

10/4/2021

Name	Date	Issue	Power	Right	Take Away
Texas v O'Brien	1968	Flag burning – 1 st A/14 th	X		[A] government regulation is sufficiently justified if it is within the constitutional power of the Government; (i) if it furthers an important or substantial governmental interest; (ii) if the governmental interest is unrelated to the suppression of free expression; (iii) if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.
Texas v. Johnson	1989	Flag burning – 1 st A/14 th		X	
NY Times Co v. Sullivan	1964	Libel of Public Official (Press) – 1 st A/14 th		X	When a statement concerns a public figure it is not enough to show that it is false for the press to be liable for libel. Instead, the target of the statement must show that it was made with knowledge of or reckless disregard for its falsity.
Epperson v. AR	1968	Prohibit teacher from teaching evolution: 1 st A/14 th		X	Ct stated that the law was based solely on the belief of Christians that evolutionary theories directly contradicted the biblical account of Creation. This use of state power to prohibit the teaching of material objectionable to a particular sect amounted to an unconstitutional Establishment of religion. "The State's undoubted right to prescribe the curriculum for its public schools does not carry with it the right to prohibit, on pain of criminal penalty, the teaching of a scientific theory or doctrine where that prohibition is based upon reasons that violate the First Amendment." Two members of the Court concurred in the result, writing that it violated either the Due Process clause of the 14 th Amendment (because it was unconstitutionally vague) or the Free Speech clause of the First Amendment.
Everson v. Bd of Ed Ewing, NJ	1946	Subsidized trans to religious schools; 1 st A/14 th Est.	X		Statute did not pay money to or directly support parochial schools; it was rather enacted to assist parents of all religions with getting their children to school.
McCullum v. Board of Ed	1948	"released time" for religious instr.; 1 st /14 th .		X	tax-supported property for religious instruction and the close cooperation between the school authorities and the religious council violated the constitutionally-required separation of church and state.
Engel v. Vitale	1962	Voluntary non-denominational prayer in school; 1 st /14 th		x	Court ruled that the constitutional prohibition of laws establishing religion meant that government had no business drafting formal prayers for any segment of its population to repeat in a government-sponsored religious program.