

United States Supreme Court

Supreme Court Facts

- Youngest justice appointed: Joseph Story (age 32)
- Oldest justice appointed: Horace Lurton (age 65)
- Oldest justice to serve: Oliver Wendell Holmes (retired at age 90)
- Shortest term as chief justice: John Rutledge (4 months, 3 days chief justice)
- Shortest time in the court: Thomas Johnson (5 months, 10 days associate justice)
- Longest term: William O. Douglas (36 years, 209 days)
- First Catholic justice: Roger B. Taney
- First Jewish justice: Louis Brandeis
- First African-American justice: Thurgood Marshall
- First woman justice: Sandra Day O'Connor
- President to appoint the most justices: George Washington (11)
- President to appoint the most justices in the 20th century: Franklin Roosevelt (9)
- Presidents to appoint current justices: Ford (Stevens); Reagan (Scalia, Kennedy); G.H.W. Bush (Souter, Thomas); Clinton (Ginsburg, Breyer); G. W. Bush (Roberts, Alito)



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Milestone Cases in Supreme Court History

1803 Marbury v. Madison was the first instance in which a law passed by Congress was declared unconstitutional. The decision greatly expanded the power of the Court by establishing its right to overturn acts of Congress, a power not explicitly granted by the Constitution. Initially the case involved Secretary of State James Madison, who refused to seat four judicial appointees although they had been confirmed by the Senate.

1819 McCulloch v. Maryland upheld the right of Congress to create a Bank of the United States, ruling that it was a power implied but not enumerated by the Constitution. The case is significant because it advanced the doctrine of implied powers, or a loose construction of the Constitution. The Court, Chief Justice John Marshall wrote, would sanction laws reflecting “the letter and spirit” of the Constitution.

1824 Gibbons v. Ogden defined broadly Congress's right to regulate commerce. Aaron Ogden had filed suit in New York against Thomas Gibbons for operating a rival steamboat service between New York and New Jersey ports. Ogden had exclusive rights to operate steamboats in New York under a state law, while Gibbons held a federal license. Gibbons lost the case and appealed to the U.S. Supreme Court, which reversed the decision. The Court held that the New York law was unconstitutional, since the power to regulate interstate commerce, which extended to the regulation of navigation, belonged exclusively to Congress. In the 20th century, Chief Justice John Marshall's broad definition of commerce was used to uphold civil rights.

1857 Dred Scott v. Sandford was a highly controversial case that intensified the national debate over slavery. The case involved Dred Scott, a slave, who was taken from a slave state to a free territory. Scott filed a lawsuit claiming that because he had lived on free soil he was entitled to his freedom. Chief Justice Roger B. Taney disagreed, ruling that blacks were not citizens and therefore could not sue in federal court. Taney further inflamed antislavery forces by declaring that Congress had no right to ban slavery from U.S. territories.

1896 Plessy v. Ferguson was the infamous case that asserted that “equal but separate accommodations” for blacks on railroad cars did not violate the “equal protection under the laws” clause of the 14th Amendment. By defending the constitutionality of racial segregation, the Court paved the way for the repressive Jim Crow laws of the South. The lone dissenter on the Court, Justice John Marshall Harlan, protested, “The thin disguise of ‘equal’ accommodations...will not mislead anyone.”

1954 Brown v. Board of Education of Topeka invalidated racial segregation in schools and led to the unraveling of de jure segregation in all areas of public life. In the unanimous decision spearheaded by Chief Justice Earl Warren, the Court invalidated the Plessy ruling, declaring “in the field of public education, the doctrine of ‘separate but equal’ has no place” and contending that “separate educational facilities are inherently unequal.” Future Supreme Court justice Thurgood Marshall was one of the NAACP lawyers who successfully argued the case.

1963 Gideon v. Wainwright guaranteed a defendant's right to legal counsel. The Supreme Court overturned the Florida felony conviction of Clarence Earl Gideon, who had defended himself after having been denied a request for free counsel. The Court held that the state's failure to provide counsel for a defendant charged with a felony violated the Fourteenth Amendment's due process clause. Gideon was given another trial, and with a court-appointed lawyer defending him, he was acquitted.

