

The Judiciary: Roughly 33% of Our Thrice-Branded Government!

TTGT11 VI: Lick My Love Pump

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Subject: It's a packet about the Judicial Branch. Now, stop dawdling and get playing.

(Moderator: On case names, wherever *United States* is listed as a party to the case, it's perfectly all right for someone to shorten it to *U.S.* Also – let it be known ahead of time that full names of cases will be required. They know up front now. No bitching...)

Tossups

1. **He held a seat in both the Maryland assembly and the Continental Congress, had signed the Declaration of Independence on behalf of Maryland, and after the Revolution served as chief judge of the Maryland General Court (*).** Appointed to the Supreme Court by Washington, he was still on the court when Jefferson took power. Jefferson disliked this man's Federalist opinions, and encouraged the House to take action. FTP, identify this only justice to be impeached, being acquitted by the Senate in 1805.

Answer: Samuel Chase

2. **The defendant's main objection came from being found guilty on 18 counts of a relatively new law promulgated under Section 3 of a much larger legislative act (*).** However, when the case reached the Supreme Court, the justices unanimously found for the defendant, acknowledging that while Congress certainly was bound to take drastic action when faced with a grave national crisis, that even the Depression did not allow the government to violate the Tenth Amendment. FTP, identify this 1935 "sick chicken" case which struck down the NIRA.

Answer: *A.L.A. Schechter Poultry Co. v. United States*

3. **As head of the Kentucky delegation to the Republican convention in 1876, he played a leading role in the nomination of Rutherford B. Hayes – after the election, he was rewarded with a seat on the Supreme Court. His reputation as a dissenter (*) was earned in the insular cases of 1901, and a landmark 1896 case.** FTP, identify this defender of civil liberties, most famous for his dissent in *Plessy v. Ferguson* where he said "The Constitution is colorblind and neither knows nor tolerates classes among citizens."

Answer: Justice John Marshall Harlan

4. **In the majority opinion, written by John Marshall, the court said that the Constitution had a clause which allowed the federal government to regulate commerce, in this case trade (*),** wherever it might be, including within the borders of the state. The case arose when New York granted an exclusive license for steamship operation inside the state, while Congress gave another party the same permission. FTP, identify this landmark 1824 steamship case.

Answer: *Gibbons v. Ogden*

5. **On May 23, 1957, Cleveland police officers came to her home (*),** acting on a tip that a bombing suspect might be found there. When she twice refused their entry without a warrant, the police forced their way in and handcuffed her when she grabbed at what they claimed was a valid warrant. Obscene materials found in a trunk were used for a conviction under Ohio's obscenity law. FTP, identify this woman whose conviction was overturned by the Court which at the same time disqualified evidence found during an illegal search.

Answer: Dollree Mapp

6. **The commissioner of public affairs in Montgomery, Alabama, brought suit charging that he had been libeled by an ad run by a civil rights group criticizing the behavior of Montgomery police. Awarded \$500,000 (*), on appeal the Court asserted that the First Amendment abolished the crime of seditious libel and permits even “vehement, caustic, and unpleasantly sharp attacks on government and public officials.”** FTP, identify this 1964 case which marked the Court’s first attempt to distinguish libel from protected expression.

Answer: New York Times v. Sullivan

7. **He was arrested on the weight of two films that showed him addressing Klan meetings. The most provocative element in his speeches (*)** was the statement, “if our President, our Congress, our Supreme Court, continues to suppress the white, Caucasian race, it’s possible that there might have to be some revenge taken.” He was convicted under Ohio’s Criminal Syndicalism Act, but, FTP, whose conviction was overturned in 1969 as the Court repudiated an earlier decision in *Whitney v. California*?

Answer: Charles Brandenburg

8. **At issue in this 1904 case was the Sherman Act and whether it enacted a policy of maintaining full and free competition (*)**. Writing for the majority, Justice Harlan declared that Congress “has authority to declare ... that the freedom of interstate and international commerce shall not be obstructed or disturbed by any combination, conspiracy, or monopoly that will restrain such commerce.” FTP, identify this case where the court ruled that a holding company formed to eliminate competition between two railroad lines was a restraint of trade.

Answer: Northern Securities Co. v. United States

9. **He served with the Justice Department under presidents Nixon and Ford before becoming a circuit judge on the US Court of Appeals for D.C. in 1982. Nominated to the Court in 1987 (*),** his views on judicial restraint and his previous rulings stating there was no Constitutional right to privacy were viewed by pro-choice groups as intent to overturn *Roe v. Wade*. His nomination was defeated 58-42. FTP, identify this failed Reagan nominee, author of *Slouching Towards Gomorrah*, and man who carried out Nixon’s Saturday Night Massacre.

