon a prior Court decision, holding that a Florida regulation requiring a restaurant that employed or served persons of both races to have separate lavatory rooms resulted in the state becoming entangled in racial discriminatory activity in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

# Text 1388:

**Broadcast Music Inc. v. Columbia Broadcasting System Inc., 441 U.S. 1 (1979), was an important antitrust case decided by the Supreme Court of the United States. It examined a complaint brought by CBS affiliates that the method in which broadcast companies determine fees for the issuance of blanket licenses (the permission to use a set of copyrighted media materials) was a violation of the Sherman Antitrust Act. The Supreme Court ruled that the issuance of blanket licenses was not a violation of the act, holding that the nature of blanket licenses did not arise to price fixing.**

1. Teleprompter Corp. v. Columbia Broadcasting, 415 U.S. 394 (1974), was a United States Supreme Court case in which the Court held that receiving a television broadcast from a "distant" source does not constitute a "performance".
2. Twentieth Century Music Corp v. Aiken, 422 U.S. 151 (1975), was an important decision of the United States Supreme Court, out of the Third Circuit, that questioned whether the reception of a copyrighted song on a radio broadcast constitutes a copyright violation if the copyright owner has only licensed the broadcaster to "perform the composition publicly for profit".

# Text 1389:

**United States v. Wheeler, 435 U.S. 313 (1978), was a United States Supreme Court case in which the Court held the Double Jeopardy Clause does not bar the federal prosecution of a Native American (Indian) who has already been prosecuted by the tribe.**

1. United States v. Antelope, 430 U.S. 641 (1977), was a United States Supreme Court case in which the Court held that American Indians convicted on reservation land were not deprived of the equal protection of the laws; (a) the federal criminal statutes are not based on impermissible racial classifications but on political membership in an Indian tribe or nation; and (b) the challenged statutes do not violate equal protection. Indians or non-Indians can be charged with first-degree murder committed in a federal enclave.
2. Heath v. Alabama, 474 U.S. 82 (1985), is a case in which the United States Supreme Court ruled that, because of the doctrine of "dual sovereignty" (the concept that the United States and each state possess sovereignty – a consequence of federalism), the double jeopardy clause of the Fifth Amendment to the Constitution does not prohibit one state from prosecuting and punishing somebody for an act of which they had already been convicted of and sentenced for in another state.  
   This decision is one of several that holds that the Fifth Amendment does not forbid the U.S. federal government and a state government, or the governments of more than one state, from prosecuting the same individual separately for the same illegal act.

# Text 1390:

**Corn Products Refining Company v. Commissioner, 350 U.S. 46 (1955), is a United States Supreme Court decision that helps taxpayers classify whether or not the disposition of a commodity futures contract by a business of raw materials as part of its hedging of business risk is an ordinary or capital gain or loss for income tax purposes.**

1. Arkansas Best Corporation v. Commissioner, 485 U.S. 212 (1988), is a United States Supreme Court decision that helps taxpayers classify whether or not the sale of an asset is an ordinary or capital gain or loss for income tax purposes.
2. Commissioner v. Glenshaw Glass Co., 348 U.S. 426 (1955), was an important income tax case before the United States Supreme Court. The Court held as follows:   
     
   Congress, in enacting income taxation statutes that comprehend "gains or profits and income derived from any source whatever," intended to tax all gain except that which was specifically exempted.  
   Income is not limited to "the gain derived from capital, from labor, or from both combined."  
   Although the Court used this characterization in Eisner v. Macomber, it "was not meant to provide a touchstone to all future gross income questions."  
   Instead, income is realized whenever there are "instances of [1] undeniable accessions to wealth, [2] clearly realized, and [3] over which the taxpayers have complete dominion."  
   Under this definition, punitive damages qualify as "income" -- even though they are not derived from capital or from labor.

# Text 1391:

**Michigan v. Summers, 452 U.S. 692 (1981), was a 6–3 decision by the United States Supreme Court which held for Fourth Amendment purposes, a warrant to search for contraband founded on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted.**

1. Arizona v. Hicks, 480 U.S. 321 (1987), held that the Fourth Amendment requires the police to have probable cause to seize items in plain view.
2. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.

# Text 1392:

**Evans v. Cornman, 398 U.S. 419 (1970), was a United States Supreme Court case in which the Court held that to deny people living in federal enclaves the right to vote is a violation of their right to Equal Protection under the Fourteenth Amendment.**

1. Baker v. Carr, 369 U.S. 186 (1962), was a landmark United States Supreme Court case in which the Court held that redistricting qualifies as a justiciable question under the Fourteenth Amendment's equal protection clause, thus enabling federal courts to hear Fourteenth Amendment-based redistricting cases. The court summarized its Baker holding in a later decision as follows: "the Equal Protection Clause of the Fourteenth Amendment limits the authority of a State Legislature in designing the geographical districts from which representatives are chosen either for the State Legislature or for the Federal House of Representatives." (Gray v. Sanders, 372 U.S. 368 (1963)). The court had previously held in Gomillion v. Lightfoot that districting claims over racial discrimination could be brought under the Fifteenth Amendment.  
   The case arose from a lawsuit against the state of Tennessee, which had not conducted redistricting since 1901. Tennessee argued that the composition of legislative districts constituted a nonjusticiable political question, as the U.S. Supreme Court had held in Colegrove v. Green (1946). In a majority opinion joined by five other justices, Justice William J. Brennan Jr. held that redistricting did not qualify as a political question, though he remanded the case to the federal district court for further proceedings. Justice Felix Frankfurter strongly dissented, arguing that the Court's decision cast aside history and judicial restraint and violated the separation of powers between legislatures and courts.  
   The case did not have any immediate effect on electoral districts, but it set an important precedent regarding the power of federal courts to address redistricting. In 1964, the Supreme Court handed down two cases, Wesberry v. Sanders and Reynolds v. Sims, that required the United States House of Representatives and state legislatures to establish electoral districts of equal population on the principle of one person, one vote.
2. Rogers v. Lodge, 458 U.S. 613 (1982), was a United States Supreme Court case in which the Court held that an at-large election system for a large rural county with a large black population violated the Equal Protection Clause.

# Text 1393:

**Linda R. S. v. Richard D., 410 U.S. 614 (1973), was a United States Supreme Court case resulting in a ruling that a particular section of a Texas Penal Code did not apply to mothers with out-of-wedlock children. The case was argued on December 6, 1972 and decided on March 5, 1973. Linda R. S., the petitioner and appellant, was the mother of the out of wedlock child. Richard D., the respondent and appellee, was the father of the out of wedlock child.**

1. Roe v. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States generally protected a right to have an abortion. The decision struck down many abortion laws, and caused an ongoing abortion debate in the United States about whether, or to what extent, abortion should be legal, who should decide the legality of abortion, and what the role of moral and religious views in the political sphere should be. The decision also shaped debate concerning which methods the Supreme Court should use in constitutional adjudication. The Supreme Court overruled Roe in 2022, ending the constitutional right to abortion.  
   The case was brought by Norma McCorvey—under the legal pseudonym "Jane Roe"—who, in 1969, became pregnant with her third child. McCorvey wanted an abortion but lived in Texas, where abortion was illegal except when necessary to save the mother's life. Her lawyers, Sarah Weddington and Linda Coffee, filed a lawsuit on her behalf in U.S. federal court against her local district attorney, Henry Wade, alleging that Texas's abortion laws were unconstitutional. A special three-judge court of the U.S. District Court for the Northern District of Texas heard the case and ruled in her favor. The parties appealed this ruling to the Supreme Court. In January 1973, the Supreme Court issued a 7–2 decision in McCorvey's favor holding that the Due Process Clause of the Fourteenth Amendment to the United States Constitution provides a fundamental "right to privacy", which protects a pregnant woman's right to an abortion. It also held that the right to abortion is not absolute and must be balanced against the government's interests in protecting women's health and prenatal life. It resolved these competing interests by announcing a pregnancy trimester timetable to govern all abortion regulations in the United States. The Court also classified the right to abortion as "fundamental", which required courts to evaluate challenged abortion laws under the "strict scrutiny" standard, the most stringent level of judicial review in the United States.   
   The Supreme Court's decision in Roe was among the most controversial in U.S. history. In addition to the dissent, Roe was criticized by some in the legal community, including some who thought that Roe reached the correct result but went about it the wrong way, and some called the decision a form of judicial activism. Others argued that Roe did not go far enough, as it was placed within the framework of civil rights rather than the broader human rights. The decision also radically reconfigured the voting coalitions of the Republican and Democratic parties in the following decades. Anti-abortion politicians and activists sought for decades to restrict abortion or overrule the decision; polls into the 21st century showed that a plurality and a majority, especially into the late 2010s to early 2020s, opposed overruling Roe. Despite criticism of the decision, the Supreme Court reaffirmed Roe's central holding in its 1992 decision, Planned Parenthood v. Casey. Casey overruled Roe's trimester framework and abandoned its "strict scrutiny" standard in favor of an "undue burden" test.  
   In June 2022, the Supreme Court overruled Roe and Casey in Dobbs v. Jackson Women's Health Organization on the grounds that the substantive right to abortion was not "deeply rooted in this Nation's history or tradition", nor considered a right when the Due Process Clause was ratified in 1868, and was unknown in U.S. law until Roe.
2. M.L.B. v. S.L.J., 519 U.S. 102 (1996), was a Supreme Court of the United States case regarding a controversy over the Fourteenth Amendment. The petitioner, M.L.B., argued that the Mississippi Chancery Courts could not terminate her parental rights on the basis that she was unable to pay the court fees. M.L.B. had been sued by S.L.J. to terminate M.L.B.'s parental rights and gain the ability to adopt the children. The judge declared in favor of S.L.J. under the premise that the decree was fair, as it was based on the fulfilling of the burden of proof by the father and his second wife with "clear and convincing evidence."  
   Despite the statement, the Chancery Court never elaborated on the evidence or clearly explained why M.L.B.'s parental rights had been dismissed. When M.L.B. went to appeal, she was unable to pay for the record preparation fees of $2,352.36 and so was denied. She then went to appeal under in forma pauperis but was again denied on the grounds that in forma pauperis is not demanded in civil cases, only criminal cases.  
   The case was then brought to the Supreme Court, where M.L.B. held that an inability to pay court fees should not be decisive of something as precious as parental rights. She used the guidelines set out in the due process and equal protection clauses of the Fourteenth Amendment to fight her case.  
   The Supreme Court decided in the petitioner's favor and stated that in matters regarding parental rights, a court may not stop a party from appealing the case based on financial means.  
   Because this ruling extended in forma pauperis to civil cases, there was a question of how liberally it could be applied. It was then clarified that in forma pauperis may be applied to civil cases only if state controls or intrusions on family relationships are involved. The Supreme Court decided that the family unit is considered so fundamental that its liberty interests should be protected by the Fourteenth Amendment. The protection of appellate rights was considered to be just as important as that of criminal rights.

# Text 1394:

**United States v. Kozminski, 487 U.S. 931 (1988), was a United States Supreme Court case involving the Thirteenth Amendment to the United States Constitution and involuntary servitude.  
Ike and Margarethe Kozminski and their son John were accused of enslaving two men on their farm.   
A federal jury convicted the husband and wife of holding the men against their will and conspiring to do so, and John was convicted on the conspiracy charge. The case was appealed to the U.S. Supreme Court.  
The Supreme Court held that the jury had been improperly instructed as to the nature of involuntary servitude under existing law and remanded the case for a new trial. The defendants eventually pleaded guilty to misdemeanor violations of labor law.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Phoenix v. Kolodziejski, 399 U.S. 204 (1970), was a voting rights case decided by the United States Supreme Court in 1970.

# Text 1395:

**Maynard v. Cartwright, 486 U.S. 356 (1988), is a United States Supreme Court case in which a unanimous Court found that the "especially heinous, atrocious or cruel" standard for the application of the death penalty as defined by the Eighth Amendment was too vague. As such, Oklahoma's law was overturned based on Furman v. Georgia (1972).  
Justice William J. Brennan Jr. announced in a concurrence, joined by Justice Thurgood Marshall, that he would adhere to his view that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments.**

1. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"
2. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.

# Text 1396:

**Ake v. Oklahoma, 470 U.S. 68 (1985), was a case in which the Supreme Court of the United States held that the Due Process Clause of the Fourteenth Amendment required the state to provide a psychiatric evaluation to be used on behalf of an indigent criminal defendant if he needed it.**

1. Jones v. United States, 463 U.S. 354 (1983), is a United States Supreme Court case in which the court, for the first time, addressed whether the due process requirement of the Fourteenth Amendment allows defendants, who were found not guilty by reason of insanity (NGRI) of a misdemeanor crime, to be involuntarily confined to a mental institution until such times as they are no longer a danger to themselves or others with few other criteria or procedures limiting the actions of the state.
2. Doyle v. Ohio, 426 U.S. 610 (1976), is a United States Supreme Court case regarding the Due Process rights of the Fourteenth Amendment.

# Text 1397:

**Fullilove v. Klutznick, 448 U.S. 448 (1980), was a case in which the United States Supreme Court held that the U.S. Congress could constitutionally use its spending power to remedy the effects of past discrimination. The case arose as a suit against the enforcement of provisions in a 1977 spending bill that required 10% of federal funds going towards public works programs to go to minority-owned companies.   
Chief Justice Burger's decision to allow "benign" (as opposed to "invidious") racial classifications under section 5 of the Fourteenth Amendment was controversial. The Marshall plurality argued to uphold the program under an equal protection analysis by applying intermediate scrutiny to benign racial classifications. The Court generally rejected arguments that benign racial classifications stigmatize the minority beneficiaries, burden non-beneficiaries and are overinclusive of minority individuals who may not be in need of a remedy for past discrimination.   
Fullilove was overruled in part by Adarand Constructors, Inc. v. Peña.**

1. Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.
2. Schweiker v. Chilicky, 487 U.S. 412 (1988), was a United States Supreme Court decision that established limitations on implied causes of action. The Court determined that a cause of action would not be implied for the violation of rights where the U.S. Congress had already provided a remedy for the violation of rights at issue, even if the remedy was inadequate.  
   In this case, seriously disabled people were wrongfully being denied federal benefits (although, on appeal to an Administrative Law Judge, two-thirds had their payments restored). Although Congress provides for the return of back-pay, no provision is made for pain and suffering or other economic losses. The injured parties sued responsible agency personnel, under the theory that pursuant to Bivens v. Six Unknown Named Agents they could allege a private right of action for deprivation of due process.  
   The Court examined whether Congress intended a private right of action under these circumstances, and concluded that if Congress has created a meaningful remedy – even if it is incomplete – then no Bivens-type remedy is available. Special factors counseling hesitation included judicial deference to a combination of:   
     
   some indication that Congress considered providing a cause of action, and chose not to; and  
   the design of some government program containing what Congress considers an adequate remedial mechanism.  
   Here Congress has provided a great deal of process, and some relief, and has been otherwise silent as to a remedy, which the Court found to be enough to foreclose a Bivens remedy.

# Text 1398:

**Pub. Affairs Associates, Inc. v. Rickover, 369 U.S. 111 (1962), was a United States Supreme Court case in which the Court held that the circuit court's decision should be vacated because the facts of the case were too unclear. Remanded to district court to create an "adequate and full-bodied record.".  
The case concerned whether or not speeches written by Admiral Hyman G. Rickover in the course of his duties to the federal government of the United States were copyrightable. Generally, works of the United States government are not. The case spent nine years in litigation.  
After the case was passed back to a district court, the Register of Copyrights, the Librarian of Congress, the Secretary of the Navy, the Secretary of Defence, and the Atomic Energy Commissioners were all added as defendants. The court ruled in Admiral Rickover's and their favor, saying that speechwriting should be considered "private business from start to finish."**

1. Kissinger v. Reporters Committee for Freedom of the Press, 445 U.S. 136 (1980), is a decision by the Supreme Court of the United States involving the Freedom of Information Act. The Supreme Court ruled that Henry Kissinger was not required under the Act to turn over transcripts of phone conversations he made as an adviser to President Richard Nixon.  
   By a 5–2 margin, the court overturned the decisions of two lower Federal courts and decided that Kissinger's removal of the transcripts from the State Department removed the documents from the purview of the Freedom of Information Act. In his opinion for the majority, Associate Justice William H. Rehnquist noted that once the documents had been withdrawn, "the agency has neither the custody or control necessary to enable it to withhold."  
   Kissinger had removed thousands of pages of the phone transcripts in the waning days of his term as Secretary of State. The documents were first stored at Nelson Rockefeller's Kykuit estate in Westchester County, New York and were later given to the Library of Congress. In a decision affirmed by the United States Court of Appeals, the United States District Court ruled that Kissinger had "wrongfully removed" the documents and ordered the Library of Congress to return the papers to the State Department so that they could be processed for disclosure.  
   The Supreme Court confirmed the decisions of the lower courts that Kissinger's transcripts when he was Richard Nixon's national security advisor did not fall under the purview of the Freedom of Information Act, nor would it apply to any other members of a President's executive office staff. The only documents that were legitimately covered by the request would have been from his term as Secretary of State from September 1973 to January 1977.
2. United States v. Nixon, 418 U.S. 683 (1974), was a landmark decision of the Supreme Court of the United States in which the Court unanimously ordered President Richard Nixon to deliver tape recordings and other subpoenaed materials related to the Watergate scandal to a federal district court. Decided on July 24, 1974, the ruling was important to the late stages of the Watergate scandal, amidst an ongoing process to impeach Richard Nixon. United States v. Nixon is considered a crucial precedent limiting the power of any U.S. president to claim executive privilege.  
   Chief Justice Warren E. Burger wrote the opinion for a unanimous court, joined by Justices William O. Douglas, William J. Brennan, Potter Stewart, Byron White, Thurgood Marshall, Harry Blackmun and Lewis F. Powell. Burger, Blackmun, and Powell were appointed to the Court by Nixon during his first term. Associate Justice William Rehnquist recused himself as he had previously served in the Nixon administration as an Assistant Attorney General.

# Text 1399:

**Flora v. United States, 357 U.S. 63 (1958), affirmed on rehearing, 362 U.S. 145 (1960), was a case in which the Supreme Court of the United States held that a taxpayer generally must pay the full amount of an income tax deficiency assessed by the Commissioner of Internal Revenue before he may challenge its correctness by a suit in a federal district court for refund under 28 U.S.C. § 1346(a)(1). The Supreme Court agreed with the Commissioner of Internal Revenue, stating that the full payment rule requires the entire amount of an asserted deficiency to be paid before a refund suit may be maintained.**

1. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.
2. James v. United States, 366 U.S. 213 (1961), was a case in which the United States Supreme Court held that the receipt of money obtained by a taxpayer illegally was taxable income even though the law might require the taxpayer to repay the ill-gotten gains to the person from whom they had been taken.

# Text 1400:

**Hustler Magazine, Inc. v. Falwell, 485 U.S. 46 (1988), is a landmark decision by the Supreme Court of the United States in which the Court held that parodies of public figures, even those intending to cause emotional distress, are protected by the First and Fourteenth Amendments to the U.S. Constitution.  
In the case, Hustler magazine ran a full-page parody ad against televangelist and political commentator Jerry Falwell Sr., depicting him as an incestuous drunk who had sex with his mother in an outhouse. The ad was marked as a parody that was "not to be taken seriously". In response, Falwell sued Hustler and the magazine's publisher Larry Flynt for intentional infliction of emotional distress, libel, and invasion of privacy, but Flynt defended the ad's publication as protected by the First Amendment.  
In an 8–0 decision, the Court held that the emotional distress inflicted on Falwell by the ad was not a sufficient reason to deny the First Amendment protection to speech that is critical of public officials and public figures.  
Constitutional limits to defamation liability cannot be circumvented for claims arising from speech by asserting an alternative theory of tort liability such as intentional infliction of emotional distress.**

1. Keeton v. Hustler Magazine, Inc., 465 U.S. 770 (1984), was a case in which the United States Supreme Court held that a state could assert personal jurisdiction over the publisher of a national magazine which published an allegedly defamatory article about a resident of another state, and where the magazine had wide circulation in that state.
2. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.

# Text 1401:

**Kunz v. New York, 340 U.S. 290 (1951), was a landmark United States Supreme Court case that held a requirement mandating a permit to speak on religious issues in public was unconstitutional. The case was argued on October 17, 1950, and decided on January 15, 1951, with an 8–1 decision. Chief Justice Vinson delivered the opinion for the Court. Justice Black and Justice Frankfurter concurred in the result only. Justice Jackson dissented.  
Kunz helped establish the principle that government restrictions on speech must be narrowly tailored to avoid improperly limiting expression protected by the First Amendment. In this case, the Court held that laws granting public officials broad discretion to restrain speech about religious issues in advance constitute an invalid prior restraint, violating the First Amendment. The Court reversed the 1948 conviction of Baptist minister Carl J. Kunz, who was found guilty of violating a New York City ordinance required a permit from the police commissioner to hold religious services on public streets. Although the ordinance did not specify grounds for refusing permission, Kunz was denied permits in 1947 and 1948 after being accused of making “scurrilous attacks” on Catholics and Jews under a previous permit. He was subsequently arrested for speaking without a permit in Columbus Circle.  
Kunz's conviction for violating the ordinance was upheld by the Appellate Part of the Court of Special Sessions and by the New York Court of Appeals. However, the Supreme Court ultimately ruled that New York's ordinance was overly broad because it failed to provide any standards for administrators to determine who should receive permits to speak about religious issues.  
In his dissenting opinion, Justice Robert Jackson argued that Kunz had used “fighting words” that were not protected by the First Amendment (see unprotected speech). He also criticized the Court for striking down the permit scheme citing the recent case of Feiner v. New York (1951), in which the Court had allowed local officials the discretion to arrest volatile speakers during their presentations.**

1. Feiner v. New York, 340 U.S. 315 (1951), was a United States Supreme Court case involving Irving Feiner's arrest for a violation of section 722 of the New York Penal Code, "inciting a breach of the peace," as he addressed a crowd on a street.
2. Saia v. New York, 334 U.S. 558 (1948), was a case in which the Supreme Court of the United States held that an ordinance which prohibited the use of sound amplification devices except with permission of the Chief of Police was unconstitutional on its face because it established a prior restraint on the right of free speech in violation of the First Amendment.

# Text 1402:

**Maryland v. Garrison, 480 U.S. 79 (1987), is a United States Supreme Court case dealing with the Fourth Amendment of the United States Constitution and the extent of discretion given to police officers acting in good faith. The Court held that where police reasonably believe their warrant was valid during a search, execution of the warrant does not violate respondent's Fourth Amendment rights.**

1. Maryland v. Buie, 494 U.S. 325 (1990), was a decision by the Supreme Court of the United States handed down in 1990. In the case, the Court held that the Fourth Amendment permits a properly limited protective sweep in conjunction with an in-home arrest when the searching officer possesses a reasonable belief based on specific and articulable facts that the area to be swept harbors an individual posing a danger to those on the arrest scene.
2. Frank v. Maryland, 359 U.S. 360 (1959), was a United States Supreme Court case interpreting the Fourth Amendment to the United States Constitution.  
   Frank refused to allow the health inspectors into his home citing the Fourth Amendment. Inspectors were trying to perform an administrative search for code violations, specifically a rat infestation, not a criminal investigation, so they did not believe they were violating the Fourth Amendment. The Court, in an opinion written by Felix Frankfurter, decided in favor of the inspectors claiming that the search would benefit the public more than Frank's interests in privacy.  
   The Supreme Court would reverse this decision eight years later in Camara v. Municipal Court of City and County of San Francisco, 387 U.S. 523 (1967), ruling that the City of San Francisco could not prosecute a person for refusing to consent to a search of their home by a city inspector, and the inspector may only search either by having consent, or must have a search warrant issued based on probable cause of a violation of law.

# Text 1403:

**Abington School District v. Schempp, 374 U.S. 203 (1963), was a United States Supreme Court case in which the Court decided 8–1 in favor of the respondent, Edward Schempp, on behalf of his son Ellery Schempp, and declared that school-sponsored Bible reading and the recitation of the Lord's Prayer in public schools in the United States was unconstitutional.**

1. Engel v. Vitale, 370 U.S. 421 (1962), was a landmark United States Supreme Court case in which the Court ruled that it is unconstitutional for state officials to compose an official school prayer and encourage its recitation in public schools, due to violation of the First Amendment. The ruling has been the subject of intense debate.
2. Lee v. Weisman, 505 U.S. 577 (1992), was a United States Supreme Court decision regarding school prayer. It was the first major school prayer case decided by the Rehnquist Court. It held that schools may not sponsor clerics to conduct even non-denominational prayer. The Court followed a broad interpretation of the Establishment Clause that had been standard for decades at the nation's highest court, a reaffirmation of the principles of such landmark cases as Engel v. Vitale and Abington School District v. Schempp.

