

Marbury v. Madison:

AP Gov Sections: Constitution, Judicial Branch

Mnemonic Device: M for Midnight Judges, Marshal Court

Key Words: executive privilege, federalism, judicial review jurisdiction

Background: The case began on March 2, 1801, when an obscure Federalist, William Marbury, was designated as a justice of the peace in the District of Columbia. Marbury and several others were appointed to government posts created by Congress in the last days of John Adams's presidency, but these last-minute appointments were never fully finalized. The disgruntled appointees invoked an act of Congress and sued for their jobs in the Supreme Court. (Justices William Cushing and Alfred Moore did not participate.)

Essential Questions: Is Marbury entitled to his appointment? Is his lawsuit the correct way to get it? And, is the Supreme Court the place for Marbury to get the relief he requests?

Resolution: Yes; yes; and it depends. The justices held, through Marshall's forceful argument, that on the last issue the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." In other words, when the Constitution--the nation's highest law--conflicts with an act of the legislature, that act is invalid. This case establishes the Supreme Court's power of judicial review.

McCulloch v. Maryland (1819)

AP Gov Sections: The Constitution (Ch. 2), Federalism (Ch. 3)

Key Words: Necessary and Proper Clause, enumerated powers vs. implied powers, Second, Bank of the U.S.

Background: Maryland enacted a law levying a tax over all banks operating in Maryland. The Second Bank of the U.S. was established just a few years before, in 1816. The Cashier of the Baltimore branch of the bank, McCulloch, decided to not comply with the Maryland Law. He was sued by Maryland for issuing bank notes without being taxed. The State court ruled in favor of Maryland, and McCulloch appealed

Essential Questions:

1. Does the federal government have the power to create a bank, even though it is not specifically stated in the Constitution?
2. Does Maryland or any state hold the power to tax such an institution?

Resolution: The Court decided that Congress does in fact have the power to create such an establishment, due to the Necessary and Proper Clause. Even though the power is not directly stated within the constitution, there is nothing written in it forbidding implied powers. By creating the bank, the federal government can easier carry out its enumerated powers. Since it is a federal institution, the Bank may be established in any state. Also, the court ruled that no state may hinder or control the institution in any manner, including taxation.

Gibbons v. Ogden (1824):

Section: Constitution, Federalism

Mnemonic Device: Guy in boat brings on suit, verdict: only Congress deals exclusively in commerce

Keywords: Supremacy clause, tenth amendment, contract clause, federalism, commerce clause

Background: The New York law gave two individuals exclusive rights to operate steam boats on their waters within the states jurisdiction. Many states had the same rule, while other states made out of state boats pay fee's to navigate. A steam boat navigating from New York and New Jersey challenged the states monopoly and obtained a special operating permit, which challenged Congress's control over interstate commerce.

Essential Question: Did the state of New York exercise authority in a realm reserved exclusively to Congress, or more specifically, the regulation of interstate commerce?

Resolution: The New York law was invalid because of the Supremacy Clause. The power of Interstate commerce was in the hands of the Congress, and encompasses every form of commerce activity.

Barron v. Baltimore (1833):

RELATED TO: Civil Liberties – Bill of Rights

MNEMONIC DEVICE: Bill of Rights barr(on) to the national government, not state or city

KEYWORDS: Fifth Amendment

BACKGROUND: John Barron was a co-owner of a wharf in a Baltimore harbor. Baltimore expanded, causing sand to build up in the harbor so Barron had less water which was crucial to his business. He sued Baltimore because of his financial losses.

ESSENTIAL QUESTION: Does the Fifth Amendment deny the states as well as the national government the right to take private property for public use without justly compensating the property's owner?

RESOLUTION: No it doesn't. Limits on the government found in the Fifth Amendment intended to limit the power of the national government. It was a check on the national government, so the Supreme Court had no jurisdiction in this case because the Fifth Amendment was not applicable to the states.

Plessy v. Ferguson (1896):

AP Gov Sections: Federal Courts, Civil Rights

Keywords: "segregation," "separate but equal," "race discrimination"

Mnemonic device:

Plessy starts with a P just like Rosa PARKS, and they were both arrested for sitting in white sections, AND the decision in Plessy was the reason why there was still segregation in when Rosa Parks came along.

Plessy -----> Parks

OR

P lessy

L ost to

E qual but

S eparate facilities,

S ocially?

Y es.

Basic Background: In 1892, Homer Plessy was arrested for sitting in the "whites only" car of the East Louisiana Railroad, even though he was only one-eighth black, and refusing to move. His action was planned by a black civil rights union in reaction to Louisiana's passing of the Separate Car Act. Plessy's lawyer argued that the law was unconstitutional because it violated the Fourteenth Amendment by denying Plessy equal protection under the law and the Thirteenth Amendment by perpetuating the essential features of slavery.

Essential questions addressed by the Supreme Court: Is Louisiana's law mandating racial segregation in trains an unconstitutional infringement on citizens' guarantee to equal protection under the law as stated by the Fourteenth Amendment?

Can the 13th and 14th amendments even be applied to this case?

