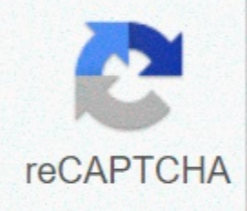




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## How cases reach the supreme court worksheet answers

The U.S. Supreme Court is the highest court in the country. Its decision set a precedent that any other court then adheres to, and no lower court can ever replace a Supreme Court decision. In fact, not even Congress or the president can change, reject or ignore a Supreme Court decision. American law operates according to the doctrine of starrng decisis, which means that previous decisions should be maintained - even if the current court would otherwise rule differently - and that lower courts must comply with the earlier decisions of higher courts. The idea is based on a conviction that the government must be relatively stable and predictable. This means that it is very difficult to overturn a Supreme Court decision. There are two ways in which this can be done: states can amend the Constitution itself. This requires the approval of three-quarters of state legislators - no easy feat. However, it has happened several times. The Supreme Court can override itself. This happens when another case with the same constitutional issues as a previous case is reviewed by the Court and seen in a new light, usually due to changing social and political situations. It's not easy to do, but we've compiled a list of 10 Supreme Court cases that later overturned. Many of them left a permanent mark on American history. Content Court upheld the Lochner case in 1905, ruling that a New York state law limiting the number of hours a baker could work to 60 per week was unconstitutional. In a 5-4 decision, they declared that the law removed a person's right to enter into freely in contracts, violating the 14th Amendment. The special clause is violated states, each state [may not] deprive any person of life, liberty or property, without due process of law. The court heard the Adkins case in 1923. It considered a Washington, D.C., law that sets a minimum wage for female workers. It was quashed on similar grounds to the Lochner case. Lochner set an important precedent that severely limited federal and state laws governing working hours and wages. In fact, the period after the fall is called The Lochner Era. But the Adkins case was an important point in the women's rights movement in the United States, which for decades debated absolute equality for women versus favoring only special protections and regulations for them. The Lochner era ended in 1937 when the court ruled the West Coast Hotel v. Parrish. The issue included a law very similar to the Minimum Wage Act in Adkins, but in this case the Court ruled that the 14th Amendment did not explicitly guarantee the freedom of contract, and that such freedom could be restricted by reasonable laws designed to protect the health and safety of workers. Chisholm against Georgia was one of the very first important decisions of the Supreme Court. The details are not so exciting, but the decision had a great on the development of the US and the relationship relationship federal and state law. The First Amendment added to the Constitution after the Bill of Rights was passed by the States because of this decision. Alexander Chisholm sued Georgia for money that the state owed for revolutionary war supplies delivered by Robert Farquhar (Chisholm was the executor of Farquhar's estate). The state declined to even respond to the lawsuit, arguing that as a sovereign state (an independent political entity) it could not be sued by an individual citizen. The court ruled that the Constitution was granted the power to settle disputes between citizens and states to federal courts. Ad It took only one year for the states to reverse the decision by the 11th Amendment, which states, in its entirety, the legal power of the United States shall not be construed to any suit of law or justice, initiated or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state. The concept of 11th Amendment immunity has since become an important cornerstone of U.S. law, coming into play when individuals have legal disagreements with a state government. In the 1950s, Red Scare, which followed McCarthyism, resulted in laws forcing public officials to reaffirm their allegiance to the United States and deny any ties to the Communist Party. A law passed in New York State allowed schools to fire teachers who belonged to subversive organizations. The state teachers' union told teachers to refuse to answer because the question itself was in violation of another state law. Those teachers were fired. The union then sued the State Board of Education. Math teacher Irving Adler's name is associated with the case because it first appeared on court documents. The case eventually went to the Supreme Court, which ruled in 1952 that a law that dismissed teachers who were members of subversive organizations was neither vague nor contrary to freedom of expression or the rule of law. Ad In the early 1960s, with the same archaic laws on books in New York State, Professor Harry Keyishian found himself employed by a private university in the process of merging with a state university. He refused to swear on the loyalty oath and was fired. As for keyishian v. The Board of Regents of the University of the State of New York, the Supreme Court ruled that the state law was too to be constitutional (you can't get your guaranteed due process under the law if you can't understand it), and that it was also an unconstitutional suppression of freedom of speech and academic freedom. The teachers who were fired in the 1950s sued for their jobs and won. In this 1986 case, the Supreme Court upheld a Georgia law against sodomy that prohibited oral or sex between consenting adults - regardless of the sexual orientation of either party. Through unusual circumstances, Michael was