

Supreme Court Essay Outline

	Historical Context	Explain Decision	Impact of Decision
McCulloch v. Maryland	<ul style="list-style-type: none"> -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 	<ul style="list-style-type: none"> -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) 	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> -Master took him to free states, then died -Scott sued for freedom 	<ul style="list-style-type: none"> -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 	<ul style="list-style-type: none"> -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

	Historical Circumstances	Court's Decision	Impact on Society
Worcester v. Georgia	<ul style="list-style-type: none"> -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 	<ul style="list-style-type: none"> -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 😊 	<ul style="list-style-type: none"> -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	<ul style="list-style-type: none"> -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) 	<ul style="list-style-type: none"> -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 	<ul style="list-style-type: none"> -In times of war our civil liberties tend to decline -Ex. WWII internment of Japanese Americans

	Historical Context	Explain Decision	Discuss Impact
Plessy v. Ferguson	<ul style="list-style-type: none"> -Purchased a 1st class ticket on a train -Asked to move because he was 1/8th 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 	<ul style="list-style-type: none"> -Segregation is legal as long as facilities are “separate but equal” 	<ul style="list-style-type: none"> -Segregation continues in the South (water fountains, restaurants, schools, buses, people were barred entrance to white colleges, etc.) -Finally reversed by Brown v. Board of Education in 1954
Engle v. Vitale	<ul style="list-style-type: none"> -Child is going to a public school and is an atheist -Prayer was being mandated by the school 	<ul style="list-style-type: none"> -1st Amendment, separation of Church and State -Prohibited prayer in public schools 	<ul style="list-style-type: none"> -No prayers at graduation or at sporting events -Backlash by people who believed that Christian values were being taken out of students’ education