Resolution of the Case: By a seven-man majority, the segregation law was found to be constitutional. Justice Brown argued that the 13th amendment did not apply because blacks and whites are politically equal but not socially equal, and the 14th did not apply because the Louisiana law treated blacks and whites equally (blacks were not allowed in the white section of the train, but whites were also not allowed in the black section). With this ruling, *Plessy v. Ferguson* set the precedent for "separate but equal," which allowed states to continue enacting segregation laws until the decision was overturned in 1954's *Brown v. the Board of Education*.

Schenk v. United States (1919):

Schenk v. United States (1919)

AP Gov Section: Civil Liberties (Chapter 4)

Mnemonic Device: S in Schenk is for speaking out (1st Amendment)

Keywords: 1st Amendment, Espionage Act

Background: Schenk, an anti-war Socialist, mailed out circulars to draftees of World War 1 telling them that the war was a wrong-doing motivated by the capitalist system. Schenk was charged with conspiracy to violate the Espionage Act, which says that it is prohibited to attempt to interfere with military action or interfere with military recruitment. Schenk was arrested, tried, convicted and sentenced to prison, so he took the case to the Supreme Court.

Questions by the Supreme Court:

Are Schenk's actions protected by the 'Freedom of Speech' clause of the First Amendment?

Resolution: Supreme Justice Oliver Holms concluded the case (US-9, Schenk-0) in saying that Schenk was not protected under the situation. He also presented the theory that punishment in such cases is limited to political expression that presents a 'clear and present danger' to government action related to the issue at hand. During wartime, venting tolerable in peace time can be punishable. The Espionage Act was ruled constitutional in this case.

Gitlow v. New York (1925):

AP Government Section: Civil Liberties

Mnemonic Device: "Due process helps the communist"

Key Words: Freedom of speech, incorporation, first amendment, federalism

Background: Mr. Gitlow, of New York State, was arrested for distributing copies of a "left-wing manifesto," because it violated a state law that prohibited advocating the overthrow of government by force.

Essential Question? Is the New York law punishing the advocacy of overthrowing the government an unconstitutional violation of the free speech clause of the First Amendment?

Resolution: The Court overturned their previous decision in *Barron v. Baltimore*, and concluded that the free speech clause in the 1st Amendment DOES apply to states because the 14th Amendment guarantees that no state shall deny the liberty protected by "due process." This case began the selective incorporation of the Bill of Rights. (Gitlow was released.)

Near v. Minnesota (1931):

AP Gov Sections: Civil Liberties

Mnemonic Device:

No more censorship in Minnesota

Keywords: freedom of the press, freedom of speech, censorship, scandal, local officials, incorporation

Background: Jay Near was accusing local officials of being associated with gangsters. Near wanted to publish this in his newspaper. The officials then used a state law to prevent this from happening. That law stated that someone who would publish a scandal or malicious story would be found guilty.

Essential Questions:

Does the Minnesota "gag law" violate the free press provision of the First Amendment?

Resolution: The Supreme Court ruled that the Minnesota State law violated the First Amendment, freedom of the press.

Korematsu v. United States (1944):

Section it is Related to in AP Government

Civil Rights and Civil Liberties

Mnemonic Device That Helps with Remembering the Case

FDR IS CEO

Fred Didn't Relocate, Internment Sucks, Compulsory Exclusion Ok

Keywords Related to the Case

Japanese, Internment, Executive Order 9066, Exclusion Order 34

Basic Background of Case

Two months after the attacks on Pearl Harbor, Roosevelt issued Executive Order 9066 which implicitly stated that the majority of the Japanese on the West Coast had to move to a relocation center. On May 3rd, Exclusion Order 34 was issued under which Fred Korematsu and his family were forced to relocate to an internment center. Fred failed to relocate and was arrested on May 30th.

Essential Question Addressed by Supreme Court

Did Congress and the President go beyond their war powers by restricting the rights of Americans of Japanese descent?

Resolution of the Case: In a 6 - 3 vote, compulsory exclusion of the Japanese Americans was deemed justifiable in times of war.

Brown v. Board of Education (1954):

AP Gov Section: Civil Rights, Federalism (the states had to follow the decision by the Supreme Court, a federal entity)

Mnemonic device: Board of *Education* – In school (education), equality is heavily stressed. This idea of equality represents the Supreme Court decision to make segregation unconstitutional.

Keywords: desegregation, equal protection of the laws, integration, equality

Background: *Plessy v. Ferguson* (1896) had established that the doctrine of “separate but equal” was constitutional and did not violate the Fourteenth Amendment. This led the United States to be segregated in many ways, including in education. However, although schools for African Americans and White usually got the same funding, the separation led to a feeling of inferiority and was detrimental to the mental status of black schoolchildren. *Brown v. Board of Education* was a class action suit filed against the Board of Education in Topeka, Kansas by 13 parents on behalf of their 20 children. This case was organized by the NAACP.

Essential Question: Is segregation constitutional as long as it is equal?

