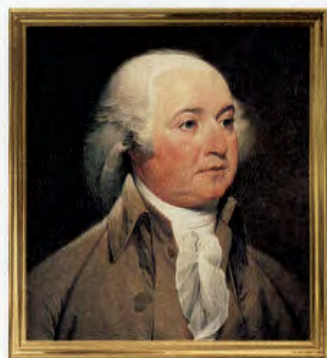


Presidents



1 GEORGE WASHINGTON

Born: 1732 Died: 1799
Years in Office: 1789–97
Political Party: None
Home State: Virginia
Vice President: John Adams



2 JOHN ADAMS

Born: 1735 Died: 1826
Years in Office: 1797–1801
Political Party: Federalist
Home State: Massachusetts
Vice President: Thomas Jefferson



3 THOMAS JEFFERSON

Born: 1743 Died: 1826
Years in Office: 1801–09
Political Party: Republican*
Home State: Virginia
Vice Presidents: Aaron Burr,
George Clinton



4 JAMES MADISON

Born: 1751 Died: 1836
Years in Office: 1809–17
Political Party: Republican
Home State: Virginia
Vice Presidents: George Clinton,
Elbridge Gerry



5 JAMES MONROE

Born: 1758 Died: 1831
Years in Office: 1817–25
Political Party: Republican
Home State: Virginia
Vice President: Daniel D. Tompkins



6 JOHN QUINCY ADAMS

Born: 1767 Died: 1848
Years in Office: 1825–29
Political Party: Republican
Home State: Massachusetts
Vice President: John C. Calhoun



7 ANDREW JACKSON

Born: 1767 Died: 1845
Years in Office: 1829–37
Political Party: Democratic
Home State: Tennessee
Vice Presidents: John C. Calhoun,
Martin Van Buren



8 MARTIN VAN BUREN

Born: 1782 Died: 1862
Years in Office: 1837–41
Political Party: Democratic
Home State: New York
Vice President: Richard M. Johnson

* The Republican Party of the third through sixth presidents is not the party of Abraham Lincoln, which was founded in 1854.



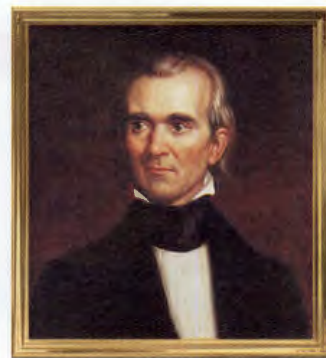
9 WILLIAM HENRY HARRISON

Born: 1773 Died: 1841
 Years in Office: 1841
 Political Party: Whig
 Home State: Ohio
 Vice President: John Tyler



10 JOHN TYLER

Born: 1790 Died: 1862
 Years in Office: 1841–45
 Political Party: Whig
 Home State: Virginia
 Vice President: None



11 JAMES K. POLK

Born: 1795 Died: 1849
 Years in Office: 1845–49
 Political Party: Democratic
 Home State: Tennessee
 Vice President: George M. Dallas



12 ZACHARY TAYLOR

Born: 1784 Died: 1850
 Years in Office: 1849–50
 Political Party: Whig
 Home State: Louisiana
 Vice President: Millard Fillmore



13 MILLARD FILLMORE

Born: 1800 Died: 1874
 Years in Office: 1850–53
 Political Party: Whig
 Home State: New York
 Vice President: None



14 FRANKLIN PIERCE

Born: 1804 Died: 1869
 Years in Office: 1853–57
 Political Party: Democratic
 Home State: New Hampshire
 Vice President: William R. King



15 JAMES BUCHANAN

Born: 1791 Died: 1868
 Years in Office: 1857–61
 Political Party: Democratic
 Home State: Pennsylvania
 Vice President: John C. Breckinridge



16 ABRAHAM LINCOLN

Born: 1809 Died: 1865
 Years in Office: 1861–65
 Political Party: Republican
 Home State: Illinois
 Vice Presidents: Hannibal Hamlin,
 Andrew Johnson



17 ANDREW JOHNSON

Born: 1808 Died: 1875
 Years in Office: 1865–69
 Political Party: Republican
 Home State: Tennessee
 Vice President: None

**18 ULYSSES S. GRANT**

Born: 1822 Died: 1885
 Years in Office: 1869–77
 Political Party: Republican
 Home State: Illinois
 Vice Presidents: Schuyler Colfax,
 Henry Wilson

**19 RUTHERFORD B. HAYES**

Born: 1822 Died: 1893
 Years in Office: 1877–81
 Political Party: Republican
 Home State: Ohio
 Vice President: William A. Wheeler

**20 JAMES A. GARFIELD**

Born: 1831 Died: 1881
 Years in Office: 1881
 Political Party: Republican
 Home State: Ohio
 Vice President: Chester A. Arthur

**21 CHESTER A. ARTHUR**

Born: 1829 Died: 1886
 Years in Office: 1881–85
 Political Party: Republican
 Home State: New York
 Vice President: None

**22 GROVER CLEVELAND**

Born: 1837 Died: 1908
 Years in Office: 1885–89
 Political Party: Democratic
 Home State: New York
 Vice President: Thomas A. Hendricks

**23 BENJAMIN HARRISON**

Born: 1833 Died: 1901
 Years in Office: 1889–93
 Political Party: Republican
 Home State: Indiana
 Vice President: Levi P. Morton

**24 GROVER CLEVELAND**

Born: 1837 Died: 1908
 Years in Office: 1893–97
 Political Party: Democratic
 Home State: New York
 Vice President: Adlai E. Stevenson

**25 WILLIAM MCKINLEY**

Born: 1843 Died: 1901
 Years in Office: 1897–1901
 Political Party: Republican
 Home State: Ohio
 Vice Presidents: Garret A. Hobart,
 Theodore Roosevelt

**26 THEODORE ROOSEVELT**

Born: 1858 Died: 1919
 Years in Office: 1901–09
 Political Party: Republican
 Home State: New York
 Vice President: Charles W. Fairbanks



27 WILLIAM HOWARD TAFT

Born: 1857 Died: 1930
Years in Office: 1909–13
Political Party: Republican
Home State: Ohio
Vice President: James S. Sherman



28 WOODROW WILSON

Born: 1856 Died: 1924
Years in Office: 1913–21
Political Party: Democratic
Home State: New Jersey
Vice President: Thomas R. Marshall



29 WARREN G. HARDING

Born: 1865 Died: 1923
Years in Office: 1921–23
Political Party: Republican
Home State: Ohio
Vice President: Calvin Coolidge



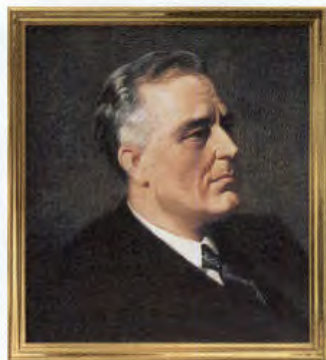
30 CALVIN COOLIDGE

Born: 1872 Died: 1933
Years in Office: 1923–29
Political Party: Republican
Home State: Massachusetts
Vice President: Charles G. Dawes



31 HERBERT HOOVER

Born: 1874 Died: 1964
Years in Office: 1929–33
Political Party: Republican
Home State: California
Vice President: Charles Curtis



32 FRANKLIN D. ROOSEVELT

Born: 1882 Died: 1945
Years in Office: 1933–45
Political Party: Democratic
Home State: New York
Vice Presidents: John Nance Garner,
Henry Wallace, Harry S. Truman