1964 New York Times v. Sullivan extended the protection offered the press by the First Amendment. L.B. Sullivan, a police commissioner in Montgomery, Ala., had filed a libel suit against the New York Times for publishing inaccurate information about certain actions taken by the Montgomery police department. In overturning a lower court's decision, the Supreme Court held that debate on public issues would be inhibited if public officials could sue for inaccuracies that were made by mistake. The ruling made it more difficult for public officials to bring libel charges against the press, since the official had to prove that a harmful untruth was told maliciously and with reckless disregard for truth.

1966 Miranda v. Arizona was another case that helped define the due process clause of the 14th Amendment. At the center of the case was Ernesto Miranda, who had confessed to a crime during police questioning without knowing he had a right to have an attorney present. Based on his confession, Miranda was convicted. The Supreme Court overturned the conviction, ruling that criminal suspects must be warned of their rights before they are questioned by police. These rights are: the right to remain silent, to have an attorney present, and, if the suspect cannot afford an attorney, to have one appointed by the state. The police must also warn suspects that any statements they make can be used against them in court. Miranda was retried without the confession and convicted.

1973 Roe v. Wade legalized abortion and is at the center of the current controversy between “pro-life” and “pro-choice” advocates. The Court ruled that a woman has the right to an abortion without interference from the government in the first trimester of pregnancy, contending that it is part of her “right to privacy.” The Court maintained that right to privacy is not absolute, however, and granted states the right to intervene in the second and third trimesters of pregnancy.

1978 Regents of the University of California v. Bakke imposed limitations on affirmative action to ensure that providing greater opportunities for minorities did not come at the expense of the rights of the majority. In other words, affirmative action was unfair if it led to reverse discrimination. The case involved the University of Calif., Davis, Medical School and Allan Bakke, a white applicant who was rejected twice even though there were minority applicants admitted with significantly lower scores than his. A closely divided Court ruled that while race was a legitimate factor in school admissions, the use of rigid quotas was not permissible.

2003 Grutter v. Bollinger upheld the University of Michigan Law School's consideration of race and ethnicity in admissions. In her majority opinion, Justice O'Connor said that the law school used a “highly individualized, holistic review of each applicant's file.” Race, she said, was not used in a “mechanical way.” Therefore, the university's program was consistent with the requirement of

“individualized consideration” set in 1978's *Bakke* case. “In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity,” O'Connor said. However, the court ruled that the University of Michigan's undergraduate admissions system, which awarded 20 points to black, Hispanic, and American-Indian applicants, was “nonindividualized, mechanical,” and thus unconstitutional.

