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Supreme Court Case Study 6
2 Supreme Court Case Studies
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following questions on a separate sheet of paper. 1. Why is the Marbury case important in the history of the Supreme Court? 2. In what way did the Marbury decision enhance the system of checks and balances provided for in the Constitution? 3.

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Current cases. Cases only appear here a few weeks before the appeal is due to be heard by the Court. Lists of cases seeking permission to appeal to the Court appear on the monthly lists published on our Permission to appeal page, once such an application is determined.. The abbreviations 'FC' and 'AP' stand for 'Funded Client' and 'Assisted Person' respectively.

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Background of the Case

John Emerson, a United States Army
surgeon, took enslaved African Dred
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The election of 1800 transferred power in the federal government from the Federalist Party to the Republican Party.

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6.3.1 The case is the statement of a party's argument in the appeal. The Court does not prescribe any maximum length but the Court favours brevity and a case should be a concise summary of the submissions to be developed.

The appeal hearing | Practice

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direction 6 - The Supreme Court
Eleven years after the St. Paul case, the U.S. Supreme Court revisited the issue of cross-burning after three people were arrested separately for violating a similar Virginia ban. In a 5-4 ruling written by Justice Sandra Day O'Connor , the Supreme Court held that while cross-burning may constitute illegal intimidation in some cases, a ban on the public burning of crosses would violate the ...

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relevant.

The US Supreme Court is arguably the most controversial institution in the American political system. Decisions on such 'hot-button' issues as abortion, race equality, the death penalty and gay marriage have sharply divided the Court, politicians and public opinion. Some say that the Justices are merely politicians in judicial robes, while others insist that the Court simply does its best to interpret the Constitution for a society that differs drastically from the late eighteenth century when it was written. All those studying or simply interested in American politics must therefore get to grips with the nature, power and role of the Supreme Court in American politics. This book provides a comprehensive

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and balanced account, written and organised in an accessible style. It assumes no prior knowledge of the Court or constitutional law, and will help readers to gain a full appreciation of this much-criticised and important institution.

As the Supreme Court has recognized, social media sites like Facebook and Twitter have become important venues for users to exercise free speech rights protected under the First Amendment. Commentators and legislators, however, have questioned whether these social media platforms are living up to their reputation as digital public forums. Some have expressed concern that these sites are not doing enough to counter violent or false speech. At the same time, many argue that the platforms are

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unfairly banning and restricting access to potentially valuable speech. Currently, federal law does not offer much recourse for social media users who seek to challenge a social media provider's decision about whether and how to present a user's content. Lawsuits predicated on these sites' decisions to host or remove content have been largely unsuccessful, facing at least two significant barriers under existing federal law. First, while individuals have sometimes alleged that these companies violated their free speech rights by discriminating against users' content, courts have held that the First Amendment, which provides protection against state action, is not implicated by the actions of these private companies. Second, courts have concluded that many non-constitutional claims are

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barred by Section 230 of the Communications Decency Act, 47 U.S.C. § 230, which provides immunity to providers of interactive computer services, including social media providers, both for certain decisions to host content created by others and for actions taken "voluntarily" and "in good faith" to restrict access to "objectionable" material. Some have argued that Congress should step in to regulate social media sites. Government action regulating internet content would constitute state action that may implicate the First Amendment. In particular, social media providers may argue that government regulations impermissibly infringe on the providers' own constitutional free speech rights. Legal commentators have argued that when social media

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platforms decide whether and how to post users' content, these publication decisions are themselves protected under the First Amendment. There are few court decisions evaluating whether a social media site, by virtue of publishing, organizing, or even editing protected speech, is itself exercising free speech rights.

Consequently, commentators have largely analyzed the question of whether the First Amendment protects a social media site's publication decisions by analogy to other types of First Amendment cases. There are at least three possible frameworks for analyzing governmental restrictions on social media sites' ability to moderate user content. Which of these three frameworks applies will depend largely on the particular action being

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regulated. Under existing law, social media platforms may be more likely to receive First Amendment protection when they exercise more editorial discretion in presenting user-generated content, rather than if they neutrally transmit all such content. In addition, certain types of speech receive less protection under the First Amendment. Courts may be more likely to uphold regulations targeting certain disfavored categories of speech such as obscenity or speech inciting violence. Finally, if a law targets a social media site's conduct rather than speech, it may not trigger the protections of the First Amendment at all.

Ideology in the Supreme Court is the first book to analyze the process by which the ideological stances of U.S.

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Supreme Court justices translate into the positions they take on the issues that the Court addresses. Eminent Supreme Court scholar Lawrence Baum argues that the links between ideology and issues are not simply a matter of reasoning logically from general premises. Rather, they reflect the development of shared understandings among political elites, including Supreme Court justices. And broad values about matters such as equality are not the only source of these understandings. Another potentially important source is the justices' attitudes about social or political groups, such as the business community and the Republican and Democratic parties. The book probes these sources by analyzing three issues on which the relative positions of liberal and

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conservative justices changed between 1910 and 2013: freedom of expression, criminal justice, and government "takings" of property. Analyzing the Court's decisions and other developments during that period, Baum finds that the values underlying liberalism and conservatism help to explain these changes, but that justices' attitudes toward social and political groups also played a powerful role. Providing a new perspective on how ideology functions in Supreme Court decision making, *Ideology in the Supreme Court* has important implications for how we think about the Court and its justices.

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