



## Key Supreme Court rulings

### *McCulloch v. Maryland* (1819)

The court was faced by the question of whether the government had the authority to establish a national bank. Such a step was not among the **enumerated powers** of Congress specified in Article I of the constitution. The court noted, however, that the constitution assigned Congress the right 'to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers' (Article I, Section 8). On the basis of the phrase 'necessary and proper', the court ruled that the national government had a range of **implied powers** alongside the powers that had been specifically identified and listed in the constitution. This laid a basis for the progressive expansion of the national government's authority.

### *Gitlow v. New York* (1925)

This ruling established that the states, as well as the federal government, must respect the guarantees of free speech and freedom of the press offered by Amendment I. The decision marked the adoption of the **incorporation doctrine**.

### *Youngstown Steel and Tube Company v. Sawyer* (1952)

Using an executive order, President Truman had ordered the federal government takeover of strike-hit steel plants that he considered vital to the US war effort in Korea. The court asserted that his powers as commander-in-chief did not extend to such a large-scale confiscation of property.

### *Brown v. Board of Education, Topeka* (1954)

The *Brown* ruling represented a repudiation of the 'separate but equal' doctrine established in *Plessy v. Ferguson*. The court argued that by consigning black children to a separate education, the southern states were inculcating them with a sense of inferiority. African-Americans were being denied 'the equal protection of the laws' required by Amendment XIV.

### *Miranda v. Arizona* (1966)

The court established that criminal suspects must be advised of their rights. If confession evidence was otherwise obtained, it was to be inadmissible in legal proceedings.

### *Furman v. Georgia* (1972)

By a 5–4 majority, the court struck down all existing death penalty laws. Two of those in the majority were opposed to the use of capital punishment in any circumstances. They considered it to be 'cruel and unusual' and therefore prohibited under Amendment VIII. Two others based their arguments on the way in which the death penalty was imposed. Only a very small proportion of those convicted of murder were executed. Capital punishment was imposed by the states in some circumstances but not others. Those who faced the executioner were disproportionately African-American, poor, had been poorly defended in court, or were simply unlucky. As Justice Potter Stewart put it, capital punishment was 'so wantonly and freakishly imposed'.

### *Roe v. Wade* (1973)

The *Roe* ruling established abortion as a constitutional right. State laws restricting it were permissible only within the final 3 months of a pregnancy. Despite significant public backing, there was widespread opposition to the judgement, particularly from those associated with the Christian right. It led to the greater politicisation of Supreme Court appointments, and subsequent nominees have been questioned closely about their attitude towards abortion.