



Constitutional Change Through Supreme Court Rulings

“We are under a Constitution, but the Constitution is what the judges say it is.”

--**Charles Evans Hughes** (Speech, Elmira, New York, May 3, 1907)

“The proper role of the judiciary is one of interpreting and applying the law, not making it...”

--**Sandra Day O'Connor** (Confirmation hearing, February 23, 1984)

Chisholm v. Georgia (1793)—states can be sued without consent (leads to 11th Amendment)
Ware v. Hylton (1796)—national supremacy over state laws delineated
Hylton v. United States (1796)—direct tax defined
Calder v. Bull (1798)—ex post facto laws defined
Marbury v. Madison (1803)—judicial review set forth
Fletcher v. Peck (1810)—states must honor contracts
Martin v. Hunter’s Lessee (1816)— federal jurisdiction over state laws expanded
McCulloch v. Maryland (1819)—implied powers established, intergovernmental tax immunity set forth
Dartmouth College v. Woodward (1819)—private contracts protected against state actions
Cohens v. Virginia (1821)—federal appellate jurisdiction clarified
Gibbons v. Ogden (1824)—commerce defined, federal regulation of interstate commerce
Johnson v. MacIntosh (1825)—Native American status defined and limited
Cherokee Nation v. Georgia (1831)—Native American denied right to bring litigation
Barron v. Baltimore (1833)—Bill of Rights protection limited to federal governmental actions
Charles River Bridge v. Warren Bridge (1837)—state police powers expanded
Permol v. First Municipality (1844)—free exercise restricted
Prigg v. Pennsylvania (1844)—fugitive slave laws upheld
Luther v. Borden (1849)—refusal to hear political questions
Dred Scott v. Sanford (1857)—citizenship restricted/judicial review imposed
Ex parte Merryman (1861)—habeas corpus showdown
The Prize Cases (1863)—presidential emergency powers tested
Ex parte Milligan (1866)—scope of habeas corpus
Ex parte Garland (1867)—ruling on test oaths, bills of attainder, presidential pardon
Texas v. White (1869)—nature of the union declared, no right of secession
Legal Tender Cases (1870s)—financial powers clarified
Slaughterhouse Cases (1873)—privileges and immunities limited
Bradwell v. Illinois (1873)—women’s occupational rights restricted
Minor v. Happersett (1875)—voting not a national right
Reynolds v. U.S. (1879)—free exercise rights does not protect bigamy
Strauder v. West Virginia (1880)—racial discrimination in jury selection restricted
Civil Rights Cases (1883)—private discrimination protected
Hurtado v. California (1884)—grand jury protections do not extend to states
Yick Wo v. Hopkins (1886)—persons, not just citizens, are guaranteed 14th Amendment protections
Plessy v. Ferguson (1896)—separate but equal doctrine given imprimatur
Munn v. Illinois (1879)—state regulation of private property upheld
Santa Clara County v. SPRR (1886)—corporations ruled legal persons
U.S. v. E.C. Knight Co. (1895)—manufacturing/monopolies challenged
Pollock v. Farmers Loan and Trust (1895)—federal income tax struck
Insular Cases (1901)—civil rights beyond U.S. boundaries
Lockner v. New York (1905)—state employment law limited
Muller v. Oregon (1908)—state protective legislation
Weeks v. U.S. (1914)—federal exclusionary rule established



Coppage v. Kansas (1915)—yellow dog contracts upheld
Hammer v. Dagenhart (1918)—child labor law struck
Schenck v. United States (1919)—“clear and present danger” doctrine articulated
Missouri v. Holland (1920)—treaty power trumps state law
Adkins v. Children’s Hospital (1923)—minimum wage struck
Carroll v. U.S. (1925)—warrantless searches/seizures of automobiles sustained
Ex parte Grossman (1925)—presidential pardoning power expanded
Gitlow v. New York (1925)—free speech protection expanded to states
Myers v. U.S. (1926)—president’s removal power legitimated
Buck v. Bell (1927)—compulsory sterilization upheld
Olmstead v. U.S. (1928)—warrantless wiretapping upheld
J. W. Hampton Company v. U.S. (1928)—Congress may delegate limited powers to the President
Schechter Poultry Co. v. U.S. (1935)—NIRA unconstitutional
U.S. v. Butler (1935)—AAA ruled unconstitutional
Carter v. Carter Coal Co. (1936)—restrictions on federal regulation of commerce
U.S. v. Curtis-Wright Corp. (1936)—President’s inherent powers expounded
U.S. v. Belmont (1937)—executive agreements legitimated
Palko v. Connecticut (1937)—double jeopardy restricted
NLRB v. Jones Laughlin Steel (1938)—manufacturing constitutes commerce
Powell v. Alabama (1932)—right to counsel in state capital cases guaranteed
Missouri ex rel. Gaines v. Canada (1938)—separate but equal law schools required
Cantwell v. Connecticut (1940)—free exercise rights expanded to states
Near v. Minnesota (1941)—free press protection extended to state governmental actions
U.S. v. Darby Lumber Company (1941)—upheld federal minimum wage law
Chaplinski v. New Hampshire (1942)—fighting words not protected
Wickard v. Filburn (1942)—agricultural set aside program upheld
Korematsu v. United States (1942)—President’s authority to order Japanese internment upheld
West Virginia v. Barnett (1943)—compulsory flag salute law violates free exercise of religion
Smith v. Allwright (1944)—white primaries ruled unconstitutional
Everson v. Board of Education (1947)—establishment clause defined
Adamson v. California (1947)—self-incrimination restricted
McCullum v. Board of Education (1948)—release time program
Shelley v. Kraemer (1948)—racially discriminatory restrictive covenants ruled unenforceable
Sweatt v. Painter (1950)—separate but not equal law schools challenged
Brown v. Board of Education (1954, 1955)—segregated public schools violate equal protection
Bolling v. Sharpe (1954)—federal analogue to Brown decided
N.A.A.C. P. v. Alabama (1958)—association rights established
Gomillion v. Lightfoot (1960)—racial gerrymandering barred
Mapp v. Ohio (1961)—4th Amendment/exclusionary rule applied to states
Baker v. Carr (1962)—reapportionment ruled a justiciable issue
Gideon v. Wainwright (1963)—right to counsel expanded
Sherbert v. Verner (1963)—free exercise protected in employment compensation
Edwards v. South Carolina (1963)—freedom of assembly expanded
Engle v. Vitale (1963)—school prayers restricted
Malloy v. Hogan (1964)—self-incrimination rights expanded to states
New York Times v. Sullivan (1964)—defamation and public officials afforded limited protection
Heart of Atlanta Motel v. U.S. (1964)—Civil Rights Act of 1964 upheld
Griswold v. Connecticut (1965)—privacy rights recognized
Harper v. Virginia Board of Elections (1966)—state poll taxes eliminated
Miranda v. Arizona (1966)—right to counsel expanded
Loving v. Virginia (1967)—interracial marriage ruled a fundamental right