Notable Decisions of the U.S. Supreme Court, 2004–2005 Term

- * **Court Declares Sentencing Guidelines Unconstitutional (Jan. 12, 2005):** In the first part of a two-part ruling in **United States v. Booker**, Court rules, 5–4, that federal sentencing guidelines in criminal cases violate the Sixth Amendment's right to a trial by jury because the guidelines allow judges to make factual findings that could increase a sentence beyond the maximum permitted by a jury. In the second part of the ruling, the Court resolves the issue, ruling, 5–4, that a defendant's rights would be protected by making the guidelines discretionary instead of mandatory.
- * **Court Rules Against Execution of Juveniles (March 1, 2005):** In **Roper v. Simmons**, Court decides, 5–4, that executing people who commit crimes before they turn 18 constitutes cruel and unusual punishment, a violation of the Eighth Amendment. Writing the majority opinion, Justice Kennedy points out that since the United States is the only country in the world that officially allows the execution of juveniles, it should be considered unusual punishment.
- * **Justices Overturn Verdict in Enron Scandal (May 31, 2005):** Justices unanimously reject criminal conviction of auditing firm Arthur Andersen, saying the jury received improper instructions from the judge in the case. The company was convicted of shredding documents related to the Enron scandal. Chief Justice Rehnquist writes in the Court's opinion in *Arthur Andersen v. United States* that the jury was not instructed to prove that the company's auditors knew such acts were wrong.
- * **Court Rules in Favor of Religion in Prisons (May 31, 2005):** In a unanimous decision in **Cutter v. Wilkinson**, the justices say the Religious Land Use and Institutionalized Persons Act, a federal law that requires prison officials to accommodate inmates' religious requirements, does not violate the Establishment Clause of the First Amendment.
- * **Congress Can Ban Use of Medical Marijuana (June 6, 2005):** In a 6–3 decision in **Gonzales v. Raich**, the Court upholds the right of Congress to prohibit the use of medical marijuana and to prosecute those who violate the law even in the 11 states that have passed initiatives legalizing it for medical purposes.
- * **Justices Uphold Government's Use of Eminent Domain (June 23, 2005):** In one of the most controversial cases of the session, the Court rules, 5–4, in **Kelo v. City of New London**, that a government can take possession of private property against the owner's will and transfer it to private developers when the result will promote economic development. The Fifth Amendment allows the government to take private property for public use. In writing the majority opinion, Justice John Paul Stevens says “public use” also means “public purpose.” “Promoting economic development is a traditional and long accepted function of government,” he says. “Clearly, there is no basis for exempting economic development from our traditionally broad understanding of public purpose.”
- * **Court Hands Down Divergent Rulings on Displays of Religious Symbols (June 27, 2005):** In **Van Orden v. Perry**, Court rules, 5–4, that taken in historical context, the 6-foot-tall monument of the Ten Commandments on display on the grounds of the Texas Capitol in Austin does not violate the Establishment Clause. The monument, which has been up for about 40 years without causing controversy, is one of 17 in the 22-acre park. “Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause,” says Chief Justice Rehnquist. In the second decision, *McCreary County v. American Civil Liberties Union*, however, the

justices, 5–4, find that the framed copies of the Ten Commandments on display inside two county courthouses in Kentucky are unconstitutional because officials in the counties sought to promote religion. The framed copies were originally displayed by themselves, but officials hung historical documents beside them once litigation began in an attempt to put them in historical context. Justice Souter calls the counties' claims that they were secular displays “an apparent sham.” He also writes, “Reasonable observers have reasonable memories.”

* **Justices Reinstate Copyright-Infringement Suit (June 27, 2005):** Court **unanimously** rules that companies that produce file-sharing services and software that allow—and encourage—users to illegally download music should be liable for copyright infringement. The companies “acted with a purpose to cause copyright violations by use of software suitable for illegal use,” says Justice Souter. The decision, **Metro-Goldwyn-Mayer Studios v. Grokster, Ltd.**, sends the case back to a lower court.

Notable Decisions of the U.S. Supreme Court, 2003–2004 Term

* **Court Upholds Campaign Finance Laws (December 10, 2003):** Court, **5–4**, upholds major aspects of the 2001 law intended to thwart corruption—or the appearance of such—in political elections. In **McConnell v. The Federal Election Commission**, the justices vote that the ban on unlimited donations to political parties, known as soft money, does not violate free speech. However, the court acknowledges that the ruling will not end the flow of enormous sums of money in campaigns. “Money, like water, will always find an outlet,” write Justices John Paul Stevens and Sandra Day O'Connor.

* **Court Upholds Redistricting Plan (April 28, 2004):** In **Vieth v. Jubelirer**, court rules, **5–4**, that it is impossible to objectively determine if Pennsylvania's Republican-controlled legislature violated Democrats' right of equal treatment under the state constitution when it redrew congressional districts to eliminate seats held by Democratic incumbents.

* **Disabled Have Right to Sue States (May 17, 2004):** Justices rule, **5–4**, in **Tennessee v. Lane** that private citizens can sue states that violate the Americans with Disabilities Act by failing to make their courthouses accessible to the disabled.