in oral sex with another man in his own bedroom by a police officer, and was arrested. Although the state declined to prosecute, the American Civil Liberties Union took up the case to test the constitutionality of anti-sodomy laws, and the case eventually made its way to the Supreme Court. Homophobia clearly marked the court's decision to uphold the law. The majority explained that homosexual sodomy was traditionally considered a heinous and illegal practice, especially the ruling that the Constitution did not confer any inherent right to engage in homosexual activity. Although the law in question covered both heterosexual and homosexual sodomy, the majority made it clear that the homosexual nature of the act was the central issue. Ad In 2003, the Supreme Court decided the case Lawrence against Texas by rejecting Texas' anti-sodomy law, essentially declaring that Bowers' decision was incorrect. Justice Anthony Kennedy's majority opinion stated, Bowers was not correct when it was decided, and that is not correct today. It should not remain binding precedent. Hardwick should be and now is run over. Dissenters also specifically noted that the court went against starrng decisis by overturning Bowers. The facts of this 1883 case are simple, and the Supreme Court's decision loathes any modern person. Tony Pace was a black man living in Alabama, dating a white woman. Unfortunately, Alabama's anti-miscegenation laws prohibited sexual relationships or marriages between blacks and whites. Lower courts logical contortions to justify the law were remarkable. For example, Pace and his white girlfriend were charged with adultery because they were found living together without being married. But state law made it illegal for them to marry. The Alabama Supreme Court ruled that the law was not discriminatory because it applied equally to both blacks and whites. That is, it was illegal for a black person to marry a white person, but it was equally illegal for a white person to marry a black person. The case was appealed all the way to the U.S. Supreme Court, which ruled that protecting the Department of Marriage was a valid interest of the state, and that the threat of interracial relationships would cause serious harm to white marriages. Therefore, the law could not be ruled unconstitutional. What is really sad is that the case was not overturned until 1967, and that several lower courts issued judgments based on the same blatantly racist principles in place more than 80 years earlier. I Loving v. Virginia, the Supreme Court ultimately unanimously ruled that such laws had no legal status and were only state-sponsored racism. They overturned a Virginia law against interracial marriage and rendered all other such laws invalid. Ad Michigan's campaign finance laws originally prevented businesses from contributing to campaigns or buy political advertising from the company's general fund. The Chamber of Commerce considered the law - the Michigan Campaign Finance Act - an unconstitutional violation of their freedom of expression and sued. In a 6-3 decision, the Supreme Court declared that the law was narrowly constructed and served a compelling state interest: the reduction of corruption induced by companies that fund politicians favorable to their interests. Therefore, it did not violate the Constitution. This ruling - Austin v. Michigan State Chamber of Commerce - opened the door to potent state and federal campaign finance reform laws. In 2010, the Supreme Court heard the case of Citizens United v. Federal Election Commission and overturned the Austin decision. The 5-4 decision essentially drew two conclusions: Money equals speech, and corporations have the same right to freedom of expression as individuals. Therefore, corporate political spending cannot be illegal. The unanimous views (opinions agreed with the ruling, but adding further details) were careful to consider the role of stare decisis and why it was important to overturn the ruling despite precedent. The dissenting opinion was pointed out in observing the rejection of the judgment by the Common Sense of the American People... few outside the majority of this court would have thought [American democracy] shortcomings included a lack of corporate money in politics. The Ad The Citizens United decision also overturned the split McConnell against the Federal Election Commission, a 2003 Supreme Court decision that upheld the McCain-Feingold Act, which introduced federal campaign finance reforms. In 1970, the state of Oregon sued U.S. Attorney John Mitchell in response to a federal law that allowed states to reduce their voting age to 18. Oregon's voting age was 21, and the state felt it was unconstitutional to be forced to lower it. The court's 5-4 decision decided in Oregon's favor, giving the state (and thus other states) the right to determine their own electoral age laws. This created a somewhat confusing legal patchwork since the federal government could still mandate the age limits for federal elections, which it set at 18. In states that used an age limit of 21 years, separate voting records were required for state and federal elections. In cases where both state and federal elections took place simultaneously, some voters would have been able to vote for only certain parts of the vote. Ad The confusion was sorted out by the 26th Amendment, which was adopted in 1971. The amendment set the national voting age at 18 for all elections and was adopted by 38 states in a matter of months - the fastest constitutional amendment ever adopted. It is interesting to note that the amendment prohibits states (or anyone else) from removing voting rights from anyone 18 or older. This does not prevent States from granting rights to anyone under the age of 18. The Fourth Amendment protects U.S. citizens from unreasonable searches and seizures