Resolution: No, the Supreme Court ruled that segregation violated the Fourteenth Amendment because it fostered inequality and the idea of separation itself was unconstitutional. The Supreme Court ruled in favor of Oliver L. Brown and the plaintiffs. Because this was a class action suit and because of the final opinion written by Earl Warren, it essentially got rid of segregation in the United States by reversing the precedent established by *Plessy v. Ferguson* that “separate but equal” was constitutional. This was a landmark decision that integrated the country and set a new precedent that there can never be a constitutional “separate but equal” ideology because it violates the Fourteenth Amendment

Brown v. Board of Education II (1955)

AP Gov Section: Civil Rights and Judicial System

Mnemonic Device: Brown Vs. Board of Education II attempts to create implementation for the decision made in the first time through

Being Racially Oppressive Was Never Very Beneficial. Otherwise, All Respect Dies

Key Words: Equality, Civil Rights, Brown, Board of Education

Basic Background: The Supreme Court wanted to create provisions to help implement their decision in Brown V. Board of Education

Essential Question Addressed: How to we make sure people actually follow this decision?

Resolution: Unanimous ruling that it needed to be addressed at a more local level within schools and lower level courts

Mapp v. Ohio (1961):

AP Gov Section: Civil Liberties

Pneumonic Device: Paris was supposedly hiding Lindsey at her house, and when the police came to search for

Lindsey to take her to jail, they found all of Lindsey's drugs. But because Paris had Daddy's lawyers, the police could not put Paris in jail with Lindsey because she was the Number One Favorite daughter who used the First Amendment.

Key words: "illegal police search" "freedom of expression" Fourth and First Amendments

Background: Dorlee Mapp was convicted for having illegal materials but the police only found them because they were searching for a fugitive. Mapp appealed to the court saying that her freedom of expression right was being violated.

Questions Addressed by the Supreme Court: Were the materials protected by the First Amendment?

Resolution: The Court decided that anything illegally obtained (items are protected by the Fourth Amendment) cannot be used in court.

Baker v. Carr (1962):

AP Gov Section: Judicial Branch, Federalism

Mnemonic Device: The "baker" is more important in survival because he makes food which is necessary to live so he wins. The "car" loses because it is just an extra and not necessary in life.

Keywords: Judicial Power, Standing to sue, Redistricting

Basic Background: Charles Baker (P) was a resident of Shelby County, Tennessee. Baker filed suit against Joe Carr, the Secretary of State of Tennessee. Baker's complaint alleged that the Tennessee legislature had not redrawn its legislative districts since 1901, in violation of the Tennessee State Constitution which required redistricting according to the federal census every 10 years. Baker, who lived in an urban part of the state, asserted that the demographics of the state had changed shifting a greater proportion of the population to the cities, thereby diluting his vote in violation of the Equal Protection Clause of the Fourteenth Amendment.

Essential Questions: Did the Supreme Court have jurisdiction over questions of legislative apportionment? What is the test for resolving whether a case presents a political question?

Resolution: The Court held that there were no such questions to be answered in this case and that legislative apportionment was a justiciable issue. In his opinion, Justice Brennan provided past examples in which the Court had intervened to correct constitutional violations in matters pertaining to state administration and the officers through whom state affairs are conducted. Brennan concluded that the Fourteenth Amendment equal protection issues which Baker and others raised in this case merited judicial evaluation. The federal government could intervene in states' reapportionment issues to insure fairness. Each person's vote is just as important no matter how populated the area they live in.

Engel v. Vitale (1962):

AP Gov Section: Civil Liberties

Mnemonic Device: VITAL, prayer in school is not

Keywords: Religion, No Prayer in School, First Amendment

Basic Background: The Board of Regents for the State of New York authorized a short, voluntary, prayer for recitation at the start of each school day. By making the prayer optional, the Board hoped to diffuse the politically potent issue.

Essential Questions Addressed by Supreme Court: Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?

Resolution of Case: Yes, it is unconstitutional. Neither the prayer's nondenominational character nor its voluntary character saves it from unconstitutionality. By providing the prayer, New York officially approved religion and thus went against the constitution. This was the first in a series of cases in which the Court used the establishment clause to eliminate religious activities.

Gideon v. Wainwright (1963):

AP Gov Section: Civil Liberties

Mnemonic device: Every Defendant Needs A Lawyer. EDNAL

Keywords : 6th Amendment, 14th Amendment (due process clause), fair trial

Basic Background: Gideon was accused of breaking into a room and he requested the court to appoint an attorney for him. However, the court refused, stating that it was only obligated to appoint counsel to indigent defendants in capital cases

Essential Questions:

Did the state violate Gideon's Sixth Amendment right to counsel, made applicable to the states by the Fourteenth Amendment, by not providing him with the assistance of counsel for his criminal defense?

Resolution of the case:

Gideon had a right to be represented by a court-appointed attorney. Sixth Amendment's guarantee of counsel was fundamental right essential to a fair trial

Heart of Atlanta Motel v. United States (1964):

Section related to AP Government: Civil Rights

Mnemonic Device: (Heart) Everyone has a heart therefore everyone should be treated equal regardless of ethnicity.

Basic background: Title II of the Civil Rights Act of 1964 forbade racial discrimination by places of public accommodation if their operations affected commerce. The Heart of Atlanta Motel in Atlanta, Georgia, refused to accept Black Americans and was charged with violating Title II.

Keywords: Civil Rights Act, Commerce Clause

Essential questions: Did Congress, in passing Title II of the 1964 Civil Rights Act, exceed its Commerce Clause powers by depriving motels, such as the Heart of Atlanta, of the right to choose their own customers?