* **“Under God” to Remain in Pledge (June 14, 2004):** In a unanimous **8–0** decision (Justice Scalia recused himself in the case), the court in **Elk Grove v. Newdow** overturns a federal appeals court ruling that said the term “under God” in the Pledge of Allegiance is unconstitutional because it violates the separation of church and state. Justices O'Connor and Thomas and Chief Justice Rehnquist say the words “under God” are constitutional and were added in 1954 to set the U.S. apart from “godless Communism.” The other five justices, however, say the plaintiff, Michael Newdow, did not have the legal standing to bring the case because he and the girl's mother, who opposed the suit, are in a custody battle.

* **Court Strikes Down Patients' Rights Law (June 21, 2004):** Court rules, **9–0**, that states cannot allow individuals to sue managed-care companies for damages when the company refuses to cover a medical procedure that a doctor has determined necessary and injury or death occur as a result. In **Aetna v. Davila**, the court strikes down a Texas patients' rights law, saying it conflicts with a federal law, the Employee Retirement Income Security Act of 1974, which allows patients to sue managed-care companies for reimbursement for cost of treatments that were denied, but not for damages.

* **Suspects Must Identify Themselves to Police (June 21, 2004):** Court, **5–4**, rejects the argument of a Nevada rancher in **Hiibel v. The Sixth Judicial District Court** that the Fourth Amendment's protection against unreasonable search and seizure and the Fifth Amendment's right against self-incrimination do not allow a person suspected of being involved in a crime to refuse to identify himself to the police.

* **Death Penalty Ban Not Retroactive (June 24, 2004):** In **Schiro v. Summerlin**, justices rule, **5–4**, that a 2002 decision to invalidate the death penalty in five states could not be retroactively applied to those sentenced to death before the decision.

* **Court Rules in Favor of Vice President (June 24, 2004):** Court rules, **7–2**, to send a case involving Dick Cheney back to a federal court of appeals. In the politically charged case, **Cheney v. U.S. District Court for the District of Columbia**, the court says the appeals court acted “prematurely” when it denied Cheney's request to keep confidential the details of his energy-task force meetings. The Sierra Club and Judicial Watch sued Cheney and his task force, which was made up of government officials and advised by executives in the energy industry, to try to make them reveal details about the group's meetings. Cheney said the group was shielded by the Federal Advisory Committee Act, which allows groups made up of government officials to keep the proceedings secret. The Sierra Club and Judicial Watch, however, said the executives were active enough in the group to be considered de facto members.

* **Detainees Have Right to Appear in Court (June 28, 2004):** In **Rasul v. Bush**, court rules, **6–3**, that foreign detainees held at the U.S. naval base in Guantánamo Bay, Cuba, are legally entitled to file petitions for writs of habeas corpus when they believe they are being held illegally because the base falls under the jurisdiction of federal courts. The ruling says Guantánamo Bay is “territory over which the United States exercises exclusive jurisdiction and control.”

* **Court Declares Detention of U.S. Citizen Invalid (June 28, 2004)** In an **8–1** ruling in the case **Hamdi v. Rumsfeld**, justices say the detention of Yaser Esam Hamdi, a U.S. citizen held for two years as an enemy combatant, is invalid. Justices O'Connor, Kennedy, and Breyer, as well as Chief Justice William Rehnquist, say Hamdi has the right to a “fair opportunity to rebut the government's factual assertions before a neutral decisionmaker.” Justices Souter and Ginsberg rule that Congress did not authorize such a detention. Finally, Justices Scalia and Stevens say that Hamdi must either be tried for a specific crime or released. The court rejects the Bush administration's claim that the executive branch has unreviewable authority in time of war.

* **Court Extends Ban on Child Pornography Law (June 29, 2004):** The court rules, **5–4**, that Congress's attempts to protect children from Internet pornography threaten free speech. It sends the case, **Ashcroft v. the American Civil Liberties Union**, back to a lower court, charging the government with proving that the criminal penalties imposed under the Child Online Protection Act (COPA) on certain sexually explicit websites are the only way to prevent children from accessing sexually explicit content on the Web.