# Text 1404:

**Street v. New York, 394 U.S. 576 (1969), was a United States Supreme Court case in which the Court held that a New York state law making it a crime "publicly [to] mutilate, deface, defile, or defy, trample upon, or cast contempt upon either by words or act [any flag of the United States]" was, in part, unconstitutional because it prohibited speech against the flag. The Court left for a later day the question of whether it is constitutional or unconstitutional to prohibit, without reference to the utterance of words, the burning of the flag (see Texas v. Johnson and United States v. Eichman).**

1. Texas v. Johnson, 491 U.S. 397 (1989), is a landmark decision by the Supreme Court of the United States in which the Court held, 5–4, that burning the Flag of the United States was protected speech under the First Amendment to the U.S. Constitution, as doing so counts as symbolic speech and political speech.  
   In the case, activist Gregory Lee Johnson was convicted for burning an American flag during a protest outside the 1984 Republican National Convention in Dallas, Texas, and was fined $2,000 and sentenced to one year in jail in accordance with Texas law. Justice William Brennan wrote for the five-justice majority that Johnson's flag burning was protected under the freedom of speech, and therefore the state could not censor Johnson nor punish him for his actions.  
   The ruling invalidated prohibitions on desecrating the American flag, which at the time were enforced in 48 of the 50 states. The ruling was unpopular with the general public and lawmakers, with President George H. W. Bush calling flag burning "dead wrong". The ruling was challenged by Congress, which passed the Flag Protection Act later that year, making flag desecration a federal crime. The law's constitutionality was contested before the Supreme Court, which again affirmed in United States v. Eichman (1990) that flag burning was a protected form of free speech and struck down the Flag Protection Act as violating the   
     
   First Amendment. In the years following the ruling, Congress several times considered the Flag Desecration Amendment, which would have amended the Constitution to make flag burning illegal, but never passed it. The issue of flag burning remained controversial decades later, and it is still used as a form of protest.  
   Time magazine described it as one of the best Supreme Court decisions since 1960, with legal scholars since stating about it that "Freedom of speech applies to symbolic expression, such as displaying flags, burning flags, wearing armbands, burning crosses, and the like."
2. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.

# Text 1405:

**Estes v. Texas, 381 U.S. 532 (1965), was a case in which the United States Supreme Court overturned the fraud conviction of petitioner Billy Sol Estes, holding that his Fourteenth Amendment due process rights had been violated by the publicity associated with the pretrial hearing, which had been carried live on both television and radio. News photography was permitted throughout the trial and parts of it were broadcast as well.  
There was no doubt that the Court was displeased with the intensive pretrial and trial coverage, but its biggest concern was the presence of cameras at the two-day-long pretrial hearing. It included at least 12 still and television photographers, three microphones on the judge's bench, and several aimed at the jury's box and attorney's table. When it was time for the trial to be held, it was moved about 500 miles away and the judge had imposed rather severe restrictions on press coverage. However, the justices did mark the notion that cameras would return to courtrooms eventually:   
  
It is said that the ever-advancing techniques of public communication and the adjustment of the public to its presence may bring about a change in the effect of telecasting upon the fairness of criminal trials. But we are not dealing here with future developments in the field of electronics. Our judgment cannot be rested on the hypothesis of tomorrow but must take the facts as they are presented today." The Supreme Court ruled in Chandler v. Florida, 449 U.S. 560 (1981) that a state could allow the broadcast and still photography coverage of criminal trials.**

1. Chandler v. Florida, 449 U.S. 560 (1981), was a legal case in which the Supreme Court of the United States held that a state could allow the broadcast and still photography coverage of criminal trials. While refraining from formally overruling Estes v. Texas, which in 1965 held that media coverage was "infringing the fundamental right to a fair trial guaranteed by the Due Process Clause of the Fourteenth Amendment," it effectively did so.
2. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.

# Text 1406:

**Phillips v. Martin Marietta Corp., 400 U.S. 542 (1971), was a United States Supreme Court landmark case in which the Court held that under Title VII of the Civil Rights Act of 1964, an employer may not, in the absence of business necessity, refuse to hire women with pre-school-age children while hiring men with such children. It was the first sex discrimination case under Title VII to reach the Court.**

1. Crawford v. Nashville, 555 U.S. 271 (2009), is a United States Supreme Court case in which the Court unanimously ruled that Title VII of the Civil Rights Act of 1964 protects an employee who opposes unlawful sexual harassment, but does not report the harassment themself.
2. McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), is a US employment law case by the United States Supreme Court regarding the burdens and nature of proof in proving a Title VII case and the order in which plaintiffs and defendants present proof. It was the seminal case in the McDonnell Douglas burden-shifting framework.  
   Title VII of the Civil Rights Act of 1964 is a United States federal law that prohibits employment discrimination based on race, color, religion, sex or national origin. After the Supreme Court ruling, the Civil Rights Act of 1991 (Pub. L. 102-166) amended several sections of Title VII.  
   Title VII prohibits employment discrimination "because of" certain reasons. While "because of" may be understood in the conversational sense, the McDonnell Douglas case was the first landmark case to define this phrase.

# Text 1407:

**Chimel v. California, 395 U.S. 752 (1969), was a 1969 United States Supreme Court case in which the court held that police officers arresting a person at his home could not search the entire home without a search warrant, but that police may search the area within immediate reach of the person without a warrant. The rule on searches incident to a lawful arrest within the home is now known as the Chimel rule.  
Ronald M. George, the young deputy attorney general who unsuccessfully argued California's case, ultimately became chief justice of the Supreme Court of California.**

1. New York v. Belton, 453 U.S. 454 (1981), was a United States Supreme Court case in which the Court held that when a police officer has made a lawful custodial arrest of the occupant of an automobile, the officer may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile. Therefore, Belton extended the so-called "Chimel rule" of searches incident to a lawful arrest, established in Chimel v. California (1969), to vehicles. The Supreme Court sought to establish bright line rules to govern vehicle search incident to eliminate some confusion in the cases.
2. California v. Acevedo, 500 U.S. 565 (1991), was a decision of the United States Supreme Court, which interpreted the Carroll doctrine to provide one rule to govern all automobile searches. The Court stated, "The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained." The decision also overruled the distinctions in United States v. Chadwick (1977) and Arkansas v. Sanders (1979) which had previously held that, if probable cause existed to search an automobile, the police may perform a warrantless search of the automobile and the containers within it, but if the police only had probable cause to search a container in the automobile, the police first had to obtain a warrant before searching the container.  
   It thereby confirmed Carroll v. United States (1925), which held that a warrantless search of an automobile based upon probable cause to believe that the vehicle contained evidence of crime in the light of an exigency arising out of the vehicle's likely disappearance did not contravene the Fourth Amendment's Warrant Clause.

# Text 1408:

**Thermtron Products, Inc. v. Hermansdorfer, 423 U.S. 336 (1976), was a case in which the United States Supreme Court held that a United States District Court may not decline jurisdiction over a case that has properly been removed to it from state court on the ground that the court is backlogged with other cases, and that a District Court's refusal to hear a case on this ground may be reviewed by a writ of mandamus.**

1. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.
2. Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996), is a United States Supreme Court case dealing with the scope of federal preemption.  
   It was later limited by Riegel v. Medtronic, Inc.

# Text 1409:

**Cottage Savings Association v. Commissioner, 499 U.S. 554 (1991), was an income tax case before the Supreme Court of the United States.  
The Court was asked to determine whether the exchange of different participation interests in home mortgages by a savings and loan association was a "disposition of property" under § 1001(a) of the Internal Revenue Code (since this was the requirement for them to realize, and deduct, their losses on these mortgages).  
The Court determined that it was a "disposition of property" by making the following three holdings:  
  
Under § 1001(a), exchange of property gives rise to realization (a "disposition of property") only if the exchanged properties are "materially different."  
This concept of "material difference" is not defined by an economic substitute test (whether various parties would consider their differences to be "material"); rather, two properties are materially different if their respective possessors enjoy legal entitlements that are different in kind or extent.  
The S&L's 90% participation interest in its mortgages embodied legally distinct entitlements (and so was "materially different" from) the 90% mortgage participation interest it received from the other savings associations. Even if mortgages are "substantially identical" for purposes of Federal Home Loan Bank Board "Memorandum R-49" on reporting losses, they can still exhibit "material difference" for the purposes of finding a "disposition of property."**

1. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.
2. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.

# Text 1410:

**Schmuck v. United States, 489 U.S. 705 (1989), is a United States Supreme Court decision on criminal law and procedure. By a 5–4 margin it upheld the mail fraud conviction of an Illinois man and resolved a conflict among the appellate circuits over which test to use to determine if a defendant was entitled to a jury instruction allowing conviction on a lesser included charge. Justice Harry Blackmun wrote for the majority; Antonin Scalia for the dissent.  
The case had begun when Schmuck was prosecuted for having rolled back odometers for years on cars he sold to used-car dealers. He had been indicted for 12 counts of mail fraud, based on the vehicle title applications the dealers had then mailed to the state's Department of Transportation in order to resell the cars. Before his trial in the Western District of Wisconsin, he had been denied a motion to have the jury instructed that they could vote to convict him of tampering with the odometer, at the time a less serious offense, if they did not find him guilty of mail fraud.  
He raised the issue after his conviction with the Seventh Circuit Court of Appeals, as well as the applicability of the mail-fraud statute to the dealers' applications. A panel rejected the latter argument but agreed that the jury should have been allowed to consider the lesser charge, reversing the conviction and remanding the case for a new trial. The government appealed that decision to an en banc panel of the circuit, which restored the conviction, holding that the odometer tampering was not "inherently related" to the mail fraud. Since other appellate circuits had preferred a different test for lesser included charges, Schmuck successfully petitioned the Supreme Court to hear the case.  
Blackmun ruled for the government on both questions. Since Schmuck had enjoyed a continuing relationship with the dealers he sold to, and the cars could not be resold to a retail customer without titles obtained using false information, the dealers' applications were an essential element of his crime and thus constituted mail fraud. On the second question, Blackmun said the court should have considered whether the elements of odometer tampering were a subset of the elements of the mail fraud, and since that was not the case Schmuck had been properly denied the instruction. Scalia's dissent focused exclusively on the mail fraud issue. Since Schmuck had already received his payment for the altered vehicles, it did not matter what happened afterwards, a holding he found more consistent with the Court's earlier rulings on the subject.**

1. McNally v. United States, 483 U.S. 350 (1987), was a case in which the United States Supreme Court decided that the federal statute criminalizing mail fraud applied only to the schemes and artifices defrauding victims of money or property, as opposed to those defrauding citizens of their rights to good government. The case was superseded one year later when the United States Congress amended the law to specifically include honest services fraud in the mail and wire fraud statutes.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 1411:

**Califano v. Goldfarb, 430 U.S. 199 (1977), was a decision by the United States Supreme Court, which held that the different treatment of men and women mandated by 42 U.S.C. § 402(f)(1)(D) constituted invidious discrimination against female wage earners by affording them less protection for their surviving spouses than is provided to male employees, and therefore violated the Due Process Clause of the Fifth Amendment to the United States Constitution. The case was brought by a widower who was denied survivor benefits on the grounds that he had not been receiving at least one-half support from his wife when she died. Justice Brennan delivered the opinion of the court, ruling unconstitutional the provision of the Social Security Act which set forth a gender-based distinction between widows and widowers, whereby Social Security Act survivors benefits were payable to a widower only if he was receiving at least half of his support from his late wife, while such benefits based on the earnings of a deceased husband were payable to his widow regardless of dependency. The Court found that this distinction deprived female wage earners of the same protection that a similarly situated male worker would have received, violating due process and equal protection.**

1. Califano v. Aznavorian, 439 U.S. 170 (1978), was a United States Supreme Court case involving denial of Social Security Benefits to recipients while they are abroad and the Fifth Amendment due process right to international travel.
2. Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), was a decision by the United States Supreme Court, which unanimously held that the gender-based distinction under 42 U.S.C. § 402(g) of the Social Security Act of 1935—which permitted widows but not widowers to collect special benefits while caring for minor children—violated the right to equal protection secured by the Due Process Clause of the Fifth Amendment to the United States Constitution.

# Text 1412:

**Maryland v. Craig, 497 U.S. 836 (1990), was a U.S. Supreme Court case involving the Sixth Amendment. The Court ruled that the Sixth Amendment's Confrontation Clause, which provides criminal defendants with the right to confront witnesses against them, did not bar the use of one-way closed-circuit television to present testimony by an alleged child sex abuse victim.**

1. Pointer v. Texas, 380 U.S. 400 (1965), was a decision by the United States Supreme Court involving the application of the right of to confront accusers in state court proceedings. The Sixth Amendment in the Bill of Rights states that, in criminal prosecutions, the defendant has a right "...to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor..." In this case, a person arrested in Texas for robbery was deprived of the ability to cross-examine a witness when the lower court allowed the introduction of a transcript of that witness's earlier testimony at a preliminary proceeding instead of compelling attendance by the witness at trial.
2. Ohio v. Roberts, 448 U.S. 56 (1980), is a United States Supreme Court decision dealing with the Confrontation Clause of the Sixth Amendment to the United States Constitution.

# Text 1413:

**Whorton v. Bockting, 549 U.S. 406 (2007), was a United States Supreme Court case about the application of the Confrontation Clause and whether Crawford v. Washington (2006) applied retroactively. Justice Samuel Alito, writing for a unanimous Court, ruled that Crawford did not apply retroactively.**

1. Bolling v. Sharpe, 347 U.S. 497 (1954), is a landmark United States Supreme Court case in which the Court held that the Constitution prohibits segregated public schools in the District of Columbia. Originally argued on December 10–11, 1952, a year before Brown v. Board of Education, Bolling was reargued on December 8–9, 1953, and was unanimously decided on May 17, 1954, the same day as Brown. The Bolling decision was supplemented in 1955 with the second Brown opinion, which ordered desegregation "with all deliberate speed". In Bolling, the Court did not address school desegregation in the context of the Fourteenth Amendment's Equal Protection Clause, which applies only to the states, but rather held that school segregation was unconstitutional under the Due Process Clause of the Fifth Amendment to the United States Constitution. The Court observed that the Fifth Amendment to the United States Constitution lacked an Equal Protection Clause, as in the Fourteenth Amendment to the United States Constitution. However, the Court held that the concepts of equal protection and due process are not mutually exclusive, establishing the reverse incorporation doctrine.
2. Washington v. Texas, 388 U.S. 14 (1967), is a United States Supreme Court case in which the Court decided that the Compulsory Process Clause of the Sixth Amendment to the Constitution (guaranteeing the right of a criminal defendant to force the attendance of witnesses for their side) is applicable in state courts as well as federal courts. Jackie Washington had attempted to call his co-defendant as a witness, but was blocked by Texas courts because state law prevented co-defendants from testifying for each other, under the theory that they would be likely to lie for each other on the stand.  
   The Supreme Court reasoned that the Due Process Clause of the Fourteenth Amendment made the right to be able to compel defense witnesses to testify necessary for a defendant's "due process" rights to fair proceedings, which applies to the states. Only Justice John Marshall Harlan II parted from the Court's "due process" focus, though he agreed with the outcome, as he regularly did in cases involving whether to apply federal rights to state courts.  
   The impact of Washington was narrowed by a later case, Taylor v. Illinois (1988), in which the Court said that "countervailing public interests", like the need to move through cases quickly, could be balanced against a defendant's right to present witnesses. In Taylor, the Supreme Court upheld a judge's order blocking defense witnesses from testifying due to the defense attorney's deliberate failure to disclose evidence to prosecutors earlier in the trial. The defense attorney's actions resulted in a lengthy delay in the proceedings which the trial judge felt was unjustified. Legal scholars have seen this new grant of discretion to trial judges as a change to relying on "efficient justice", a more limited vision of trial rights than the "right to present a defense" created in Washington.

# Text 1414:

**Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations, 413 U.S. 376 (1973), is a 1973 decision of the United States Supreme Court which upheld an ordinance enacted in Pittsburgh that forbids sex-designated classified advertising for job opportunities, against a claim by the parent company of the Pittsburgh Press that the ordinance violated its First Amendment rights.**

1. University of Pennsylvania v. Equal Employment Opportunity Commission, 493 U.S. 182 (1990), is a US labor law case of the US Supreme Court holding neither common law evidentiary privilege, nor First Amendment academic freedom protects peer review materials that are relevant to charges of racial or sexual discrimination in tenure decisions.
2. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.

# Text 1415:

**United States v. Reynolds, 345 U.S. 1 (1953), is a landmark legal case decided in 1953, which saw the formal recognition of the state secrets privilege, a judicially recognized extension of presidential power. The US Supreme Court confirmed that "the privilege against revealing military secrets ... is well established in the law of evidence".**

1. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.
2. United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case, was a landmark United States Supreme Court decision that upheld, in a unanimous 8-0 ruling, the requirements of the Fourth Amendment in cases of domestic surveillance targeting a domestic threat.  
   The United States charged John Sinclair, Lawrence 'Pun' Plamondon, and John Forrest with conspiracy to destroy government property. One of the defendants, Lawrence 'Pun' Plamondon, was also charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan. The defendants were leaders of the radical White Panther Party. In response to a pretrial motion by the defense for disclosure of all electronic surveillance information, Nixon's attorney general, John Mitchell, claimed he authorized the wiretaps pursuant to Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and was not required to disclose the sources. Though warrantless, the act allows for an exception to prevent the overthrow of the government and when "any other clear and present danger to the structure or existence of the Government" exists. The Government contended that since the defendants were members of a domestic organization attempting to subvert and destroy it, this case fell under the exception clause.  
   After reading the briefs and hearing oral arguments by constitutional law attorney Hugh M. "Buck" Davis, Judge Damon Keith of the United States District Court for the Eastern District of Michigan disagreed and ordered the Government to disclose all of the illegally intercepted conversations to the defendants. The Government appealed, filing a petition for a writ of mandamus with the Court of Appeals for the Sixth Circuit to set aside the order. The Sixth Circuit also rejected the Government's arguments and upheld the lower court decision.

# Text 1416:

**Woods v. Cloyd W. Miller Co., 333 U.S. 138 (1948), was a case in which the Supreme Court of the United States held that the war powers of the United States Congress extend beyond the end of hostilities allowing them to remedy problems caused by a war after it has ended.  
Congress passed a law limiting rents in certain areas for the purposes of controlling a deficit of housing due to returning veterans which took effect July 1, 1947. The following day a landlord demanded increased rent in a covered area of Cleveland. Hostilities in World War II had been terminated by presidential proclamation on December 31, 1946.  
The Supreme Court found the law valid under the Necessary and Proper and War Powers clauses of the Constitution. The Court held, "Congress has the power even after the cessation of hostilities to act to control the forces that a short supply of the needed article created." It indicated the legislative history revealed Congress intended to use its war powers and the war was a "direct and immediate" cause of the problem. The Court recognized the effects of a war may continue for years and that there might be a point at which the power to legislate to remedy effects of war would violate the Ninth and Tenth Amendments. Such concerns were not a part of this case.**

1. Schlesinger v. Reservists Committee to Stop the War, 418 U.S. 208 (1974), was a decision by the United States Supreme Court which ruled that citizens do not have the right to challenge the constitutionality of members of Congress holding reserve commissions in the armed forces.
2. Burlington Northern Railroad Co. v. Woods, 480 U.S. 1 (1987), was a United States Supreme Court case that applied the precedent of Hanna v. Plumer to a conflict between state and federal procedural rules for a federal court sitting in diversity.

# Text 1417:

**Cohen v. Cowles Media Co., 501 U.S. 663 (1991), was a U.S. Supreme Court case holding that the First Amendment freedom of the press does not exempt journalists from generally applicable laws.  
Dan Cohen, a Republican associated with Wheelock Whitney's 1982 Minnesota gubernatorial run, provided inculpatory information on the Democratic challenger for Lieutenant Governor, Marlene Johnson, to the Minneapolis Star Tribune and St. Paul Pioneer Press in exchange for a promise that his identity as the source would not be published. Over the reporters' objections, editors of both newspapers independently decided to publish his name. Cohen consequently lost his job at an advertising agency. He sued Cowles Media Company, who owned the Minneapolis Star Tribune.  
In 1988, a jury of six found in Cohen's favor. The Minnesota Supreme Court reversed. The United States Supreme Court, while refusing to reinstate the damages, remanded the case to the Minnesota Supreme Court, which reinstated the jury's original verdict of $200,000.  
The Cowles Media Company was found liable based on a theory of promissory estoppel.**

1. Cohen v. California, 403 U.S. 15 (1971), was a landmark decision of the US Supreme Court holding that the First Amendment prevented the conviction of Paul Robert Cohen for the crime of disturbing the peace by wearing a jacket displaying "Fuck the Draft" in the public corridors of a California courthouse.  
   The Court ultimately found that displaying a mere four-letter word was not sufficient justification for allowing states to restrict free speech and that free speech can be restricted only under severe circumstances beyond offensiveness. The ruling set a precedent used in future cases concerning the power of states to regulate free speech in order to maintain public civility.  
   The Court describes free expression as a "powerful medicine" in such pluralistic society like the United States. It is intended to "remove government restraints" from public discussion to "produce a more capable citizenry" and preserve individual choices which is an imperative for "our political system."
2. Harte-Hanks Communications Inc. v. Connaughton, 491 U.S. 657 (1989), was a case in which the Supreme Court of the United States supplied an additional journalistic behavior that constitutes actual malice as first discussed in New York Times Co. v. Sullivan (1964). In the case, the Court held that departure from responsible reporting and unreasonable reporting conduct alone were not sufficient to award a public figure damages in a libel case. However, the Court also ruled that if reporters wrote with reckless disregard for the truth, which included ignoring obvious sources for their report, plaintiffs could be awarded compensatory damages on the grounds of actual malice.

# Text 1418:

**Frisby v. Schultz, 487 U.S. 474 (1988), was a case in which the Supreme Court of the United States upheld the ordinance by the town of Brookfield, Wisconsin, preventing protest outside of a residential home. In a 6–3 decision, the Court ruled that the First Amendment rights to freedom of assembly and speech was not facially violated. The majority opinion, written by Justice Sandra Day O'Connor, concluded that the ordinance was constitutionally valid because it was narrowly tailored to meet a "substantial and justifiable" interest in the state; left open "ample alternative channels of communication"; and was content-neutral.**

1. Carey v. Brown, 447 U.S. 455 (1980), is a decision of the United States Supreme Court dealing with freedom of speech under the First Amendment. A law passed by the state of Illinois had banned picketing in front of residences, but it had made an exception for labor disputes. A group of activists challenged the law after being convicted for protesting in front of the home of the mayor of Chicago regarding a lack of racial integration. The Court found that the law's distinction–based on the subject matter of a protest–was unjustified and unconstitutional.
2. Frisbie v. Collins, 342 U.S. 519 (1952), is a decision by the United States Supreme Court, holding that kidnapping of a defendant by State authorities for the purpose of taking a suspect from one jurisdiction to another for criminal trial, is constitutional. The defendant was tried in Michigan after being abducted by Michigan authorities in Chicago, Illinois. The case relied upon Ker v. Illinois (1886). The Ker–Frisbie doctrine, continues to be used to uphold convictions based on illegal arrests.

# Text 1419:

**Bronston v. United States, 409 U.S. 352 (1973), is a seminal United States Supreme Court decision strictly construing the federal perjury statute. Chief Justice Warren Burger wrote for a unanimous Court that responses to questions made under oath that relayed truthful information in and of themselves but were intended to mislead or evade the examiner could not be prosecuted. Instead, the criminal-justice system had to rely on more carefully worded follow-up questions.  
The decision has been cited in many cases since then and has become the controlling legal standard of perjury in federal jurisprudence. It was invoked during Bill Clinton's impeachment proceedings in 1998 as a defense to charges of perjury against him.  
It has long been criticized for the loophole it creates in the perjury statutes as essentially allowing a witness to lie without consequences. Nevertheless, later Courts have refused to overrule or otherwise limit it despite some moves in that direction by lower courts.**

1. Brogan v. United States, 522 U.S. 398 (1998), is a United States Supreme Court case in which the Court ruled that the Fifth Amendment does not protect the right of those being questioned by law enforcement officials to deny wrongdoing falsely.
2. Nixon v. United States, 506 U.S. 224 (1993), was a United States Supreme Court decision that determined that a question of whether the Senate had properly tried an impeachment was political in nature and could not be resolved in the courts if there was no applicable judicial standard.

# Text 1420:

**Shapiro v. Thompson, 394 U.S. 618 (1969), was a landmark decision of the Supreme Court of the United States that invalidated state durational residency requirements for public assistance and helped establish a fundamental "right to travel" in U.S. law. Shapiro was a part of a set of three welfare cases all heard during the 1968–69 term by the Supreme Court, alongside Harrell v. Tobriner and Smith v. Reynolds. Additionally, Shapiro, King v. Smith (1968), and Goldberg v. Kelly (1970) comprise the "Welfare Cases", a set of successful Supreme Court cases that dealt with welfare.  
Shapiro was not about the issue of welfare per se, but rather about the restrictions to the right to travel and possible violations of the Equal Protection Clause of the 14th Amendment. The question posed by Shapiro was whether Congress, in writing Section 602(b) of the Social Security Act, overstepped its regulating powers by giving states the ability to restrict travel. Although the Constitution does not explicitly mention the right to travel, it is implied by the other rights given in the Constitution. In 1969, 43 states had a residency requirement in effect, declared unconstitutional by Shapiro. Within those 43 states, it is estimated by the court that at least 100,000 people - minimum - were unable to get welfare aid. By 1970, there was a 17% increase in those nationally receiving AFDC aid due to Shapiro.: 87–89**

1. Goldberg v. Kelly, 397 U.S. 254 (1970), is a case in which the Supreme Court of the United States ruled that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires an evidentiary hearing before a recipient of certain government welfare benefits can be deprived of such benefits.  
   The individual losing benefits is entitled to an oral hearing before an impartial decision-maker as well as the right to confront and cross-examine witnesses and the right to a written statement setting out the evidence relied upon and the legal basis for the decision. There is no right to a formal trial. The case was decided 5–3. (There was a vacancy on the Court because of the resignation of Abe Fortas.) Goldberg v. Kelly, Shapiro v. Thompson and King v. Smith were a part of the set of successful Supreme Court cases that dealt with Welfare, specifically referred to as a part of 'The Welfare Cases'.
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 1421:

**Noto v. United States, 367 U.S. 290 (1961), was a 1961 United States Supreme Court case that reversed the felony conviction of a lower-echelon official of the Communist Party USA (CPUSA).**

1. Albertson v. Subversive Activities Control Board, 382 U.S. 70 (1965), was a case in which the Supreme Court of the United States ruled on November 15, 1965, that persons (in this case, William Albertson) believed to be members of the Communist Party of the United States of America could not be required to register as party members with the Subversive Activities Control Board because the information which party members were required to submit could form the basis of their prosecution for being party members, which is a crime, and therefore deprived them of their self-incrimination rights under the Fifth Amendment to the United States Constitution.
2. Scales v. United States, 367 U.S. 203 (1961), was a 1960 decision of the United States Supreme Court that upheld the conviction of Junius Scales for violating of the Smith Act on the basis on his membership in the Communist Party of the United States (CPUSA).