Resolution: The Court held that the Commerce Clause allowed Congress to regulate local incidents of commerce, and that the Civil Right Act of 1964 passed constitutional muster. The Court noted that the applicability of Title II was "carefully limited to enterprises having a direct and substantial relation to the interstate flow of goods and people. . ." The Court thus concluded that places of public accommodation had no "right" to select guests as they saw fit, free from governmental regulation.

New York Times v. Sullivan (1964):

AP Gov Section: Civil Liberties

Mnemonic: Times, lines, and slander or SCAMS: (Sullivan created actual malice standard)

Key words: Libel, malice standard, freedom of the press, first amendment, fourteenth amendment, and defamation

Basic Background: The New York Times criticized police for how they handled a situation against civil rights protesters in Montgomery, Alabama. A police employee named Sullivan felt that this was defamation against him so he requested that the Times withdraw the article which they refused to do. Sullivan then sued and won in Alabama and the case found its way up to the Supreme Court.

Essential Question: Did Alabama's libel law, by not requiring Sullivan to prove that an advertisement personally harmed him and not proving that ads was false, unconstitutionally go against the First Amendment's freedom of speech and freedom of press protections?

Resolution: The court ruled in favor of the New York Times and declared that all statements made about the conduct of public officials was protected except if it was made with actual malice (with knowledge that they are false or in reckless disregard of their truth or falsity).

Griswold v. Connecticut (1965):

Section related to AP Gov. Civil Liberties

Mnemonic Device to help remember case:

Griswold in **CON**necticut

Tried too hard to counsel **CON**traceptives

Her and her colleagues were **CON**victed

Hence they fought **CON**tinuously

Marital privacy was not stated in the Bill of Rights so that was a **CON**flict

But their civil rights were important and the judges finally **CON**sented!!

OR

Connecticut starts with C, like contraception

Keywords Related to the Case: PRIVACY, CONTRACEPTIVES, MARITAL RELATIONS, DUE PROCESS, FOURTH AMEND. FIRST AMEND. NINTH AMEND THIRD AMEND.

Basic Background: Griswold was the Director of Planned Parenthood League in Connecticut. She, along with her colleagues, gave counseling to married couples about birth control and contraception. However, in Connecticut, there was a law that prevented the influence of contraception and abortion to any couple.

Essential Question Addressed by Supreme Court: Does the Constitution protect the right of marital privacy against state restriction on a couple's ability to be counseled in the use of contraceptives? Should the Constitution be followed as exactly written or should we interpret it loosely under some circumstances?

Resolution: Based on the Due Process clause in the 14th amendment, the Bill of Rights does establish a right to privacy. Together, the 1st, 3rd, 4th, and 9th amendment work together to create a new constitutional right which is the right of privacy in any marital relation. The Connecticut law prohibiting counseling in contraception was nullified because it thwarted civil right to privacy.

Miranda v. Arizona (1966):

AP Gov Section: Bureaucracy, Judicial Courts, Civil Rights and Public Policy

Mnemonic Device: The court established that the accused have the right to remain silent, that anything defendant says may be used against him in a court of law, also prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights, commonly called the Miranda rights.

Keywords: Miranda Rights

Basic Background: In March of 1963, a kidnapping and sexual assault occurred in Phenix, Arizona. Later that month, a man by the name of Ernesto Miranda was identified by this victim and was arrested. During the interrogation Miranda allegedly confessed to committing the crimes, which was getting recorded for evidence by the police. Miranda was therefore convicted of kidnapping and rape and received a 20-year sentence.

Resolution of the Case: When Miranda appealed to the U.S Supreme Court in 1966, a 5-4 decision was made that the prosecution could not use the evidence Miranda provided because the police had failed to inform him of his right to an attorney and self incrimination.

Essential Questions Addressed by Supreme Court: Was a confession an admissible document in a court of law if it was obtained without warnings against self-incrimination and without legal counsel—rights guaranteed to all persons by the 5th and 6th amendments? With whom does the burden of proof rest for determining whether a defendant has legally “waived” his or her rights? What is the standard for judging whether “voluntary confessions” should be deemed admissible? When should an attorney be appointed for a person if he or she cannot afford one?

Tinker v. Des Moines School District (1969):

AP Gov Section: Civil Liberties

Mnemonic Device: **To Defend My Speech Armbands (Tinker v Des Moines School District)**

Keywords: First Amendment, Due Process

Background: Three students who were protesting the war decided to wear black armbands to school. The principal thought that wearing the armbands would provoke disturbances so he asked them to take them off. When they refused the school suspended them.

Essential Questions: Does prohibiting the kids from wearing these armbands to public school violate the first amendment?

Resolution: The Supreme Court said that wearing the armbands was akin to pure speech and therefore protected by the first amendment.

Lemon v. Kurzman (1971):

AP Gov Section: Civil Liberties

Mnemonic Device: Lemons are sour and so was Burger's decision; they rejected PA and RI in favor of legislation, stagnation, and moderation to protect the First Establishment of their nation.

OR

Let teachers Earn Money Over Secular Narration?

Keywords: First Amendment, Establishment Clause, "church-related educational institutions," "secular legislative purpose"

Background: They consisted of issues over laws in Pennsylvania and Rhode Island. In Pennsylvania, a statute granted financial support for teacher salaries, textbooks, and instructional materials for secular subjects to non-public schools. The Rhode Island statute, on the other hand, supplied direct supplemental salaries to instructors in non-public elementary schools. Both laws made aid available to "church-related educational institutions."

