

Required Court Cases

CON- 2: Federalism reflects the dynamic distribution of power between national and state governments.

- McCulloch v. Maryland (1819) Established national supremacy; established implied powers; use of the elastic clause; state unable to tax fed. Institution; John Marshall; "the power to tax involves the power to destroy".
- U.S. v. Lopez (1995) Gun Free School Zones Act exceeded Congress' authority to regulate interstate commerce.

LOR-2: Provisions of the U.S. Constitution's Bill of Rights are continually being interpreted to balance the power of government and the civil liberties of individuals.

- Engel v. Vitale (1962) Prohibited state-sponsored recitation of prayer in public schools by virtue of Amendment One's establishment clause and the 14th Amendment's due process clause; Warren Court's judicial activism.
- Wisconsin v. Yoder (1972) Compelling Amish students to attend school past the 8th grade violates the free exercise clause.
- Tinker v. Des Moines (1969) Public school students have the right to wear black armbands in school to protest the Vietnam War. 1st Amend. Symbolic Speech
- New York Times v. U.S. (1971) Bolstered the freedom of press, establishing a "heavy presumption against prior restraint" even in cases involving national security.
- Schenck v. U.S. (1919) Oliver Wendell Holmes; clear and present danger test; shouting "fire" in a crowded theater; limits on speech, esp. in wartime.

LOR-3: Protections of the Bill of Rights have been selectively incorporated by way of the Fourteenth Amendment's due process clause to prevent state infringement of basic liberties.

- Gideon v. Wainright (1963) Ordered states to provide lawyers for those unable to afford them in criminal proceeding. Warren Court's judicial activism in criminal rights. 6th Amendment
- Roe v. Wade (1973) Extended the right of privacy to a woman's decision to have an abortion. 4th and 9th Amend. Right to privacy and rights not listed.
- McDonald v. Chicago (2010) The Second Amendment right to keep and bear arms for self-defense is applicable to the states.

PRD-1: The 14th Amendment's equal protection clause as well as other constitutional provisions have often been used to support the advancement of equality.

- Plessy v. Ferguson (1896) Established separate but equal.
- Brown v. Board 1st (1954) School segregation unconstitutional; segregation psychologically damaging to blacks; overturned separate but equal; use of 14th Amendment; judicial activism of Warren Court; unanimous decision.
- Brown v. Board 2nd (1955) Ordered schools to desegregate "with all due and deliberate speed".

PRD-2: The impact of federal policies on campaigning and electoral rules continues to be contested by both sides of the political spectrum

Citizens United v. Federal Elections Commission (2010)

Political spending by corporations, associations, and labor unions is a form of protected speech under First Amendment.

CON-3: The republican ideal in the U.S. is manifested in the structure and operation of the legislative branch.

Baker v. Carr (1962)

“One Man, one vote”. Ordered state legislative districts to be as near equal as possible in population; Warren Court’s judicial activism. 14th

Shaw v. Reno (1993)

No racial gerrymandering; race cannot be the *sole* or *predominant* factor in redrawing legislative boundaries; majority-minority districts. 14th

CON-5: The design of the judicial branch protects the S.C.’s independence and judicial review remains a powerful judicial practice.

Marbury v. Madison (1803)

Established judicial review; “midnight judges”; John Marshall; power of the Supreme Court.