# Text 1422:

**Walker v. Armco Steel Corp., 446 U.S. 740 (1980), was a decision by the Supreme Court of the United States in which the Court further refined the test for determining whether federal courts sitting in diversity must apply state law as opposed to federal law. The question in Walker is whether in a diversity action the federal court should follow state law or, alternatively, Rule 3 of the Federal Rules of Civil Procedure in determining when an action is commenced for the purpose of tolling the state statute of limitations (SOL). The Court found no such conflict because a court’s refusal to apply the federal rule at issue would not in fact thwart some purpose the federal rule was intended to achieve. Favored treatment for federal procedural rules under the Rules Enabling Act is only appropriate when a rule is in fact applicable.**

1. Caterpillar Inc. v. Lewis, 519 U.S. 61 (1996), held that federal jurisdiction predicated on diversity of citizenship can be sustained even if there did not exist complete diversity at the time of removal to federal court, so long as complete diversity exists at the time the district court enters judgment.
2. United Steelworkers of America v. Weber, 443 U.S. 193 (1979), was a case regarding affirmative action in which the United States Supreme Court held that Title VII of the Civil Rights Act of 1964, which prohibits racial discrimination by private employers, does not condemn all private, voluntary, race-conscious affirmative action plans. The Court's decision reversed lower courts' rulings in favor of Brian Weber whose lawsuit beginning in 1974 challenged his employer's hiring practices.

# Text 1423:

**Schlude v. Commissioner, 372 U.S. 128 (1963), is a decision by the United States Supreme Court in which the Court held that, under the accrual method, taxpayers must include as income in a particular year advance payments by way of cash, negotiable notes, and contract installments falling due but remaining unpaid during that year. In doing so, the Court tossed aside the matching principle in favor of the earlier-of test.**

1. Commissioner v. LoBue, 351 U.S. 243 (1956), was an income tax case before the United States Supreme Court.
2. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.

# Text 1424:

**Diamond v. Diehr, 450 U.S. 175 (1981), was a United States Supreme Court decision which held that controlling the execution of a physical process, by running a computer program did not preclude patentability of the invention as a whole. The high court reiterated its earlier holdings that mathematical formulas in the abstract could not be patented, but it held that the mere presence of a software element did not make an otherwise patent-eligible machine or process patent ineligible. Diehr was the third member of a trilogy of Supreme Court decisions on the patent-eligibility of computer software related inventions.**

1. Diamond v. Chakrabarty, 447 U.S. 303 (1980), was a United States Supreme Court case dealing with whether living organisms can be patented. Writing for a five-justice majority, Chief Justice Warren E. Burger held that human-made bacteria could be patented under the patent laws of the United States because such an invention constituted a "manufacture" or "composition of matter". Justice William J. Brennan Jr., along with Justices Byron White, Thurgood Marshall, and Lewis F. Powell Jr., dissented from the Court's ruling, arguing that because Congress had not expressly authorized the patenting of biological organisms, the Court should not extend patent law to cover them.  
   In the decades since the Court's ruling, the case has been recognized as a landmark case for U.S. patent law, with industry and legal commentators identifying it as a turning point for the biotechnology industry.
2. Brenner v. Manson, 383 U.S. 519 (1966), was a decision of the United States Supreme Court in which the Court held that a novel process for making a known steroid did not satisfy the utility requirement, because the patent applicants did not show that the steroid served any practical function. The Court ruled that "a process patent in the chemical field, which has not been developed and pointed to the degree of specific utility, creates a monopoly of knowledge which should be granted only if clearly commanded by the statute." Practical or specific utility, so that a "specific benefit exists in currently available form" is thus the requirement for a claimed invention to qualify for a patent.  
   The case is known for the statement "a patent is not a hunting license."

# Text 1425:

**City of Richmond v. J.A. Croson Co., 488 U.S. 469 (1989), was a case in which the United States Supreme Court held that the minority set-aside program of Richmond, Virginia, which gave preference to minority business enterprises (MBE) in the awarding of municipal contracts, was unconstitutional under the Equal Protection Clause. The Court found that the city failed to identify both the need for remedial action and that other non-discriminatory remedies would be insufficient.  
Croson involved a minority set-aside program in the awarding of municipal contracts. Richmond, with a black population of just over 50 percent, had set a 30 percent goal in the awarding of city construction contracts, based on its findings that local, state, and national patterns of discrimination had resulted in all but complete lack of access for minority-owned businesses. The evidence that was introduced included: a statistical study indicating that, although the city's population was 50% black, only 0.67% of its prime construction contracts had been awarded to minority businesses in recent years; figures establishing that a variety of local contractors' associations had virtually no MBE members; the city's counsel's conclusion that the Plan was constitutional under Fullilove v. Klutznick, 448 U.S. 448; and the statements of Plan proponents indicating that there had been widespread racial discrimination in the local, state, and national construction industries. Pursuant to the Plan, the city adopted rules requiring individualized consideration of each bid or request for a waiver of the 30% set-aside, and providing that a waiver could be granted only upon proof that sufficient qualified MBE's were unavailable or unwilling to participate The Supreme Court stated:  
  
We, therefore, hold that the city has failed to demonstrate a compelling interest in apportioning public contracting opportunities on the basis of race. To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for "remedial relief" for every disadvantaged group. The dream of a Nation of equal citizens in a society where race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on inherently unmeasurable claims of past wrongs. [Citing Regents of the University of California v. Bakke]. Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury is thought to exceed some arbitrary level of tolerability then would be entitled to preferential classification. We think such a result would be contrary to both the letter and the spirit of a constitutional provision whose central command is equality.**

1. City of Richmond v. United States, 422 U.S. 358 (1975), was a case that upheld Richmond, Virginia's annexation of land from surrounding counties.
2. Harrison v. NAACP, 360 U.S. 167 (1959), is a 6-to-3 ruling by the Supreme Court of the United States which held that the United States District Court for the Eastern District of Virginia should have abstained from deciding the constitutionality of three barratry, champerty, and maintenance laws in the state of Virginia until state courts had had a reasonable chance to construe them.

# Text 1426:

**Rice v. Rehner, 463 U.S. 713 (1983), was a United States Supreme Court case in which the Court held California may properly require respondent to obtain a state license in order to sell liquor for off-premises consumption.**

1. Rice v. Norman Williams Co., 458 U.S. 654 (1982), was a decision of the U.S. Supreme Court involving the preemption of state law by the Sherman Act. The Supreme Court held, in a 9–0 decision, that the Sherman Act did not invalidate a California law prohibiting the importing of spirits not authorized by the brand owner.
2. 44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484 (1996), was a United States Supreme Court case in which the Court held that a complete ban on the advertising of alcohol prices was unconstitutional under the First Amendment, and that the Twenty-first Amendment, empowering the states to regulate alcohol, did not lessen other constitutional restraints of state power.

# Text 1427:

**Stovall v. Denno, 388 U.S. 293 (1967), was a case decided by the Supreme Court of the United States that held that a pretrial identification not covered by the Sixth Amendment right to counsel should be excluded if it was so unnecessarily suggestive as to violate due process.**

1. Strickland v. Washington, 466 U.S. 668 (1984), was a landmark Supreme Court case that established the standard for determining when a criminal defendant's Sixth Amendment right to counsel is violated by that counsel's inadequate performance.  
   The decision was a compromise by the majority in which the varying "tests for ineffective performance of counsel" among the federal circuits and state supreme courts were forced into a singular middle ground test. State governments are free to create a test even more favorable to an appellant.
2. Massiah v. United States, 377 U.S. 201 (1964), was a case in which the Supreme Court of the United States held that the Sixth Amendment to the United States Constitution prohibits the government from eliciting statements from the defendant about themselves after the point that the Sixth Amendment right to counsel attaches.  
   In Massiah, the defendant had been indicted on a federal narcotics charge. He retained a lawyer, pleaded not guilty, and was released on bail. A co-defendant, after deciding to cooperate with the government, invited Massiah to sit in his car and discuss the crime he was indicted on, during which the government listened in via a radio transmitter. During the conversation, Massiah made several incriminating statements, and those statements were introduced at trial to be used against him.  
   Massiah appealed his conviction, which was affirmed in part by the Court of Appeals for the Second Circuit. The Supreme Court granted certiorari and reversed, holding that the statements made by the defendant outside the presence of his attorney must be suppressed.  
   The Massiah rule applies to the use of testimonial evidence in criminal proceedings deliberately elicited by the police from a defendant after formal charges have been filed. The events that trigger the Sixth Amendment safeguards under Massiah are (1) the commencement of adversarial criminal proceedings and (2) deliberate elicitation of information from the defendant by governmental agents.  
   The Sixth Amendment guarantees a defendant a right to counsel in all criminal prosecutions. The purposes of the Sixth Amendment right to counsel are to protect a defendant's right to a fair trial and to assure that our adversarial system of justice functions properly by providing competent counsel as an advocate for the defendant in his contest against the “prosecutorial forces” of the state.  
   The Sixth Amendment right “attaches” once the government has committed itself to the prosecution of the case by the initiation of adversarial judicial proceedings "by way of formal charge, preliminary hearing, indictment, information or arraignment,". Determining whether a particular event or proceeding constitutes the commencement of adversarial criminal proceedings requires both an examination of the rules of criminal procedure for the jurisdiction in which the crime is charged and the Supreme Court cases dealing with the issue of when formal prosecution begins. Once adversarial criminal proceedings commence the right to counsel applies to all critical stages of the prosecution and investigation. A critical stage is "any stage of the prosecution, formal or informal, in court or out, where counsel's absence might derogate from the accused's right to a fair trial."  
   Government attempts to obtain incriminating statement related to the offense charged from the defendant by overt interrogation or surreptitious means is a critical stage and any information thus obtained is subject to suppression unless the government can show that an attorney was present or the defendant knowingly, voluntarily and intelligently waived his right to counsel.  
   Deliberate elicitation is defined as the intentional creation of circumstances by government agents that are likely to produce incriminating information from the defendant. Clearly express questioning (interrogation) would qualify but the concept also extends to surreptitious attempts to acquire information from the defendant through the use of undercover agents or paid informants.  
   The definition of "deliberate elicitation" is not the same as the definition of "interrogation" under the Miranda rule established in Miranda v. Arizona. Miranda interrogation includes express questioning and any actions or statements that an officer would reasonably foresee as likely to cause an incriminating response. Massiah applies to express questioning and any attempt to deliberately and intentionally obtain incriminating information from the defendant regarding the crime charged. The difference is purposeful creation of an environment likely to produce incriminating information (Massiah) and action likely to induce an incriminating response even if that was not the officer's purpose or intent (Miranda).  
   The Sixth Amendment right to counsel is offense specific - the right only applies to post commencement attempts to obtain information relating to the crime charged. The right does not extend to uncharged offenses even those that are factually related to the charged crime.  
   As noted, information obtained in violation of the defendant's Sixth Amendment right to counsel is subject to suppression unless the government can establish that the defendant waived his right to counsel. The waiver must be knowing, intelligent and voluntary. A valid Miranda waiver operates as a waiver of Sixth Amendment right.

# Text 1428:

**Washington v. Confederated Bands and Tribes of the Yakima Indian Nation, 439 U.S. 463 (1979), was a case in which the Supreme Court of the United States held that the State of Washington's imposition of partial jurisdiction over certain actions on an Indian reservation, when not requested by the tribe, was valid under Public Law 280.**

1. Antoine v. Washington, 420 U.S. 194 (1975), was a United States Supreme Court case in which the Court held that treaties and laws must be construed in favor of Native Americans (Indians); that the Supremacy Clause precludes the application of state game laws to the tribe; that Congress showed no intent to subject the tribe to state jurisdiction for hunting; and while the state can regulate non-Indians in the ceded area, Indians must be exempted from such regulations.
2. Seymour v. Superintendent of Wash. State Penitentiary, 368 U.S. 351 (1962), was a case in which the Supreme Court of the United States that the state of Washington did not have jurisdiction to try an Indian (Native American) for a crime committed within the boundaries of the Colville Indian Reservation, even if the crime was committed on land now owned by a non-Indian.

# Text 1429:

**United States v. Johnson, 383 U.S. 169 (1966), is a United States Supreme Court case.**

1. United States v. Johnson, 390 U.S. 563 (1968), was a United States Supreme Court case.
2. United States v. Johnson, 457 U.S. 537 (1982), was a United States Supreme Court case.

# Text 1430:

**O'Connor v. Ortega, 480 U.S. 709 (1987), is a United States Supreme Court decision on the Fourth Amendment rights of government employees with regard to administrative searches in the workplace, during investigations by supervisors for violations of employee policy rather than by law enforcement for criminal offenses. It was brought by Magno Ortega, a doctor at a California state hospital after his supervisors found allegedly inculpatory evidence in his office while he was on administrative leave pending an investigation of alleged misconduct. Some of what they uncovered was later used to impeach a witness who testified on his behalf at the hearing where he unsuccessfully appealed his dismissal.  
Although lower courts had considered the issue, it was the first time the Supreme Court had. By a 5-4 margin, the Court ruled that public employees retain their Fourth Amendment rights. Justice Sandra Day O'Connor's plurality opinion established an "operating realities" test for future courts to consider when public employees challenged searches during investigations, reflecting the lower reasonable suspicion standard the government had to meet as an employer. That did not establish binding precedent, since Antonin Scalia argued in a separate concurring opinion that her standard was too vague, and that the same searches which would be reasonable for a private employer were proper when conducted by their public counterparts. Harry Blackmun wrote for four dissenting justices that the search was clearly an investigatory one and thus a breach of the doctor's privacy.  
Since it could not decide how to apply that standard to Ortega's case as the record at that time did not establish whether the entry into Ortega's office had been for search purposes or not, the majority remanded the case to the district court. Eleven more years of litigation followed. At some points during it Ortega had to represent himself, and the Court itself had taken the unusual step of inviting Joel Klein to argue Ortega's case before them. It went back and forth between the district and appellate courts twice. Ortega finally prevailed after a jury trial in the late 1990s, and the Ninth Circuit denied Ortega's superiors their appeal.  
Despite the two different standards resulting from the split five-justice majority, lower courts have generally followed O'Connor's "operational realities" test in future cases involving actual searches. Observers thought the justices might resolve the conflict the next time a similar case of public employees alleging a search violated their Fourth Amendment rights came before it. When it did, in 2010's Ontario v. Quon, they declined to do so, leaving the matter open for yet another future Court.**

1. Ontario v. Quon, 560 U.S. 746 (2010), is a United States Supreme Court case concerning the extent to which the right to privacy applies to electronic communications in a government workplace. It was an appeal by the city of Ontario, California, from a Ninth Circuit decision holding that it had violated the Fourth Amendment rights of two of its police officers when it disciplined them following an audit of pager text messages that discovered many of those messages were personal in nature, some sexually explicit. The Court unanimously held that the audit was work-related and thus did not violate the Fourth Amendment's protections against unreasonable search and seizure.  
   Ontario police sergeant Jeff Quon, along with other officers and those they were exchanging messages with, had sued the city, their superiors and the pager service provider in federal court. They had alleged a violation of not only their constitutional rights but federal telecommunications privacy laws. Their defense was that a superior officer had promised the pager messages themselves would not be audited if the officers reimbursed the city for fees it incurred when they exceeded a monthly character limit.  
   Justice Anthony Kennedy wrote the majority opinion signed by seven of his fellow justices. It decided the case purely on the reasonableness of the pager audit, explicitly refusing to consider "far-reaching issues" it raised on the grounds that modern communications technology and its role in society was still evolving. He nevertheless discussed those issues at some length in explaining why the Court chose not to rule on them, in addition to responding, for argument's sake, more directly to issues raised by the respondents. John Paul Stevens wrote a separate concurring opinion, as did Antonin Scalia, who would have used a different test he had proposed in an earlier case to reach the same result.  
   Outside commentators mostly praised the justices for this display of restraint, but Scalia criticized it harshly in his concurrence, calling it vague. He considered his fellow justices in "disregard of duty" for their refusal to address the Fourth Amendment issues. A month after the court handed down its decision, an appellate court in Georgia similarly criticized it for "a marked lack of clarity" as it narrowed an earlier ruling to remove a finding that there was no expectation of privacy in the contents of email. An article in The New York Times later summarized this criticism, and its "faux unanimity", as emblematic of what some judges and lawyers have found an increasingly frustrating trend in Roberts Court opinions.
2. Waters v. Churchill, 511 U.S. 661 (1994), is a United States Supreme Court case concerning the First Amendment rights of public employees in the workplace. By a 7–2 margin the justices held that it was not necessary to determine what a nurse at a public hospital had actually said while criticizing a supervisor's staffing practices to coworkers, as long as the hospital had formed a reasonable belief as to the content of her remarks and reasonably believed that they could be disruptive to its operations. They vacated a Seventh Circuit Court of Appeals ruling in her favor, and ordered the case remanded to district court to determine instead if the nurse had been fired for the speech or other reasons, per the Court's ruling two decades prior in Mt. Healthy City School District Board of Education v. Doyle.  
   The case had first been brought by Cheryl Churchill, a nurse in the obstetrics ward at McDonough District Hospital, operated by the city of Macomb, Illinois. During a dinner break one night in early 1987, she had been talking with another nurse who was considering transferring to obstetrics. In that conversation she made statements critical of cross-training practices recently implemented by the hospital's nursing supervisor, Cindy Waters, and referred to personal issues between the two. Another nurse who overheard the conversation believed Churchill's comments about Waters had dissuaded her interlocutor from the transfer, and reported it to Waters. After an investigation in which Churchill alleged she was never asked about what she had said, she was fired.  
   There were four separate opinions. Sandra Day O'Connor wrote for a four-justice plurality that the government has a lower obligation to respect constitutional rights when it acts as employer rather than as the sovereign. Accordingly, in that situation it should not be required to meet a due process standard greater than the reasonableness of its own finding of fact. David Souter added a short concurring opinion qualifying the plurality, which he said was in fact a majority, with his insistence that in such cases the government must demonstrate that its understanding of what the employee said was not only a reasonable belief but a truthful one. Antonin Scalia concurred as well, but harshly criticized O'Connor's opinion. He read it as requiring a procedural handling of every possible adverse personnel action where First Amendment rights might be implicated, providing "more questions than answers". John Paul Stevens' dissent argued that the First Amendment required that the lower court determine exactly what Churchill had said before ruling on whether it was protected.  
   Outside commentators have also been critical of the decision, since it might discourage whistleblowers. In addition to echoing Stevens' concerns, they have seen it as abandoning any concern for the truth, imposing a heavy burden on a plaintiff, relying on an overly narrow conception of the public's interest, and possibly discouraging people from entering public service. The decision resulted in a lower court changing its ruling in a high-profile case involving controversial academic Leonard Jeffries.

# Text 1431:

**Davis v. United States, 512 U.S. 452 (1994), was a United States Supreme Court case in which the Court established that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."  
Legal scholars have criticized this case stating that the "bright line" rule established under Edwards v. Arizona is preferable. This rule states that when a suspect invokes the right to have counsel present during questioning, interrogation cannot continue until counsel is present or until the suspect wishes to initiate further discussion.**

1. Edwards v. Arizona, 451 U.S. 477 (1981), is a decision by the United States Supreme Court holding that once a defendant invokes his Fifth Amendment right to counsel, police must cease custodial interrogation. Re-interrogation is only permissible once defendant's counsel has been made available to him, or he himself initiates further communication, exchanges, or conversations with the police. Statements obtained in violation of this rule are a violation of a defendant's Fifth Amendment rights.  
   This "bright line" rule has been praised by legal scholars with some scholars stating it was a mistake to move from this standard to that of Davis v. United States which stipulates that the right to counsel can only be legally asserted by an "unambiguous or unequivocal request for counsel."
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 1432:

**Giglio v. United States, 405 U.S. 150 (1972), is a United States Supreme Court case in which the Court held that the prosecution's failure to inform the jury that a witness had been promised not to be prosecuted in exchange for his testimony was a failure to fulfill the duty to present all material evidence to the jury, and constituted a violation of due process, requiring a new trial. This is the case even if the failure to disclose was a matter of negligence and not intent. The case extended the Court's holding in Brady v. Maryland, requiring such agreements to be disclosed to defense counsel. As a result of this case, the term Giglio material is sometimes used to refer to any information pertaining to deals that witnesses in a criminal case may have entered into with the government.**

1. Brady v. Maryland, 373 U.S. 83 (1963), was a landmark U.S. Supreme Court decision holding that under the Due Process Clause of the Constitution of the United States, the prosecution must turn over to a criminal defendant any significant evidence in its possession that suggests the defendant is not guilty (exculpatory evidence).: 4
2. United States v. Mandujano, 425 U.S. 564 (1976), was a United States Supreme Court case that determined that it is not necessary to provide full Miranda warnings to a person called to testify before a grand jury; and that false statements given during that testimony may not be suppressed in a subsequent prosecution for perjury.

# Text 1433:

**Turner v. Rogers, 564 U.S. 431 (2011), is a case that was decided by the United States Supreme Court on June 20, 2011, relating to the Due Process Clause of the 14th Amendment. The Court held that Turner was not entitled to a public defender in cases regarding family nonsupport. However, in cases in which a state is not required to provide counsel, it must provide some other safeguard to reduce the risk of erroneous deprivation of liberty in civil contempt cases. The particular case the Court took under review was a child support payment case and the point of contention was the process of the defendant's income determination by the court.**

1. Scull v. Virginia ex rel. Committee on Law Reform and Racial Activities, 359 U.S. 344 (1959), is a 9–0 ruling by the Supreme Court of the United States which held that a conviction violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution if the defendant is not given an opportunity "to determine whether he was within his rights in refusing to answer" an inquiry put to him by the legislature of a U.S. state.
2. Palmer v. Thompson, 403 U.S. 217 (1971), is a United States Supreme Court civil rights case which concerned the interpretation of the Equal Protection Clause of the Fourteenth Amendment.

# Text 1434:

**Merrion v. Jicarilla Apache Tribe, 455 U.S. 130 (1982), was a case in which the Supreme Court of the United States holding that an Indian tribe has the authority to impose taxes on non-Indians that are conducting business on the reservation as an inherent power under their tribal sovereignty.**

1. United States v. Jicarilla Apache Nation, 564 U.S. 162 (2011), is a United States Supreme Court case in which the Court held that the fiduciary exception to attorney–client privilege does not apply to the general trust relationship between the United States and Indian tribes.
2. Mescalero Apache Tribe v. Jones, 411 U.S. 145 (1973), was a case in which the Supreme Court of the United States held that a state could tax tribal, off-reservation business activities but could not impose a tax on tribal land, which was exempt from all forms of property taxes.

# Text 1435:

**Katzenbach v. McClung, 379 U.S. 294 (1964), was a landmark decision of the U.S. Supreme Court which unanimously held that Congress acted within its power under the Commerce Clause of the United States Constitution in forbidding racial discrimination in restaurants as this was a burden to interstate commerce.**

1. Katzenbach v. Morgan, 384 U.S. 641 (1966), was a landmark decision of the Supreme Court of the United States regarding the power of Congress, pursuant to Section 5 of the Fourteenth Amendment, to enact laws that enforce and interpret provisions of the Constitution.
2. Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), was a landmark decision of the Supreme Court of the United States holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in public accommodations.

# Text 1436:

**Bethel School District v. Fraser, 478 U.S. 675 (1986), was a landmark decision of the Supreme Court of the United States in which the Court upheld the suspension of a high school student who delivered a sexually suggestive speech at a school assembly. The case involved free speech in public schools.  
On April 26, 1983, student Matthew Fraser was suspended from Bethel High School in Pierce County, Washington after he gave a speech including sexual innuendo while nominating a classmate for a student council position at a school assembly. Believing his speech to be inappropriate and vulgar, the school's administration suspended Fraser for three days and barred him from speaking at graduation. After unsuccessfully appealing his punishment through the school's grievance procedures, Fraser filed a lawsuit against the school board, claiming the suspension violated his right to free speech under the First Amendment to the U.S. Constitution.  
The United States District Court and Ninth Circuit Court of Appeals both sided with Fraser. On appeal to the U.S. Supreme Court, a 7–2 majority held that his suspension did not violate the First Amendment. Writing for the majority, Chief Justice Warren Burger found that schools have the right to suppress student speech that is considered lewd or indecent, even if not obscene, in the interest of preserving a safe educational environment.**

1. Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
   The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
   The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.
2. Givhan v. Western Line Consolidated School District, 439 U.S. 410 (1979), is a United States Supreme Court decision on the free speech rights of public employees. The Court held unanimously in favor of a schoolteacher fired for her critical remarks in conversations with her principal. Justice William Rehnquist wrote the opinion, with a short concurrence by John Paul Stevens.  
   The petitioner, Bessie Givhan, had believed that various policies and practices of the newly integrated Western Line School District in Mississippi were meant to sustain school segregation. In private meetings with her new principal, she persistently complained about this. The principal in turn recommended the district not rehire her, citing those conversations as well as some other issues. She joined the ongoing desegregation lawsuit as an intervenor, alleging that her First and Fourteenth Amendment rights to free speech and due process had been violated. The district court hearing the case agreed, but then the Fifth Circuit reversed that decision, holding that since she had not spoken publicly she was not entitled to constitutional protection, distinguishing her case from two other recent decisions in which the Supreme Court had ruled in favor of non-tenured teachers let go by their districts following critical statements by noting that in those cases, the criticism had been expressed in a public context.  
   Rehnquist's opinion rejected that distinction, calling the Fifth Circuit's reading too narrow. He further rejected its claim that Givhan had forced herself on an unwilling listener, since the principal had invited her in. Since the district had cited other, potentially permissible reasons for its action, the Court remanded the case to the district court to apply the Mt. Healthy test, from one of the other two cases involving teachers, and determine if the district had adequate reason to fire her other than the speech. Three years later, the lower court found that it did not, and ordered Givhan reinstated after a 12-year absence.  
   The Court has not had to significantly revisit the holding since then, and it has not been subject to much commentary or legal analysis. Four years later, in Connick v. Myers, its next case on the free speech rights of public employees, it began to limit Givhan and its predecessors by sketching out a test for whether the employee's speech was on a matter of public concern. In the early 21st century, its holding in Garcetti v. Ceballos, that speech made by employees pursuant to their job duties was not protected, appeared to some to complicate Givhan although the Court said it would not.