Answer: Robert Bork

10. **Writing for the majority in this case, Justice Peckham declared that the state had unreasonably and arbitrarily interfered with the “freedom of master and employee to contract (*)** with each other in relation to their employment.” A Utica bakery owner had been fined \$50 for violating an 1897 state law that limited the hours of employment in bakeries to 10 hours a day and 60 hours a week. FTP, identify this case where the Court ruled the Due Process clause had been violated by the deprivation of the liberty to contract.

Answer: Lochner v. New York

11. **He received his law degree from Harvard and began teaching law at Virginia in 1967. He taught at Georgetown and Stanford around stints in the Nixon and Ford administrations (*).** In 1982 he was appointed to the U.S. Court of Appeals for the District of Columbia, and in 1986, he was appointed to the Supreme Court, replacing Warren Burger. FTP, identify this justice whose aversion to having his words taped got him in trouble in 2003.

Answer: Antonin Scalia

12. **The specific basis for the case was *The Left Wing Manifesto*, which proclaimed the goal of revolutionary socialism (*)** was to destroy the “bourgeois state” through “revolutionary mass action.” The namesake of the case was convicted of violating a New York anarchy law by distributing the pamphlet. FTP, identify this 1925 case in which the Court ruled that a “legislative body” could punish “utterances (that) involve ... danger of substantive evil.”

Answer: Gitlow v. New York

13. On October 6th, 2004, the House voted to cut it into three separate circuits, which geographically makes sense (*) – it is the largest appeals court in the country. It heard the first salvos in the case against Napster, temporarily stopped the recall election in California, and, most famously, ruled the Pledge of Allegiance unconstitutional because it includes the words “under God.” FTP, identify this circuit court of appeals which includes Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, and Hawaii.

Answer: 9th Circuit Court of Appeals

14. It was reaffirmed in 1937's *West Coast Hotel Co. v. Parrish*. When first brought to the Court, the state in question turned to Louis Brandeis (*) to defend the law. He devised a highly unusual brief, where he covered the legal precedents for the case in just two pages, and filled over 100 pages with sociological, economic, and physiological data on the effect of long work days on the health of women. FTP, identify this 1908 case where a law limiting the workday and workweek of women was upheld.

Answer: Muller v. Oregon

15. The concept was born with *Baker v. Carr*, and a year later took shape in *Gray v. Sanders*, which held that Georgia's county-unit system of primary elections to statewide office violated the Equal Protection Clause (*). A year later, in *Wesberry v. Sanders*, the principle was extended to Congressional elections, and *Reynolds v. Sims* made it the constitutional rule for apportioning both houses of a state legislature. FTP, identify this four word phrase which recognizes the right to equal representation.

Answer: one man, one vote or one person, one vote or one woman, one vote

16. The plaintiff was thrown from her car and suffered severe injuries in an accident in 1983. As a result, she suffered permanent brain damage (*), and although she emerged from her coma, she fell into a persistent vegetative state. Her parents, acting on what they believed to be her wishes, asked that life sustaining measures be halted, but the state refused and the case went to the Supreme Court. FTP, identify this 1990 decision where the Court determined that states can require clear and convincing evidence of a wish to die.

Answer: Cruzan v. Missouri

17. He earned an engineering degree from the University of Minnesota in 1962, graduating with a 3.51 GPA (*). In 1973, he applied to the medical school at UC Davis but was denied despite high MCAT scores. When he was denied again in 1974, he sued in California Superior Court, and the court agreed he had been a victim of racial discrimination. FTP, identify this party to two discrimination lawsuits concerning the California University system.

Answer: Allan Bakke

18. The government maintained that under decisions passed down in *Olmstead v. United States* and *Goldman v. United States* that their agents had done nothing wrong (*). The defendant, however, claimed his Fourth Amendment rights had been violated. He had been convicted of violating federal statute by transmitting wagering info to Miami and Boston from a phone booth in L.A. FTP, identify this 1967 case, where the Court ruled electronic surveillance must still meet the standards of the Bill of Rights.