Essential Question: Did the laws of Rhode Island and Pennsylvania violate the First Amendment's Establishment Clause by making state financial aid accessible to "church-related educational institutions"?

Resolution: Yes, they did. Chief Justice Burger formed a three-part definition for statutes regarding religious establishment. A law must possess a "secular legislative purpose," its results should not affect religion through advancement or hindrance, and it cannot lead to "excessive government entanglement with religion" to be constitutional. The Burger Court thus stated that financial aid to parochial schools advanced religion and entangled the state in religious affairs.

New York Times v. United States (Pentagon Papers) (1971):

AP Gov Section: Civil Liberties

Mnemonic Device: **NEW**spaper Yesterday Outrageously Revealed King-sized Totally Immense Material Explicitly Secret

Keywords: Pentagon papers, 1st Amendment

Background: New York Times and Washington Post attempted to publish material that belonged to the Defense Department regarding actions taken in Vietnam. President argue that this documents should be kept secret because it was necessary for public security.

Question: Did Nixon's administration's efforts to prevent the publication of these documents violate the 1st Amendment.

Resolution: Preventing these newspapers to release certain documents relating the Vietnam war violated the 1st Amendment. The publication would not cause an "inevitable, direct, and immediate event imperiling the safety of American forces", therefore the restraint was not justified.

Wisconsin v. Yoder(1972)

Government sections: Civil rights, civil liberties, courts system

Mnemonic device: Yoder yoder yoder don't send your daughter OR Religious Education Development Out of Your school (Yoder spelled backwards)

Keywords: 1st Amendment, free exercise of religion, education

Basic background: Three Amish parents refused to send their children to high school because it was contrary to their religious beliefs.

Essential questions: Does the first amendment give the parents a right to not send their kids to school until the age of 16 due to religious beliefs?

Resolution: In court, Yoder won unanimously under the rule that it was against the first amendment's right to freedom of exercise of religion to force Yoder to send his child to public school because it was against his religion.

Furman v. Georgia (1972):

AP Gov Section: Civil Liberties

Mnemonic Device:

Forbid
Unconstitutional
Rape
Murder
A crime
Not usual and cruel punishmen

OR

Furman was a poor man
who had a plan
to rob a house
bigger than a mouse
he got caught
the owner got shot
he was sentenced to death
but court changed their minds
was cruel to put him to death.

Keywords: Death Penalty, burglary, murder, Eighth Amendment, Fourteenth Amendment, private property, race

Background: The victim woke up in the middle of the night and found Furman burglarizing his home. While trying to flee Furman had "tripped" accidentally firing his weapon, killing the victim. Furman was found guilty by the Georgia Court and sentenced to death. In the 5-4 decision, the court found that the death penalty violated the Eighth Amendment.

Essential Questions: Does the death penalty violate the Eighth and Fourteenth Amendments? Is it considered cruel and unusual punishment? Is this an issue of race or discrimination?

Resolution: Furman was sentenced to death, but the punishment was never carried out. In the following years, 37 states enacted new death penalty laws.

Gregg v. Georgia (1976):

Related section in AP Government: Ch 4 (civil liberties and public policy) Ch 16 (the federal courts)

Mnemonic Device: Gregg v Georgia wasn't supported by 8 or 14 ruling the death penalty wasn't mean

Keywords: cruel and unusual punishment, eighth amendment, fourteenth amendment, death penalty, capital punishment

Background: Gregg was found guilty of the armed robbery and murder of two men and was given the death sentence. On appeal the death sentence was taken away by the Georgia supreme court for the armed robbery. He tried to challenge the death sentence for the murder charge saying it was "cruel and unusual" punishment using the eighth and fourteenth amendments to back his claim. The jury had to make a decision of whether to give him the death penalty or a life sentence in prison. To give the death penalty they were to make sure that (1) murder was committed while committing other felonies (2) the murder was done to receive the money and automobile of the victims and (3) the murder was extremely inhumane. the jury gave the death sentence because they found the first two enough proof to inflict the death sentence.

Essential Question: Is the death sentence considered "cruel and unusual" punishment by the eighth and fourteenth amendments?

Resolution: It was decided that the death penalty was not "cruel and unusual" under the eighth or fourteenth amendments. The court reviewed previous cases and left the death penalty for the murder because that was a typical punishment, but they found in other armed robberies the death penalty was not an appropriate punishment. This act proved he was getting equal protection under the fourteenth amendment. The jury decided that the death penalty wasn't cruel and unusual punishment for the murder.

Miller v. California (1973):

Section it is related to in AP Government: Civil Liberties

Mnemonic device that helps with remembering in class: COP

C: Contemporary Community standards application

O: Offensive material

P: Political, artistic, literary or scientific value

Keywords related to the Case: First Amendment, Roth v. United States

Memoirs v. Massachusetts

Background: Miller sent advertisements for an adult company by mail. This was controversial and ended with his case in supreme court.

Questions: Is the sale and distribution of Miller's obscene materials through mail protected under the First Amendment's freedom of speech guarantee?

