

barron v. mayor and city council of baltimore essay sample

[Law](#), [Constitution](#)



*Background of case:

*the case began with a lawsuit from John Barron against Baltimore stating that it deprived him of his property which violates the Fifth Amendment. It proves that the government cannot take private property with just compensation. The court found that Baltimore deprived him of his private property and gave him \$4, 500. It was later reversed but then appealed to the Supreme Court in 1833. *judges in the majority opinion: *they did not hear the arguments of the city of Baltimore. *Reason for majority ruling:

*the limitations on government in the Fifth Amendment were intended to limit the powers of the national government. *Judges in the dissenting opinion: *There were none dissenting *Reasons for dissenting opinion:

*There were none dissenting

*Judges concurring:

*the Supreme Court had no jurisdiction in this case since the Fifth Amendment was not applicable to the states. *What side did concurring judges agree with and which points do they disagree? *They agreed on how Baltimore deprived Barron of private property but they disagreed with Baltimore by not allowing them to state their case.

Lemon V. Kurtzman

1971

8 vote(s) for Lemon, 0 vote(s) against

*Background of case:

*it involved controversies over laws in Pennsylvania and Rhode Island. Both laws supporting educational related purposes. *judges in the majority

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opinion: *Three part laws dealing with religious establishments. An excessive government entanglement with religion. *Reason for majority opinion:

*concerning legislation about unhealthy support to religious schools. *Judges

in the dissenting opinion: *there were none dissenting *Reasons for

dissenting opinion:

*there were none dissenting

*Judges concurring:

*no judges concurred

*What side did concurring judges agree with and which points do they disagree? *no judges concurred

Zelman V. Simmons-Harris 2002

5 vote(s) for Zelman, 4 vote(s) against

*Background of case:

*A program that provides tuition and aid for students to attend public or private schools chosen by their parents. *Majority opinion: *the program was of true private importance. *Reason for majority opinion:

*it gives individuals a genuine choice for private, public, secular and religious options. *Dissenting opinion: *the program did not violate the establishment clause. *Reason for dissenting opinion:

*the program was just wanting to provide educational opportunities to people. *Judges concurring: *government aid reaches religious institutions and deliberate choices of individual recipients is reasonably attributable.

*What did concurring judges agree with and which points do they disagree?

*they agreed on how it provides a wide spectrum for individuals but they disagree on defining only financial needs in particular school districts.

Engel V. Vitale

1962

6 vote(s) for Engel, 1 vote(s) against

*Background of case:

The state of New York authorized voluntary prayer for citation at the start of each school day to defuse the political issue by not having the local community have the problem any longer. *Majority opinion: *By providing the prayer, New York approved religion. *Reason for majority opinion:

*This was the first case in which the court established clause to eliminate religious activities which had been part of public ceremonies. *Dissenting opinion: *it had nondenominational and voluntary characteristics. *Reason for dissenting opinion:

* Neither characteristics of a prayer saved it from unconstitutionality. *Judges concurring: *they concurred with the fact that prayer defused politically potent issues but its still unpopular with the majority of Americans. *What did concurring judges agree with and which points do they disagree? *They wanted it out of the local community's hands but by providing the prayer, New York officially approved religion.

School district of Abington Township, Pennsylvania V. Schlepp 1963 8 vote(s) for Schlepp, 1 vote(s) against *Background of case:

*Bible-reading in public schools was required in Pennsylvania. A note to

excuse students excluded them from reading the Lord's Prayer or ten Bible-Versus every morning. *Majority opinion: *the ability of a parent to excuse their child was irrelevant. *Reason for majority opinion: *a written note was irrelevant since it did not prevent the school's actions from violating the establishment clause. *Dissenting opinion: *the court found that it was such a violation. *Reason for dissenting opinion:

*it enriched both the free exercise clause and the establishment clause of the first amendment since readings and recitations. *Judges concurring: *parents can excuse their child but it violated clauses because the child hears it all around him. *What did concurring judges agree with and which points do they disagree? *They agreed that parents have the right to religion but they disagreed on how the note could possibly make a difference. Seeing as the child would still hear the prayers of other students. Scheck V. United States 1919 9 vote(s) for Scheck, 0 vote(s) against

*Background of case:

*industrial codes from section 3 of the national industrial recovery act empowered the president to regulate incomes. *Majority opinion: *section 3 violated the constitution. *Reason for majority opinion:

*because the law did not establish rules or standards to evaluate industrial activity. *Dissenting opinion: *there were none dissenting *Reason for dissenting opinion:

*there were none dissenting

*Judges concurring:

- *the law made no codes but empowered the government.

- *What did concurring judges agree with and which points do they disagree?

- *they agreed on industrial activity but they disagreed on it being an unconstitutional delegation of the legislative authority.

Zurcher V. Stanford Daily

1978

5 vote(s) for Zurcher, 3 vote(s) against

- *Background of case:

- *The California police department searched the Stanford daily for photographs that might identify the person(s) they were searching for.

- *Majority opinion: *searching the Stanford daily did not violate any amendments. In this case, there was no violation of the fourth amendment.

- *Reason for majority opinion: *searches that had warrants were okay if the place had some type of possibility of having evidence in them. *Dissenting opinion: *warrants weren't forbid if the press was involved. *Reason for dissenting opinion:

- *the framers of the constitution.

- *Judges concurring:

- *No violations but wasn't forbid either.

- *What did concurring judges agree with and which points do they disagree?

- *they agreed that the fourth amendment was not violated but they disagreed on forbidding warrants.

Roth V. United States

1957

6 vote(s) for United States, 3 vote(s) against

*Background of case:

*a book seller in New York mailed obscene books that violated the federal obscenity statute. *Majority opinion: *the court said the obscenity was not “ within the area of constitutionally protected speech or press.” *Reason for majority opinion: *the first amendment was not intended to protect every utterance or form of expression. *Dissenting opinion: *the determined obscenity was whether to the average person applying to community standards appealed to “ prurient interest.” *Reason for dissenting opinion: *sufficient fair warning satisfied demands of things. *Judges concurring:

*obscenity was not within protection of the speech but the first amendment didn’t protect the form of expression. *What did concurring judges agree with and which points do they disagree? * they agreed that the mailing thing wasn’t protected but they disagreed on the definition of it and the demands of the process. Miller V. California 1973 5 vote(s) for Miller, 4 vote(s) against

*Background of case:

*Miller mailed adult material that brought it to the police’s attention.

*Majority opinion: *the adult material didn’t “ enjoy first amendment protection.” *Reason for majority opinion: *Miller was not violating California law. *Dissenting opinion:

*the material was brought to the police for a reason.

*Reason for dissenting opinion:

*people were not thrilled seeing mailing campaign advertisements sent to them. *Judges concurring: *It was offensive to those who reported it to the police but it did not violate anything because it didn't redeem social value.

*What did concurring judges agree with and which points do they disagree?

*they disagreed on how it was not law already but they agreed that because it isn't law, there was no need for it to be taken further.

NAACP V. Alabama 1958

9 vote(s) for NAACP, 0 vote(s) against

*Background of case:

*Alabama required the names of all the members of the NAACP in order to enjoin it. *Majority opinion: *telling the NAACP members names was an overriding interest of the state. *Reason for majority opinion: *Alabama's actions would have suppressed legal problems to all of the NAACP's members. *Dissenting opinion: *there were none dissenting *Reason for dissenting opinion:

*there were none dissenting

*Judges concurring:

*No concurring because they all agreed with the NAACP

*What did concurring judges agree with and which points do they disagree?

*the judges agreed on everything and disagreed on nothing because they sided with the NAACP