# Text 1437:

**United Gas Pipe Line Co. v. Ideal Cement Co., 369 U.S. 134 (1962), is a United States Supreme Court case which vacated a lower appellate court decision, holding that federal courts should abstain from ruling on the constitutionality of a state tax issue that state courts should determine.**

1. United Gas Pipe Line Co. v. Memphis Light, Gas, and Water Division, 358 U.S. 103 (1958), is a United States Supreme Court case in which the Court interpreted the Natural Gas Act of 1938 (NGA) as allowing a gas supply company to unilaterally modify a rate in a natural gas supply contract if the contract specified that the rate was that of the rate schedule filed with the Federal Power Commission (FPC) and the gas company filed a new rate schedule. This case clarified the Mobile-Sierra doctrine established by United Gas Pipe Line Co. v. Mobile Gas Service Corp. (1956) and its companion case Federal Power Commission v. Sierra Pacific Power Co. (1956), which holds that an electricity or natural gas supply rate established resulting from a freely negotiated contract is presumed to be "just and reasonable" and thus acceptable under the NGA or Federal Power Act (FPA).
2. Northern Pipeline Construction Company v. Marathon Pipe Line Company, 458 U.S. 50 (1982), is a United States Supreme Court case in which the Court held that Article III jurisdiction could not be conferred on non-Article III courts (i.e. courts without the independence and protection given to Article III judges).

# Text 1438:

**Parker v. Ellis, 362 U.S. 574 (1960), was a United States Supreme Court decision (per curiam) in which the court granted certiorari to review dismissal of petitioner's application for a habeas corpus review. The petitioner claimed that his conviction in a state court had violated the Fourteenth Amendment's Due Process Clause. However, the petitioner was released from incarceration before his case could be heard.**

1. Parker v. North Carolina, 397 U.S. 790 (1970), was a United States Supreme Court case in which the Court ruled that a plea agreement was valid even if the defendant entered into it in order to avoid the death penalty and even if his decision was based on a possibly mistaken belief on the part of the defendant and his lawyer that a confession the defendant had made would be admissible in court.
2. Parratt v. Taylor, 451 U.S. 527 (1981), was a case decided by the United States Supreme Court, in which the court considered the applicability of Due Process to a claim brought under Section 1983.

# Text 1439:

**Caban v. Mohammed, 441 U.S. 380 (1979), was a United States Supreme Court family law case which argued that a New York law, which allowed unwed mothers, but not unwed fathers, a veto over the adoption of that couple's children, was discriminatory.**

1. Stanley v. Illinois, 405 U.S. 645 (1972), was a landmark United States Supreme Court case in which the Court held that the fathers of children born out of wedlock had a fundamental right to their children. Until the ruling, when the mother of a child born out of wedlock was unable to care for the child, through death or other circumstances, the child was made a ward of the state and either placed in an orphanage or foster care or for adoption.
2. California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), was a United States Supreme Court case involving the development of Native American gaming. The Supreme Court's decision effectively overturned the existing laws restricting gaming/gambling on U.S. Indian reservations.

# Text 1440:

**Walz v. Tax Commission of the City of New York, 397 U.S. 664 (1970), was a case before the United States Supreme Court. The Court held that grants of tax exemption to religious organizations do not violate the Establishment Clause of the First Amendment. It was the first case to articulate the "excessive entanglement doctrine" that one year later became the third prong of the Lemon test.**

1. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.
2. Kunz v. New York, 340 U.S. 290 (1951), was a landmark United States Supreme Court case that held a requirement mandating a permit to speak on religious issues in public was unconstitutional. The case was argued on October 17, 1950, and decided on January 15, 1951, with an 8–1 decision. Chief Justice Vinson delivered the opinion for the Court. Justice Black and Justice Frankfurter concurred in the result only. Justice Jackson dissented.  
   Kunz helped establish the principle that government restrictions on speech must be narrowly tailored to avoid improperly limiting expression protected by the First Amendment. In this case, the Court held that laws granting public officials broad discretion to restrain speech about religious issues in advance constitute an invalid prior restraint, violating the First Amendment. The Court reversed the 1948 conviction of Baptist minister Carl J. Kunz, who was found guilty of violating a New York City ordinance required a permit from the police commissioner to hold religious services on public streets. Although the ordinance did not specify grounds for refusing permission, Kunz was denied permits in 1947 and 1948 after being accused of making “scurrilous attacks” on Catholics and Jews under a previous permit. He was subsequently arrested for speaking without a permit in Columbus Circle.  
   Kunz's conviction for violating the ordinance was upheld by the Appellate Part of the Court of Special Sessions and by the New York Court of Appeals. However, the Supreme Court ultimately ruled that New York's ordinance was overly broad because it failed to provide any standards for administrators to determine who should receive permits to speak about religious issues.  
   In his dissenting opinion, Justice Robert Jackson argued that Kunz had used “fighting words” that were not protected by the First Amendment (see unprotected speech). He also criticized the Court for striking down the permit scheme citing the recent case of Feiner v. New York (1951), in which the Court had allowed local officials the discretion to arrest volatile speakers during their presentations.

# Text 1441:

**United States v. John, 437 U.S. 634 (1978), was a case in which the Supreme Court of the United States held that lands designated as a reservation in Mississippi are "Indian country" as defined by statute, although the reservation was established nearly a century after Indian removal and related treaties. The court ruled that, under the Major Crimes Act, the State has no jurisdiction to try a Native American for crimes covered by that act that occurred on reservation land.**

1. United States v. Antelope, 430 U.S. 641 (1977), was a United States Supreme Court case in which the Court held that American Indians convicted on reservation land were not deprived of the equal protection of the laws; (a) the federal criminal statutes are not based on impermissible racial classifications but on political membership in an Indian tribe or nation; and (b) the challenged statutes do not violate equal protection. Indians or non-Indians can be charged with first-degree murder committed in a federal enclave.
2. Montana v. United States, 450 U.S. 544 (1981), was a Supreme Court case that addressed two issues: (1) Whether the title of the Big Horn Riverbed rested with the United States, in trust for the Crow Tribe or passed to the State of Montana upon becoming a state and (2) Whether Crow Tribe retained the power to regulate hunting and fishing on tribal lands owned in fee-simple by a non-tribal member. First, the Court held that Montana held title to the Big Horn Riverbed because the Equal Footing Doctrine required the United States to pass title to the newly incorporated State. Second, the Court held that Crow Tribe lacked the power to regulate nonmember hunting and fishing on fee-simple land owned by nonmembers, but within the bounds of its reservation. More broadly, the Court held that Tribes could not exercise regulatory authority over nonmembers on fee-simple land within the reservation unless (1) the nonmember entered a "consensual relationship" with the Tribe or its members or (2) the nonmember's "conduct threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe."  
   The Supreme Court in Montana v. United States set a precedent which resulted in a wave of litigation challenging not only the exercise of tribal court authority over non-members, but the very existence of that authority.

# Text 1442:

**United States v. Munoz-Flores, 495 U.S. 385 (1990), was a United States Supreme Court case that interpreted the Origination Clause of the United States Constitution. The Court was asked to rule on whether a statute that imposed mandatory monetary penalties on persons convicted of federal misdemeanors was enacted in violation of that clause, as the lower court had held.**

1. Flores-Figueroa v. United States, 556 U.S. 646 (2009), was a decision by the Supreme Court of the United States, holding that the law enhancing the sentence for identity theft requires proof that an individual knew that the identity card or number he had used belonged to another, actual person. Simply using a Social Security Number is not sufficient connection to another individual.
2. Reno v. Flores, 507 U.S. 292 (1993), was a Supreme Court of the United States case that addressed the detention and release of unaccompanied minors.  
   The Supreme Court ruled that the Immigration and Naturalization Service's regulations regarding the release of alien unaccompanied minors did not violate the Due Process Clause of the United States Constitution. The Court held that "alien juveniles detained on suspicion of being deportable may be released only to a parent, legal guardian, or other related adult." The legacy for which Reno v. Flores became known was the subsequent 1997 court-supervised stipulated settlement agreement which is binding on the defendants (the federal government agencies)—the Flores v. Reno Settlement Agreement or Flores Settlement Agreement (FSA) to which both parties in Reno v. Flores agreed in the District Court for Central California (C.D. Cal.). The Flores Settlement Agreement (FSA), supervised by C.D. Cal., has set strict national regulations and standards regarding the detention and treatment of minors by federal agencies for over twenty years. It remains in effect until the federal government introduces final regulations to implement the FSA agreement. The FSA governs the policy for the treatment of unaccompanied alien children in federal custody of the legacy INS and its successor—United States Department of Homeland Security (DHS) and the various agencies that operate under the jurisdiction of the DHS-in particular the United States Citizenship and Immigration Services (USCIS). The FSA is supervised by a U.S. district judge in the District Court for Central California.  
   The litigation originated in the class action lawsuit Flores v. Meese filed on July 11, 1985 by the Center for Human Rights and Constitutional Law (CHRCL) and two other organizations on behalf of immigrant minors, including Jenny Lisette Flores, who had been placed in a detention center for male and female adults after being apprehended by the former Immigration and Naturalization Service (INS) as she attempted to illegally cross the Mexico–United States border.  
   Under the Flores Settlement and current circumstances, DHS asserts that it generally cannot detain alien children and their parents together for more than brief periods. In his June 20, 2018 executive order, President Trump had directed then-Attorney General Jeff Sessions to ask the District Court for the Central District of California, to "modify" the Flores agreement to "allow the government to detain alien families together" for longer periods, which would include the time it took for the family's immigration proceedings and potential "criminal proceedings for unlawful entry into the United States".: 2  On July 9, Judge Gee of the Federal District of California, ruled that there was no basis to amend the 1997 Flores Settlement Agreement (FSA) that "requires children to be released to licensed care programs within 20 days."  
   In 2017, U.S. District Judge Dolly Gee found that children who were in custody of the U.S. Customs and Border Protection lacked "food, clean water and basic hygiene items" and were sleep-deprived. She ordered the federal government to provide items such as soap and to improve the conditions. The federal government appealed the decision saying that the order forcing them to offer specific items and services exceeded the original Flores agreement. The June 18, 2019 hearing became infamous and caused nationwide outrage when a video of the Department of Justice senior attorney arguing against providing minors with toothbrushes and soap went viral. The federal government lost their appeal when a three-judge panel of the United States Court of Appeals for the Ninth Circuit upheld Judge Gee's order on August 15, 2019.

# Text 1443:

**Goss v. Lopez, 419 U.S. 565 (1975), was a US Supreme Court case. It held that a public school must conduct a hearing before subjecting a student to suspension. Also, a suspension without a hearing violates the Due Process Clause of the Fourteenth Amendment of the US Constitution.**

1. United States v. Alfonso D. Lopez, Jr., 514 U.S. 549 (1995), was a landmark case of the United States Supreme Court that struck down the Gun-Free School Zones Act of 1990 (GFSZA) as it was outside of Congress's power to regulate interstate commerce. It was the first case since 1937 in which the Court held that Congress had exceeded its power under the Commerce Clause.  
   The case arose from a San Antonio high school student's challenge to the GFSZA, which banned possession of handguns within 1,000 feet (300 meters) of a school. In a majority decision joined by four other justices, Chief Justice William Rehnquist held that Lopez' possession of the gun was not economic activity and its scope was not sufficiently cabined, and so was outside the broad reach of the Commerce Clause. After the Lopez decision, the GFSZA was amended to specifically only apply to guns that had been moved via interstate or foreign commerce.  
   Though it did not reverse any past ruling about the meaning of the Commerce Clause, Lopez raised serious questions as to how far the Court might be willing to go in curbing Congress' commerce powers. This decision was a slight return to the original commerce clause precedent set in Gibbons v. Ogden in which Justice Marshall held that federal law may control state law only when necessary to effectively exercise an enumerated power, and it may not otherwise deny the states' authority to govern in the same area. The Court would later further limit congressional powers under the Commerce Clause in United States v. Morrison (2000).
2. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954), was a landmark decision of the U.S. Supreme Court ruling that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. The decision partially overruled the Court's 1896 decision Plessy v. Ferguson, which had held that racial segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that had come to be known as "separate but equal". The Court's unanimous decision in Brown, and its related cases, paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases.  
   The case began in 1951 when the public school system in Topeka, Kansas, refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home, instead requiring her to ride a bus to a segregated black school farther away. The Browns and twelve other local black families in similar situations filed a class-action lawsuit in U.S. federal court against the Topeka Board of Education, alleging its segregation policy was unconstitutional. A special three-judge court of the U.S. District Court for the District of Kansas heard the case and ruled against the Browns, relying on the precedent of Plessy and its "separate but equal" doctrine. The Browns, represented by NAACP chief counsel Thurgood Marshall, appealed the ruling directly to the Supreme Court.  
   In May 1954, the Supreme Court issued a unanimous 9–0 decision in favor of the Browns. The Court ruled that "separate educational facilities are inherently unequal," and therefore laws that impose them violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision's 14 pages did not spell out any sort of method for ending racial segregation in schools, and the Court's second decision in Brown II (1955) only ordered states to desegregate "with all deliberate speed".  
   In the Southern United States, the reaction to Brown among most white people was "noisy and stubborn", especially in the Deep South where racial segregation was deeply entrenched in society. Many Southern governmental and political leaders embraced a plan known as "massive resistance", created by Senator Harry F. Byrd, in order to frustrate attempts to force them to de-segregate their school systems. Four years later, in the case of Cooper v. Aaron, the Court reaffirmed its ruling in Brown, and explicitly stated that state officials and legislators had no power to nullify its ruling.

# Text 1444:

**Negusie v. Holder, 555 U.S. 511 (2009), was a decision by the United States Supreme Court involving whether the bar to asylum in the United States for persecutors applies to asylum applicants who have been the target of credible threats of harm or torture in their home countries for refusing to participate further in persecution. The petitioner, Daniel Negusie, claimed he was forced to assist in the mistreatment of prisoners in Eritrea under threat of execution, and that because any assistance he rendered was provided under duress he should still be eligible for asylum.  
The Court held that the Board of Immigration Appeals and United States Court of Appeals for the Fifth Circuit erred in their interpretation of the Court's holding in Fedorenko v. United States (1981) when they evaluated Daniel's asylum petition, as they presumed that an alien's claimed coercion to participate in persecution was immaterial to determining whether the "persecutor bar" applies.**

1. Holder v. Humanitarian Law Project, 561 U.S. 1 (2010), was a case decided in June 2010 by the Supreme Court of the United States regarding the Patriot Act's prohibition on providing material support to foreign terrorist organizations (18 U.S.C. § 2339B). The case, petitioned by United States Attorney General Eric Holder, represents one of only two times in First Amendment jurisprudence that a restriction on political speech has overcome strict scrutiny. The other is Williams-Yulee v. Florida Bar.  
   The Supreme Court ruled against the Humanitarian Law Project, which sought to help the Kurdistan Workers' Party in Turkey and Sri Lanka's Liberation Tigers of Tamil Eelam learn how to resolve conflicts peacefully. It concluded that the US Congress had intended to prevent aid to such groups, even for the purpose of facilitating peace negotiations or United Nations processes because that assistance fit the law's definition of material aid as "training," "expert advice or assistance," "service," and "personnel." The finding was based on the principle that any assistance could help to "legitimate" the terrorist organization and free up its resources for terrorist activities.  
   The court noted that the proposed actions of the Humanitarian Law Project were general and "entirely hypothetical" and implied that a post-enforcement challenge to the application of the "material support" provisions was not prevented.
2. Immigration and Naturalization Service v. Cardoza-Fonseca, 480 U.S. 421 (1987), was a United States Supreme Court case that decided that the standard for withholding of removal, which was set in INS v. Stevic, was too high a standard for applicants for asylum to satisfy. In its place, consistent with the standard set by the United Nations, the Court in held that an applicant for asylum in the United States needs to demonstrate only a "well-founded fear" of persecution, which can be met even if the applicant does not show that he will more likely than not be persecuted if he is returned to his home country.

# Text 1445:

**McCleskey v. Kemp, 481 U.S. 279 (1987), is a United States Supreme Court case, in which the death sentence of Warren McCleskey for armed robbery and murder was upheld. The Court said the "racially disproportionate impact" in the Georgia death penalty indicated by a comprehensive scientific study was not enough to mitigate a death penalty determination without showing a "racially discriminatory purpose." McCleskey has been described as the "most far-reaching post-Gregg challenge to capital sentencing."  
McCleskey has been named one of the worst Supreme Court decisions since World War II by a Los Angeles Times poll of liberal jurists. In a New York Times comment eight days after the decision, Anthony Lewis charged that the Supreme Court had "effectively condoned the expression of racism in a profound aspect of our law." Anthony G. Amsterdam called it "the Dred Scott decision of our time."  
Justice Lewis Powell, when asked by his biographer if he wanted to change his vote in any case, replied, "Yes, McCleskey v. Kemp."**

1. Gregg v. Georgia, Proffitt v. Florida, Jurek v. Texas, Woodson v. North Carolina, and Roberts v. Louisiana, 428 U.S. 153 (1976), is a landmark decision of the U.S. Supreme Court. It reaffirmed the Court's acceptance of the use of the death penalty in the United States, upholding, in particular, the death sentence imposed on Troy Leon Gregg. The set of cases is referred to by a leading scholar as the July 2 Cases, and elsewhere referred to by the lead case Gregg. The court set forth the two main features that capital sentencing procedures must employ in order to comply with the Eighth Amendment ban on "cruel and unusual punishments". The decision essentially ended the de facto moratorium on the death penalty imposed by the Court in its 1972 decision in Furman v. Georgia (1972). Justice Brennan's dissent famously argued that "The calculated killing of a human being by the State involves, by its very nature, a denial of the executed person's humanity ... An executed person has indeed 'lost the right to have rights.'"
2. Godfrey v. Georgia, 446 U.S. 420 (1980), was a United States Supreme Court case in which the Court held that a death sentence could not be granted for a murder when the only aggravating factor was that the murder was found to be "outrageously or wantonly vile."  
   The Court reversed and remanded the Georgia death penalty sentence because, under Furman v. Georgia, such a factor did not help sentencing judges or juries avoid arbitrary and capricious infliction of the death penalty.

# Text 1446:

**Hodel v. Irving, 481 U.S. 704 (1987), is a case in which the U.S. Supreme Court held that a statute ordering the escheat of fractional interests in real property which had been bequeathed to members of the Oglala Sioux tribe was an unconstitutional taking which required just compensation.**

1. Berman v. Parker, 348 U.S. 26 (1954), is a landmark decision of the United States Supreme Court that interpreted the Takings Clause ("nor shall private property be taken for public use, without just compensation") of the Fifth Amendment to the United States Constitution. The Court voted 8–0 to hold that private property could be taken for a public purpose with just compensation. The case laid the foundation for the Court's later important public use cases, Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Kelo v. City of New London, 545 U.S. 469 (2005).  
   Critics of recent occurrences of eminent domain uses trace what they view as property rights violations to this case.
2. Babbitt v. Youpee, 519 U.S. 234 (1997), was a United States Supreme Court case in which the Court held that a provision which escheats property to tribe upon owner's death any fractional interest in allotment which constitutes less than two percent of the allotment and has not produced $100 in income over the past five years, unless it is devised or descends to owner of another fractional interest in the allotment, works an unconstitutional taking.

# Text 1447:

**Pleasant Grove City v. Summum, 555 U.S. 460 (2009), is a decision from the Supreme Court of the United States which ruled on the U.S. Constitution's prohibition on a government establishment of religion specifically with respect to monuments (e.g., statues) on public land.**

1. United States v. Carmack, 329 U.S. 230 (1946), was a unanimous decision of the Supreme Court of the United States which held that the United States federal government was empowered by Condemnation Act of August 1, 1888; the Public Buildings Act of 1926; and the United States Constitution to exercise its right of eminent domain over land containing buildings owned by a state or local government.
2. Fowler v. Rhode Island, 345 U.S. 67 (1953), was a case in which the Supreme Court of the United States held that a municipal ordinance which was used to penalize a minister of Jehovah's Witnesses for preaching at a peaceful religious meeting in a public park, although other religious groups could conduct religious services there with impunity, violated the First and Fourteenth Amendments.

# Text 1448:

**Harte-Hanks Communications Inc. v. Connaughton, 491 U.S. 657 (1989), was a case in which the Supreme Court of the United States supplied an additional journalistic behavior that constitutes actual malice as first discussed in New York Times Co. v. Sullivan (1964). In the case, the Court held that departure from responsible reporting and unreasonable reporting conduct alone were not sufficient to award a public figure damages in a libel case. However, the Court also ruled that if reporters wrote with reckless disregard for the truth, which included ignoring obvious sources for their report, plaintiffs could be awarded compensatory damages on the grounds of actual malice.**

1. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967), was a landmark decision of the US Supreme Court establishing the standard of First Amendment protection against defamation claims brought by private individuals.
2. Cohen v. Cowles Media Co., 501 U.S. 663 (1991), was a U.S. Supreme Court case holding that the First Amendment freedom of the press does not exempt journalists from generally applicable laws.  
   Dan Cohen, a Republican associated with Wheelock Whitney's 1982 Minnesota gubernatorial run, provided inculpatory information on the Democratic challenger for Lieutenant Governor, Marlene Johnson, to the Minneapolis Star Tribune and St. Paul Pioneer Press in exchange for a promise that his identity as the source would not be published. Over the reporters' objections, editors of both newspapers independently decided to publish his name. Cohen consequently lost his job at an advertising agency. He sued Cowles Media Company, who owned the Minneapolis Star Tribune.  
   In 1988, a jury of six found in Cohen's favor. The Minnesota Supreme Court reversed. The United States Supreme Court, while refusing to reinstate the damages, remanded the case to the Minnesota Supreme Court, which reinstated the jury's original verdict of $200,000.  
   The Cowles Media Company was found liable based on a theory of promissory estoppel.

# Text 1449:

**United States v. Wise, 370 U.S. 405 (1962), was a case in which the Supreme Court of the United States held that corporate officers acting in their duties could be subject to sanctions under the Sherman Antitrust Act.**

1. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.
2. United States v. Loew's Inc., 371 U.S. 38 (1962), was an antitrust case in which the Supreme Court of the United States held that block booking of movies—the offer of only a combined assortment of movies to an exhibitor—violates the Sherman Antitrust Act.  
   Besides its legal consequences, the court's decision affected economic theory, explaining product bundling as a form of price discrimination.

# Text 1450:

**American Communications Association v. Douds, 339 U.S. 382 (1950), is a 5-to-1 ruling by the United States Supreme Court which held that the Taft–Hartley Act's imposition of an anti-communist oath on labor union leaders does not violate the First Amendment to the United States Constitution, is not an ex post facto law or bill of attainder in violation of Article One, Section 10 of the United States Constitution, and is not a "test oath" in violation of Article Six of the Constitution.**

1. Communications Workers of America v. Beck, 487 U.S. 735 (1988), is a decision by the United States Supreme Court which held that, in a union security agreement, unions are authorized by statute to collect from non-members only those fees and dues necessary to perform its duties as a collective bargaining representative. The rights identified by the Court in Communications Workers of America v. Beck have since come to be known as "Beck rights", and defining what Beck rights are and how a union must fulfill its duties regarding them is an active area of modern United States labor law.
2. De Veau v. Braisted, 363 U.S. 144 (1960), is a 5-to-3 ruling by the Supreme Court of the United States that an interstate compact restricting convicted felons from holding union office is not preempted by the National Labor Relations Act or the Labor Management Reporting and Disclosure Act, does not violate the Due Process Clause of the 14th Amendment, and is not an ex post facto law or bill of attainder in violation of Article One, Section 10 of the Constitution.

# Text 1451:

**Dawson Chemical Co. v. Rohm & Haas Co., 448 U.S. 176 (1980), is a 1980 5–4 decision of the United States Supreme Court limiting the patent misuse doctrine and explaining the scope of the 1952 amendment of the patent laws that resurrected the contributory infringement doctrine in the wake of the Mercoid cases. The Mercoid cases and a few predecessor cases had denied relief against patent infringement to patentees who were deriving revenue from the sale of unpatented products used as supplies for patented combinations or as components of patented combinations, even when the unpatented products were specially adapted for use with the patented combinations and even when they lacked any utility other than that use. The patentees used contributory infringement suits or threats of such suits to enforce their business model, which the Mercoid cases outlawed.  
In the Mercoid cases the Court had stated: "The result of this decision, together with those which have preceded it, is to limit substantially the doctrine of contributory infringement. What residuum may be left we need not stop to consider." This caused "some consternation among patent lawyers," and some "segments of the patent bar eventually decided to ask Congress for corrective legislation that would restore some scope to the contributory infringement doctrine. With great perseverance, they advanced their proposal in three successive Congresses before it eventually was enacted in 1952." Dawson interpreted the 1952 amendments to re-establish contributory infringement as a possible claim for relief and held that supplying an unpatented product especially adapted for use in practicing a patented process and without any substantial non-infringing use was unlawful contributory infringement.**

1. Warner-Jenkinson Company, Inc. v. Hilton Davis Chemical Co., 520 U.S. 17 (1997), was a United States Supreme Court decision in the area of patent law, affirming the continued vitality of the doctrine of equivalents while making some important refinements to the doctrine.
2. Walker Process Equipment, Inc. v. Food Machinery & Chemical Corp., 382 U.S. 172 (1965), was a 1965 decision of the United States Supreme Court that held, for the first time, that enforcement of a fraudulently procured patent violated the antitrust laws and provided a basis for a claim of treble damages if it caused a substantial anticompetitive effect.