Resolution: In a 5-4 decision, the Court ruled that the obscene materials presented by Miller did not follow under the protection of the First Amendment. For this case, the court modified the essential rulings established in Roth v. United States and Memoirs v. Massachusetts, holding that:

"the basic guidelines for the trier of fact must be:

- (a) whether 'the average person, applying contemporary community standards' would find that the work, taken as a whole, appeals to the prurient interest
- (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Roe v. Wade (1973):

AP Government Section: Civil Liberties

Mnemonic Device:

Though the title "Roe v. Wade" - Rainbows varies wonder.

Keywords: Abortion, Trimester, 9th Amendment, 14th Amendment, Reserved rights of citizens, Privacy, Pro-life/Pro-choice

Basic Background:

Texas resident, Roe, wanted to terminate her pregnancy. The state of Texas would not allow her though. The court ruled that it was a violation of the 14th Amendment to not allow the abortion during the first trimester. However, the state interest of keeping the prenatal life going increases as time passes and approaches the ability to survive outside of the womb.

Essential Questions:

Is it a violation of privacy?

How to protect the fetus and the mother?

Religion and morals versus politics?

Resolution of the Case:

Abortion was found to be legal depending on the mothers trimester of pregnancy.

Buckley v. Valeo (1976):

AP Gov Section: Civil rights, Campaigns

Mnemonic Device: Crazy: Corruption, Cats: Created by Inventing: Individual Fun: Funding New: not Concoctions: Candidates

Keywords: Watergate, financial contributions, Federal Election Campaign Act of 1971, Internal Revenue Code of 1954

Background:

Congress wanted to limit corruption in political campaigns by restricting campaign contributions. It created a limit to the amount of money an individual could contribute to a candidate.

Essential Questions:

Did the limits placed on electoral expenditures by the Federal Election Campaign Act of 1971, and related provisions of the Internal Revenue Code of 1954, violate the First Amendment's freedom of speech and association clauses?

Resolution:

The court held that contributions from individuals did not violate the 1st amendment because the limitations enhance the "integrity of the system of representative democracy" by guarding against unscrupulous practices. It also found that the restriction of independent expenditures in campaigns, the limitation on expenditures by candidates from their own personal or family resources, and the limitation on total campaign expenditures did violate the First Amendment because the candidates own expenditures do not necessarily increase the risk of corruption and was not a large enough issue to restrict free speech for.

Regents of University of California v. Bakke (1978):

Facts of the Case:

Allan Bakke twice applied for admission to the University of California Medical School at Davis and was rejected. The school reserved 16 places in each entering class of 100 for "qualified" minorities, as part of the university's affirmative action program, in an effort to redress unfair minority exclusions. Bakke's qualifications exceeded those of any of the minority students admitted in those two years. Bakke contended, first in the California courts, then in the Supreme Court, that he was excluded from admission solely on the basis of race.

Question:

Did the University of California violate the Fourteenth Amendment's equal protection clause, and the Civil Rights Act of 1964, by practicing an affirmative action policy that resulted in the repeated rejection of Bakke's application for admission to its medical school?

Conclusion:

No and yes. Four of the justices contended that any racial quota system supported by government violated the Civil Rights Act of 1964. Court ordered the medical school to admit Bakke. The rigid use of racial quotas as employed at the school violated the equal protection clause of the Fourteenth Amendment. However it was also notes that the use of race as a criterion in admissions decisions in higher education was constitutionally permissible.

Hazelwood School District v. Kuhlmeier (1987):

AP Gov Section: Civil Liberties

Keywords: 1st Amendment, and freedom of speech and expression.

Background: There was a student, Cathy Kuhlmeier, who was involved with the writing and editing of the school newspaper. She sued the school when Mr. Robert E. Reynolds, the principal, found some of the content of the newspaper to be inappropriate, and requested deletion of the material.

Major question answered by the Supreme Court: Is censorship of the school newspaper appropriate for school administration to enforce?

Resolution: Yes. In this case it is valid because schools retain the right to refuse support of material that is inconsistent with civilized social order. As long as they are censoring legitimately inappropriate material (not just deleting whatever they wanted), the school administration can do so without violating the 1st Amendment.

Texas v. Johnson (1989):

AP Gov Section: Civil Liberties

Device for Remembering: Flag Burning

Keywords: Symbolic speech, strict scrutiny

Background: Gregory Lee Johnson burned an American Flag in protest against President Reagan's policies. He was sentenced to imprisonment and a fine under Texas state law.

Key question: Is the symbolic speech of flag burning a first amendment right, or does protecting the flag from desecration fulfill the need for a compelling governmental interest?

Resolution: Flag burning was held to be protected expression under the First amendment. Court ruled that offensive expression does not justify prohibition.

Webster v Reproductive Health Service (1989):

Section: Civil Liberties

Keywords: Due Process, Abortion, Roe v. Wade

Background: Missouri enacted legislation that placed a number of restrictions on abortions. The law codified the following restrictions public employees and public facilities were not to be used in performing or assisting abortions unnecessary to save the mother's life; encouragement and counseling to have abortions was prohibited. Lower courts struck down the restrictions.

Essential Question: Did the Missouri restrictions unconstitutionally infringe upon the right to privacy or the Equal Protection Clause of the Fourteenth Amendment?