Answer: Katz v. United States

19. **He clerked for Chief Justice Vinson in 1946, and having met John Kennedy while authoring an official Navy report on the sinking of PT-109, he was Kennedy's choice (*) to replace Charles Whittaker on the Supreme Court.** A staunch defender of civil rights, conversely he wrote dissenting opinions in *Miranda v. Arizona* and *Roe v. Wade*. Retiring in 1993, he left the Court with more rushing yards than any justice in history. FTP, identify this associate justice who led the NFL in rushing with the Pittsburgh Pirates in 1938.

Answer: Byron "Whizzer" White (Yes, Pirates. Not Steelers. Not in 1938, anyway.)

20. **A resident of a house came home while the defendant was breaking in. While escaping, the defendant tripped and his gun fired accidentally (*).** The resident was shot and killed. The defendant was convicted of murder and sentenced to death. In his case, combined with *Jackson v. Georgia* and *Branch v. Texas*, the Court ruled that the penalty was improperly applied. FTP, identify this 1972 case which said that the Eighth and Fourteenth Amendments could not tolerate a death penalty that was so "wantonly and freakishly" imposed.

Answer: Furman v. Georgia

21. **The Saturday Press published a series of articles charging that various Minneapolis public officials were dishonest and incompetent and that they were responsible for the racketeering and bootlegging in the city (*).** Under a state law that authorized abatement of a "malicious, scandalous, and defamatory newspaper," the state forced the paper to shut down. The paper sued, and in the end the Court sided with *The Saturday Press*. FTP, identify this 1931 case where the Court used the Fourteenth Amendment to extend freedom of the press to the states.

Answer: Near v. Minnesota

Bonuses

1. Porn! Identify the following cases where the Court dealt with sleazy goodness, fifteen each.

- A) Combined with *Alberts v. California*, the Court ruled in this 1957 case that obscene material was not protected by freedom of speech, defining obscene as “utterly without redeeming social value” and appealing to the “prurient interests” of the average person.

Answer: *Roth v. United States*

- B) This 1973 case replaced the “average person” standard with the “local community” standard, creating a Supreme Court obscenity test that still bears the name of the defendant.

Answer: *Miller v. California* (*The Miller Test*)

2. Sometimes, the Supreme Court just got to let down its hair, I guess. Identify these films or TV shows which somehow feature the Supreme Court, ten each.

- A) This Milos Forman movie showed one of the most realistic portrayals of a Supreme Court session ever put on film – in this case arguments from *Hustler Magazine v. Falwell*.

Answer: *The People Vs. Larry Flynt*

- B) At the end of this movie, we find out that the New Main Street Singers are starring in a new sitcom where they’re Supreme Court justices by day and folk singers by night.

Answer: *A Mighty Wind*

- C) This CBS drama lasted only a few episodes in 2001. It featured James Garner and Charles Durning as staunchly conservative justices, and Joe Mantegna as the moderate swing vote.

Answer: “First Monday”

3. Answer some questions on the basic procedures of the Supreme Court, 10 each.

- A) By statute, each Supreme Court term starts on the first Monday of what month of the year?

Answer: October

- B) Rare exceptions notwithstanding, each side in a case is normally allowed how many minutes of argument before the Court?

Answer: 30

- C) This three-word phrase that comes to us from Anglo-Norman French is the only non-English section of the announcement that starts every public session of the Court.

Answer: Oyez! Oyez! Oyez! (*Pronounced “Oh yes” or “Oh yea”, dependin’ on your druthers*)

4. Contract law! Whee! FTSNOP, answer the following.

10: This New England college won a case to preserve their private status in 1819 after the state of New Hampshire tried to convert them into a public university.

Answer: Dartmouth College

5: This gifted orator, famous son of New Hampshire, and one time student at Dartmouth argued for the college in front of the Supreme Court and won.

Answer: Daniel Webster

15: Despite being a landmark case, *Dartmouth College v. Woodward* is not without precedent. In this 1810 case, the Court ruled that even though a land contract had been illegally obtained, it must be honored.

Answer: *Fletcher v. Peck*

5. FTSNOP, answer the following about the Dred Scott decision.

10: This was the full name of the case.

Answer: Dred Scott v. Sanford

15: Dred Scott's master took him to three different present-day states – two free and one slave. Name them, five points each.

Answer: Missouri, Illinois, Wisconsin Territory

5: This Chief Justice wrote the opinion that declared that slaves were not citizens, and also declared the Missouri Compromise unconstitutional, helping to bring about the Civil War.