# Text 1452:

**Gagnon v. Scarpelli, 411 U.S. 778 (1973), was the second substantive ruling by the United States Supreme Court regarding the rights of individuals in violation of a probation or parole sentence.  
The case involved Gerald Scarpelli, a man serving a probation sentence in the State of Wisconsin for armed robbery. While the judge sentenced Scarpelli to 15 years' imprisonment, the judge suspended Scarpelli's sentence and ordered him to serve 7 years' probation. After the probation sentence began, Scarpelli was arrested for burglary in Illinois. Scarpelli's probation was revoked by the Wisconsin Department of Public Welfare subsequent to his confession to police that he was involved in the burglary. The confession in question was later challenged by Scarpelli as being made under duress. After the revocation proceedings, Scarpelli was incarcerated.  
After 3 years of incarceration, Scarpelli challenged the revocation of his probation because he was not afforded a hearing on the matter. The State of Wisconsin argued that his probation was violated for two legitimate reasons: Scarpelli had been associating with felons in general and Scarpelli was associated with a known felon at the time of his arrest.**

1. James v. United States, 550 U.S. 192 (2007), is a decision by the Supreme Court of the United States that held that attempted burglary could serve as a predicate felony under the federal Armed Career Criminal Act (ACCA), which provided that a person convicted of being a felon in possession of a firearm with three prior convictions for either serious drug offenses or violent felonies must be sentenced to a mandatory minimum 15-year prison term.
2. Mancusi v. DeForte, 392 U.S. 364 (1968), is a decision of the United States Supreme Court on privacy and the Fourth Amendment. It originated in the lower courts as United States ex rel. Frank DeForte, appellant v. Vincent R. Mancusi, Warden of Attica Prison, Attica, New York, appellee, a petition for a writ of habeas corpus by a prisoner who had exhausted all his state appeals. By a 6–3 margin the Court affirmed the United States Court of Appeals for the Second Circuit's reversal of a district court denial of the petition.  
   The prisoner, Frank DeForte, was one of several labor union officials on Long Island who had been convicted of racketeering-related charges connected to a scheme in which they attempted to monopolize the jukebox market in the New York Metropolitan area. Early in the investigation, local prosecutors had issued a subpoena duces tecum for records from the union officials. When they refused to comply, the prosecutors went to the union offices themselves and seized the records from the officials' desks themselves. DeForte had been present and voiced his objections. The state later admitted the action was illegal but the documents, which formed the bulk of the case against the officials, were not suppressed at trial. Both the state's appellate court and the New York State Court of Appeals sustained the verdict, and all the defendants went to prison. There they began filing habeas petitions to the federal courts. The first, alleging that the court's orders to the jury to continue deliberating after they had done so for almost 24 hours and twice asked for a break constituted coercion, was denied.  
   DeForte's second, arguing as he had at trial and on his state appeal, that the search of his desk violated his reasonable expectation of privacy and thus his Fourth Amendment rights, was the one the Supreme Court heard. Justice John Marshall Harlan II wrote for the majority that under the Court's recent holding in Katz v. United States, DeForte had a reasonable expectation of privacy over the papers he kept at work even though they were not his personal property and he shared the office with his co-defendants. Nor did the subpoena authorize the prosecutor to act as he might with a search warrant, since the subpoena was not subject to independent judicial review before its execution. In dissent, Hugo Black, who had also dissented in Katz, said he could not find why the Court chose to depart from previous holdings that documents in the possession of one's employer enjoyed no Fourth Amendment protection, and was misreading the cases it relied on.  
   The case is seen as a seminal case in privacy law, since it extended it for the first time to a non-residential space. Lower courts have used it to guide them in distinguishing Fourth Amendment claims into the present day. The Supreme Court has, in later holdings, extended it to include public employees during administrative investigations and considered its application in the context of modern telecommunications.

# Text 1453:

**South Carolina v. North Carolina, 558 U.S. 256 (2010), is a case in which the Supreme Court of the United States settled a dispute between the states of South Carolina and North Carolina regarding which parties may intervene in litigation between two states over water rights. By a 5–4 vote, the Court held that an interstate water authority and the Duke Energy Corporation could intervene, while ruling unanimously that the city of Charlotte, North Carolina, could not.**

1. Alabama v. North Carolina, 560 U.S. 330 (2010), was an original jurisdiction United States Supreme Court case. It arose from a disagreement between the state of North Carolina and the other members of the Southeast Interstate Low-Level Radioactive Waste Management Compact over the funding for a joint project. Eight states had formed the compact in 1983 to manage low-level radioactive waste in the southeastern United States. In 1986, North Carolina was chosen as the location for the regional waste facility, and it asked the other states for funding to help with the project. The project stalled and was eventually shut down, despite North Carolina receiving $80 million from the other states. After the project's demise, the other states demanded their money back, but North Carolina refused to repay them, leading to this case.
2. Duke Power Co. v. Carolina Environmental Study Group, 438 U.S. 59 (1978), was a case in which the United States Supreme Court overturned the United States District Court for the Western District of North Carolina's decision that the Price Anderson Act violated equal protection by treating victims of nuclear accidents differently from the victims of other industrial accidents.

# Text 1454:

**Mayo Foundation v. United States, 562 U.S. 44 (2011), is a United States Supreme Court case in which the Court upheld a Treasury Department regulation on the grounds that the courts should defer to government agencies in tax cases in absence of an unreasonable decision on the part of the agency.  
Under the Federal Insurance Contributions Act (FICA), students and their educational employers are exempted from paying Social Security taxes. The Treasury Department issued a regulation in 2004, declaring those who worked more than 40 hours a week were ineligible for such an exemption. The Mayo Foundation filed suit to challenge the regulation and for a refund of the taxes it had paid on its medical residents—recently graduated physicians, who work more than full-time providing patient care but who are still considered trainees by the medical profession. The District Court ruled for the Mayo Foundation and struck the regulation, but was reversed by the Court of Appeals.  
The Supreme Court ruled unanimously to uphold the regulation as within the Treasury Department's statutory authority to issue and as a reasonable construction of FICA. The Court clarified that the deferential standard of Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc. (1984) applied, notwithstanding prior Court rulings that had adopted a more stringent standard to tax regulations. Applying Chevron, the Court first found that Congress had left the matter to the agency, because the statute was silent on the definition of "student" and on its applicability to medical residents specifically. Second, the Court found, that the regulation was a reasonable interpretation of the statute, and that its clear line helped distinguish workers who study and students who work, simplified enforcement and furthered the broad coverage of Social Security.**

1. Mueller v. Allen, 463 U.S. 388 (1983), was a United States Supreme Court case examining the constitutionality of a state tax deduction granted to taxpaying parents for school-related expenses, including expenses incurred from private secular and religious schools. The plaintiffs claimed that a Minnesota statute, allowing tax deductions for both public and private school expenses, had the effect of subsidizing religious instruction since parents who paid tuition to religious schools received a larger deduction than parents of public school students, who incurred no tuition expenses.  
   In a 5–4 decision, the Court upheld the statute. The majority affirmed that the benefit was religiously neutral because the deduction applied equally to sectarian and nonsectarian tuition and that the choice of religious or nonreligious instruction was made by individual parents, not the state. Also, aid was given to parents, not schools.  
   The dissenting opinion argued that the tax deduction violated the US Constitution because it was an indirect government subsidy of religion, providing a financial incentive to parents to send their children to religious schools.
2. Regan v. Taxation with Representation of Washington, 461 U.S. 540 (1983), was a case in which the United States Supreme Court upheld lobbying restrictions imposed on tax-exempt non-profit corporations.

# Text 1455:

**Greenlaw v. United States, 554 U.S. 237 (2008), was a United States Supreme Court case in which the Court held that a federal appeals court may not sua sponte increase a defendant's sentence unless the government first files a notice of appeal.**

1. Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1 (1979), was a United States Supreme Court case in which the Court held that when state law requires the state to grant parole whenever a prisoner satisfies certain conditions, due process requires the state to allow the prisoner to present evidence in support of his request for parole and to furnish a written explanation of the reasons why his request has been denied.
2. United States v. Students Challenging Regulatory Agency Procedures (SCRAP), 412 U.S. 669 (1973), was a landmark decision of the United States Supreme Court in which the Court held that the members of SCRAP—five law students from the George Washington University Law School—had standing to sue under Article III of the Constitution to challenge a nationwide railroad freight rate increase approved by the Interstate Commerce Commission (ICC). SCRAP was the first full-court consideration of the National Environmental Policy Act (NEPA). The Court also reversed the lower court decision that an injunction should be issued at the suspension stage of the ICC rate proceeding. The standing decision has retained its place as the high mark in the Court's standing jurisprudence.

# Text 1456:

**Commissioner v. Glenshaw Glass Co., 348 U.S. 426 (1955), was an important income tax case before the United States Supreme Court. The Court held as follows:   
  
Congress, in enacting income taxation statutes that comprehend "gains or profits and income derived from any source whatever," intended to tax all gain except that which was specifically exempted.  
Income is not limited to "the gain derived from capital, from labor, or from both combined."  
Although the Court used this characterization in Eisner v. Macomber, it "was not meant to provide a touchstone to all future gross income questions."  
Instead, income is realized whenever there are "instances of [1] undeniable accessions to wealth, [2] clearly realized, and [3] over which the taxpayers have complete dominion."  
Under this definition, punitive damages qualify as "income" -- even though they are not derived from capital or from labor.**

1. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.
2. Corn Products Refining Company v. Commissioner, 350 U.S. 46 (1955), is a United States Supreme Court decision that helps taxpayers classify whether or not the disposition of a commodity futures contract by a business of raw materials as part of its hedging of business risk is an ordinary or capital gain or loss for income tax purposes.

# Text 1457:

**Cunningham v. California, 549 U.S. 270 (2007), is a decision by the Supreme Court of the United States in which the Court held, 6–3, that the sentencing standard set forward in Apprendi v. New Jersey (2000) applies to California's determinate sentencing law.  
In California, a judge may choose one of three sentences for a crime—a low, middle, or high term. There must exist specific aggravating factors about the crime before a judge may impose the high term. Under the Apprendi rule, as explained in Blakely v. Washington, any fact that increases the punishment above that which the judge may impose without that fact must be found by a jury beyond a reasonable doubt. In People v. Black, the California Supreme Court rejected the argument that under Blakely, the jury must find the additional facts necessary for the judge to impose the high term under the DSL. In Cunningham, the U.S. Supreme Court overruled Black, ruling that Blakely applies to California's determinate sentencing scheme.**

1. Aikens v. California, 406 U.S. 813 (1972), was a decision of the United States Supreme Court where a petitioner (in the U.S. Supreme Court, the plaintiff (Aikens) is called the petitioner and the defendant (the State of California) is called the respondent) was appealing his conviction and death sentence. After oral argument had been made on the case, but before the court decided on it, the Supreme Court of California in People v. Anderson, declared the death penalty unconstitutional under the state constitution. This made his appeal unnecessary because the decision in Anderson  
     
   declared capital punishment in California unconstitutional under Art. 1, 6, of the state constitution... The California Supreme Court declared in the Anderson case that its decision was fully retroactive and stated that any prisoner currently under sentence of death could petition a superior court to modify its judgment. [Aikens] thus no longer faces a realistic threat of execution... [emphasis added]  
   The Supreme Court would decide later that year, in Furman v. Georgia, that the Death Penalty was under certain circumstances unconstitutional. Aikens was originally one of four cases that were selected along with Furman, but when the Anderson case was decided by the California Supreme Court, Aikens became moot.
2. Robinson v. California, 370 U.S. 660 (1962), is the first landmark decision of the United States Supreme Court in which the Eighth Amendment of the Constitution was interpreted to prohibit criminalization of particular acts or conduct, as contrasted with prohibiting the use of a particular form of punishment for a crime. In Robinson, the Court struck down a California law that criminalized being addicted to narcotics.

# Text 1458:

**Helicopteros Nacionales de Colombia, S. A. v. Hall, 466 U.S. 408 (1984), was an American case decided by the United States Supreme Court, holding that purchases in the United States by an out-of-state corporation did not establish general personal jurisdiction.  
Helicopteros Nacionales de Colombia, a Colombian corporation, purchased a majority of its helicopters and training for said helicopters in Texas. They provide helicopter transport for oil and construction companies in South America. The incident in question happened on Jan 26, 1976 when a helicopter crashed killing four Americans. In the contract, which was negotiated in Houston, that the plaintiffs had with the defendants there was a choice of location clause which stated that all controversies would be submitted to Peruvian courts.  
The Court concluded that Texas did not have jurisdiction over Helicopteros. While they did engage in business-related activates, these activities did not rise to the level of "continuous and systematic" contacts for the courts to have general jurisdiction.**

1. Piper Aircraft Co. v. Reyno, 454 U.S. 235 (1981), was a case decided by the United States Supreme Court, in which the court considered the lower court's application of its power of forum non conveniens, a common law legal doctrine whereby courts may refuse to take jurisdiction over matters where there is a more appropriate forum available to the parties.
2. United States v. Johnson, 481 U.S. 681 (1987), was a United States Supreme Court case in which the Court barred the widow of a serviceman killed while piloting a helicopter on a United States Coast Guard rescue mission from bringing her claim under the Federal Tort Claims Act (the "FTCA" or the "Act"). The decision was based upon the Supreme Court's holding in Feres v. United States (1950): "[T]he Government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service."

# Text 1459:

**Taylor v. Louisiana, 419 U.S. 522 (1975), was a landmark decision of the US Supreme Court which held that systematically excluding women from a venire, or jury pool, by requiring (only) them to actively register for jury duty violated the defendant's right to a representative venire. The court overturned Hoyt v. Florida, the 1961 case that had allowed such a practice.**

1. Hoyt v. Florida, 368 U.S. 57 (1961), was an appeal by Gwendolyn Hoyt, who had killed her husband and received a jail sentence for second degree murder. Although she had suffered mental and physical abuse in her marriage and showed neurotic, if not psychotic, behavior, a six-man jury deliberated for just 25 minutes before finding her guilty. They sentenced her to 30 years of hard labor. Hoyt claimed that her all-male jury led to discrimination and unfair circumstances during her trial. The decision was subsequently overruled by Taylor v. Louisiana in 1975.
2. Louisiana v. United States, 380 U.S. 145 (1965), was a case decided by the Supreme Court of the United States that dealt with an "interpretation test" permitted by the Louisiana Constitution of 1921 alleged to deprive Louisiana Negroes of voting rights in violation of 42 U.S.C. Section 1971(a) and the Fourteenth and Fifteenth Amendments.  
   The test gave complete discretion to registrars to deny an applicant the ability to register to vote if he could not "give a reasonable interpretation" of any clause in the Louisiana Constitution or the Constitution of the United States.

# Text 1460:

**Travelers Casualty & Surety Co. of America v. Pacific Gas & Elec. Co., 549 U.S. 443 (2007), was a United States Supreme Court case about attorney's fees in bankruptcy cases. Justice Samuel Alito wrote the opinion for a unanimous court.**

1. Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993), was a controversial United States Supreme Court case which held that foreign companies acting in foreign countries could nevertheless be held liable for violations of the Sherman Antitrust Act if they conspired to restrain trade within the United States, and succeeded in doing so.
2. BP America Production Co. v. Burton, 549 U.S. 84 (2006), was a United States Supreme Court case about whether a statute of limitations on government actions for contract claims applies to actions by a federal administrative agency to recover royalties on federal oil and gas leases. After two members recused themselves, the court ruled unanimously that it does not apply, in an opinion by Justice Samuel Alito.

# Text 1461:

**Harris v. McRae, 448 U.S. 297 (1980), was a case in which the Supreme Court of the United States held that states participating in Medicaid are not required to fund medically necessary abortions for which federal reimbursement was unavailable as a result of the Hyde Amendment, which restricted the use of federal funds for abortion. The Court also held that the funding restrictions of the Hyde Amendment did not violate the Fifth Amendment or the Establishment Clause of the First Amendment.**

1. Webster v. Reproductive Health Services, 492 U.S. 490 (1989), was a United States Supreme Court decision on upholding a Missouri law that imposed restrictions on the use of state funds, facilities, and employees in performing, assisting with, or counseling an abortion. The Supreme Court in Webster allowed for states to legislate in an aspect that had previously been thought to be forbidden under Roe v. Wade (1973).
2. Planned Parenthood v. Casey, 505 U.S. 833 (1992), was a landmark decision of the Supreme Court of the United States in which the Court upheld the right to have an abortion as established by the "essential holding" of Roe v. Wade (1973) and issued as its "key judgment" the restoration of the undue burden standard when evaluating state-imposed restrictions on that right. Both the essential holding of Roe and the key judgment of Casey were overturned by the Supreme Court in 2022, with its landmark decision in Dobbs v. Jackson Women's Health Organization.  
   The case arose from a challenge to five provisions of the Pennsylvania Abortion Control Act of 1982; among the provisions were requirements for a waiting period, spousal notice, and (for minors) parental consent prior to undergoing an abortion procedure. In a plurality opinion jointly written by associate justices Sandra Day O'Connor, Anthony Kennedy, and David Souter, the Supreme Court upheld the "essential holding" of Roe, which was that the Due Process Clause of the Fourteenth Amendment to the United States Constitution protected a woman's right to have an abortion prior to fetal viability.  
   The Court overturned the Roe trimester framework in favor of a viability analysis, thereby allowing states to implement abortion restrictions that apply during the first trimester of pregnancy. In its "key judgment," the Court overturned Roe's strict scrutiny standard of review of a state's abortion restrictions with the undue burden standard, under which abortion restrictions would be unconstitutional when they were enacted for "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." Applying this new standard of review, the Court upheld four provisions of the Pennsylvania law, but invalidated the requirement of spousal notification. Four justices wrote or joined opinions arguing that Roe v. Wade should have been struck down, while two justices wrote opinions favoring the preservation of the higher standard of review for abortion restrictions.

# Text 1462:

**Stoner v. California, 376 U.S. 483 (1964), is a United States Supreme Court decision involving the Fourth Amendment. It was a criminal case appealed from the California Courts of Appeal after the California Supreme Court denied review. The case extended the situations under which search warrants are required as they reversed a robbery conviction made on the basis of evidence obtained in violation of the holding.  
The petitioner, Joey Stoner, had been arrested following a 1960 supermarket robbery in the Los Angeles area. Eyewitness accounts and evidence left at the scene led the police to a hotel elsewhere in the region where Stoner was staying. Two days later, detectives went to the hotel and, with the desk clerk's permission, searched the room and found further evidence linking him to the robbery. Stoner was arrested two days later in Nevada, and extradited. The evidence from the hotel room was used to convict him of the robbery at trial. Stoner unsuccessfully challenged the admissibility of the evidence at trial and on appeal, since police had lacked a warrant and relied on the clerk's permission. The appeals court held that the search was incident to arrest and thus permissible.  
Writing for the Court, Justice Potter Stewart reaffirmed two previous holdings: The first, Agnello v. United States (1925) held such warrantless searches are constitutional only to the extent that they take place at the same time, and in the same place, as the arrest. Two other cases established that the hotel clerk's consent did not permit police to search the room without a warrant. "[A] guest in a hotel room is entitled to constitutional protection against unreasonable searches and seizures" Stewart wrote. "That protection would disappear if it were left to depend upon the unfettered discretion of an employee of the hotel." It did not matter that hotel staff might be permitted to enter the room as that was merely for the limited purpose of cleaning and maintenance. The only other opinion was Justice John Marshall Harlan II, who concurred in the holding but dissented from the disposition reversing the conviction. He would have left it to California's courts to decide whether the admission of the hotel-room evidence was harmless error, as the Court had done in similar circumstances in Fahy v. Connecticut.  
The reaffirmation of the earlier rulings was necessitated by the Mapp v. Ohio decision a few years earlier, which extended the exclusionary rule under which unlawfully obtained evidence is inadmissible at trial, to the states as well as the federal government. It came at a time when the Warren Court was beginning to rethink and provide exceptions to the traditional Fourth Amendment doctrine that only those with a possessory or proprietary interest in what was searched had standing to challenge the constitutionality of the search. Several years later, in Katz v. United States, the Court abandoned that doctrine entirely in favor of the reasonable expectation of privacy test now in use.**

1. Ker v. California, 374 U.S. 23 (1963), was a case before the United States Supreme Court, which incorporated the Fourth Amendment's protections against illegal search and seizure. The case was decided on June 10, 1963, by a vote of 5–4.
2. Horton v. California, 496 U.S. 128 (1990), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not prohibit the warrantless seizure of evidence which is in plain view. The discovery of the evidence does not have to be inadvertent, although that is a characteristic of most legitimate plain-view seizures. The opinion clarified the plain view doctrine of the Court's Fourth Amendment analysis.

# Text 1463:

**United States v. Sullivan, 274 U.S. 259 (1927), is a United States Supreme Court case that allowed prosecution of criminals for income tax evasion notwithstanding the Fifth Amendment.  
The case also served as the legal test for prosecution of Al Capone for tax evasion by Assistant Attorney General Mabel Walker Willebrandt. Willebrandt theorized illegally earned income was subject to income tax, and she tested her theory using Sullivan. Once the theory was found sound, she moved to prosecute Capone in 1931.**

1. United States v. Kaiser, 363 U.S. 299 (1960), was an income tax case before the United States Supreme Court.
2. United States v. Gilmore, 372 U.S. 39 (1963), was a federal income tax case before the United States Supreme Court.

# Text 1464:

**Time, Inc. v. Hill, 385 U.S. 374 (1967), is a United States Supreme Court case involving issues of privacy in balance with the First Amendment to the United States Constitution and principles of freedom of speech. The Court held 6–3 that the latter requires that merely negligent intrusions into the former by the media not be civilly actionable. It expanded that principle from its landmark defamation holding in New York Times v. Sullivan.  
The Hill family had sued after Life implied in a blurb that the upcoming film adaptation of The Desperate Hours was based on the real-life incident where they were held hostage in their home by escaped convicts. It was accompanied by a photo of the Hills' house in a suburb of Philadelphia, from which they had moved shortly afterwards due to the lingering psychological effects of the episode. In fact, the plot of the novel and a successful play based on it were, while inspired by the Hills' experience, unrelated to it.  
Former Vice President Richard M. Nixon argued the Hills' case before the Court.**

1. Time, Inc. v. Firestone, 424 U.S. 448 (1976), was a U.S. Supreme Court case concerning defamation suits against public figures.
2. New York Times Co. v. United States, 403 U.S. 713 (1971), was a landmark decision of the Supreme Court of the United States on the First Amendment right to freedom of the press. The ruling made it possible for The New York Times and The Washington Post newspapers to publish the then-classified Pentagon Papers without risk of government censorship or punishment.  
   President Richard Nixon had claimed executive authority to force the Times to suspend publication of classified information in its possession. The question before the court was whether the constitutional freedom of the press, guaranteed by the First Amendment, was subordinate to a claimed need of the executive branch of government to maintain the secrecy of information. The Supreme Court ruled that the First Amendment did protect the right of The New York Times to print the materials.

# Text 1465:

**United States v. Dinitz, 424 U.S. 600 (1976), was a case in which the Supreme Court of the United States determined that the U.S. Const., Amend. V protection against double jeopardy did not prevent a retrial of a defendant, who had previously requested a mistrial.**

1. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.
2. Peretz v. United States, 501 U.S. 923 (1991), was a Supreme Court of the United States case. The Court affirmed that a defendant in a federal criminal trial on a felony charge must affirmatively object to the supervising of jury selection by a magistrate judge, ruling that it is not enough that the defendant merely acquiesce to the magistrate's involvement in his case for a court to reverse a conviction for this reason.

# Text 1466:

**Leary v. United States, 395 U.S. 6 (1969), is a U.S. Supreme Court case dealing with the constitutionality of the Marihuana Tax Act of 1937. Timothy Leary, a professor and activist, was arrested for the possession of marijuana in violation of the Marihuana Tax Act. Leary challenged the act on the ground that the act required self-incrimination, which violated the Fifth Amendment. The unanimous opinion of the court was penned by Justice John Marshall Harlan II and declared the Marihuana Tax Act unconstitutional. Thus, Leary's conviction was overturned. Congress responded shortly thereafter by replacing the Marihuana Tax Act with the newly written Controlled Substances Act while continuing the prohibition of certain drugs in the United States.**

1. Tanner v. United States, 483 U.S. 107 (1987), was a United States Supreme Court case in which the Court held that juror testimony could not be used to discredit or overturn a jury verdict, even if the jury had been consuming copious amounts of alcohol, marijuana, and cocaine throughout the course of the trial.
2. Robinson v. California, 370 U.S. 660 (1962), is the first landmark decision of the United States Supreme Court in which the Eighth Amendment of the Constitution was interpreted to prohibit criminalization of particular acts or conduct, as contrasted with prohibiting the use of a particular form of punishment for a crime. In Robinson, the Court struck down a California law that criminalized being addicted to narcotics.