Resolution: None of the challenged provisions of the Missouri legislation were unconstitutional. The preamble had not been applied in any concrete manner for the purposes of restricting abortions, and thus did not present a constitutional question. The Due Process Clause did not require states to enter into the business of abortion, and did not create an affirmative right to governmental aid in the pursuit of constitutional rights. No case or controversy existed in relation to the counseling provisions of the law upheld the viability testing requirements, arguing that the State's interest in protecting potential life could come into existence before the point of viability. The Court emphasized that it was not revisiting the essential portions of the holding in Roe v. Wade.

Planned Parenthood v. Casey (1992):

AP Gov Section: Civil Rights, Civil Liberties

Mnemonic Device: Planned Parenthood Placed Precedent Protecting Premature Persons and Parental Privacy

Key Words; Abortions, privacy, 24-hour-waiting-period, consent

Background: Pennsylvania's new abortion control law, forcing a minor to get consent from a parent and a wife to notify her husband of her intent, was challenged

Essential Question: Can a state require consent to abortion without violating Roe v Wade rights to abortion?

Resolution: The Roe v Wade decision was reaffirmed, but also kept many of Pennsylvania's new decisions. Also, a "substantial obstacle" preventing abortion was ruled to violate a women's right to abortion.

United States v. Lopez (1995):

AP Gov Sections Federalism (it limits the governments power).

Remembering Device: It's also noteworthy to mention that it is an example of the court 'flexing it's muscles.'

Keywords Related: Guns, Gun Control, Federalism, Commerce Clause

Basic Background: Alfonzo Lopez, a 12th grade high school student, carried a concealed weapon into his San Antonio, Texas high school. He was charged under Texas law with firearm possession on school premises. The next day, the state charges were dismissed after federal agents charged Lopez with violating a federal criminal statute, the Gun-Free School Zones Act of 1990. The act forbids "any individual knowingly to possess a firearm at a place that [he] knows...is a school zone." Lopez was found guilty following a bench trial and sentenced to six months' imprisonment and two years' supervised release."

Essential Questions: Is the 1990 Gun-Control Act Constitutional? How Far can the government stretch the commerce clause?

Resolution: The courts ruled that the 1990 Gun-Control Act was unconstitutional because it was too broad a speculation that it related to the Commerce Clause. Also, because it was a "slippery slope" towards the government regulating everything that we do.

Zelman v. Simmons-Harris (2002):

AP Gov Section: Civil Liberties and Public Policy - Freedom of Religion

Keywords: first amendment, establishment of religion, education

Background: Ohio Pilot Project Scholarship provided tuition aid for students at CCSD to attend public and private schools. Tuition is given by financial need. Said to have violated Establishment Clause. (82% of schools participating were religiously affiliated. 96% students participating were in religiously affiliated schools.)

Essential Question: Does Ohio's school voucher program violate the Establishment Clause?

Resolution: Court ruled that the program does not violate the Establishment Clause. This is because Ohio's program is part of Ohio's undertaking to provide educational opportunities for those in need. Government aid is given to religious institutions because of the individual's recipient choice. The program is neutral with respect to religion.

Gratz v Bolliger (2003):

Section Related to in AP Government: Civil Rights and Public Policy

Mnemonic Device: congrats to gratz and thanks to equal protection under the law, University of Michigan has to consider all.

Keywords: 14th amendment, University of Michigan, Gratz, Equal Protection Under the Law, compelling diversity, minorities.

Basic Background: Jennifer Gratz applied to the University of Michigan but she was denied. She had a good enough GPA and ACT score to get into the school and other schools. A similar incident occurred with a guy, Patrick Hamacher and he was also denied. Michigan used the excuse of creating a "compelling diversity" and favored the minorities. Gratz and Hamacher decided to fight against this rule.

Questions Addressed by Supreme Court: Does the University of Michigan's racial preferences violate the 14th amendment? Or Title VI of the Civil Rights Act of 1964?

Resolution: The Supreme Court declared the University of Michigan's racial preferences for students applying and acceptance was unconstitutional. It violated the 14th amendment which is equal protection under the law. The Court said the admissions process which they use does not give an equal representation or consideration of an individual.

Grutter v. Bollinger (2003):

AP Gov Section: Civil Rights

Keywords: Equal Rights Act, the Civil Rights Act, and the Fourteenth Amendment. It also deals with discrimination and issues with racial variety in schools.

Mnemonic Device: G R U T T E R - Gratifying Race Under The Trustees Endorses Races Education, Qualification, Race, Choice, Variety, Applicants

Background: In 1997, a white undergraduate, Barbara Grutter, was rejected from the University of Michigan Law School, a school that admits to taking into consideration race when choosing their applicants. Grutter was well qualified with a 3.8 GPA and a LSAT score of 161 but still did not get accepted to the school.

Essential Question: Does preferring some races over others violate the Equal Rights Act, Civil Rights Act, or Fourteenth Amendment?

Resolution: In a 5-4 majority the court decided that the school was not violating any of these acts. The school thoroughly reviews each applicant and does not look at race alone, and therefore does not admit or deny any applicant solely based on race.

Lawrence v. Texas (2003):

Section it is related to in AP Government: Civil Liberties and Public Policy, Civil Rights and Public Policy

Mnemonic Device: What happens in your private room stays in your room.