Answer: Roger Taney (taw-NEE)

6. Answer the following, ten each.

A) This 1919 case upheld the conviction of the general secretary of the U.S. Socialist Party under the Espionage Act of 1917.

Answer: Schenck v. United States

B) The justices invoked what four-word phrase in their unanimous opinion to quantify the threat posed by Charles Schenck's actions?

Answer: clear and present danger

C) This justice, a Civil War veteran who was the oldest man ever to serve on the Court at his retirement in 1932, wrote the decision.

Answer: Oliver Wendell Holmes, Jr.

7. FTSNOP, answer the following about the Pentagon Papers case.

10: This was the official name of the case that is also known as the *Pentagon Papers* case.

Answer: New York Times Company v. United States

15: This man, associated with the Pentagon in 1971, was the man who passed the Pentagon Papers on to the New York Times.

Answer: Daniel Ellsberg

5: This paper was also covered under a June 1971 injunction prohibiting publication of the Pentagon Papers, and was granted relief by the court along with the *Times*.

Answer: Washington Post

8. Identify these controversial George W. Bush judicial appointees, ten each. (NOTE: The author has no opinion on whether or not these people would make good judges. Just answer the questions.)

A) Recess-appointed to sit on the 5th Circuit Court of Appeals, liberals dislike his efforts in Mississippi to change the Voting Rights act and his call for a Constitutional ban on abortion.

Answer: Charles Pickering

B) Recess-appointed to the 11th Circuit Court of Appeals, liberals dislike his efforts to defend Alabama's anti-sodomy laws and their plan to tie misbehaving prisoners to hitching posts.

Answer: William Pryor

C) Her nomination to the 5th Circuit has been filibustered since day one. A justice on the Texas Supreme Court, liberals dislike her campaign ties to Enron and Halliburton.

Answer: Priscilla Owen

9. Identify the case from clues, 30-20-10.

30: One of the named parties was an employ in a bank in Baltimore, who refused to pay a tax he felt was unjust.

20: The tax in question had been levied by the state, which felt it had the authority to tax any sort of business within its borders.

10: The business in question, the Bank of the United States, could not be taxed because "the power to tax involves the power to destroy," according to this landmark 1819 case.

Answer: McCulloch v. Maryland

10. The Supreme Court building turns 69 this year. FTSNOP, answer the following.

10: This Chief Justice and one-time presidential candidate presided over the dedication of the cornerstone of the building in 1932 and was still Chief Justice when the Court took occupancy of the building in 1935.

Answer: Charles Evans Hughes

5: This Chief Justice and one-time president was responsible for convincing Congress to appropriate the funds for a building, but did not live to see his efforts come to fruition.

Answer: William Howard Taft

15: This architect whose other works included the Woolworth Building and the Minnesota state capital was, like Hughes, a non-president, and like Taft did not live to see completion of the project.

Answer: Cass Gilbert

11. Answer the following about the most famous pool hall break-in in American history, 5-10-15.

5: This case was appealed to the Court after no Florida court would appoint counsel for the defendant despite his inability to afford a lawyer.

Answer: Gideon v. Wainwright

10: This future Supreme Court justice was appointed by the Court to represent Clarence Gideon before the U.S. Supreme Court.

Answer: Abe Fortas

15: Gideon presented this type of petition to the Court, stating he wished to pursue an appeal but could afford neither attorney nor court costs.

Answer: *in forma pauperis* (Prompt on any answer with "pauper")

12. Answer the following about *Marbury v. Madison*, ten each.

A) The case centered on the midnight appointments of John Adams. William Marbury, when he learned he had not received his commission, sued for this type of writ which would force the new administration to deliver his commission.

Answer: writ of mandamus

B) James Madison, who held this post in the new administration, discovered the undelivered commissions, and was told by the new president they should not be delivered.

Answer: Secretary of State

C) The Court ruled that the Judiciary Act of 1789, which allowed them to compel action, was unconstitutional, giving themselves what specific power not outlined in the Constitution?

Answer: judicial review

13. Identify these cases tried during the illustrious presidency of Bill Clinton, 10 each.

A) In this 1995 case, the Court ruled that neither states nor Congress could limit the terms of members of Congress.

Answer: *U.S. Term Limits Inc. v. Thornton*

B) Citing the right to free expression, the Court overturned a provision making it a crime to display or distribute "indecent" material on the internet in this 1997 decision.

Answer: *Reno v. ACLU*

C) The Court struck down the Line Item Veto Act in this 1998 case, holding that it unconstitutionally gave the President "the power to change the text of duly enacted statutes."