Notable Decisions of the U.S. Supreme Court, 2002–2003 Term

* **Three-Strikes Law Validated (March 5, 2003):** In two separate decisions, the court, **5–4**, upholds California's “three strikes and you're out” law that calls for long sentences when a person is convicted of a third offense. One defendant was sentenced to 25 years to life in prison for shoplifting golf clubs. The other was sentenced to 50 years without parole for stealing videos valued at \$150. The court rejected the argument that such harsh sentences violated the Eighth Amendment's protection from cruel and unusual punishment. The 1994 law mandated sentences of 25 years to life in prison for a third felony conviction. Under the law, crimes that are otherwise considered misdemeanors can be treated as felonies for the third offense. Twenty-five other states have three-strikes laws, but California's is the most stringent.

* **Court Gives States Authority to Ban Cross-Burning (April 7, 2003):** Court, **6–3**, rules that states can ban cross-burning provided that the law as written places the burden on prosecutors to prove that the action was intended to intimidate and threaten, and not simply a form of expression. In an

overlapping ruling, seven justices declare unconstitutional a part of a Virginia law that asserts any instance of cross-burning is a form of intimidation.

* **Court Saves Affirmative Action Program (June 23, 2003):** In **Grutter v. Bollinger**, justices, **5–4**, uphold the University of Michigan Law School's consideration of race and ethnicity in admissions. In her majority opinion, Justice O'Connor said that the law school uses a "highly individualized, holistic review of each applicant's file." Race, she said, is not used in a "mechanical way." Therefore, the university's program is consistent with the requirement of "individualized consideration" set in 1978's Bakke case. "In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity," O'Connor said. However, the court, in **Gratz v. Bollinger**, **6–3**, rules that the University of Michigan's undergraduate admissions system, which awards 20 points to black, Hispanic, and American-Indian applicants, is "nonindividualized, mechanical," and thus unconstitutional.

* **Internet Filter Law Upheld (June 23, 2003):** Justices, **6–3**, rule that the Children's Internet Protection Act, which requires public libraries that receive federal money to install antipornography filters on computers that provide Internet access, does not violate the First Amendment. In the majority opinion, Chief Justice Rehnquist wrote, "Because public librarians have traditionally excluded pornographic material from their other collections, Congress could reasonably impose a parallel limitation on its Internet assistance programs."

Notable Decisions of the U.S. Supreme Court, 2001–2002 Term

* **Search Without Warrant Upheld (Dec. 10, 2001):** Court rules **unanimously** that a person or his property may be searched without a warrant if that person is on probation and a warrantless search is a condition of probation.

* **Student Grading Does Not Violate Student Privacy (Feb. 19, 2002):** Court holds **unanimously** that student grading of classroom assignments does not violate students' privacy rights.

* **Jehovah's Witnesses Win Free Speech Dispute (June 17, 2002):** In **8–1** ruling, Court decides that a Stratton, Ohio, ordinance requiring permits for door-to-door solicitation is too broad and violates First Amendment's guarantee of free speech.

* **Court Bars Execution of Mentally Retarded (June 20, 2002):** Court rules, **6–3**, that executing murderers who are mentally retarded is unconstitutional.

* **Death Penalty Law Invalidated (June 25, 2002):** In **7–2** decision, justices rule that juries rather than judges must decide who gets death penalty. In five states, including Ariz., Colo., Idaho, Mont., and Nebr., judges have had sole authority to sentence prisoners to death. In four other states, Ala., Del., Fla., and Ind., juries may give sentencing recommendation, but final decision rests with judge.

* **Random Drug Tests for Students (June 27, 2002):** Justices, **5–4**, approve drug testing as a condition for participation in any extracurricular activities involving interscholastic competition.

* **School Voucher Victory (June 27, 2002):** Court, **5–4**, upholds use of public funds for tuition at private religious schools under Cleveland voucher program.

* **Judicial Candidates Given First Amendment Protection (June 27, 2002):** In **5–4** decision, Court strikes down Minnesota rule prohibiting candidates in judicial elections from expressing their views on controversial legal or political issues. Currently the state also has a rule forbidding candidates from promising to act in a particular way on an issue once elected; however, this rule still stands.