Keywords related to the case: Texas statute, Homosexuality, Due Process Clause, Private conduct

Basic Background: Responding to a reported weapons disturbance in a private residence, Houston police entered John Lawrence's apartment and saw him and another adult man, Tyron Garner, engaging in a private, consensual sexual act. Lawrence and Garner were arrested and convicted of deviate sexual intercourse in violation of a Texas statute forbidding two persons of the same sex to engage in certain intimate sexual conduct. In affirming, the State Court of Appeals held that the statute was not unconstitutional under the Due Process Clause of the Fourteenth Amendment.

Essential questions: Are Lawrence and Garner free as adults to engage in the private conduct in the exercise of their liberty under the Due Process Clause? Do the criminal convictions of John Lawrence and Tyron Garner under the Texas "Homosexual Conduct" violate the Fourteenth Amendment guarantee of equal protection of laws? "Homosexual Conduct" law- It Criminalizes sexual intimacy by same-sex couples, but not identical behavior by different-sex couples.

Resolution: In a 6-3 opinion delivered by Justice Anthony M. Kennedy, the Court held that the Texas statute making it a crime for two persons of the same sex to engage in certain intimate sexual conduct violates the Due Process Clause." Their right to liberty under the Due Process Clause gives them the full right to engage in their conduct without intervention of the government."

Hamdi v. Rumsfeld (2004)

AP Gov Section: Civil Liberties

Remembering Device: Rumsfeld was the Secretary of Defense at the time under George W. Bush (2001- 2006) . So keeping this in mind the case probably has to do with something after 9/11, which is related to Civil Liberties and the war in Afghanistan.

Keywords: Due Process, Fifth Amendment

Background: In the fall of 2001, Yaser Hamdi, an American citizen, was arrested by the United States military in Afghanistan. He was accused of fighting for the Taliban against the U.S., declared an "enemy combatant," and transferred to a military prison in Virginia. Frank Dunham, Jr., a defense attorney in Virginia, filed a petition for a writ of certiorari in federal district court there, first on his own and then for Hamdi's father, in an attempt to have Hamdi's detention declared unconstitutional. He argued that the government had violated Hamdi's Fifth Amendment right to Due Process by holding him indefinitely and not giving him access to an attorney or a trial. The government countered that the Executive Branch had the right, during wartime, to declare people who fight against the United States "enemy combatants" and thus restrict their access to the court system.

The district court ruled for Hamdi, telling the government to release him. On appeal, a Fourth Circuit Court of Appeals panel reversed, finding that the separation of powers required federal courts to practice restraint during wartime because "the executive and legislative branches are organized to supervise the conduct of overseas conflict in a way that the judiciary simply is not." The panel therefore found that it should defer to the Executive Branch's "enemy combatant" determination.

Question:

Did the government violate Hamdi's Fifth Amendment right to Due Process by holding him indefinitely, without access to an attorney, based solely on an Executive Branch declaration that he was an "enemy combatant" who fought against the United States? Does the separation of powers doctrine require federal courts to defer to Executive Branch determinations that an American citizen is an "enemy combatant"?

Conclusion:

Yes and no. In an opinion backed by a four-justice plurality and partly joined by two additional justices, Justice Sandra Day O'Connor wrote that although Congress authorized Hamdi's detention, Fifth Amendment due process guarantees give a citizen held in the United States as an enemy combatant the right to contest that detention before a neutral decision maker. The plurality rejected the government's argument that the separation-of-powers prevents the judiciary from hearing Hamdi's challenge

Rasul v. Bush (2004)

AP Gov Section: Civil Liberties

Keywords: Habeas corpus, 5th Amendment, Guantanamo Bay

Remembering Device: Rasul (Right); Bush (Beat) since Rasul won the case against George W. Bush.

Background: Four British and Australian citizens were captured by the American military in Pakistan or Afghanistan during the United States' War on Terror. The four men were transported to the American military base in Guantanamo Bay, Cuba. When their families learned of the arrests, they filed suit in federal district court seeking a writ of habeas corpus that would declare the detention unconstitutional. They claimed that the government's decision to deny the men access to attorneys and to hold them indefinitely without access to a court violated the Fifth Amendment's Due Process clause. The government countered that the federal courts had no jurisdiction to hear the case because the prisoners were not American citizens and were being held in territory over which the United States did not have sovereignty (the Guantanamo Bay base was leased from Cuba indefinitely in 1903, and Cuba retains "ultimate sovereignty"). The district court agreed with the government, dismissing the case because it found that it did not have jurisdiction. The U.S. Court of Appeals for the District of Columbia affirmed the district court's decision.

Essential Question: Do United States courts have jurisdiction to consider legal appeals filed on behalf of foreign citizens held by the United States military in Guantanamo Bay Naval Base, Cuba?

Resolution: Yes. In a 6-to-3 opinion, the Court found that the degree of control exercised by the United States over the Guantanamo Bay base was sufficient to trigger the application of habeas corpus rights. Because the United States exercised "complete jurisdiction and control" over the base, the fact that ultimate sovereignty remained with Cuba was irrelevant. Further, the right to habeas corpus is not dependent on citizenship status. *The detainees were therefore free to bring suit challenging their detention as unconstitutional.*