# Text 1467:

**Hurley v. Irish-American Gay, Lesbian, and Bisexual Group of Boston, 515 U.S. 557 (1995), was a landmark decision of the US Supreme Court regarding free speech rights, specifically the rights of groups to determine what message their activities convey to the public. The Court ruled that private organizations, even if they were planning on and had permits for a public demonstration, were permitted to exclude groups if those groups presented a message contrary to the one the organizing group wanted to convey. Addressing the specific issues of the case, the Court found that private citizens organizing a public demonstration may not be compelled by the state to include groups who impart a message the organizers do not want to be presented by their demonstration, even if the intent of the state was to prevent discrimination.**

1. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.
2. Bowers v. Hardwick, 478 U.S. 186 (1986), was a landmark decision of the U.S. Supreme Court that upheld, in a 5–4 ruling, the constitutionality of a Georgia sodomy law criminalizing oral and anal sex in private between consenting adults, in this case with respect to homosexual sodomy, though the law did not differentiate between homosexual and heterosexual sodomy. It was overturned in Lawrence v. Texas (2003), though the statute had already been struck down by the Georgia Supreme Court in 1998.   
   The majority opinion, by Justice Byron White, reasoned that the U.S. Constitution did not confer "a fundamental right to engage in homosexual sodomy". A concurring opinion by Chief Justice Warren E. Burger cited the "ancient roots" of prohibitions against homosexual sex, quoting William Blackstone's description of homosexual sex as an "infamous crime against nature", worse than rape, and "a crime not fit to be named". Burger concluded: "To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching."   
   The senior dissent, by Justice Harry Blackmun, framed the issue as revolving around the right to privacy. Blackmun's dissent accused the Court of an "almost obsessive focus on homosexual activity" and an "overall refusal to consider the broad principles that have informed our treatment of privacy in specific cases." In response to invocations of religious taboos against homosexuality, Blackmun wrote: "That certain, but by no means all, religious groups condemn the behavior at issue gives the State no license to impose their judgments on the entire citizenry. The legitimacy of secular legislation depends, instead, on whether the State can advance some justification for its law beyond its conformity to religious doctrine."  
   Scholarly examinations of the case overwhelmingly sided with the dissenting minority. Some of the justices, including Lewis F. Powell, later said that they should not have joined the majority, although Powell also indicated in 1990 that the decision was of little importance. Seventeen years after Bowers, the Supreme Court directly overruled its decision in Lawrence v. Texas, holding that anti-sodomy laws are unconstitutional. In Lawrence, the Supreme Court subsequently based its decision on the American tradition of non-interference with private sexual decisions between consenting adults and on the notions of personal autonomy to define one's own relationships.

# Text 1468:

**Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
  
When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
Contrast payments given as an "involved and intensely interested" act.**

1. Commissioner v. Glenshaw Glass Co., 348 U.S. 426 (1955), was an important income tax case before the United States Supreme Court. The Court held as follows:   
     
   Congress, in enacting income taxation statutes that comprehend "gains or profits and income derived from any source whatever," intended to tax all gain except that which was specifically exempted.  
   Income is not limited to "the gain derived from capital, from labor, or from both combined."  
   Although the Court used this characterization in Eisner v. Macomber, it "was not meant to provide a touchstone to all future gross income questions."  
   Instead, income is realized whenever there are "instances of [1] undeniable accessions to wealth, [2] clearly realized, and [3] over which the taxpayers have complete dominion."  
   Under this definition, punitive damages qualify as "income" -- even though they are not derived from capital or from labor.
2. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.

# Text 1469:

**Ramah Navajo School Board, Inc. v. Bureau of Revenue of New Mexico, 458 U.S. 832 (1982), is a United States Supreme Court case in which the Court held that the state was not authorized to impose taxes on a construction company building a school on a Native American (Indian) reservation.  
The board operates Pine Hill Schools.**

1. Kerr-McGee v. Navajo Tribe, 471 U.S. 195 (1985), was a case in which the Supreme Court of the United States held that an Indian tribe is not required to obtain the approval of the Secretary of the Interior in order to impose taxes on non-tribal persons or entities doing business on a reservation.
2. McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973), was a case in which the Supreme Court of the United States holding that Arizona has no jurisdiction to impose a tax on the income of Navajo Indians residing on the Navajo Reservation if their income is wholly derived from reservation sources.

# Text 1470:

**The Alien and Sedition Acts were a set of four laws enacted in 1798 that applied restrictions to immigration and speech in the United States. The Naturalization Act increased the requirements to seek citizenship, the Alien Friends Act allowed the president to imprison and deport non-citizens, the Alien Enemies Act gave the president additional powers to detain non-citizens during times of war, and the Sedition Act criminalized false and malicious statements about the federal government. The Alien Friends Act and the Sedition Act expired after a set number of years, and the Naturalization Act was repealed in 1802. The Alien Enemies Act is still in effect.  
The Alien and Sedition Acts were controversial. They were supported by the Federalist Party, and supporters argued that the bills strengthened national security during the Quasi-War, an undeclared naval war with France from 1798 to 1800. The acts were denounced by Democratic-Republicans as suppression of voters and violation of free speech under the First Amendment. While they were in effect, the Alien and Sedition Acts, and the Sedition Act in particular, were used to suppress publishers affiliated with the Democratic-Republicans, and several publishers were arrested for criticism of the Adams administration. The Democratic-Republicans took power in 1800, because of backlash to the Alien and Sedition Acts, and all but the Alien Enemies Act were eliminated by the next Congress. The Alien Enemies Act has been invoked several times since, particularly during World War II. The Alien and Sedition Acts are generally received negatively by modern historians, and the U.S. Supreme Court has since indicated that aspects of the laws would likely be found unconstitutional today.**

1. Harisiades v. Shaughnessy, 342 U.S. 580 (1952), was a United States Supreme Court case which determined that the Alien Registration Act of 1940's authorization of deportation of legal resident for membership in Communist parties, even past, did not violate the First Amendment, the Fifth Amendment, nor the constitution's Ex Post Facto Clause.   
   The case was a consolidation of three similar cases, Mascitti v. McGrath, Coleman v. McGrath, and Harisiades v. Shaughnessy, all brought by legal residents of the United States who were in the process of being deported under the Alien Registration Act for their participation in Communist political parties.
2. United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537 (1950), was a United States Supreme Court case that notably ruled that the executive and legislative branches have the inherent power to exclude immigrants from the United States, that courts lack jurisdiction regarding the deportation of individuals within the United States unless it is explicitly stated in law, and that the Constitution does not grant aliens any protections when trying to enter the United States. In a four-to-three decision, this case firmly demonstrates the plenary powers of Congress and the Executive Branch, as it is one of the first cases that bars the judicial review of executive or legislative orders of exclusion in most circumstances.

# Text 1471:

**Marks v. United States, 430 U.S. 188 (1977), is a case decided by the Supreme Court of the United States that explained how the holding of a case should be viewed where there is no majority supporting the rationale of any opinion.**

1. Tome v. United States, 513 U.S. 150 (1995), was a case decided by the Supreme Court of the United States that held that under Federal Rules of Evidence Rule 801(d)(1)(B), a prior consistent statement is not hearsay only if the statement was made before the motive to fabricate arose.
2. Austin v. United States, 509 U.S. 602 (1993), was a case in which the Supreme Court of the United States held that the Eighth Amendment to the United States Constitution applies to civil forfeiture cases.

# Text 1472:

**Cheek v. United States, 498 U.S. 192 (1991), was a United States Supreme Court case in which the Court reversed the conviction of John L. Cheek, a tax protester, for willful failure to file tax returns and tax evasion, who was convicted again during retrial. The Court held that an actual good-faith belief that one is not violating the tax law, based on a misunderstanding caused by the complexity of the tax law, negates willfulness, even if that belief is irrational or unreasonable. The Court also ruled that an actual belief that the tax law is invalid or unconstitutional is not a good faith belief based on a misunderstanding caused by the complexity of the tax law, and is not a defense.**

1. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.
2. Burks v. United States, 437 U.S. 1 (1978), is a United States Supreme Court decision that clarified both the scope of the protection against double jeopardy provided by the Fifth Amendment to the United States Constitution and the limits of an appellate court's discretion to fashion a remedy under section 2106 of Title 28 to the United States Code. It established the constitutional rule that where an appellate court reverses a criminal conviction on the ground that the prosecution failed to present sufficient evidence to prove the defendant's guilt beyond a reasonable doubt, the Double Jeopardy Clause shields the defendant from a second prosecution for the same offense. Notwithstanding the power that appellate courts have under section 2106 to "remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances," a court that reverses a conviction for insufficiency of the evidence may not allow the lower court a choice on remand between acquitting the defendant and ordering a new trial. The "only 'just' remedy" in this situation, the Court held, is to order an acquittal.

# Text 1473:

**Board of Education, Island Trees Union Free School District No. 26 v. Pico, 457 U.S. 853 (1982), was a landmark case in which the United States Supreme Court split on the First Amendment issue of local school boards removing library books from junior high schools and high schools. Four Justices ruled that it was unconstitutional, four Justices concluded the contrary (with perhaps a few minor exceptions), and one Justice concluded that the court need not decide the question on the merits. Pico was the first Supreme Court case to consider the right to receive information in a library setting under the First Amendment, but the court's fractured plurality decision left the scope of this right unclear.**

1. New Jersey v. T. L. O., 469 U.S. 325 (1985), is a landmark decision by the Supreme Court of the United States which established the standards by which a public school official can search a student in a school environment without a search warrant, and to what extent.  
   The case centered around a student at Piscataway High School in Middlesex County, New Jersey, known then only by her initials T. L. O., who was searched for contraband after she was caught smoking in a school bathroom. She was sent to the principal's office, where the assistant vice principal searched her purse and found marijuana, drug paraphernalia, and documentation of drug sales. She was suspended from the school and charged by police for the paraphernalia found in the search, but fought the charges on the basis that the search of her purse violated the Fourth Amendment's prohibition against unreasonable search and seizure.  
   The New Jersey Superior Court affirmed the constitutionality of the search, but the Supreme Court of New Jersey reversed, holding that the search of her purse was unreasonable. On appeal to the U.S. Supreme Court, the Court held that the Fourth Amendment applies to searches conducted by school officials in a school setting. However, school officials do not need to have probable cause nor obtain a warrant before searching a student. Instead, in order for a search to be justified, school officials must have "reasonable suspicion" that the student has violated either the law or school rules. In a 6–3 decision delivered by Justice Byron White, the Court ruled that the school's search of T. L. O.'s purse was constitutional, setting a new precedent for school searches and student privacy.
2. Pickering v. Board of Education, 391 U.S. 563 (1968), was a case in which the Supreme Court of the United States held that in the absence of proof of the teacher knowingly or recklessly making false statements the teacher had a right to speak on issues of public importance without being dismissed from their position. The case was later distinguished by Garcetti v. Ceballos, where the Court held that statements by public employees made pursuant to their employment have no First Amendment protection.  
   Pickering involved a Township High School teacher who was dismissed after writing a letter to a local newspaper which criticised how the Township Board of Education and the district superintendent had handled past proposals to raise new revenue for the schools. The claim that his writing the letter was protected by the First and Fourteenth Amendments was rejected by the Board of Education. He appealed the Board's action to the Circuit Court of Will County and then to the Supreme Court of Illinois, which both affirmed his dismissal. The Supreme Court of the United States agreed the teacher's First Amendment right to free speech was violated and reversed the decision of the Illinois Supreme Court.

# Text 1474:

**Farmer v. Brennan, 511 U.S. 825 (1994), was a case in which the Supreme Court of the United States ruled that a prison official's "deliberate indifference" to a substantial risk of serious harm to an inmate violates the cruel and unusual punishment clause of the Eighth Amendment. Farmer built on two previous Supreme Court decisions addressing prison conditions, Estelle v. Gamble and Wilson v. Seiter. The decision marked the first time the Supreme Court directly addressed sexual assault in prisons.**

1. Kennedy v. Louisiana, 554 U.S. 407 (2008), is a landmark decision by the Supreme Court of the United States which held that the Eighth Amendment's Cruel and Unusual Punishments Clause prohibits the imposition of the death penalty for a crime in which the victim did not die and the victim's death was not intended.
2. Estelle v. Gamble, 429 U.S. 97 (1976), was a case in which the Supreme Court of the United States established the standard of what a prisoner must plead in order to claim a violation of Eighth Amendment rights under 42 U.S.C. § 1983. Specifically, the Court held that a prisoner must allege acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. Though the Court credited Gamble's complaint that doctors had failed to provide appropriate care, it held that medical malpractice did not rise to the level of "cruel and unusual punishment" simply because the victim is a prisoner.

# Text 1475:

**Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.**

1. Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766 (1983), was a case decided by the United States Supreme Court.
2. Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.

# Text 1476:

**Morrison v. National Australia Bank, 561 U.S. 247 (2010), was a United States Supreme Court case concerning the extraterritorial effect of U.S. securities legislation. Morrison extinguished two species of securities class-action claims that had proliferated in preceding years: "foreign-cubed" claims, in which foreign plaintiffs sued foreign issuers for losses on transactions on foreign exchanges, and "foreign-squared" claims, brought by domestic plaintiffs against foreign issuers for losses on transactions on foreign exchanges.**

1. United States v. Winstar Corp., 518 U.S. 839 (1996), was a decision by the United States Supreme Court which held that the United States Government had breached its contractual obligations. The court in Winstar rejected the Government's "unmistakability defense"—that surrenders of sovereign authority, such as the promise to refrain from regulatory changes, must appear in unmistakable terms in a contract in order to be enforceable.  
   Winstar arose as a consequence of the savings and loan crisis. Federal regulators had allowed "supervisory goodwill" to be counted as regulatory capital for financial institutions that took over failing thrifts. Congress later passed the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially changed these advantages and one of the successor banks successfully sued. The United States Court of Appeals for the Federal Circuit found a breach of contract and awarded damages—the Supreme Court upheld the lower court decision. "Winstar" cases resulted in multimillion-dollar payouts to plaintiffs. As of July 31, 2000, there were 13 settlements or judgments totaling $1.158 billion against the federal government, with more than 100 more cases pending, as a result of the Winstar decision.  
   Winstar Corporation and its subsidiary United Federal Savings Bank was successfully represented by Charles J. Cooper. The board of United Federal Savings Bank consisted of chairman E. Ted Yoch, and directors Kenneth Bureau, Howard Rekstad, Gary Nordness, and William Bartolic. The decision makes clear that the Stipulation and Consent to Issuance of Order of Prohibition against United's board was improperly required by the Government.
2. Morrison v. Olson, 487 U.S. 654 (1988), was a Supreme Court of the United States decision that determined the Independent Counsel Act was constitutional. Morrison also set important precedent determining the scope of Congress's ability to encumber the President's authority to remove Officers of the United States from office. In Seila Law LLC v. Consumer Financial Protection Bureau (2020), the Supreme Court distinguished Morrison as a narrow exception applying only to inferior officers.  
   Over the years, the case has become at least as well known for its lone dissent by Justice Antonin Scalia.

# Text 1477:

**Frank Lyon Company v. United States, 435 U.S. 561 (1978), was a United States Supreme Court case in which the Court held that the title owner that acquired depreciable real estate as if the owner were a mere conduit or agent was indeed the owner and, for Federal income tax purposes, had the legal right to take tax deductions associated with depreciation on the building.**

1. Illinois Brick Co. v. Illinois, 431 U.S. 720 (1977), is a United States Supreme Court case that involved issues concerning statutory standing in antitrust law.  
   The decision established the rule that indirect purchasers of goods or services along a supply chain cannot seek damages for antitrust violations committed by the original manufacturer or service provider, but it permitted such claims by direct purchasers. Several courts recognize exceptions to the rule.  
   The decision has become known as the "Illinois Brick doctrine" and is applied to determine whether a plaintiff has standing to bring claims under various federal antitrust statutes.
2. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.

# Text 1478:

**Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985), is a United States Supreme Court decision concerning arbitration of antitrust claims. The Court heard the case on appeal from the United States Court of Appeals for the First Circuit, which had ruled that the arbitration clause in a Puerto Rican car dealer's franchise agreement was broad enough to reach its antitrust claim. By a 5–3 margin it upheld the lower court, requiring that the dealer arbitrate its claim before a panel in Tokyo, as stipulated in the contract.  
Justice Harry Blackmun wrote for the majority that the Federal Arbitration Act (FAA) was broad enough to require arbitration of statutory claims as well as contractual ones, extending a recent line of Court decisions favorable to arbitration. A controversial footnote, creating a possible "prospective waiver" doctrine that would allow a party to avoid arbitration under foreign law, has been much criticized by commentators and at the same time raised by many litigants. In 2009 the Eleventh Circuit found it valid for an injured cruise-ship worker, but two years later cast doubt on that conclusion.  
In dissent, Justice John Paul Stevens argued that antitrust claims were too complex and important to be left to arbitrators and that in any event none of the claims were arbitrable under the terms of the contract itself. He expressed incredulousness that his colleagues would require an American company to arbitrate a claim under American antitrust law before a panel of foreign arbitrators.  
While the case formed an important part of the Court's expansion of arbitrability in the late 20th and early 21st centuries, it could not have reached a court today. In 2002, after years of lobbying by the National Automobile Dealers Association, Congress passed the Motor Vehicle Franchise Contract Arbitration Fairness Act, which prohibited mandatory predispute arbitration clauses in motor vehicle dealership franchise agreements. President George W. Bush signed it into law, the first time a specific exception to the FAA had been legislated since the Court began expanding its scope.**

1. Southland Corp. v. Keating, 465 U.S. 1 (1984), is a United States Supreme Court decision concerning arbitration. It was originally brought by 7-Eleven franchisees in California state courts, alleging breach of contract by the chain's then parent corporation. Southland pointed to the arbitration clauses in their franchise agreements and said it required disputes to be resolved that way; the franchisees cited state franchising law voiding any clause in an agreement that required franchisees to waive their rights under that law. A 7-2 majority held that the Federal Arbitration Act (FAA) applied to contracts executed under state law.  
   Chief Justice Warren Burger wrote for the majority that it was clearly the intent of Congress in passing the FAA to encourage the use of arbitration as widely as possible, that it enacted "a national policy favoring arbitration." Justice Sandra Day O'Connor dissented, along with William Rehnquist, arguing that the legislative history of the FAA strongly suggested it was intended to apply only to contracts executed under federal law. In later years, Clarence Thomas would make those arguments the foundation of a series of dissents from cases concerning the application of the FAA to state law, even in cases for which O'Connor decided with the majority, citing stare decisis.  
   The decision was a turning point in the use of arbitration in American contract law, as it was followed with other decisions limiting the authority of states to regulate arbitration. It has been described as "perhaps the most controversial case in the Supreme Court's history of arbitration jurisprudence." Its legal foundation has been examined and disputed, and some critics have found the FAA's legislative history directly contradicts the court's holding. One scholar has even found the decision an unconstitutional infringement of states' power over their own courts. Mandatory prebinding arbitration clauses became widespread, particularly in credit card agreements and other consumer services. Proponents of arbitration pointed to its success in reducing crowded court dockets, but consumer advocates charged that the arbitration process was biased in favor of large corporations and against consumers, many of whom were far poorer and legally unsophisticated. They would be joined in calling unsuccessfully for it to be overturned in a later case by 20 state attorneys general.
2. Prima Paint Corp. v. Flood & Conklin Mfg. Co., 388 U.S. 395 (1967), is a United States Supreme Court decision that established what has become known as the "separability principle" in contracts with arbitration clauses. Following an appellate court ruling a decade earlier, it reads the 1925 Federal Arbitration Act (FAA) to require that any challenges to the enforceability of such a contract first be heard by an arbitrator, not a court, unless the claim is that the clause itself is unenforceable.  
   The case arose from a claim by a New Jersey manufacturer that a Maryland firm had misrepresented itself in a transaction and thus the contract between the two was unenforceable, precluding the arbitration agreed upon in the event of a dispute. Abe Fortas wrote for a 6-3 majority that the FAA was broad enough to require arbitration of all issues save the arbitration clause itself. Hugo Black's dissent called the majority's interpretation overbroad and at odds with Congressional intent in passing the law. He feared it would put legal matters in the hands of arbitrators with little or no legal understanding of it nor duty to follow the law.  
   In subsequent cases concerning the FAA, the Court has reaffirmed the separability principle and held that the FAA and this reading of it apply to arbitrable contracts under state law, even in cases where the contract is alleged to be illegal or state law provides for administrative dispute resolution. This has been seen as expanding the use of arbitration in contracts in the later 20th century, not only those between businesses but between businesses and consumers as well.

# Text 1479:

**Torcaso v. Watkins, 367 U.S. 488 (1961), was a United States Supreme Court case in which the court reaffirmed that the United States Constitution prohibits states and the federal government from requiring any kind of religious test for public office, in this specific case as a notary public.**

1. Watkins v. United States, 354 U.S. 178 (1957), is a decision of the Supreme Court of the United States that held that the power of the United States Congress is not unlimited in conducting investigations and that nothing in the United States Constitution gives it the authority to expose the private affairs of individuals.
2. Marsh v. Chambers, 463 U.S. 783 (1983), was a landmark court case in which the Supreme Court of the United States held that government funding for chaplains was constitutional because of the "unique history" of the United States. Three days before the ratification of the First Amendment in 1791, containing the Establishment clause, the federal legislature authorized hiring a chaplain for opening sessions with prayer.

# Text 1480:

**Dow Chemical Co. v. United States, 476 U.S. 227 (1986), was a United States Supreme Court case decided in 1986 dealing with the right to privacy and advanced technology of aerial surveillance.**

1. Merrell Dow Pharmaceuticals Inc. v. Thompson, 478 U.S. 804 (1986), was a United States Supreme Court decision involving the original jurisdiction of the federal district courts under 28 U.S.C. § 1331 (federal question jurisdiction).
2. Katz v. United States, 389 U.S. 347 (1967), was a landmark decision of the U.S. Supreme Court in which the Court redefined what constitutes a "search" or "seizure" with regard to the protections of the Fourth Amendment to the U.S. Constitution. The ruling expanded the Fourth Amendment's protections from an individual's "persons, houses, papers, and effects", as specified in the Constitution's text, to include any areas where a person has a "reasonable expectation of privacy". The reasonable expectation of privacy standard, now known as the Katz test, was formulated in a concurring opinion by Justice John Marshall Harlan II.  
   The Katz test has since been used in numerous cases, particularly because of technological advances that create new questions about privacy norms and government surveillance of personal data.

# Text 1481:

**Owen Equipment & Erection Co. v. Kroger, 437 U.S. 365 (1978), is a case that was decided by the United States Supreme Court regarding the civil procedure subject of ancillary jurisdiction.**

1. Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987), decided on February 24, 1987, was a case decided by the United States Supreme Court, in which the court decided whether a foreign corporation, by merely being aware that its products could end up in the forum state and into the American "stream of commerce" which later caused injuries, satisfied the minimum contact necessary to satisfy jurisdictional due process requirements. The court was unanimous in the result, but issued a fractured decision with Associate Justice Sandra Day O'Connor writing for a plurality of the court.
2. Watson v. Employers Liability Assurance Corp., 348 U.S. 66 (1954), was a conflict of laws case decided by the Supreme Court of the United States.

# Text 1482:

**Schneckloth v. Bustamonte, 412 U.S. 218 (1973), was a U.S. Supreme Court case that ruled that in a case involving a consent search, although knowledge of a right to refuse consent is a factor in determining whether a grant of consent to a search was voluntary, the state does not need to prove that the person who granted consent to search knew of the right to refuse consent under the Fourth Amendment.**

1. Steagald v. United States, 451 U.S. 204 (1981), is a United States Supreme Court case which held that, based on the Fourth Amendment, a police officer may not conduct a warrantless search of a third party's home in an attempt to apprehend the subject of an arrest warrant, absent consent or exigent circumstances.
2. Lefkowitz v. Newsome, 420 U.S. 283 (1975), is a U.S. Supreme Court case which held that when state law permits a defendant to plead guilty without giving up his right to judicial review of specified constitutional issues, such as the lawfulness of a search or the voluntariness of a confession, the defendant is not prevented from pursuing those constitutional claims in a federal habeas corpus proceeding.

# Text 1483:

**Blanton v. North Las Vegas, 489 U.S. 538 (1989), is a United States Supreme Court case clarifying the limitations of the right to trial by jury.**

1. Colgrove v. Battin, 413 U.S. 149 (1973), was a United States Supreme Court case in which the Court ruled 5-4 that six person civil juries were constitutional.
2. Duncan v. Louisiana, 391 U.S. 145 (1968), was a significant United States Supreme Court decision which incorporated the Sixth Amendment right to a jury trial and applied it to the states.

