

Supreme Court Essay Outline

	<b>Historical Context</b>	<b>Explain Decision</b>	<b>Impact of Decision</b>
McCulloch v. Maryland	<ul style="list-style-type: none"> <li>-Hamilton created the Bank of the United States</li> <li>-He used the Elastic Clause and the loose interpretation of the Constitution as a rationale for allowing him to create</li> <li>-Maryland was trying to tax the National Bank in an effort to damage it</li> </ul>	<ul style="list-style-type: none"> <li>-State cannot tax the national government (the Bank) because the federal government is supreme</li> <li>-The Bank is constitutional because of the elastic clause (aka implied powers)</li> </ul>	<ul style="list-style-type: none"> <li>-Reinforces the federal supremacy over the states (which was an overall theme of the Marshall Court)</li> <li>-Other examples of stretching the Constitution include creating Homeland Security after 9/11</li> </ul>
Scott v. Sandford	<ul style="list-style-type: none"> <li>-Master took him to free states, then died</li> <li>-Scott sued for freedom</li> </ul>	<ul style="list-style-type: none"> <li>-Slaves are property and thus can be taken anywhere in the nation</li> <li>-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</li> <li>-Missouri Compromise was unconstitutional, national government cannot regulate slavery</li> </ul>	<ul style="list-style-type: none"> <li>-Reinforces property rights for slave owners</li> <li>-Large cause of Civil War because of anger of Northerners</li> <li>-Led to 14<sup>th</sup> Amendment to give citizenship to AA's</li> </ul>

	<b>Historical Circumstances</b>	<b>Court's Decision</b>	<b>Impact on Society</b>
Worcester v. Georgia	<ul style="list-style-type: none"> <li>-Georgia wanted the Cherokee's land for expanding plantations</li> <li>-Cherokee nation believed they had the right to stay on their reservations because they had made a treaty with the US government</li> <li>-General sentiment of racism against Native Americans</li> </ul>	<ul style="list-style-type: none"> <li>-Court ruled that the Cherokee could stay because there was a treaty between the Cherokee Nation and the National government</li> <li>-The national government is supreme over the state of Georgia and thus the treaty must stand</li> <li>-Cherokee can stay on their land ☺</li> </ul>	<ul style="list-style-type: none"> <li>-Jackson does not enforce "Marshall has made his decision, now let him enforce it"</li> <li>-Trail of Tears</li> <li>-Set standard of ability to move NA's from their reservations as manifest destiny continued</li> <li>-Continued decline of NA population</li> </ul>
Schenck v. US	<ul style="list-style-type: none"> <li>-WWI</li> <li>-Schenck is protesting the draft by handing out pamphlets and burning draft cards</li> <li>-Violation of the Sedition Act (part of the Espionage and Sedition Acts)</li> </ul>	<ul style="list-style-type: none"> <li>-Right of freedom of speech is not absolute</li> <li>-Sets standard of "clear and present danger"</li> <li>-Ex. "yelling fire in a crowded theater"</li> <li>-Conviction is upheld</li> </ul>	<ul style="list-style-type: none"> <li>-In times of war our civil liberties tend to decline</li> <li>-Ex. WWII internment of Japanese Americans</li> </ul>

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