### Supreme Court Essay Outline

<table>
<thead>
<tr>
<th>Historical Context</th>
<th>Explain Decision</th>
<th>Impact of Decision</th>
</tr>
</thead>
</table>
| **McCulloch v. Maryland** | - Hamilton created the Bank of the United States  
- He used the Elastic Clause and the loose interpretation of the Constitution as a rationale for allowing him to create  
- Maryland was trying to tax the National Bank in an effort to damage it | - State cannot tax the national government (the Bank) because the federal government is supreme  
- The Bank is constitutional because of the elastic clause (aka implied powers) | - Reinforces the federal supremacy over the states (which was an overall theme of the Marshall Court)  
- Other examples of stretching the Constitution include creating Homeland Security after 9/11 |

Scott v. Sandford  
- Master took him to free states, then died  
- Scott sued for freedom  
- Slaves are property and thus can be taken anywhere in the nation  
- Blacks are not citizens even if they are not slaves and thus he should not even have been allowed to sue in a court of law  
- Missouri Compromise was unconstitutional, national government cannot regulate slavery  
- Reinforces property rights for slave owners  
- Large cause of Civil War because of anger of Northerners  
- Led to 14th Amendment to give citizenship to AA’s |

<table>
<thead>
<tr>
<th>Historical Circumstances</th>
<th>Court’s Decision</th>
<th>Impact on Society</th>
</tr>
</thead>
</table>
| **Worchester v. Georgia** | - Georgia wanted the Cherokee’s land for expanding plantations  
- Cherokee nation believed they had the right to stay on their reservations because they had made a treaty with the US government  
- General sentiment of racism against Native Americans | - Court ruled that the Cherokee could stay because there was a treaty between the Cherokee Nation and the National government  
- The national government is supreme over the state of Georgia and thus the treaty must stand  
- Cherokee can stay on their land 😊 | - Jackson does not enforce “Marshall has made his decision, now let him enforce it”  
- Trail of Tears  
- Set standard of ability to move NA’s from their reservations as manifest destiny continued  
- Continued decline of NA population |

Schenck v. US  
- WWI  
- Schenck is protesting the draft by handing out pamphlets and burning draft cards  
- Violation of the Sedition Act (part of the Espionage and Sedition Acts) | - Right of freedom of speech is not absolute  
- Sets standard of “clear and present danger”  
- Ex. “yelling fire in a crowded theater”  
- Conviction is upheld | - In times of war our civil liberties tend to decline  
- Ex. WWII internment of Japanese Americans |
<table>
<thead>
<tr>
<th>Historical Context</th>
<th>Explain Decision</th>
<th>Discuss Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plessy v. Ferguson</strong></td>
<td>-Purchased a 1&lt;sup&gt;st&lt;/sup&gt; class ticket on a train -Asked to move because he was 1/8&lt;sup&gt;th&lt;/sup&gt; Black, thus in Jim Crow Era, he must ride in the Colored section of the train -Era of segregation -Arrested because he refused to move</td>
<td>-Segregation is legal as long as facilities are “separate but equal”</td>
</tr>
<tr>
<td><strong>Engle v. Vitale</strong></td>
<td>-Child is going to a public school and is an atheist -Prayer was being mandated by the school</td>
<td>-1&lt;sup&gt;st&lt;/sup&gt; Amendment, separation of Church and State -Prohibited prayer in public schools</td>
</tr>
</tbody>
</table>