33 HARRY S. TRUMAN

Born: 1884 Died: 1972
Years in Office: 1945–53
Political Party: Democratic
Home State: Missouri
Vice President: Alben W. Barkley



34 DWIGHT D. EISENHOWER

Born: 1890 Died: 1969
Years in Office: 1953–61
Political Party: Republican
Home State: Kansas
Vice President: Richard M. Nixon

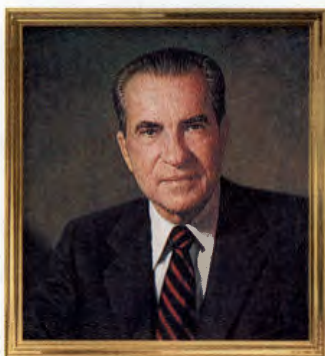


35 JOHN F. KENNEDY

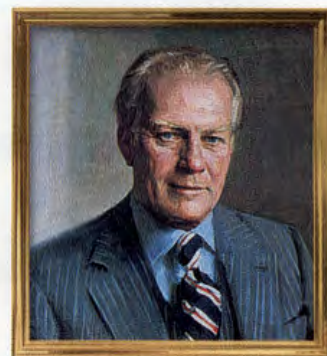
Born: 1917 Died: 1963
Years in Office: 1961–63
Political Party: Democratic
Home State: Massachusetts
Vice President: Lyndon B. Johnson

**36 LYNDON B. JOHNSON**

Born: 1908 Died: 1973
 Years in Office: 1963–69
 Political Party: Democratic
 Home State: Texas
 Vice President: Hubert H. Humphrey

**37 RICHARD M. NIXON**

Born: 1913 Died: 1994
 Years in Office: 1969–74
 Political Party: Republican
 Home State: California
 Vice Presidents: Spiro T. Agnew,
 Gerald R. Ford

**38 GERALD R. FORD**

Born: 1913
 Years in Office: 1974–77
 Political Party: Republican
 Home State: Michigan
 Vice President: Nelson A. Rockefeller

**39 JIMMY CARTER**

Born: 1924
 Years in Office: 1977–81
 Political Party: Democratic
 Home State: Georgia
 Vice President: Walter F. Mondale

**40 RONALD REAGAN**

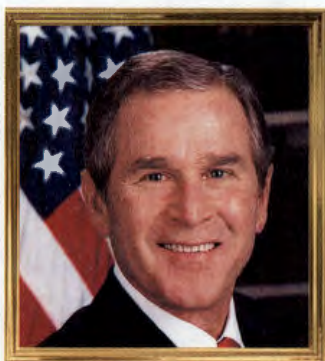
Born: 1911 Died: 2004
 Years in Office: 1981–89
 Political Party: Republican
 Home State: California
 Vice President: George Bush

**41 GEORGE BUSH**

Born: 1924
 Years in Office: 1989–93
 Political Party: Republican
 Home State: Texas
 Vice President: J. Danforth Quayle

**42 BILL CLINTON**

Born: 1946
 Years in Office: 1993–2001
 Political Party: Democratic
 Home State: Arkansas
 Vice President: Albert Gore Jr.

**43 GEORGE W. BUSH**

Born: 1946
 Years in Office: 2001–
 Political Party: Republican
 Home State: Texas
 Vice President: Richard B. Cheney

Facts About the States

State	Year of Statehood	2003 Population	Area (Sq. Mi.)	Population Density (Sq Mi.)	Capital
 Alabama	1819	4,500,752	50,744	88.7	Montgomery
 Alaska	1959	648,818	571,951	1.1	Juneau
 Arizona	1912	5,580,811	113,635	49.1	Phoenix
 Arkansas	1836	2,725,714	52,068	52.3	Little Rock
 California	1850	35,484,453	155,959	227.5	Sacramento
 Colorado	1876	4,550,688	103,718	43.9	Denver
 Connecticut	1788	3,483,372	4,845	719.0	Hartford
 Delaware	1787	817,491	1,954	418.4	Dover
 District of Columbia	—	563,384	61	9,235.8	—
 Florida	1845	17,019,068	53,927	315.6	Tallahassee
 Georgia	1788	8,684,715	57,906	150.0	Atlanta
 Hawaii	1959	1,257,608	6,423	195.8	Honolulu
 Idaho	1890	1,366,332	82,747	16.5	Boise
 Illinois	1818	12,653,544	55,584	227.6	Springfield
 Indiana	1816	6,195,643	35,867	172.7	Indianapolis
 Iowa	1846	2,944,062	55,869	52.7	Des Moines
 Kansas	1861	2,723,507	81,815	33.3	Topeka
 Kentucky	1792	4,117,827	39,728	103.7	Frankfort
 Louisiana	1812	4,496,334	43,562	103.2	Baton Rouge
 Maine	1820	1,305,728	30,862	42.3	Augusta
 Maryland	1788	5,508,909	9,774	563.6	Annapolis
 Massachusetts	1788	6,433,422	7,840	820.6	Boston
 Michigan	1837	10,079,985	56,804	177.5	Lansing
 Minnesota	1858	5,059,375	79,610	63.6	St. Paul

State	Year of Statehood	2003 Population	Area (Sq. Mi.)	Population Density (Sq. Mi.)	Capital
 Mississippi	1817	2,881,281	46,907	61.4	Jackson
 Missouri	1821	5,704,484	68,886	82.8	Jefferson City
 Montana	1889	917,621	145,552	6.3	Helena
 Nebraska	1867	1,739,291	76,872	22.6	Lincoln
 Nevada	1864	2,241,154	109,826	20.4	Carson City
 New Hampshire	1788	1,287,687	8,968	143.6	Concord
 New Jersey	1787	8,638,396	7,417	1,164.7	Trenton
 New Mexico	1912	1,874,614	121,356	15.4	Santa Fe
 New York	1788	19,190,115	47,214	406.4	Albany
 North Carolina	1789	8,407,248	48,711	172.6	Raleigh
 North Dakota	1889	633,837	68,976	9.2	Bismarck
 Ohio	1803	11,435,798	40,948	279.3	Columbus
 Oklahoma	1907	3,511,532	68,667	51.1	Oklahoma City
 Oregon	1859	3,559,596	95,997	37.1	Salem
 Pennsylvania	1787	12,365,455	44,817	275.9	Harrisburg
 Rhode Island	1790	1,076,164	1,045	1,029.8	Providence
 South Carolina	1788	4,147,152	30,109	137.7	Columbia
 South Dakota	1889	764,309	75,885	10.1	Pierre
 Tennessee	1796	5,841,748	41,217	141.7	Nashville
 Texas	1845	22,118,509	261,797	84.5	Austin
 Utah	1896	2,351,467	82,144	28.6	Salt Lake City
 Vermont	1791	619,107	9,250	66.9	Montpelier
 Virginia	1788	7,386,330	39,594	186.6	Richmond
 Washington	1889	6,131,445	66,544	92.1	Olympia
 West Virginia	1863	1,810,354	24,078	75.2	Charleston
 Wisconsin	1848	5,472,299	54,310	100.8	Madison
 Wyoming	1890	501,242	97,100	5.2	Cheyenne

American Flag



The American flag is a symbol of the nation. It is recognized instantly, whether as a big banner waving in the wind or a tiny emblem worn on a lapel. The flag is so important that it is a major theme of the national anthem, "The Star-Spangled Banner." One of the most popular names for the flag is the Stars and Stripes. It is also known as Old Glory.