# Text 1484:

**Flood v. Kuhn, 407 U.S. 258 (1972), was a decision by the Supreme Court of the United States that preserved the reserve clause in Major League Baseball (MLB) players' contracts. By a 5–3 margin, the Court reaffirmed the antitrust exemption that had been granted to professional baseball in 1922 under Federal Baseball Club v. National League, and previously affirmed by Toolson v. New York Yankees, Inc. in 1953. While the majority believed that baseball's antitrust exemption was anomalous compared to other professional sports, it held that any changes to the exemption should be made through Congress and not the courts.  
The National League had instituted the reserve clause in 1879 as a means of limiting salaries by keeping players under team control. Under that system, a baseball team reserved players under contract for a year after the contract expired, preventing them from being taken by other teams in bidding wars. MLB team owners argued that the clause was necessary to ensure a competitive balance among teams, as otherwise wealthier clubs would outbid teams in smaller markets for star players. The reserve clause was not addressed in Federal Baseball, where Ned Hanlon, owner of the rival Federal League's (FL) Baltimore Terrapins, had argued that MLB had violated the Sherman Antitrust Act through anticompetitive practices meant to force the FL out of business. The Supreme Court ruled that baseball did not qualify as interstate commerce for the purposes of the Sherman Act, a ruling that remained even after it denied boxing and American football the same exemption.  
In 1969, Curt Flood, a center fielder for the St. Louis Cardinals, was traded to the Philadelphia Phillies. Flood was unhappy with the trade, as the Phillies were not known to treat players well, but the reserve clause required him to play for Philadelphia. He retained attorney Arthur Goldberg, a former Supreme Court justice, through Marvin Miller and the Major League Baseball Players Association (MLBPA) and took the case to court, arguing that the reserve clause was a collusive measure that reduced competition and thus an antitrust violation. The reserve system was upheld by all three courts under the principle of stare decisis and the precedents set by Federal Baseball and Toolson.  
Legal scholars have criticized the Court's decision in Flood both for its rigid application of stare decisis as well as Section I of Harry Blackmun's majority opinion, an "ode to baseball" that contains little legal matter. The reserve clause was settled outside the Supreme Court three years later through the arbitration system created by the collective bargaining agreement between MLB and the MLBPA. Peter Seitz ruled in favor of Andy Messersmith and Dave McNally that their contracts could only be renewed without their permission for one season, after which they became free agents. Free agency in MLB was codified the following year after the 1976 Major League Baseball lockout, while the Curt Flood Act of 1998, signed by Bill Clinton, ended baseball's antitrust exemption as it related to interactions between players and owners, but preserved it in other areas such as franchise relocation. Courts have continued to differ over the extent of the exemption; a 2021 suit filed over that year's minor league reorganization asks that it be rescinded entirely.**

1. Toolson v. New York Yankees, 346 U.S. 356 (1953), is a United States Supreme Court case in which the Court upheld, 7–2, the antitrust exemption first granted to Major League Baseball (MLB) three decades earlier in Federal Baseball Club v. National League. It was also the first challenge to the reserve clause which prevented free agency, and one of the first cases heard and decided by the Warren Court.  
   Since it presumed that Congress's failure to act in the years since Federal Baseball Club was an implicit expression of intent to keep baseball exempt from the Sherman Antitrust Act, it has been read as having done more to create that exemption than the older case. Two justices (Stanley Forman Reed and Harold Hitz Burton) dissented from the short, unsigned per curiam majority opinion, arguing MLB and its revenue sources had changed enough since 1922 that the logic of that case no longer applied. In 1972, a third justice (William O. Douglas) would express his regret at having joined the majority when Toolson was again upheld in the similar Flood v. Kuhn.
2. Radovich v. National Football League (NFL), 352 U.S. 445 (1957), is a U.S. Supreme Court decision ruling that professional football, unlike professional baseball, was subject to antitrust laws. It was the third of three such cases heard by the Court in the 1950s involving the antitrust status of professional sports.  
   Three justices dissented, finding the majority arbitrary and inconsistent in refusing football the exemption it had upheld five years previously in Toolson v. New York Yankees (346 U.S. 356 (1952)). The majority admitted that the similarity between the two sports from a legal standpoint would probably have denied baseball the exemption as well were it sought afresh, but existing case law had tied their hands in the absence of any congressional action.  
   While the NFL has secured some limited antitrust exemptions since through the legislative process, the lack of a blanket exemption due to this decision has had a major impact on the subsequent history of football. Unlike Major League Baseball, the NFL has faced several competing leagues since then (one of which merged with it) and seen five of its franchises move to new cities. Many of these actions have been accompanied by lawsuits brought against the NFL (often successfully) by competing leagues, public stadium-management authorities and its own owners.

# Text 1485:

**Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.**

1. Commissioner v. Duberstein, 363 U.S. 278 (1960), was a United States Supreme Court case from 1960 dealing with the exclusion of "the value of property acquired by gift" from the gross income of an income taxpayer.  
   It is notable (and thus appears frequently in law school casebooks) for the following holdings:  
     
   When determining whether something is a gift for U.S. federal income tax purposes, the critical consideration is the transferor's intention. This is a question of fact that must be determined on a "case-by-case basis". The body that levies the tax must conduct an objective inquiry that looks to "the mainsprings of human conduct to the totality of the fact of each case." On review, the trier of fact must consider all of the evidence in front of it and determine whether the transferor's intention was either disinterested or involved:  
   Gifts result from "detached and disinterested generosity" and are often given out of "affection, respect, admiration, charity or like impulses".  
   Contrast payments given as an "involved and intensely interested" act.
2. Hernandez v. Commissioner, 490 U.S. 680 (1989), is a decision of the United States Supreme Court relating to the Internal Revenue Code § 170 charitable contribution deduction.

# Text 1486:

**Vance v. Terrazas, 444 U.S. 252 (1980), was a United States Supreme Court decision that established that a United States citizen cannot have their citizenship taken away unless they have acted with an intent to give up that citizenship. The Supreme Court overturned portions of an act of Congress which had listed various actions and had said that the performance of any of these actions could be taken as conclusive, irrebuttable proof of intent to give up U.S. citizenship. However, the Court ruled that a person's intent to give up citizenship could be established through a standard of preponderance of evidence (i.e., more likely than not) — rejecting an argument that intent to relinquish citizenship could only be found on the basis of clear, convincing and unequivocal evidence.**

1. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
   The precedent was repudiated nine years later in Afroyim v. Rusk, in which the Supreme Court held that the Fourteenth Amendment's Citizenship Clause guaranteed citizens' right to keep their citizenship and overturned the same law that it had upheld in Perez.
2. Perez v. Brownell, 356 U.S. 44 (1958), was a United States Supreme Court case in which the Court affirmed Congress's right to revoke United States citizenship as a result of a citizen's voluntary performance of specified actions, even in the absence of any intent or desire on the person's part to lose citizenship. Specifically, the Supreme Court upheld an act of Congress which provided for revocation of citizenship as a consequence of voting in a foreign election.  
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# Text 1487:

**Davis v. Mann, 377 U.S. 678 (1964), was a United States Supreme Court which was one of a series of cases decided in 1964 that ruled that state legislature districts had to be roughly equal in population.  
David J. Mays and Robert McIlwaine advocated on behalf of the Commonwealth of Virginia; Edmund D. Campbell and Henry E. Howell, Jr. advocated on behalf of the plaintiff Northern Virginia legislators. The Supreme Court issued the opinion in this case along with Reynolds v. Sims and cites that the opinion.**

1. Reynolds v. Sims, 377 U.S. 533 (1964), was a landmark United States Supreme Court case in which the Court ruled that the electoral districts of state legislative chambers must be roughly equal in population. Along with Baker v. Carr (1962) and Wesberry v. Sanders (1964), it was part of a series of Warren Court cases that applied the principle of "one person, one vote" to U.S. legislative bodies.  
   Prior to the case, numerous state legislative chambers had districts containing unequal populations; for example, in the Nevada Senate, the smallest district had 568 people, while the largest had approximately 127,000 people. Some states refused to engage in regular redistricting, while others enshrined county by county representation (like the U.S. constitution does with state by state representation) in their constitutions. The case of Reynolds v. Sims arose after voters in Birmingham, Alabama, challenged the apportionment of the Alabama Legislature; the Constitution of Alabama provided for one state senator per county regardless of population differences.  
   In a majority opinion joined by five other justices, Chief Justice Earl Warren ruled that the Fourteenth Amendment's Equal Protection Clause requires states to establish state legislative electoral districts roughly equal in population. Warren held that "legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests." In his dissenting opinion, Associate Justice John Marshall Harlan II argued that the Equal Protection Clause was not designed to apply to voting rights. The decision had a major impact on state legislatures, as many states had to change their system of representation.
2. Washington v. Davis, 426 U.S. 229 (1976), was a United States Supreme Court case that established that laws that have a racially discriminatory effect but were not adopted to advance a racially discriminatory purpose are valid under the U.S. Constitution.

# Text 1488:

**Ahrens v. Clark, 335 U.S. 188 (1948), was a United States Supreme Court case that denied a federal district court jurisdiction to issue a writ of habeas corpus if the person detained is not within the territorial jurisdiction of the court when the petition is filed. The 6–3 ruling was handed down on June 21, 1948, with the majority opinion written by Justice William O. Douglas and the dissent written by Justice Wiley Blount Rutledge.  
The decision was substantially overturned in Braden v. 30th Judicial Circuit Court of Kentucky (1973), which held that territorial jurisdiction is derived from the location of the custodian, those responsible for the indictment, rather than the location of the detention.**

1. Brown v. Allen, 344 U.S. 443 (1953), is a landmark United States Supreme Court case about habeas corpus.
2. Breithaupt v. Abram, 352 U.S. 432 (1957), was a United States Supreme Court case in which the Court ruled that involuntary blood samples, taken by a skilled technician to determine intoxication, do not violate substantive due process under the Fourteenth Amendment of the United States Constitution. This case was only the second time the Court considered whether police could forcibly enter inside a suspect's body to extract evidence. Writing for a 6–3 majority, Justice Tom C. Clark argued that blood tests were necessary as a matter of public policy to ensure traffic safety on roads and highways, and that "modern community living requires modern scientific methods of crime detection." Chief Justice Earl Warren and Justice William O. Douglas both wrote dissenting opinions in which they argued that the involuntary blood sample taken in this case was "repulsive" and violated substantive due process.

# Text 1489:

**Warner-Jenkinson Company, Inc. v. Hilton Davis Chemical Co., 520 U.S. 17 (1997), was a United States Supreme Court decision in the area of patent law, affirming the continued vitality of the doctrine of equivalents while making some important refinements to the doctrine.**

1. Dawson Chemical Co. v. Rohm & Haas Co., 448 U.S. 176 (1980), is a 1980 5–4 decision of the United States Supreme Court limiting the patent misuse doctrine and explaining the scope of the 1952 amendment of the patent laws that resurrected the contributory infringement doctrine in the wake of the Mercoid cases. The Mercoid cases and a few predecessor cases had denied relief against patent infringement to patentees who were deriving revenue from the sale of unpatented products used as supplies for patented combinations or as components of patented combinations, even when the unpatented products were specially adapted for use with the patented combinations and even when they lacked any utility other than that use. The patentees used contributory infringement suits or threats of such suits to enforce their business model, which the Mercoid cases outlawed.  
   In the Mercoid cases the Court had stated: "The result of this decision, together with those which have preceded it, is to limit substantially the doctrine of contributory infringement. What residuum may be left we need not stop to consider." This caused "some consternation among patent lawyers," and some "segments of the patent bar eventually decided to ask Congress for corrective legislation that would restore some scope to the contributory infringement doctrine. With great perseverance, they advanced their proposal in three successive Congresses before it eventually was enacted in 1952." Dawson interpreted the 1952 amendments to re-establish contributory infringement as a possible claim for relief and held that supplying an unpatented product especially adapted for use in practicing a patented process and without any substantial non-infringing use was unlawful contributory infringement.
2. United States v. Glaxo Group Ltd., 410 U.S. 52 (1973), is a 1973 decision of the United States Supreme Court in which the Court held that (1) when a patent is directly involved in an antitrust violation, the Government may challenge the validity of the patent; and (2) ordinarily, in patent-antitrust cases, "[m]andatory selling on specified terms and compulsory patent licensing at reasonable charges are recognized antitrust remedies."

# Text 1490:

**Rabe v. Washington, 405 U.S. 313 (1972), was a decision by the United States Supreme Court involving the application of obscenity laws and criminal procedure to the states. On 29 August 1968, William Rabe, the manager of a drive-in movie theater in Richland, Washington, was arrested on obscenity charges for showing the film Carmen, Baby. Due to First Amendment concerns, the local court convicted Rabe not on the basis that the film as a whole was obscene, but that exhibiting it in a drive-in theater was. The Supreme Court reversed the conviction holding that the citizens of Washington had no notice under the Sixth Amendment that the place where a film was shown was an element of the offense.**

1. Freedman v. Maryland, 380 U.S. 51 (1965), was a United States Supreme Court case that ended government-operated rating boards with a decision that a rating board could only approve a film and had no power to ban a film. The ruling also concluded that a rating board must either approve a film within a reasonable time, or go to court to stop a film from being shown in theatres. Other court cases determined that television stations are federally licensed, so local rating boards have no jurisdiction over films shown on television. When the movie industry set up its own rating system—the Motion Picture Association of America—most state and local boards ceased operating.
2. Jenkins v. Georgia, 418 U.S. 153 (1974), was a United States Supreme Court case overturning a Georgia Supreme Court ruling regarding the depiction of sexual conduct in the film Carnal Knowledge.  
   The changes in the morals of American society of the 1960s and 1970s and the general receptiveness to the public to frank discussion of sexual issues was sometimes at odds with local community standards. A theatre in Albany, Georgia showed the film. On January 13, 1972, the local police served a search warrant on the theatre, and seized the film. In March 1972, the theatre manager, Mr. Jenkins, was convicted of the crime of "distributing obscene material". His conviction was upheld by the Supreme Court of Georgia.  
   On June 24, 1974, the U.S. Supreme Court ruled that the State of Georgia had gone too far in classifying material as obscene in view of the Court's prior landmark decision in Miller v. California, 413 U.S. 15 (1973) (the Miller standard), and overturned the conviction. The court said,  
     
   Our own viewing of the film satisfies us that Carnal Knowledge could not be found ... to depict sexual conduct in a patently offensive way. Nothing in the movie falls within ... material which may constitutionally be found ... "patently offensive" ... While the subject matter of the picture is, in a broader sense, sex, and there are scenes in which sexual conduct including "ultimate sexual acts" is to be understood to be taking place, the camera does not focus on the bodies of the actors at such times. There is no exhibition whatever of the actors' genitals, lewd or otherwise, during these scenes. There are occasional scenes of nudity, but nudity alone is not enough to make material legally obscene ... Appellant's showing of the film Carnal Knowledge is simply not the "public portrayal of hard core sexual conduct for its own sake, and for the ensuing commercial gain" which we said was punishable ...

# Text 1491:

**Simon & Schuster v. Crime Victims Board, 502 U.S. 105 (1991), was a Supreme Court case dealing with Son of Sam laws, which are state laws that prevent convicted criminals from publishing books about their crime for profit. Simon & Schuster challenged the law's application to profits from Nicholas Pileggi's book Wiseguy: Life in a Mafia Family, which was written with paid assistance from former mobster Henry Hill. The court struck down the Son of Sam law in New York on the ground that the law was violative of the First Amendment, which protects free speech. Nevertheless, similar laws in other states remain unchallenged. The opinion of the court was written by Sandra Day O'Connor.  
In the wake of this case, New York modified its law to apply to any economic benefits derived from criminal activities, not just proceeds from publications.**

1. Kingsley Books, Inc. v. Brown, 354 U.S. 436 (1957), was a Supreme Court case that addressed issues of obscenity, free speech, and due process. The case stemmed from the confiscation and destruction of books from a New York City bookstore. The court's determination was that:   
     
   A state injunction against distribution of material designated as "obscene" does not violate freedom of speech and press protected by the First Amendment and the Due Process Clause of the Fourteenth Amendment.
2. Redrup v. New York, 386 U.S. 767 (1967), was a May 8, 1967 ruling by the Supreme Court of the United States, widely regarded as the end of American censorship of written fiction. Robert Redrup was a Times Square newsstand clerk who sold two of William Hamling's Greenleaf Classics paperback pulp sex novels, Lust Pool and Shame Agent, to a plainclothes police officer. He was tried and convicted in 1965.  
   With financial backing from Hamling, Redrup appealed his case to the Supreme Court where his conviction was overturned by 7–2. The court's final ruling affirmed that written materials that were neither sold to minors nor foisted on unwilling audiences were constitutionally protected, thereby de facto ending American censorship of written material. After this decision, the Supreme Court systematically and summarily reversed, without further opinion, scores of obscenity rulings involving paperback sex books.

# Text 1492:

**Textile Workers v. Darlington Manufacturing Company, 380 U.S. 263 (1965), was a United States Supreme Court case in which the Court held:  
1. It is not an unfair labor practice for an employer to close his entire business, even if the closing is due to anti-union animus. Pp. 380 U. S. 269-274.  
2. Closing part of a business is an unfair labor practice under § 8(a)(3) of the Act if the purpose is to discourage unionism in any of the employer's remaining plants and if the employer may reasonably have foreseen such effect. Pp. 380 U. S. 274-275.  
3. If those exercising control over a plant that is being closed for anti-union reasons have an interest in another business, whether or not affiliated with or in the same line of commerce as the closed plant, of sufficient substantiality to promise a benefit from nonunionization of that business, act to close their plant for that purpose, and have a relationship to the other business which makes it probable that its employees will fear closing down if organizational activities are continued, an unfair labor practice has been made out. Pp. 380 U. S. 275-276.  
4. Since no findings were made by the Board as to the purpose and effect of the Darlington closing with respect to the employees of the other plants in the Deering Milliken group, the judgments are vacated and the cases remanded to permit such findings to be made. Pp. 380 U. S. 276-277.**

1. NLRB v. Truck Drivers Local 449 (Buffalo Linen Supply Co.), 353 U.S. 87 (1957), is an 8-0 decision by the Supreme Court of the United States in which the Court held that a temporary lockout by a multi-employer bargaining group threatened by a whipsaw strike was lawful under the National Labor Relations Act (NLRA), as amended by the Taft-Hartley Act.
2. Dunlop v. Bachowski, 421 U.S. 560 (1975), is a unanimous decision of the Supreme Court of the United States which held that the Labor-Management Reporting and Disclosure Act of 1959 gives federal courts jurisdiction to review decisions of the United States Department of Labor to proceed (or not) with prosecutions under the Act. In this case, there was a disputed election within the United Steelworkers. The Court declined to authorize a jury-type trial into the reasons for the department's decisions, and instead held that court may only review the department's rationales under the "arbitrary and capricious" test.

# Text 1493:

**City of Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432 (1985), was a U.S. Supreme Court case involving discrimination against the intellectually disabled.  
In 1980, Cleburne Living Center, Inc. (CLC) submitted a permit application seeking approval to build a group home for intellectually disabled people. The city of Cleburne, Texas refused to grant CLC a permit on the basis of a municipal zoning ordinance. CLC then sued the City of Cleburne on the theory that the denial of the permit violated the Fourteenth Amendment Equal Protection rights of CLC and their potential residents.  
Applying rational basis review, the U.S. Supreme Court struck down the ordinance as applied to CLC. The Court declined to rule that intellectually disabled people were a quasi-suspect or suspect class.**

1. Village of Arlington Heights v. Metropolitan Housing Development Corp, 429 U.S. 252 (1977), was a case heard by the Supreme Court of the United States dealing with a zoning ordinance that in a practical way barred families of various socio-economic, and ethno-racial backgrounds from residing in a neighborhood. The Court held that the ordinance was constitutional because there was no proof that "discriminatory purpose was a motivating factor in the Village's decision."
2. Pembaur v. City of Cincinnati, 475 U.S. 469 (1986), is a United States Supreme Court case that clarified a previous case, Monell v. Department of Social Services (1978), and established that municipalities can be held liable even for a single decision that is improperly made.

# Text 1494:

**Doggett v. United States, 505 U.S. 647 (1992), was a case decided by the Supreme Court of the United States.  
The court held that the 8+1⁄2 year delay between Doggett's indictment and actual arrest violated his Sixth Amendment right to a speedy trial, arguing that the government had been negligent in pursuing him and that Doggett had remained unaware of the indictment until his arrest.**

1. United States v. Johns, 469 U.S. 478 (1985), was a United States Supreme Court criminal law case holding that a three-day delay in searching a motor vehicle under government control did not violate the Fourth Amendment to the United States Constitution.
2. Barker v. Wingo, 407 U.S. 514 (1972), was a United States Supreme Court case involving the Sixth Amendment to the U.S. Constitution, specifically the right of defendants in criminal cases to a speedy trial. The Court held that determinations of whether or not the right to a speedy trial has been violated must be made on a case-by-case basis, and set forth four factors to be considered in the determination.

# Text 1495:

**Brandenburg v. Ohio, 395 U.S. 444 (1969), is a landmark decision of the United States Supreme Court interpreting the First Amendment to the U.S. Constitution. The Court held that the government cannot punish inflammatory speech unless that speech is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action".: 702  Specifically, the Court struck down Ohio's criminal syndicalism statute, because that statute broadly prohibited the mere advocacy of violence. In the process, Whitney v. California (1927) was explicitly overruled, and Schenck v. United States (1919), Abrams v. United States (1919), Gitlow v. New York (1925), and Dennis v. United States (1951) were overturned.**

1. Yates v. United States, 354 U.S. 298 (1957), was a case decided by the Supreme Court of the United States that held that the First Amendment protected radical and reactionary speech, unless it posed a "clear and present danger".
2. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.

# Text 1496:

**Haig v. Agee, 453 U.S. 280 (1981), was a United States Supreme Court case that upheld the right of the executive branch to revoke a citizen's passport for reasons of national security and the foreign policy interests of the U.S. under the Passport Act of 1926.  
The case involved Congressional delegation of authority over control of passports and the right to international travel. Philip Agee was an ex-Central Intelligence Agency (CIA) officer living overseas who in 1974 declared a "campaign to fight the U.S. CIA wherever it is operating" and revealed the identities of several CIA officers resulting in violence against them. The Secretary of State revoked Agee's passport in 1979. Agee sued, alleging the secretary had no such authority, had denied him procedural due process rights, his substantive due process "liberty" right to travel under the Fifth Amendment, and had violated his First Amendment right to criticize government policies.  
The district court found the Secretary lacked the power to revoke the passport and the Court of Appeals for the District of Columbia affirmed that decision. The Supreme Court reversed the lower court, holding that the broad discretion accorded the executive branch in matters of national security and foreign policy requires that the Passport Act of 1926 (currently codified at 22 U.S.C. § 211a et seq.) should be interpreted as granting the power to revoke a passport when necessary for national security.**

1. Aptheker v. Secretary of State, 378 U.S. 500 (1964), was a landmark decision of the US Supreme Court on the right to travel and passport restrictions as they relate to Fifth Amendment due process rights and First Amendment free speech, freedom of assembly and freedom of association rights. It is the first case in which the US Supreme Court considered the constitutionality of personal restrictions on the right to travel abroad.  
   In Aptheker, the petitioner challenged Section 6 of the Subversive Activities Control Act of 1950, which made it a crime for any member of a Communist organization to attempt to use or obtain a passport.
2. Kent v. Dulles, 357 U.S. 116 (1958), was a landmark decision of the U.S. Supreme Court on the right to travel and passport restrictions as they relate to First Amendment free speech rights. It was the first case in which the U.S. Supreme Court made a distinction between the constitutionally protected substantive due process freedom of movement and the right to travel abroad (subsequently characterized as "right to international travel").

# Text 1497:

**Gross v. FBL Financial Services, Inc., 557 U.S. 167 (2009), was a case decided by the Supreme Court of the United States in 2009, involving the standard of proof required for a claim under the Age Discrimination in Employment Act (ADEA).  
Jack Gross, an employee of FBL Financial Services, Inc., was transferred to another position and a former subordinate took on many of Gross' old responsibilities. They both received the same compensation, but Gross believed his reassignment was a demotion. Gross brought suit against FBL in April 2004 in District Court, claiming ADEA violations. The court found in his favor and awarded him $46,945 in lost compensation. The United States Court of Appeals for the Eighth Circuit reversed the decision. The Supreme Court affirmed that reversal, finding that a plaintiff must prove by preponderance of evidence, that age was the "but for" cause of the adverse employment action.**

1. 14 Penn Plaza LLC v. Pyett, 556 U.S. 247 (2009), is a United States labor law case decided by the United States Supreme Court on the rights of unionized workers to sue their employer for age discrimination. In this 2009 decision, the Court decided that whenever a union contract "clearly and unmistakably" requires that all age discrimination claims under the Age Discrimination in Employment Act of 1967 (ADEA) be decided through arbitration, then employees subject to that contract cannot have those claims heard in court.  
   Pyett's lawyers, in addition to arguing that a union could not legally bargain away an employee's right to pursue an ADEA claim in court, also argued that "the facts… [show that the union] Local32BJ… has not done so in this case." However, because these arguments had not been raised in the lower courts, the Supreme Court chose not to consider them and decided that the Collective Bargaining Agreement in this case did mandate that the employees' ADEA claims had to be resolved through arbitration.  
   Prior to the Supreme Court's decision in 14 Penn Plaza v. Pyett, employees who were covered under union contracts, often referred to as bargaining unit members, had been able to raise any claims of civil rights violations by their employer in court. This had been the case regardless of the language which was stated in their union contract, a document often referred to as a collective bargaining agreement, or CBA.
2. United States v. Lewis, 340 U.S. 590 (1951), was a decision by the Supreme Court of the United States affirming the claim of right doctrine in income tax law. A lower court had ordered the Internal Revenue Service (IRS) to issue a refund to man who, after other litigation found his bonus to have been miscalculated, was forced to return some of his income from a previous year to his former employer. The Supreme Court ruled that because the man had complete control of the money, his tax payment was correct and he could not get a refund—though he could still claim it as a loss on a subsequent tax return.

# Text 1498:

**Zschernig v. Miller, 389 U.S. 429 (1968), was a case in which the Supreme Court of the United States invalidated an Oregon statute for unconstitutionally intruding into the federal realm of foreign affairs even though the statute did not conflict with any federal treaty or statute.**

1. United States v. Miller, 425 U.S. 435 (1976), was a United States Supreme Court that held that bank records are not subject to protection under the Fourth Amendment to the United States Constitution. The case, along with Smith v. Maryland, established the principle of the third-party doctrine in relation to privacy rights.
2. Miller v. United States, 357 U.S. 301 (1958), was a landmark decision by the United States Supreme Court, which held that one could not lawfully be arrested in one's home by officers breaking in without first giving one notice of their authority and purpose.