Answer: *Clinton v. City of New York*

14. Answer the following about the procedures of the court, 10 each.

A) The Court grants this type of writ when it agrees to hear a case on appeal.

Answer: writ of certiorari

B) When the United States is a party to the case, it is normally represented by this Justice Department official, the third highest ranking official in the department.

Answer: Solicitor General

C) Anyone may file this type of brief with the Court, but it should bring to the attention of the Court relevant matter not already brought to its attention by the parties in a case.

Answer: amicus curiae or friend of the court

15. Identify these cases which may or may not have something in common, ten each.

A) In this 1861 case, the Supreme Court ruled against Lincoln's wishes that the writ of habeas corpus may not be suspended, even during wartime.

Answer: Ex Parte Merriman

B) In this 1866 case, the defendant was accused of planning to steal Union weapons and invade a prisoner-of-war camp. Sentenced to death by a military tribunal, the court ruled he must be tried in a civilian court.

Answer: Ex Parte Milligan

C) In this 1866 case, an Arkansas attorney came before the court asking that a law requiring a loyalty oath be declared an ex post facto law so he could resume practice.

Answer: Ex Parte Garland

16. Answer the following, ten each.

A) In this 1793 case, the Court's first major decision, South Carolinians attempted to sue another state over payments due them for goods supplied during the Revolution.

Answer: Chisholm v. Georgia

B) This first Chief Justice voted with the majority in the 4-1 decision in favor of the South Carolinians.

Answer: John Jay

C) The passage of this Constitutional amendment removed the Court's jurisdiction in such cases.

Answer: 11th Amendment

17. In 1986, the Court ruled that the Constitution did not confer upon homosexuals the right to engage in acts of sodomy. In 2003, the precedent was reversed.

A) For ten points, name the 1986 case that upheld a state's anti-sodomy laws, and for another five points name the state in question.

Answer: Bowers v. Hardwick, Georgia

B) For 15 points, this was the 2003 case in which the Court struck down a similar Texas statute.

Answer: Lawrence and Garner v. Texas

18. Supreme Court justices dabbling in politics? Say it ain't so! Answer the following, 5-10-15.

5: He was Thomas Dewey's running mate in 1948 – the only election he ever lost. Appointed Chief Justice by Eisenhower, his 16-year tenure oversaw the landmark cases of the 1960s.

Answer: Earl Warren

10: As an associate justice, he left the court to run for President. Running against Wilson in 1916, he went to bed leading and woke up a loser. Hoover reappointed him to the Court as Chief Justice in 1930.

Answer: Charles Evans Hughes

15: Appointed by Lincoln in 1862, he was one of the five justices named to the Electoral Commission of 1876. Expected to be the swing vote, he was mysteriously made a Senator by Republican-leaning Illinois, leaving the commission to be replaced by a Republican.

Answer: David Davis

19. Identify these cases dealing with school prayer, 5-10-15.

5: This 1962 case struck down a New York law allowing non-denominational prayer in public schools, effectively banning school prayer.

Answer: Engel v. Vitale

10: This 1985 case overturned an Alabama law that allowed “a period of silence not to exceed one minute in duration” for “voluntary prayer.”

Answer: Wallace v. Jaffree

15: This 1992 case ruled that prayers at public school graduation ceremonies, in this case a Rhode Island middle school, violated the Establishment Clause.

Answer: Lee v. Weisman

20. Identify these cases which diminished the power of the privileges clause of the 14th Amendment, ten each.

A) In this set of 1873 decisions, the Court upheld an act of the Louisiana legislature that had conferred upon one firm a monopoly over the butchering business in New Orleans. The case drew a distinction between national and state citizenship and the privileges of each.

Answer: Slaughterhouse Cases

Accept: Butcher's Benevolent Association v. Crescent City Livestock Landing and Slaughterhouse Company

B) The Court reaffirmed its narrow interpretation of the privileges clause in this 1877 case which affirmed a state's right to set maximum rates for grain elevators, saying that elevators, while private businesses, still served a vital public interest.

Answer: Munn v. Illinois

C) In this 1878 case, the Court rejected a New Orleans landowner's claim that he had been deprived of his property without due process of law by being forced to pay a special assessment whose purpose allegedly would not benefit him.

Answer: Davidson v. New Orleans

(ED - The purpose was the draining of swamplands, if anyone cares. Probably not.)