THE MEANING OF THE FLAG

The American flag has 13 stripes—7 red and 6 white. In the upper-left corner of the flag is the union—50 white five-pointed stars against a blue background.

The 13 stripes stand for the original 13 American states, and the 50 stars represent the states of the nation today. According to the U.S. Department of State, the colors of the flag also are symbolic:

Red stands for courage.

White symbolizes purity.

Blue is the color of vigilance, perseverance, and justice.

DISPLAYING THE FLAG

It is customary not to display the American flag in bad weather. It is also customary for the flag to be displayed outdoors only from sunrise to sunset, except on certain occasions. In a few special places, however, the flag is always flown day and night. When flown at night, the flag should be illuminated.

Near a speaker's platform, the flag should occupy the place of honor at the speaker's right. When carried in a parade with other flags, the American flag should be on the marching right or in front at the center. When flying with the flags of the 50 states, the national flag must be at the center and the highest point. In a group of national flags, all should be of equal size and all should be flown from staffs, or flagpoles, of equal height.

The flag should never touch the ground or the floor. It should not be marked with any insignia, pictures, or words. Nor should it be used in any disrespectful way—as an advertising decoration, for instance. The flag should never be dipped to honor any person or thing.

SALUTING THE FLAG

The United States, like other countries, has a flag code, or rules for displaying and honoring the flag. For example, all those present should stand at attention facing the flag and salute it when it is being raised or lowered or when it is carried past them in a parade or procession. A man wearing a hat should take it off and hold it with his right hand over his heart. All women and hatless men should stand with their right hands over their hearts to show their respect for the flag. The flag should also receive these honors during the playing of the national anthem and the reciting of the Pledge of Allegiance.

THE PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was written in 1892 by Massachusetts magazine (*Youth's Companion*) editor Francis Bellamy. (Congress added the words "under God" in 1954.)

I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Civilians should say the Pledge of Allegiance with their right hands placed over their hearts. People in the armed forces give the military salute. By saying the Pledge of Allegiance, we promise loyalty ("pledge allegiance") to the United States and its ideals.

"THE STAR-SPANGLED BANNER"

"The Star-Spangled Banner" is the national anthem of the United States. It was written by Francis Scott Key during the War of 1812. While being detained by the British aboard a ship on September 13–14, 1814, Key watched the British bombardment of Fort McHenry at Baltimore. The attack lasted 25 hours. The smoke was so thick that Key could not tell who had won. When the air cleared, Key saw the American flag that was still flying over the fort. "The Star-Spangled Banner" is sung to music written by British composer John Stafford Smith. In 1931 Congress designated "The Star-Spangled Banner" as the national anthem.

I

Oh, say, can you see, by the dawn's early light,
What so proudly we hailed at the twilight's last gleaming,
Whose broad stripes and bright stars through the perilous fight,
O'er the ramparts we watched were so gallantly streaming?
And the rockets' red glare, the bombs bursting in air,
Gave proof through the night that our flag was still there.
Oh, say, does that star-spangled banner yet wave
O'er the land of the free, and the home of the brave?

II

On the shore, dimly seen through the mists of the deep,
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, half conceals, half discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected, now shines on the stream.
'Tis the star-spangled banner; oh, long may it wave
O'er the land of the free, and the home of the brave!

III

And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has washed out their foul footsteps' pollution.
No refuge could save the hireling and slave
From the terror of flight, or the gloom of the grave:
And the star-spangled banner in triumph doth wave
O'er the land of the free, and the home of the brave!

IV

Oh! thus be it ever when freemen shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heaven-rescued land
Praise the Power that hath made and preserved us a nation!
Then conquer we must, for our cause it is just,
And this be our motto: "In God is our trust!"
And the star-spangled banner in triumph shall wave,
O'er the land of the free, and the home of the brave!



Sheet music to the national anthem

"AMERICA, THE BEAUTIFUL"

One of the most beloved songs celebrating our nation is "America, the Beautiful." Katharine Lee Bates first wrote the lyrics to the song in 1893 after visiting Colorado. The version of the song we know today is set to music by Samuel A. Ward. The first and last stanzas of "America, the Beautiful" are shown below.

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee
And crown thy good with brotherhood
From sea to shining sea!

O beautiful for patriot dream
That sees beyond the years
Thine alabaster cities gleam
Undimmed by human tears!
America! America!
God shed his grace on thee
And crown thy good with brotherhood
From sea to shining sea!

Supreme Court Decisions

Marbury v. Madison, (1803)

Significance: This ruling established the Supreme Court's power of judicial review, by which the Court decides whether laws passed by Congress are constitutional. This decision greatly increased the prestige of the Court and gave the judiciary branch a powerful check against the legislative and executive branches.

Background: William Marbury and several others were commissioned as judges by Federalist president John Adams during his last days in office. This act angered the new Democratic-Republican president, Thomas Jefferson. Jefferson ordered his secretary of state, James Madison, not to deliver the commissions. Marbury took advantage of a section in the Judiciary Act of 1789 that allowed him to take his case directly to the Supreme Court. He sued Madison, demanding the commission and the judgeship.

Decision: This case was decided on February 24, 1803, by a vote of 5 to 0. Chief Justice John Marshall spoke for the Court, which decided against Marbury. The court ruled that although Marbury's commission had been unfairly withheld, he could not lawfully take his case to the Supreme Court without first trying it in a lower court. Marshall said that the section of the Judiciary Act that Marbury had used was actually unconstitutional, and that the Constitution must take priority over laws passed by Congress.

McCulloch v. Maryland, (1819)

Significance: This ruling established that Congress had the constitutional power to charter a national bank. The case also established the principle of national supremacy, which states that the Constitution and other laws of the federal government take priority over state laws. In addition, the ruling reinforced the loose construction interpretation of the Constitution favored by many Federalists.

Background: In 1816 the federal government set up the Second Bank of the United States to stabilize the economy following the War of 1812. Many states were opposed to the competition provided by the new national bank. Some of these states passed heavy taxes on the Bank. The national bank refused to pay the taxes. This led the state of Maryland to sue

James McCulloch, the cashier of the Baltimore, Maryland, branch of the national bank.

Decision: This case was decided on March 6, 1819, by a vote of 7 to 0. Chief Justice John Marshall spoke for the unanimous Court, which ruled that the national bank was constitutional because it helped the federal government carry out other powers granted to it by the Constitution. The Court declared that any attempt by the states to interfere with the duties of the federal government could not be permitted.

Gibbons v. Ogden, (1824)

Significance: This ruling was the first case to deal with the clause of the Constitution that allows Congress to regulate interstate and foreign commerce. This case was important because it reinforced both the authority of the federal government over the states and the division of powers between the federal government and the state governments.

Background: Steamboat operators who wanted to travel on New York waters had to obtain a state license. Thomas Gibbons had a federal license to travel along the coast, but not a state license for New York. He wanted the freedom to compete with state-licensed Aaron Ogden for steam travel between New Jersey and the New York island of Manhattan.

Decision: This case was decided on March 2, 1824, by a vote of 6 to 0. Chief Justice John Marshall spoke for the Court, which ruled in favor of Gibbons. The Court stated that the congressional statute (Gibbons's federal license) took priority over the state statute (Ogden's state-monopoly license). The ruling also defined commerce as more than simply the exchange of goods, broadening it to include the transportation of people and the use of new inventions (such as the steamboat).