# Text 1499:

**Consolidated Edison Co. v. Public Service Commission, 447 U.S. 530 (1980), was a United States Supreme Court decision addressing the free speech rights of public utility corporations under the First Amendment. In a majority opinion written by Justice Lewis Powell, the Court invalidated an order by the New York Public Service Commission that prohibited utility companies from including inserts on controversial matters of public policy with billing statements.**

1. Central Hudson Gas & Electric Corp. v. Public Service Commission, 447 U.S. 557 (1980), was an important case decided by the United States Supreme Court that laid out a four-part test for determining when restrictions on commercial speech violated the First Amendment of the United States Constitution. Justice Powell wrote the opinion of the court. Central Hudson Gas & Electric Corp. had challenged a Public Service Commission regulation that prohibited promotional advertising by electric utilities. Justice Brennan, Justice Blackmun, and Justice Stevens wrote separate concurring opinions, and the latter two were both joined by Justice Brennan. Justice Rehnquist dissented.  
   The case presented the question whether a regulation of the New York Public Service Commission violates the First and Fourteenth Amendments because it completely bans promotional advertising by an electrical utility.
2. Jackson v. Metropolitan Edison Co., 419 U.S. 345 (1974), is an administrative law case of the Supreme Court of the United States holding that extensive state regulation of a public utility does not transform its acts into state action that is reviewable by a federal court under the Fourteenth Amendment to the United States Constitution.

# Text 1500:

**Ohio v. Robinette, 519 U.S. 33 (1996), was a United States Supreme Court case in which the Court held that the Fourth Amendment does not require police officers to inform a motorist at the end of a traffic stop that they are free to go before seeking permission to search the motorist's car.**

1. Terry v. Ohio, 392 U.S. 1 (1968), was a landmark U.S. Supreme Court decision in which the court ruled that it is constitutional for American police to "stop and frisk" a person they reasonably suspect to be armed and involved in a crime. Specifically, the decision held that a police officer does not violate the Fourth Amendment to the U.S. Constitution's prohibition on unreasonable searches and seizures when questioning someone even though the officer lacks probable cause to arrest the person, so long as the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime. The court also ruled that the police officer may perform a quick surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is "armed and presently dangerous." This reasonable suspicion must be based on "specific and articulable facts," and not merely upon an officer's hunch.  
   This permitted police action has subsequently been referred to in short as a "stop and frisk", "stop, question, and frisk," or simply a "Terry stop." The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence. The rationale behind the Supreme Court decision revolves around the notion that, as the opinion argues, "the exclusionary rule has its limitations." According to the court, the meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).  
   Legal scholars have criticized this ruling stating that "the people's constitutional right against the use of abusive police power" has been sacrificed in favor of a "police-purported need for a workable tool short of probable cause to use in temporary investigatory detentions." Critics also state that it has led to negative legislative outcomes and permitting instances of racial profiling.
2. Arizona v. Gant, 556 U.S. 332 (2009), was a United States Supreme Court decision holding that the Fourth Amendment to the United States Constitution requires law-enforcement officers to demonstrate an actual and continuing threat to their safety posed by an arrestee, or a need to preserve evidence related to the crime of arrest from tampering by the arrestee, in order to justify a warrantless vehicular search incident to arrest conducted after the vehicle's recent occupants have been arrested and secured.

# Text 1501:

**Hanson v. Denckla, 357 U.S. 235 (1958), was a case decided by the Supreme Court of the United States regarding personal jurisdiction in the context of assets held in trust.**

1. United States v. Carmack, 329 U.S. 230 (1946), was a unanimous decision of the Supreme Court of the United States which held that the United States federal government was empowered by Condemnation Act of August 1, 1888; the Public Buildings Act of 1926; and the United States Constitution to exercise its right of eminent domain over land containing buildings owned by a state or local government.
2. Diamond v. Charles, 476 U.S. 54 (1986), was a United States Supreme Court case that determined that citizens do not have Article III standing to challenge the constitutionality of a state statute in federal court unless they possess a "direct stake" in the outcome.

# Text 1502:

**Michigan v. Long, 463 U.S. 1032 (1983), was a decision by the United States Supreme Court that extended Terry v. Ohio, 392 U.S. 1 (1968) to allow searches of car compartments during a stop with reasonable suspicion. The case also clarified and narrowed the extent of adequate and independent state ground, allowing U.S. Supreme Court review of state supreme court decisions unless they explicitly appealed to state laws.**

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2. Michigan Dept. of State Police v. Sitz, 496 U.S. 444 (1990), was a United States Supreme Court case involving the constitutionality of police sobriety checkpoints. The Court held 6-3 that these checkpoints met the Fourth Amendment standard of "reasonable search and seizure."

# Text 1503:

**Chauffeurs, Teamsters, and Helpers Local No. 391 v. Terry, 494 U.S. 558 (1990), was a case in which the United States Supreme Court held that an action by an employee for a breach of a labor union's duty of fair representation entitled him to a jury trial under the Seventh Amendment.**

1. Garner v. Teamsters Local 776, 346 U.S. 485 (1953), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.
2. NLRB v. J. Weingarten, Inc., 420 U.S. 251 (1975), is a United States labor law case decided by the Supreme Court of the United States. It held that employees in unionized workplaces have the right under the National Labor Relations Act to the presence of a union steward during any management inquiry that the employee reasonably believes may result in discipline.

# Text 1504:

**Chamber of Commerce v. Brown, 554 U.S. 60 (2008), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.**

1. Machinists v. Wisconsin Employment Relations Commission, 427 U.S. 132 (1976), is a United States labor law case, concerning the scope of federal preemption against state law for labor rights.
2. Building & Construction Trades Council v. Associated Builders & Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993), is a US labor law case, concerning the scope of federal preemption against state law for labor rights.

# Text 1505:

**Witmer v. United States, 348 U.S. 375 (1955), was a case in which the Supreme Court of the United States upheld a draft board's rejection of Jehovah's Witness claim of conscientious objector status as lacking sincerity.**

1. Simmons v. United States, 348 U.S. 397 (1955), was a case in which the Supreme Court of the United States ruled that a Jehovah's Witness was denied fair hearing because of failure to supply him with materials in his record.
2. Sicurella v. United States, 348 U.S. 385 (1955), was a case in which the Supreme Court of the United States held that willingness to fight in "theocratic" wars does not disqualify a Jehovah's Witness who would otherwise be eligible for exemption as a conscientious objector.

# Text 1506:

**Christian Legal Society v. Martinez, 561 U.S. 661 (2010), is a United States Supreme Court case in which the Court upheld, against a First Amendment challenge, the policy of the University of California, Hastings College of the Law, governing official recognition of student groups, which required the groups to accept all students regardless of their status or beliefs in order to obtain recognition.**

1. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".
2. Healy v. James, 408 U.S. 169 (1972), was a United States Supreme Court case in which the Court held that Central Connecticut State College's refusal to recognize a campus chapter of Students for a Democratic Society was unconstitutional. The denial of official recognition was found to violate the First Amendment.  
   The crux of the ruling was that the onus was on the college to provide valid reasons for denial, rather than insisting that the organization provide evidence that their recognition would not be harmful.

# Text 1507:

**Reitman v. Mulkey, 387 U.S. 369 (1967), was a United States Supreme Court decision that set an important legal precedent that held that a state could not authorize invidious discrimination by private landlords without entangling itself in the ensuing discriminatory private decisions. Thus, the state constitutional amendment by referendum purporting to authorize landlord freedom was unconstitutional.**

1. Shelley v. Kraemer, 334 U.S. 1 (1948), is a landmark United States Supreme Court case that held that racially restrictive housing covenants cannot legally be enforced.  
   The case arose after an African-American family purchased a house in St. Louis that was subject to a restrictive covenant preventing "people of the Negro or Mongolian Race" from occupying the property. The purchase was challenged in court by a neighboring resident and was blocked by the Supreme Court of Missouri before going to the U.S. Supreme Court on appeal.  
   In an opinion joined in by all participating justices, U.S. Supreme Court Chief Justice Fred Vinson held that the Fourteenth Amendment's Equal Protection Clause prohibits racially restrictive housing covenants from being enforced. Vinson held that while private parties could abide by the terms of a racially restrictive covenant, judicial enforcement of the covenant by a court qualified as a state action and was thus prohibited by the Equal Protection Clause.
2. United States v. Carmack, 329 U.S. 230 (1946), was a unanimous decision of the Supreme Court of the United States which held that the United States federal government was empowered by Condemnation Act of August 1, 1888; the Public Buildings Act of 1926; and the United States Constitution to exercise its right of eminent domain over land containing buildings owned by a state or local government.

# Text 1508:

**Stinson v. United States, 508 U.S. 36 (1993), is a decision of the United States Supreme Court that held Sentencing Commission guidelines may be cited as binding authority when courts issue sentences for criminal defendants.**

1. Mistretta v. United States, 488 U.S. 361 (1989), is a case decided by the United States Supreme Court concerning the constitutionality of the United States Sentencing Commission.
2. Lockett v. Ohio, 438 U.S. 586 (1978), is a United States Supreme Court case in which the Court held that sentencing authorities must have the discretion to consider at least some mitigating factors, rather than being limited to a specific list of factors.

# Text 1509:

**Wisconsin v. Jonas Yoder, 406 U.S. 205 (1972), is the case in which the United States Supreme Court found that Amish children could not be placed under compulsory education past 8th grade. The parents' fundamental right to freedom of religion was determined to outweigh the state's interest in educating their children. The case is often cited as a basis for parents' right to educate their children outside of traditional private or public schools.  
Like Sherbert v. Verner, the Court in Yoder required the government accommodate religious exercise by applying strict scrutiny to a neutral law that burdened religious exercise. Yoder differs from Sherbert v. Verner because the compulsory school attendance law was non-discriminatory and did not include a mechanism for individualized exemptions. Later, in Employment Division v. Smith Justice Antonin Scalia wrote that Yoder involved a "hybrid right" composed of parental rights and free exercise.   
The Amish, who prevailed in the case, were represented by William Ball.**

1. Witters v. Washington Department of Services for the Blind, 474 U.S. 481 (1986), is a decision by the Supreme Court of the United States in which the Court ruled that the Establishment Clause did not prevent the state of Washington from providing financial vocational assistance to a blind man who sought to study at a Christian college to become a pastor, missionary, or youth pastor. The Court ruled that the Establishment Clause does not prevent financial assistance from a state vocational rehabilitation program from being used for religious instruction.
2. Abington School District v. Schempp, 374 U.S. 203 (1963), was a United States Supreme Court case in which the Court decided 8–1 in favor of the respondent, Edward Schempp, on behalf of his son Ellery Schempp, and declared that school-sponsored Bible reading and the recitation of the Lord's Prayer in public schools in the United States was unconstitutional.

# Text 1510:

**Nishikawa v. Dulles, 356 U.S. 129 (1958), is a United States Supreme Court case in which the Court ruled that a dual United States/Japanese citizen who had served in the Japanese military during World War II could not be denaturalized unless the United States could prove that he had acted voluntarily.  
Mitsugi Nishikawa, born in California to Japanese parents, went to Japan to study, and he was conscripted into the Japanese military in early 1941. After the end of the war, Nishikawa was informed by US officials that he had lost his citizenship because he had served in a foreign army. His case was eventually reviewed by the Supreme Court, which decided that the burden of proof must be on the government to prove that Nishikawa's Japanese military service was undertaken voluntarily before he could be stripped of his citizenship.**

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2. Trop v. Dulles, 356 U.S. 86 (1958), was a United States Supreme Court case in which the Court ruled that it was unconstitutional to revoke citizenship as a punishment for a crime. The ruling's reference to "evolving standards of decency" is frequently cited in Eighth Amendment jurisprudence.  
   Albert Trop was a natural born citizen of the United States who, while serving as a private in the United States Army in 1944, escaped from an Army stockade in Casablanca, Morocco. The next day, he willingly surrendered to an army officer and was taken back to the base, where he was subsequently court-martialed, convicted of desertion, and sentenced to three years at hard labor, forfeiture of pay, and a dishonorable discharge.  
   In 1952, Trop applied for a US passport, which was denied because §401(g) of the Nationality Act of 1940 provided that members of the armed forces of the United States who were convicted and dishonorably discharged for wartime desertion would lose their citizenship.  
   Trop filed suit in US federal courts seeking declaratory judgment that he was a US citizen.  
   The US district court ruled in favor of the government, and the United States Court of Appeals for the Second Circuit upheld the decision of the district court. The Supreme court granted certiorari. The petitioner was represented by Osmond K. Fraenkel.

# Text 1511:

**Hazelwood School District et al. v. Kuhlmeier et al., 484 U.S. 260 (1988), was a landmark decision by the Supreme Court of the United States which held, in a 5–3 decision, that student speech in a school-sponsored student newspaper at a public high school could be censored by school officials without a violation of First Amendment rights if the school's actions were "reasonably related" to a legitimate pedagogical concern.  
The case concerned the censorship of two articles in The Spectrum, the student newspaper of Hazelwood East High School in St. Louis County, Missouri, 1983. When the school principal removed an article concerning divorce and another concerning teen pregnancy, the student journalists sued, claiming that their First Amendment rights had been violated. A lower court sided with the school, but its decision was overturned by the U.S. Court of Appeals for the Eighth Circuit, which sided with the students and found that the paper was a "public forum" comparable to speech outside an educational setting. The Supreme Court reversed, noting that the paper was established by school officials as a limited forum for the purpose of a supervised journalism class, and could be censored even though similar speech in an off-campus or independent student newspaper would be protected.   
The case, and the earlier Tinker v. Des Moines Independent Community School District (1969), are considered landmark decisions for defining the right of expression for students in public schools. While subsequent court rulings have varied on when Kuhlmeier applies, the case remains a strong precedent in the regulation of student speech. However, the state statutes protecting student free expression, enacted by 17 states as of March 23, 2023, most in response to the limitations of Kuhlmeier, typically adopt the more protective Tinker precedent.**

1. Hazelwood School District v. United States, 433 U.S. 299 (1977), was a court case argued before the United States Supreme Court on April 27, 1977. It concerned employment discrimination and was decided on June 27, 1977.
2. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969), was a landmark decision by the United States Supreme Court that recognized the First Amendment rights of students in U.S. public schools. The Tinker test, also known as the "substantial disruption" test, is still used by courts today to determine whether a school's interest to prevent disruption infringes upon students' First Amendment rights. The Court famously opined, "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

# Text 1512:

**Hernandez v. Commissioner, 490 U.S. 680 (1989), is a decision of the United States Supreme Court relating to the Internal Revenue Code § 170 charitable contribution deduction.**

1. Commissioner v. Kowalski, 434 U.S. 77 (1977), is a decision of the United States Supreme Court relating to taxation of meals furnished by an employer. In this case, the Court interpreted Internal Revenue Code §119(a)-(b)(4) and (d) and Treas. Reg. §1.119-1.  
   Most notably, the Court held that:  
     
   §119 was intended to exclude meals received "in kind," and so does not exclude cash reimbursements for meals like the one in question.
2. Commissioner v. Tufts, 461 U.S. 300 (1983), was a unanimous decision by the United States Supreme Court, which held that when a taxpayer sells or disposes of property encumbered by a nonrecourse obligation exceeding the fair market value of the property sold, the Commissioner of Internal Revenue may require him to include in the “amount realized” the outstanding amount of the obligation; the fair market value of the property is irrelevant to this calculation.

# Text 1513:

**Davis v. United States, 495 U.S. 472 (1990), was a case decided by the United States Supreme Court. It concerned claims made by parents of two missionaries of the Church of Jesus Christ of Latter-day Saints, that their monetary contributions toward their sons' mission expenses constituted a "charitable contribution" under provisions of Treas. Reg. § 1.170A-1(g) (1989), a position that lower courts had rejected. In a unanimous decision, the Court ruled that these contributions could not be seen as "charitable contributions" under provisions of that statute.**

1. United States v. Davis, 370 U.S. 65 (1962), is a federal income tax case argued before the United States Supreme Court in 1962, holding that a taxpayer recognizes a gain on the transfer of appreciated property in satisfaction of a legal obligation.  
   In 1984, "having heard criticism of the Davis/Farid rule for many years," Congress overruled the main holding: Under § 1041(a), no gain or loss shall be recognized by the transferor-spouse (or former spouse, but "only if the transfer is incident to divorce"); as a corollary, §1041(b) provides that transferor's basis shall carry over into the hands of the transferee-spouse. (Thus, for transfers between spouses, §1041(b) overrules the lower-of-cost-or-market rule for determining loss on subsequent sale of a gift, in §1015.)
2. Davis v. United States, 564 U.S. 229 (2011), was a case in which the Supreme Court of the United States "[held] that searches conducted in objectively reasonable reliance on binding appellate precedent are not subject to the exclusionary rule". This simply means that if law enforcement officers conduct a search in a reasonable manner with respect to established legal precedent any evidence found may not be excluded from trial based on the exclusionary rule.

# Text 1514:

**Wilson v. Arkansas, 514 U.S. 927 (1995), is a United States Supreme Court decision in which the Court held that the traditional, common-law-derived "knock and announce" rule for executing search warrants must be incorporated into the "reasonableness" analysis of whether the actual execution of the warrant is/was justified under the 4th Amendment. The high court thus ruled that the old "knock and announce" rule while not a hard requirement, was also not a dead letter.**

1. Arkansas v. Sanders, 442 U.S. 753 (1979), was a decision by the United States Supreme Court, which held that absent exigency, the warrantless search of personal luggage merely because it was located in an automobile lawfully stopped by the police, is a violation of the Fourth Amendment and not justified under the automobile exception. Similar to United States v. Chadwick (1977), the luggage was the subject of police suspicion before being placed in the vehicle.  
   Sanders resolved two distinct lines of cases: on the one hand, Carroll v. United States (1925) laid down the automobile exception which allowed for warrantless searches of automobiles; on the other hand, Chadwick did not allow for a warrantless search of luggage. Sanders declined to extend the automobile exception here, again stressing, as in Chadwick, the heightened expectation of privacy in one's luggage.
2. United States v. Robinson, 414 U.S. 218 (1973), was a case in which the United States Supreme Court held that "in the case of a lawful custodial arrest a full search of the person is not only an exception to the warrant requirement of the Fourth Amendment, but is also a reasonable search under that Amendment."

# Text 1515:

**Bob Jones University v. United States, 461 U.S. 574 (1983), was a decision by the United States Supreme Court holding that the religion clauses of the First Amendment did not prohibit the Internal Revenue Service from revoking the tax exempt status of a religious university whose practices are contrary to a compelling government public policy, such as eradicating racial discrimination.**

1. Bob Jones University v. Simon, 416 U.S. 725 (1974), is a decision made by the Supreme Court of the United States holding that Bob Jones University, which had its 501(c)(3) status revoked by the Internal Revenue Service for practicing "racially discriminatory admissions policies" towards African-Americans, could not sue for an injunction to prevent losing its tax-exempt status. The question of Bob Jones University's tax-exempt status was ultimately resolved in Bob Jones University v. United States, in which the court ruled that the First Amendment did not protect discriminatory organizations from losing tax-exempt status.
2. Valley Forge Christian College v. Americans United for Separation of Church and State, 454 U.S. 464 (1982), was a decision by the Supreme Court of the United States in which the court refused to expand the Flast v. Cohen exception to the taxpayer standing rule.  
   The Department of Health, Education, and Welfare had disposed of surplus property by conveying it, without charge, to a church-related college.  
   Plaintiffs sought standing as taxpayers, and alternatively as citizens, claiming that the conveyance of property injured their right to a government that does not establish a religion.  
   Justice Rehnquist, writing the majority opinion, upheld the Flast test for taxpayer standing, ruling that plaintiffs lacked standing as taxpayers because they did not challenge an exercise of the Spending Clause. He also rejected the theory of standing as citizens. He held that the court is not merely a forum for "public grievances" brought by "concerned bystanders"; if it were, he reasoned, "the concept of 'standing' would be quite unnecessary".  
   Justice Brennan, in his dissent, criticized the general prohibition on taxpayer standing established by Frothingham v. Mellon, arguing that standing should not be denied "simply because many people suffer the same injury" or because the injury is indirect. Justice Stevens, in his dissent, called "the difference between a disposition of funds pursuant to the Spending Clause and a disposition of realty pursuant to the Property Clause", "a tenuous distinction".

# Text 1516:

**United States v. Stevens, 559 U.S. 460 (2010), was a decision by the Supreme Court of the United States, which ruled that 18 U.S.C. § 48, a federal statute criminalizing the commercial production, sale, or possession of depictions of cruelty to animals, was an unconstitutional abridgment of the First Amendment right to freedom of speech.  
After this ruling, the statute was revised by the Animal Crush Video Prohibition Act of 2010 to have much more specific language indicating it was intended only to apply to "crush videos."**

1. United States v. 12 200-ft. Reels of Film, 413 U.S. 123 (1973), was an in rem case decided by the United States Supreme Court that considered the question of whether the First Amendment required that citizens be allowed to import obscene material for their personal and private use at home, which was already held to be protected several years earlier. By a 5–4 margin, the Court held that it did not.  
   This case was very similar to United States v. Thirty-seven Photographs, a case the Court had heard two years earlier. It began when the films, and other visual and textual material with predominant explicit sexual content, were seized by customs agents from Paladini, a California man returning from Mexico. Federal law at the time prohibited the import of any material that might be judged to be obscene. Paladini challenged the forfeiture proceedings the government initiated, on the grounds that he intended the material for his personal use in the privacy of his own home, an activity the Court had ruled was protected under the First Amendment in Stanley v. Georgia. Thus, he argued, he had a right to obtain such material abroad for that purpose.  
   After a district court panel agreed with him and declared the statute unconstitutional, the case went to the Supreme Court directly. Its opinion was one of four obscenity cases handed down, along with Miller v. California, in which the Court announced a new standard of obscenity for the first time since Roth v. United States 17 years before. By a 5–4 margin, the Court held that the statute was constitutional, but it also ordered the district court to review the material under its new standard and consider whether it was still obscene.  
   Chief Justice Warren Burger wrote for the majority, reaffirming a similar holding in Thirty-seven Photographs that the right to possess something in one's home which might otherwise be unlawful outside of it did not give rise to a right to import it. William O. Douglas wrote a lengthy dissent, responding as much to the majority holding in Miller, arguing that history showed obscenity laws were not vigorously enforced at the time the Bill of Rights was adopted and thus could not be justified on traditionalist grounds. William Brennan wrote a shorter dissent, joined by the other two justices, calling the statute overbroad.
2. United States v. O'Brien, 391 U.S. 367 (1968), was a landmark decision of the United States Supreme Court, ruling that a criminal prohibition against burning a draft card did not violate the First Amendment's guarantee of free speech. Though the court recognized that O'Brien's conduct was expressive as a protest against the Vietnam War, it considered the law justified by a significant government interest unrelated to the suppression of speech and was tailored towards that end.  
   O'Brien upheld the government's power to prosecute what was becoming a pervasive method of anti-war protest. Its more significant legacy, however, was its application of a new constitutional standard. The test articulated in O'Brien has been subsequently used by the court to analyze whether laws that have the effect of regulating speech, though are ostensibly neutral towards the content of that speech, violate the First Amendment. Though the O'Brien test has rarely invalidated laws that the court has found to be "content neutral", it has given those engaging in expressive conduct—from wearing of black armbands to burning of flags— an additional tool to invoke against prohibitions.

# Text 1517:

**Osborne v. Ohio, 495 U.S. 103 (1990), is a U.S. Supreme Court case in which the Court held that the First Amendment to the United States Constitution allows states to outlaw the possession, as distinct from the distribution, of child pornography. In doing so, the Court extended the holding of New York v. Ferber, which had upheld laws banning the distribution of child pornography against a similar First Amendment challenge, and distinguished Stanley v. Georgia, which had struck down a Georgia law forbidding the possession of pornography by adults in their own homes. The Court also determined that the Ohio law at issue was not overbroad, relying on a narrowing interpretation of the law the Ohio Supreme Court had adopted in prior proceedings in the case; however, because it was unclear whether the state had proved all the elements of the crime, the Court ordered a new trial.**

1. New York v. Ferber, 458 U.S. 747 (1982), was a landmark decision of the U.S Supreme Court, unanimously ruling that the First Amendment to the United States Constitution did not protect the sale or manufacture of child sexual abuse material (also known as child pornography) and that states could outlaw it.
2. Stanley v. Georgia, 394 U.S. 557 (1969), was a landmark decision of the Supreme Court of the United States that helped to establish an implied "right to privacy" in U.S. law in the form of mere possession of obscene materials.  
   The home of Robert Eli Stanley, a suspected bookmaker, was searched by police with a federal warrant to seize betting paraphernalia. As they found none, they instead seized three reels of pornographic material from a desk drawer in an upstairs bedroom, and later charged Stanley with the possession of obscene materials, a crime under Georgia law. The conviction was upheld by the Supreme Court of Georgia.  
   In the Supreme Court of the United States, Justice Thurgood Marshall wrote the unanimous opinion that overturned the earlier decision and invalidated all state laws that forbade the private possession of materials judged obscene on the grounds of the First and Fourteenth amendments to the United States Constitution. Justices Potter Stewart, William J. Brennan, and Byron White contributed a joint concurring opinion with a separate opinion having to do with the Fourth Amendment search and seizure provision. Justice Hugo Black also concurred expressing the view that all obscenity laws were unconstitutional.  
   The case also established an implied right to pornography, but not an absolute right. In Osborne v. Ohio (1990), the Supreme Court upheld a law which criminalized the possession of child pornography.