

## Freedom of religion

| Case                             | Provision                           | Facts                                                                                                                                                                                                                        | Holding and reasoning                                                                                                                 |
|----------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Engel v. Vitale</b> (1962)    | 1st Amendment: Establishment Clause | A school policy required a nondenominational prayer to be read at the start of each school day. Students could be excused, but a group of parents sued, arguing the state-sponsored prayer violated the Establishment Clause | Requiring school officials to read a prayer in school means the school is endorsing religion, which violates the Establishment Clause |
| <b>Wisconsin v. Yoder</b> (1972) | 1st Amendment: Free Exercise Clause | Wisconsin law required children to attend school until age 16. Amish parents did not send their children to school past eighth grade because it conflicted with their religious values, and they were fined under the law    | Ruled for the Amish: their right to practice their religion outweighed the state's right to educate children in high school           |

## Freedom of speech and the press

| Case                                          | Provision                           | Facts                                                                                                                                                                                                                                                            | Holding and reasoning                                                                                                                                                                           |
|-----------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Schenck v. United States</b> (1919)        | 1st Amendment: freedom of speech    | Schenck sent out leaflets telling draft-age men not to join World War I. He was charged with violating the Espionage Act, which banned interfering with military recruitment                                                                                     | Ruled against Schenck and established the <b>clear and present danger test</b> : speech that brings about danger and evil to the country is not protected under the Constitution                |
| <b>Tinker v. Des Moines</b> (1969)            | 1st Amendment: freedom of speech    | Students planned to wear black armbands to school to protest the Vietnam War. The school made a policy prohibiting armbands, and students who wore them were suspended                                                                                           | Wearing the armbands did not cause major disruption to school and learning, so suspending the students for wearing them violated their speech rights                                            |
| <b>New York Times v. United States</b> (1971) | 1st Amendment: freedom of the press | An individual illegally leaked the Pentagon Papers, a document with information damaging to the U.S. government about the Vietnam War, to the <i>New York Times</i> . The Nixon administration asked the courts to stop the paper from publishing it             | Ruled for the <i>Times</i> : for the government to take away a newspaper's right to publish ( <b>prior restraint</b> ), there must be an immediate danger to the country, which was absent here |
| <b>Citizens United v. FEC</b> (2010)          | 1st Amendment: freedom of speech    | Citizens United wanted to air a documentary damaging to Hillary Clinton right before the presidential primaries. The Bipartisan Campaign Reform Act barred corporate and union ads about candidates within 30 days of a primary or 60 days of a general election | Ruled for Citizens United: political spending by corporations and unions is protected speech, so they may spend unlimited amounts of money on independent broadcasts                            |

## Selective incorporation

| Case                               | Provision                                                               | Facts                                                                                                                                                                                                                                                       | Holding and reasoning                                                                                                                                                              |
|------------------------------------|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Gideon v. Wainwright</b> (1963) | 6th Amendment: right to an attorney; 14th Amendment: Due Process Clause | Gideon was accused of breaking into a business and stealing money, a minor felony in Florida. Florida appointed public defenders only in capital cases, so it denied him one. He represented himself, was convicted, and appealed the denial of an attorney | Ruled for Gideon: the 6th Amendment's right to counsel applies to defendants in state courts, because the right to an attorney is a fundamental right deeply rooted in our history |
| <b>McDonald v. Chicago</b> (2010)  | 2nd Amendment: right to bear arms; 14th Amendment: Due Process Clause   | Chicago banned handguns because of high crime rates. McDonald, who lived in a dangerous area and did not feel safe without a gun, challenged the law                                                                                                        | Struck down the Chicago gun ban and applied the 2nd Amendment to the states, because the right to bear arms is a fundamental right rooted in our history                           |