Worcester v. Georgia, (1832)

Significance: This ruling made Georgia's removal of the Cherokee illegal. However, Georgia, with President Andrew Jackson's support, defied the Court's decision. By not enforcing the Court's ruling, Jackson violated his constitutional oath as president. As a result, the Cherokee and other American Indian tribes continued to be forced off of lands protected by treaties.



Supreme Court Building, Washington, D. C.

Background: The state of Georgia wanted to remove Cherokee Indians from lands they held by treaty. Samuel Worcester, a missionary who worked with the Cherokee Nation, was arrested for failing to take an oath of allegiance to the state and to obey a Georgia militia order to leave the Cherokee's lands. Worcester sued, charging that Georgia had no legal authority on Cherokee lands.

Decision: This case was decided on March 3, 1832, by a vote of 5 to 1 in favor of Worcester. Chief Justice John Marshall spoke for the Supreme Court, which ruled that the Cherokee were an independent political community. The Court decided that only the federal government, not the state of Georgia, had authority over legal matters involving the Cherokee people.

Scott v. Sandford, (1857)

Significance: This ruling denied enslaved African Americans U.S. citizenship and the right to sue in federal court. The decision also invalidated the Missouri Compromise, which had prevented slavery in territories north of the 36° 30' line of latitude. The ruling increased the controversy over the expansion of slavery in new states and territories.

Background: John Emerson, an army doctor, took his slave Dred Scott with him to live in Illinois and then Wisconsin Territory, both of which had banned slavery. In 1842 the two moved to Missouri, a slave state. Four years later, Scott sued for

his freedom according to a Missouri legal principle of "once free, always free." The principle meant that a slave was entitled to freedom if he or she had once lived in a free state or territory.

Decision: This case was decided March 6–7, 1857, by a vote of 7 to 2. Chief Justice Roger B. Taney spoke for the Court, which ruled that slaves did not have the right to sue in federal courts because they were considered property, not citizens. In addition, the Court ruled that Congress did not have the power to abolish slavery in territories because that power was not strictly defined in the Constitution. Furthermore, the Court overturned the once-free, always-free principle.

Plessy v. Ferguson, (1896)

Significance: This case upheld the constitutionality of racial segregation by ruling that separate facilities for different races were legal as long as those facilities were equal to one another. This case provided a legal justification for racial segregation for nearly 60 years until it was overturned by *Brown v. Board of Education* in 1954.

Background: An 1890 Louisiana law required that all railway companies in the state use "separate-but-equal" railcars for white and African American passengers. A group of citizens in New Orleans banded together to challenge the law and chose Homer Plessy to test the law in 1892. Plessy took a seat in a whites-only coach, and when he refused



Justice Scalia



Justice Ginsberg



Justice Souter



Justice Roberts



Justice Alito

to move, he was arrested. Plessy eventually sought review by the U.S. Supreme Court, claiming that the Louisiana law violated his Fourteenth Amendment right to equal protection.

Decision: This case was decided on May 18, 1896, by a vote of 7 to 1. Justice Henry Billings Brown spoke for the Court, which upheld the constitutionality of the Louisiana law that segregated railcars. Justice John M. Harlan dissented, arguing that the Constitution should not be interpreted in ways that recognize class or racial distinctions.

Lochner v. New York, (1905)

Significance: This decision established the Supreme Court's role in overseeing state regulations. For more than 30 years *Lochner* was often used as a precedent in striking down state laws such as minimum-wage laws, child labor laws, and regulations placed on the banking and transportation industries.

Background: In 1895 the state of New York passed a labor law limiting bakers to working no more than 10 hours per day or 60 hours per week. The purpose of the law was to protect the health of bakers, who worked in hot and damp conditions and breathed in large quantities of flour dust. In 1902 Joseph Lochner, the owner of a small bakery in New York, claimed that the state law violated his Fourteenth Amendment rights by unfairly depriving him of the liberty to make contracts with employees. This case went to the U.S. Supreme Court.

Decision: This case was decided on April 17, 1905, by a vote of 5 to 4 in favor of Lochner. The Supreme Court judged that the Fourteenth Amendment protected the right to sell and buy labor, and that any state law restricting that right was unconstitutional. The Court rejected the

argument that the limited workday and workweek were necessary to protect the health of bakery workers.

Muller v. Oregon, (1908)

Significance: A landmark for cases involving social reform, this decision established the Court's recognition of social and economic conditions (in this case, women's health) as a factor in making laws.

Background: In 1903 Oregon passed a law limiting workdays to 10 hours for female workers in laundries and factories. In 1905 Curt Muller's Grand Laundry was found guilty of breaking this law. Muller appealed, claiming that the state law violated his freedom of contract (the Supreme Court had upheld a similar claim that year in *Lochner v. New York*). When this case came to the Court, the National Consumers' League hired lawyer Louis D. Brandeis to present Oregon's argument. Brandeis argued that the Court had already defended the state's police power to protect its citizens' health, safety, and welfare.

Decision: This case was decided on February 24, 1908, by a vote of 9 to 0 upholding the Oregon law. The Court agreed that women's well-being was in the state's public interest and that the 10-hour law was a valid way to protect their well-being.

Korematsu v. U.S., (1944)

Significance: This case addressed the question of whether government action that treats a racial group differently from other people violates the Equal Protection Clause of the Fourteenth Amendment. The ruling in the case held that distinctions based on race are "inherently suspect," and that laws and rules based on race must withstand "strict scrutiny" by the courts.



Justice Stevens



Justice Breyer



Justice Thomas



Justice Kennedy

Background: When the United States declared war on Japan in 1941, about 112,000 Japanese-Americans lived on the West Coast. About 70,000 of these Japanese-Americans were citizens. In 1942, the U.S. military was afraid that these people could not be trusted in wartime. They ordered most of the Japanese-Americans to move to special camps far from their homes. Fred Korematsu, a Japanese-American and an American citizen, did not go to the camps as ordered. He stayed in California and was arrested. He was sent to a camp in Utah. Korematsu then sued, claiming that the government acted illegally when it sent people of Japanese descent to camps.

Decision: By a 6-3 margin, the Supreme Court said the orders moving the Japanese-Americans into the camps were constitutional. Justice Hugo Black wrote the opinion for the Court. He said that the unusual demands of wartime security justified the orders. However, he made it clear that distinctions based on race are “inherently suspect,” and that laws based on race must withstand “strict scrutiny” by the courts. Justice Robert H. Jackson dissented; he wrote that Korematsu was “convicted of an act not commonly a crime ... being present in the state [where] he is a citizen, near where he was born, and where all his life he has lived.” Justice Frank Murphy, another dissenter, said the military order was based on racial prejudice. Though the case went against the Japanese, the Court still applies the “strict scrutiny” standard today to cases involving race and other groups.

Brown v. Board of Education, (1954)

Significance: This ruling reversed the Supreme Court’s earlier position on segregation set by *Plessy v. Ferguson* (1896). The decision also inspired Congress and the federal courts to help carry out further civil rights reforms for African Americans.

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Decision: This case was decided on May 17, 1954, by a vote of 9 to 0. Chief Justice Earl Warren spoke for the unanimous Court, which ruled that segregation in public education created inequality. The Court held that racial segregation in public schools was by nature unequal, even if the school facilities were equal. The Court noted that such segregation created feelings of inferiority that could not be undone. Therefore, enforced separation of the races in public education is unconstitutional.