by government officials. In 1949, Dr. Julius Wolf was convicted of performing illegal abortions, but he argued that the evidence against him had been illegally seized, without a proper search or probable cause. One of his former patients reported that she had gone to him for an abortion, and police entered his office without permission and seized a time book. The women in the book also reported that Wolf had performed abortions, and this evidence was used to convict him. When the case came to the Supreme Court, it ruled 6-3 against Wolf. At the heart of the matter was the federal exclusion rule, which discouraged improper search and seizure by finding that all evidence gathered illegally was not admissible in court. Wolf had run afoul of a state law, and the court decided that the exclusion rule does not apply to the states. The majority considered that there were other, less restrictive methods to counter illegal searches, and that neither the fourth nor the 14th amendments necessitated the exclusion rule. Folder v. Ohio was decided just 12 years later, in 1961. In that case, the authorities searched DollRee Mapp's house for a refugee - without proof of a proper power of attorney. Mapp reported that they waved a piece of paper at her that she could not identify as a warrant, and no actual power of attorney was ever produced. Police found a cache of pornography that violated Ohio's obscenity laws, and the woman was convicted of obscenity based on that evidence. The intervening 12 years had shown that other methods of deterring illegal search and seizure did not work, so the court turned around within a surprisingly short time. Ad Dred Scott v. Sandford is one of the most important Supreme Court decisions in U.S. history. It was an important part of the political turmoil of the decades that led to the Civil War, although the decision was ironically motivated in part by a desire to stop concerns about slavery. Simply, the 6-3 decision handed down in 1857 declared that black people were inferior to whites, were not and could not be U.S. citizens, had no right to file federal lawsuits, and were property that could not be taken from their owners without due process. Moreover, the Western territories could no longer ban slavery, and slaves brought into supposedly free territories were not actually freed. Scott was a slave whose owner had moved frequently as a result of his position in the U.S. Army, living in free territories at times. Scott tried to sue for freedom based on this fact. He lost, but the case wound its way through various appeals for years. Scott was owned by the executor of his former owner's estate, a man named John Sanford (the Supreme Court spelled his name incorrectly in documents). Ad the 13th e Amendments overturned the Dred Scott decision, but could only be enacted after several years of bloody Civil War. The 13th Amendment simply prohibits slavery in the U.S. The 14th Amendment covers a lot of land, but the relevant part states, All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States and of the state in which they reside. No State shall make or enforce any law that shall shorten the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process; nor deny any person within its jurisdiction equal protection of the laws. In the aftermath of the Civil War and the 13th and 14th amendments, Southern states passed laws that seek to create disadvantages for blacks, restrict their rights and keep them separate from whites. Homer Plessy had an eighth black ancestor, and his bright skin allowed him to often ride in the white parts of trains, even though Louisiana had laws establishing separate facilities for blacks. He had been selected by the Citizens' Committee to test the constitution of the separate car law specifically for this purpose - the intention was to bring the case to the Supreme Court in the hope that it would strike down the law. Plessy sat in the white part of a train, announced his descent, and then refused to move to the black part. He was arrested. The argument against Louisiana's separate facilities laws (and those in other states) was that they violated the 14th Amendment, the separation suggesting an institutional belief that blacks were inferior to whites. The Supreme Court did not believe the laws were a constitutional violation, ruling against Plessy in a 7-1 ruling (Justice David Josiah Brewer's daughter had recently died, so he was not in Washington to hear the case). This ruling entrenched the legal doctrine of separate but equal in American law for more than 50 years. Although in Plessy's specific case, the black train was in fact of the same quality as the white train, this was the exception. During the separate but equal years, black plants were underfunded, poorly maintained and generally anything but equal. 1954, Brown v. The Board of Education overturned Plessy, finding that separate but equal was invalid and prohibiting racial segregation. The Southern states did not give in easily, and the threat of military force was necessary to enforce desegregation. Originally published: Nov 10, 2010 Liens can also be placed on your property by other folks and without your consent, depending on the circumstances. Cornell College. Chisholm vs. Georgia. (Oct 5, 2010) University Law School. Keyishian v. Board of Directors (Oct. 2010) University Law School. Adler v. Board of Education of the City of New York. (Oct 5, 2010) University Law School. Oregon vs. Mitchell. (Oct 5, 2010) University Law School. Scott vs. Sandford. (Oct 5, 2010) Samuel. The Invaders: Unreasonable searches and seizures from King John to John Ashcroft. Rutgers University Press (May 26, 2004). Findlaw, I'm sorry. Pace v. State of Alabama. (Oct. 5, 2010) . Wolf v. People in the state of Colo. (Oct. 5, 2010) . 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