Katz v. U.S. (1967)—privacy rights expanded/warrant required
Duncan v. Louisiana (1968)—jury trial expanded to states
Terry v. Ohio (1968)—stop and frisk procedures permitted
Chimel v. California (1969)—search incident to arrest procedures limited
Brandenburg v. Ohio (1969)—clear and imminent danger doctrine set forth
Benton v. Maryland (1969)—double jeopardy protections extended to states
Reed v. Reed (1971)—gender discrimination violates equal protection
Phillips v. Martin Marietta Corp. (1971)—gender discrimination under Title VII
Griggs v. Duke Power Co. (1971)—racially biased tests struck
Lemon v. Kurtzman (1971)—guidelines for church-state aid set forth
Cohen v. California (1971)—symbolic expression protected
Wisconsin v. Yoder (1972)—acceptable secular practices set forth
Eisenstadt v. Baird (1972)—unmarried couples' equal protection rights expanded
Furman v. Georgia (1972)—death penalty restricted under 8th Amendment
Gregg v. Georgia (1972)—death penalty restored/bifurcated trial
Roe v. Wade (1973)—abortion rights expanded
Miller v. California (1973)—obscenity definition offered
Mass. Board of Retirement v. Murgia (1976)—some age discrimination justified
Dothard v. Rawlinson (1977)—sexual harassment standards set forth
Bakke v. UC-Davis (1978)—affirmative action in higher education challenged
Delaware v. Prouse (1979)—warrantless automobile stops restricted
Widmar v. Vincent (1981)—equal access for religious expression on college campuses required
Marsh v. Chambers (1983)—legislative prayers held constitutional
U.S. v. Leon (1984)—good faith exception to Miranda permitted
Nix v. Williams (1985)—inevitable discovery rule set forth
T.L.O. v. New Jersey (1985)—limited student searches upheld
Bowers v. Hardwick (1986)—sexual privacy rights challenged
Rotary v. Rotary International (1987)—gender discrimination in public service clubs struck
U.S. v. Sokolow (1989)—limited criminal profiling permitted
Allegheny County v. ACLU (1989)—permissible sectarian/secular displays on public places clarified
Cruzan v. Dir., Missouri Dept. of Health (1990)—right to die challenged, living wills recommended
Employment Division (OR) v. Smith (1990)—free exercise does not prohibit valid state drug laws
Shaw v. Reno (1993)—racial redistricting restricted
U.S. v. Lopez (1995)—federal law exceeds commerce power
Adarand Construction v. Peña (1995)—affirmative action in employment challenged
City of Boerne v. Flores (1997)—Religious Freedom Restoration Act violates federal principle
Printz v. United States (1997)—federal unfunded mandate struck
Saenz v. Roe (1999)—unreasonable state residency requirements violate privileges and immunities
Boy Scouts of America v. Dale (2000)—associational rights challenged
Troxell v. Granville (2000)—grandparents' visitation rights challenged
Illinois v. Wardlow (2000)—headlong flight justifies warrantless police stop
Hunsaker v. Oregon (2000)—rights of adopted children upheld
Dickerson v. U.S. (2001)—Miranda rights upheld
Kyllo v. United States (2001)—warrantless surveillance using sophisticated technology limited
PGA v. Martin (2001)—Americans with disabilities rights expanded
Zelman v. Simmon-Harris (2002)—school vouchers for parochial schools permissible
Grutter/Gratz v. Bollinger (2003)—guidelines established for affirmative action in college admissions
Lawrence v. Texas (2003)—sexual privacy expanded
Kello v. New London (2005)—states permitted use of eminent domain to promote public interest
Hamdan v. Rumsfeld (2006)—rights of detainees challenged
Gonzales v. Oregon (2006)—state's physician-assisted suicide law upheld