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Significance: The case deals with the specific issue of organized prayer in schools and the broader issue of the proper relationship between government and religion under the First Amendment. The question in the case was whether a state violates the First Amendment when it composes a prayer that students must say at the beginning of each school day. This decision was—and still is—very controversial. Many people felt it was against religion. Attempts have been made to change the Constitution to permit prayer, but none have been successful.

Background: The state of New York recommended that public schools in the state begin the day by having students recite a prayer. In fact, the state wrote the prayer for students to say. A group of parents sued to stop the official prayer, saying that it was contrary to their beliefs and their children’s beliefs. They said the law was unconstitutional.



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The parents argued that the state prayer amounted to “establishing” (officially supporting) religion. Though students were permitted to remain silent, the parents claimed that there would always be pressure on students to pray. New York replied that no one was forced to pray, and that it didn’t involve spending any tax dollars and it didn’t establish religion.

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help for those who cannot otherwise afford representation in court.

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Tinker v. Des Moines Independent Community School District, (1969)

Significance: This ruling established the extent to which American public school students can take part in political protests in their schools. The question the case raised is, under the First Amendment, can school officials prohibit students from wearing armbands to symbolize political protest?

Background: Some students in Des Moines, Iowa, decided to wear black armbands to protest the Vietnam War. Two days before the protest, the school board created a new policy. The policy stated that any student who wore an armband to school and refused to remove it would be suspended. Three students wore armbands and were suspended. They said that their First Amendment right to freedom of speech had been violated. In 1969, the United States Supreme Court decided their case.

The Decision By a 7-2 margin, the Court agreed with the students. Justice Abe Fortas wrote for the majority. He said that students do not "shed their constitutional rights to freedom of speech...at the schoolhouse gate." Fortas admitted that school officials had the right to set rules. However, their rules must be consistent with the First Amendment.

In this case, Des Moines school officials thought their rule was justified. They feared that the protest would disrupt learning. Fortas's opinion held that wearing an armband symbolizing political protest was a form of speech called symbolic speech. Symbolic speech is conduct that expresses an idea. Even though the protest did not involve spoken words, called pure speech, it did express an opinion. This expression is protected the same as pure speech is. Fortas wrote that student symbolic speech could be punished, but only if it really disrupts education. Fortas also noted that school officials allowed other political symbols, such as campaign buttons, to be worn in school.

Reed v. Reed, (1971)

Significance: This ruling was the first in a century of Fourteenth Amendment decisions to say that gender discrimination violated the equal protection clause. This case was later used to strike down other statutes that discriminated against women.

Background: Cecil and Sally Reed were separated. When their son died without a will, the law gave preference to Cecil to be appointed the administrator of the son's estate. Sally sued Cecil for the right to administer the estate, challenging the gender preference in the law.

Decision: This case was decided on November 22, 1971, by a vote of 7 to 0. Chief Justice Warren Burger spoke for the unanimous Supreme Court. Although the Court had upheld laws based on gender preference in the past, in this case it reversed its position. The Court declared that gender discrimination violated the equal protection clause of the Fourteenth Amendment and therefore could not be the basis for a law.

Texas v. Johnson, (1989)

Significance: This ruling answered the question of whether the First Amendment protects burning the U.S. flag as a form of symbolic speech. It deals with the limits of symbolic speech. This case is particularly important because it involves burning the flag, one of our national symbols.

Background: At the 1984 Republican National Convention in Texas, Gregory Lee Johnson doused a U.S. flag with kerosene. He did this during a demonstration, as a form of protest. Johnson was convicted of violating a Texas law that made it a crime to desecrate [treat disrespectfully] the national flag. He was sentenced to one year in

prison and fined \$2,000. The Texas Court of Criminal Appeals reversed the conviction because, it said, Johnson's burning of the flag was a form of symbolic speech protected by the First Amendment. Texas then appealed to the U.S. Supreme Court.

Decision: The Court ruled for Johnson, five to four. Justice William Brennan wrote for the majority. He said that Johnson was within his constitutional rights when he burned the U.S. flag in protest. As in *Tinker v. Des Moines Independent Community School District* (1969), the Court looked at the First Amendment and "symbolic speech." Brennan concluded that Johnson's burning the flag was a form of symbolic speech—like the students wearing arm-bands in Des Moines—and is protected by the First Amendment. According to Brennan, "Government may not prohibit the expression of an idea [because it is] offensive." Chief Justice Rehnquist dissented. He said the flag is "the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas." Since this decision, several amendments banning flag burning have been proposed in Congress, but so far all have failed.

Bush v. Gore, (2000)

Significance: In effect, the Supreme Court picked which candidate was the next President of the United States. The question before the court was whether ballots that could not be read by voting machines should be recounted by hand. The broader issues were whether the Supreme Court can overrule state court decisions on state laws, and whether an appointed judiciary can affect the result of democratic elections.

Background: The 2000 Presidential election between Democrat Gore and Republican Bush was very close. Who would be president would be determined by votes in the state of Florida. People in Florida voted by punching a hole in a ballot card. The votes were counted by a machine that detected these holes. According to that count, Bush won the state of Florida by a few hundred votes. Florida's Election Commission declared that Bush had won Florida. However, about 60,000 ballots were not counted because the machines could not detect a hole in the ballot. Gore argued in the Florida Supreme Court that these votes should be recounted by hand. The Florida Supreme Court ordered

counties to recount all those votes. Bush appealed to the United States Supreme Court, which issued an order to stop the recounts while it made a decision.

The Decision: On December 12, 2000, the Supreme Court voted 5–4 to end the hand recount of votes ordered by the Florida Supreme Court. The majority said that the Florida Supreme Court had ordered a recount without setting standards for what was a valid vote. Different vote-counters might use different standards. The Court said that this inconsistency meant that votes were treated *arbitrarily* (based on a person's choice rather than on standards). This arbitrariness, said the Court, violated the Due Process Clause and the Equal Protection Clause of the Constitution. Also, the justices said that Florida law required the vote count to be finalized by December 12. The justices said that rules for recounts could not be made by that date, so they ordered election officials to stop re-counting votes.

Gratz v. Bollinger and Grutter v. Bollinger (2003)

Significance: These cases considered whether a university violates the Constitution by using race as a factor for admitting students to its undergraduate school and its law school. The ruling affects use of affirmative action programs in higher education. The decisions gave colleges guidelines as to what is permitted and what is not. The decisions were limited to higher education and may not apply to other affirmative action programs such as getting a job or a government contract.

Background Jennifer Gratz and Barbara Grutter are both white. They challenged the University of Michigan's affirmative action admissions policies. Gratz said that the university violated the Constitution by considering race as a factor in its *undergraduate* admissions programs. Grutter claimed that the University of Michigan Law School also did so.

Decisions In *Gratz*, the Court ruled 6-3 that the undergraduate program—which gave each minority applicant an automatic 20 points toward admission—was unconstitutional. Chief Justice Rehnquist's opinion held that the policy violated the Equal Protection Clause because it did not consider each applicant individually. "The ... automatic distribution of 20 points has the effect of making 'the factor of race ... decisive' for virtually every minimally qualified underrepresented minority applicant." It was almost an automatic preference based on the minority status of the applicant. The result was different when the Court

turned to the affirmative action policy of Michigan's Law School, which used race as one factor for admission. In *Grutter*, by a 5-4 margin, the Court held that this policy did not violate the Equal Protection Clause. Justice O'Connor wrote for the majority. "Truly individualized consideration demands that race be used in a flexible, nonmechanical way.... Universities can...consider race or ethnicity...as a 'plus' factor [when individually considering] each and every applicant." Thus, the law school policy was constitutional.

United States v. American Library Association, (2003)

Significance: This case deals with the constitutionality of a federal law called the Children's Internet Protection Act (CIPA). The law was designed to protect children from being exposed to pornographic Web sites while using computers in public libraries. The question before the court was does a public library violate the First Amendment by installing Internet filtering software on its public computers?

Background: The law, CIPA, applies to public libraries that accept federal money to help pay for Internet access. These libraries must install filtering software to block pornographic images. Some library associations sued to block these filtering requirements. They argued that by linking money and filters, the law required public libraries to violate the First Amendment's guarantees of free speech. The libraries argued that filters block some non-pornographic sites along with pornographic ones. That, they said, violates library patrons' First Amendment rights. CIPA does allow anyone to ask a librarian to unblock a specific website. It also allows adults to ask that the filter be turned off altogether. But, the libraries argued, people using the library would find these remedies embarrassing and impractical.

Decision: In this case, Chief Justice Rehnquist authored a plurality opinion. He explained that the law does not require any library to accept federal money. A library can choose to do without federal money. If the library makes that choice, they don't have to install Internet filters. And Rehnquist didn't think that filtering software's tendency to overblock non-pornographic sites was a constitutional problem. Adult patrons could simply ask a librarian to unblock a blocked site, or they could have the filter disabled entirely.

The Dissents: Justice Stevens viewed CIPA "as a blunt nationwide restraint on adult access to an

enormous amount of valuable" and often constitutionally protected speech. Justice Souter noted that he would have joined the plurality if the First Amendment interests raised in this case were those of children rather than those of adults.

Hamdi v. Rumsfeld and Rasul v. Bush, (2004)

Significance These cases addressed the balance between the government's powers to fight terrorism and the Constitution's promise of due process. Each case raised slightly different questions:

1. Can the government hold American citizens for an indefinite period as "enemy combatants" and not permit them access to American courts, and
2. Do foreigners captured overseas and jailed at Guantánamo Bay, Cuba, have the right to ask American courts to decide if they are being held legally?

Background Detaining American Citizens: In *Hamdi v. Rumsfeld*, Yaser Hamdi, an American citizen, was captured in Afghanistan in 2001. The U.S. military said Hamdi was an enemy combatant and claimed that "it has the authority to hold ... enemy combatants captured on the battlefield ... to prevent them from returning to the battle." Hamdi's attorney said that Hamdi deserved the due process rights that other Americans have, including a hearing in court to argue that he was not an enemy combatant.

Detaining Foreigners at Guantánamo Bay: The prisoners in *Rasul v. Bush* also claimed they were wrongly imprisoned. They wanted a court hearing, but Guantánamo Bay Naval Base is on Cuban soil. Cuba leases the base to the U.S. In an earlier case, the Court had ruled that "if an alien is outside the country's sovereign territory, then ... the alien is not permitted access to the courts of the United States to enforce the Constitution."

Decisions: In *Hamdi*, the Court ruled 6-3 that Hamdi had a right to a hearing. Justice O'Connor wrote that the Court has "made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens." The government decided not to prosecute Hamdi. In *Rasul*, also decided 6-3, Justice Stevens wrote that the prisoners had been held for more than two years in territory that the U.S. controls. Thus, even though the prisoners are not on U.S. soil, they can ask U.S. courts if their detention is legal. The *Rasul* cases were still pending when this book was printed.

Supreme Court Decisions

Marbury v. Madison, (1803)

Significance: This ruling established the Supreme Court's power of judicial review, by which the Court decides whether laws passed by Congress are constitutional. This decision greatly increased the prestige of the Court and gave the judiciary branch a powerful check against the legislative and executive branches.

Background: William Marbury and several others were commissioned as judges by Federalist president John Adams during his last days in office. This act angered the new Democratic-Republican president, Thomas Jefferson. Jefferson ordered his secretary of state, James Madison, not to deliver the commissions. Marbury took advantage of a section in the Judiciary Act of 1789 that allowed him to take his case directly to the Supreme Court. He sued Madison, demanding the commission and the judgeship.

Decision: This case was decided on February 24, 1803, by a vote of 5 to 0. Chief Justice John Marshall spoke for the Court, which decided against Marbury. The court ruled that although Marbury's commission had been unfairly withheld, he could not lawfully take his case to the Supreme Court without first trying it in a lower court. Marshall said that the section of the Judiciary Act that Marbury had used was actually unconstitutional, and that the Constitution must take priority over laws passed by Congress.

McCulloch v. Maryland, (1819)

Significance: This ruling established that Congress had the constitutional power to charter a national bank. The case also established the principle of national supremacy, which states that the Constitution and other laws of the federal government take priority over state laws. In addition, the ruling reinforced the loose construction interpretation of the Constitution favored by many Federalists.

Background: In 1816 the federal government set up the Second Bank of the United States to stabilize the economy following the War of 1812. Many states were opposed to the competition provided by the new national bank. Some of these states passed heavy taxes on the Bank. The national bank refused to pay the taxes. This led the state of Maryland to sue

James McCulloch, the cashier of the Baltimore, Maryland, branch of the national bank.

Decision: This case was decided on March 6, 1819, by a vote of 7 to 0. Chief Justice John Marshall spoke for the unanimous Court, which ruled that the national bank was constitutional because it helped the federal government carry out other powers granted to it by the Constitution. The Court declared that any attempt by the states to interfere with the duties of the federal government could not be permitted.

Gibbons v. Ogden, (1824)

Significance: This ruling was the first case to deal with the clause of the Constitution that allows Congress to regulate interstate and foreign commerce. This case was important because it reinforced both the authority of the federal government over the states and the division of powers between the federal government and the state governments.

Background: Steamboat operators who wanted to travel on New York waters had to obtain a state license. Thomas Gibbons had a federal license to travel along the coast, but not a state license for New York. He wanted the freedom to compete with state-licensed Aaron Ogden for steam travel between New Jersey and the New York island of Manhattan.

Decision: This case was decided on March 2, 1824, by a vote of 6 to 0. Chief Justice John Marshall spoke for the Court, which ruled in favor of Gibbons. The Court stated that the congressional statute (Gibbons's federal license) took priority over the state statute (Ogden's state-monopoly license). The ruling also defined commerce as more than simply the exchange of goods, broadening it to include the transportation of people and the use of new inventions (such as the steamboat).

Worcester v. Georgia, (1832)

Significance: This ruling made Georgia's removal of the Cherokee illegal. However, Georgia, with President Andrew Jackson's support, defied the Court's decision. By not enforcing the Court's ruling, Jackson violated his constitutional oath as president. As a result, the Cherokee and other American Indian tribes continued to be forced off of lands protected by treaties.



Supreme Court Building, Washington, D. C.

Background: The state of Georgia wanted to remove Cherokee Indians from lands they held by treaty. Samuel Worcester, a missionary who worked with the Cherokee Nation, was arrested for failing to take an oath of allegiance to the state and to obey a Georgia militia order to leave the Cherokee's lands. Worcester sued, charging that Georgia had no legal authority on Cherokee lands.

Decision: This case was decided on March 3, 1832, by a vote of 5 to 1 in favor of Worcester. Chief Justice John Marshall spoke for the Supreme Court, which ruled that the Cherokee were an independent political community. The Court decided that only the federal government, not the state of Georgia, had authority over legal matters involving the Cherokee people.

Scott v. Sandford, (1857)

Significance: This ruling denied enslaved African Americans U.S. citizenship and the right to sue in federal court. The decision also invalidated the Missouri Compromise, which had prevented slavery in territories north of the 36° 30' line of latitude. The ruling increased the controversy over the expansion of slavery in new states and territories.

Background: John Emerson, an army doctor, took his slave Dred Scott with him to live in Illinois and then Wisconsin Territory, both of which had banned slavery. In 1842 the two moved to Missouri, a slave state. Four years later, Scott sued for

his freedom according to a Missouri legal principle of "once free, always free." The principle meant that a slave was entitled to freedom if he or she had once lived in a free state or territory.

Decision: This case was decided March 6–7, 1857, by a vote of 7 to 2. Chief Justice Roger B. Taney spoke for the Court, which ruled that slaves did not have the right to sue in federal courts because they were considered property, not citizens. In addition, the Court ruled that Congress did not have the power to abolish slavery in territories because that power was not strictly defined in the Constitution. Furthermore, the Court overturned the once-free, always-free principle.

Plessy v. Ferguson, (1896)

Significance: This case upheld the constitutionality of racial segregation by ruling that separate facilities for different races were legal as long as those facilities were equal to one another. This case provided a legal justification for racial segregation for nearly 60 years until it was overturned by *Brown v. Board of Education* in 1954.

Background: An 1890 Louisiana law required that all railway companies in the state use "separate-but-equal" railcars for white and African American passengers. A group of citizens in New Orleans banded together to challenge the law and chose Homer Plessy to test the law in 1892. Plessy took a seat in a whites-only coach, and when he refused



Justice Scalia



Justice Ginsberg



Justice Souter



Justice Roberts



Justice Alito

to move, he was arrested. Plessy eventually sought review by the U.S. Supreme Court, claiming that the Louisiana law violated his Fourteenth Amendment right to equal protection.

Decision: This case was decided on May 18, 1896, by a vote of 7 to 1. Justice Henry Billings Brown spoke for the Court, which upheld the constitutionality of the Louisiana law that segregated railcars. Justice John M. Harlan dissented, arguing that the Constitution should not be interpreted in ways that recognize class or racial distinctions.

Lochner v. New York, (1905)

Significance: This decision established the Supreme Court's role in overseeing state regulations. For more than 30 years *Lochner* was often used as a precedent in striking down state laws such as minimum-wage laws, child labor laws, and regulations placed on the banking and transportation industries.

Background: In 1895 the state of New York passed a labor law limiting bakers to working no more than 10 hours per day or 60 hours per week. The purpose of the law was to protect the health of bakers, who worked in hot and damp conditions and breathed in large quantities of flour dust. In 1902 Joseph Lochner, the owner of a small bakery in New York, claimed that the state law violated his Fourteenth Amendment rights by unfairly depriving him of the liberty to make contracts with employees. This case went to the U.S. Supreme Court.

Decision: This case was decided on April 17, 1905, by a vote of 5 to 4 in favor of Lochner. The Supreme Court judged that the Fourteenth Amendment protected the right to sell and buy labor, and that any state law restricting that right was unconstitutional. The Court rejected the

argument that the limited workday and workweek were necessary to protect the health of bakery workers.

Muller v. Oregon, (1908)

Significance: A landmark for cases involving social reform, this decision established the Court's recognition of social and economic conditions (in this case, women's health) as a factor in making laws.

Background: In 1903 Oregon passed a law limiting workdays to 10 hours for female workers in laundries and factories. In 1905 Curt Muller's Grand Laundry was found guilty of breaking this law. Muller appealed, claiming that the state law violated his freedom of contract (the Supreme Court had upheld a similar claim that year in *Lochner v. New York*). When this case came to the Court, the National Consumers' League hired lawyer Louis D. Brandeis to present Oregon's argument. Brandeis argued that the Court had already defended the state's police power to protect its citizens' health, safety, and welfare.

Decision: This case was decided on February 24, 1908, by a vote of 9 to 0 upholding the Oregon law. The Court agreed that women's well-being was in the state's public interest and that the 10-hour law was a valid way to protect their well-being.

Korematsu v. U.S., (1944)

Significance: This case addressed the question of whether government action that treats a racial group differently from other people violates the Equal Protection Clause of the Fourteenth Amendment. The ruling in the case held that distinctions based on race are "inherently suspect," and that laws and rules based on race must withstand "strict scrutiny" by the courts.



Justice Stevens



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Background: Some students in Des Moines, Iowa, decided to wear black armbands to protest the Vietnam War. Two days before the protest, the school board created a new policy. The policy stated that any student who wore an armband to school and refused to remove it would be suspended. Three students wore armbands and were suspended. They said that their First Amendment right to freedom of speech had been violated. In 1969, the United States Supreme Court decided their case.

The Decision By a 7-2 margin, the Court agreed with the students. Justice Abe Fortas wrote for the majority. He said that students do not "shed their constitutional rights to freedom of speech...at the schoolhouse gate." Fortas admitted that school officials had the right to set rules. However, their rules must be consistent with the First Amendment.

In this case, Des Moines school officials thought their rule was justified. They feared that the protest would disrupt learning. Fortas's opinion held that wearing an armband symbolizing political protest was a form of speech called symbolic speech. Symbolic speech is conduct that expresses an idea. Even though the protest did not involve spoken words, called pure speech, it did express an opinion. This expression is protected the same as pure speech is. Fortas wrote that student symbolic speech could be punished, but only if it really disrupts education. Fortas also noted that school officials allowed other political symbols, such as campaign buttons, to be worn in school.

Reed v. Reed, (1971)

Significance: This ruling was the first in a century of Fourteenth Amendment decisions to say that gender discrimination violated the equal protection clause. This case was later used to strike down other statutes that discriminated against women.

Background: Cecil and Sally Reed were separated. When their son died without a will, the law gave preference to Cecil to be appointed the administrator of the son's estate. Sally sued Cecil for the right to administer the estate, challenging the gender preference in the law.

Decision: This case was decided on November 22, 1971, by a vote of 7 to 0. Chief Justice Warren Burger spoke for the unanimous Supreme Court. Although the Court had upheld laws based on gender preference in the past, in this case it reversed its position. The Court declared that gender discrimination violated the equal protection clause of the Fourteenth Amendment and therefore could not be the basis for a law.

Texas v. Johnson, (1989)

Significance: This ruling answered the question of whether the First Amendment protects burning the U.S. flag as a form of symbolic speech. It deals with the limits of symbolic speech. This case is particularly important because it involves burning the flag, one of our national symbols.

Background: At the 1984 Republican National Convention in Texas, Gregory Lee Johnson doused a U.S. flag with kerosene. He did this during a demonstration, as a form of protest. Johnson was convicted of violating a Texas law that made it a crime to desecrate [treat disrespectfully] the national flag. He was sentenced to one year in

prison and fined \$2,000. The Texas Court of Criminal Appeals reversed the conviction because, it said, Johnson's burning of the flag was a form of symbolic speech protected by the First Amendment. Texas then appealed to the U.S. Supreme Court.

Decision: The Court ruled for Johnson, five to four. Justice William Brennan wrote for the majority. He said that Johnson was within his constitutional rights when he burned the U.S. flag in protest. As in *Tinker v. Des Moines Independent Community School District* (1969), the Court looked at the First Amendment and "symbolic speech." Brennan concluded that Johnson's burning the flag was a form of symbolic speech—like the students wearing arm-bands in Des Moines—and is protected by the First Amendment. According to Brennan, "Government may not prohibit the expression of an idea [because it is] offensive." Chief Justice Rehnquist dissented. He said the flag is "the visible symbol embodying our Nation. It does not represent the views of any particular political party, and it does not represent any particular political philosophy. The flag is not simply another 'idea' or 'point of view' competing for recognition in the marketplace of ideas." Since this decision, several amendments banning flag burning have been proposed in Congress, but so far all have failed.

Bush v. Gore, (2000)

Significance: In effect, the Supreme Court picked which candidate was the next President of the United States. The question before the court was whether ballots that could not be read by voting machines should be recounted by hand. The broader issues were whether the Supreme Court can overrule state court decisions on state laws, and whether an appointed judiciary can affect the result of democratic elections.

Background: The 2000 Presidential election between Democrat Gore and Republican Bush was very close. Who would be president would be determined by votes in the state of Florida. People in Florida voted by punching a hole in a ballot card. The votes were counted by a machine that detected these holes. According to that count, Bush won the state of Florida by a few hundred votes. Florida's Election Commission declared that Bush had won Florida. However, about 60,000 ballots were not counted because the machines could not detect a hole in the ballot. Gore argued in the Florida Supreme Court that these votes should be recounted by hand. The Florida Supreme Court ordered

counties to recount all those votes. Bush appealed to the United States Supreme Court, which issued an order to stop the recounts while it made a decision.

The Decision: On December 12, 2000, the Supreme Court voted 5–4 to end the hand recount of votes ordered by the Florida Supreme Court. The majority said that the Florida Supreme Court had ordered a recount without setting standards for what was a valid vote. Different vote-counters might use different standards. The Court said that this inconsistency meant that votes were treated *arbitrarily* (based on a person's choice rather than on standards). This arbitrariness, said the Court, violated the Due Process Clause and the Equal Protection Clause of the Constitution. Also, the justices said that Florida law required the vote count to be finalized by December 12. The justices said that rules for recounts could not be made by that date, so they ordered election officials to stop re-counting votes.

Gratz v. Bollinger and Grutter v. Bollinger (2003)

Significance: These cases considered whether a university violates the Constitution by using race as a factor for admitting students to its undergraduate school and its law school. The ruling affects use of affirmative action programs in higher education. The decisions gave colleges guidelines as to what is permitted and what is not. The decisions were limited to higher education and may not apply to other affirmative action programs such as getting a job or a government contract.

Background Jennifer Gratz and Barbara Grutter are both white. They challenged the University of Michigan's affirmative action admissions policies. Gratz said that the university violated the Constitution by considering race as a factor in its *undergraduate* admissions programs. Grutter claimed that the University of Michigan Law School also did so.

Decisions In *Gratz*, the Court ruled 6-3 that the undergraduate program—which gave each minority applicant an automatic 20 points toward admission—was unconstitutional. Chief Justice Rehnquist's opinion held that the policy violated the Equal Protection Clause because it did not consider each applicant individually. "The ... automatic distribution of 20 points has the effect of making 'the factor of race ... decisive' for virtually every minimally qualified underrepresented minority applicant." It was almost an automatic preference based on the minority status of the applicant. The result was different when the Court

turned to the affirmative action policy of Michigan's Law School, which used race as one factor for admission. In *Grutter*, by a 5-4 margin, the Court held that this policy did not violate the Equal Protection Clause. Justice O'Connor wrote for the majority. "Truly individualized consideration demands that race be used in a flexible, nonmechanical way.... Universities can...consider race or ethnicity...as a 'plus' factor [when individually considering] each and every applicant." Thus, the law school policy was constitutional.

United States v. American Library Association, (2003)

Significance: This case deals with the constitutionality of a federal law called the Children's Internet Protection Act (CIPA). The law was designed to protect children from being exposed to pornographic Web sites while using computers in public libraries. The question before the court was does a public library violate the First Amendment by installing Internet filtering software on its public computers?

Background: The law, CIPA, applies to public libraries that accept federal money to help pay for Internet access. These libraries must install filtering software to block pornographic images. Some library associations sued to block these filtering requirements. They argued that by linking money and filters, the law required public libraries to violate the First Amendment's guarantees of free speech. The libraries argued that filters block some non-pornographic sites along with pornographic ones. That, they said, violates library patrons' First Amendment rights. CIPA does allow anyone to ask a librarian to unblock a specific website. It also allows adults to ask that the filter be turned off altogether. But, the libraries argued, people using the library would find these remedies embarrassing and impractical.

Decision: In this case, Chief Justice Rehnquist authored a plurality opinion. He explained that the law does not require any library to accept federal money. A library can choose to do without federal money. If the library makes that choice, they don't have to install Internet filters. And Rehnquist didn't think that filtering software's tendency to overblock non-pornographic sites was a constitutional problem. Adult patrons could simply ask a librarian to unblock a blocked site, or they could have the filter disabled entirely.

The Dissents: Justice Stevens viewed CIPA "as a blunt nationwide restraint on adult access to an

enormous amount of valuable" and often constitutionally protected speech. Justice Souter noted that he would have joined the plurality if the First Amendment interests raised in this case were those of children rather than those of adults.

Hamdi v. Rumsfeld and Rasul v. Bush, (2004)

Significance These cases addressed the balance between the government's powers to fight terrorism and the Constitution's promise of due process. Each case raised slightly different questions:

1. Can the government hold American citizens for an indefinite period as "enemy combatants" and not permit them access to American courts, and
2. Do foreigners captured overseas and jailed at Guantánamo Bay, Cuba, have the right to ask American courts to decide if they are being held legally?

Background **Detaining American Citizens:** In *Hamdi v. Rumsfeld*, Yaser Hamdi, an American citizen, was captured in Afghanistan in 2001. The U.S. military said Hamdi was an enemy combatant and claimed that "it has the authority to hold ... enemy combatants captured on the battlefield ... to prevent them from returning to the battle." Hamdi's attorney said that Hamdi deserved the due process rights that other Americans have, including a hearing in court to argue that he was not an enemy combatant.

Detaining Foreigners at Guantánamo Bay: The prisoners in *Rasul v. Bush* also claimed they were wrongly imprisoned. They wanted a court hearing, but Guantánamo Bay Naval Base is on Cuban soil. Cuba leases the base to the U.S. In an earlier case, the Court had ruled that "if an alien is outside the country's sovereign territory, then ... the alien is not permitted access to the courts of the United States to enforce the Constitution."

Decisions: In *Hamdi*, the Court ruled 6-3 that Hamdi had a right to a hearing. Justice O'Connor wrote that the Court has "made clear that a state of war is not a blank check for the president when it comes to the rights of the nation's citizens." The government decided not to prosecute Hamdi. In *Rasul*, also decided 6-3, Justice Stevens wrote that the prisoners had been held for more than two years in territory that the U.S. controls. Thus, even though the prisoners are not on U.S. soil, they can ask U.S. courts if their detention is legal. The *Rasul* cases were still pending when this book was printed.