A QUOTES FOR THE EXAM

Hey guys.

So I've compiled a list of the quotes that I think reasonably stand for each case. I then went through and took all of Dan's case summations from his post, thanks Dan, and matched them up with the cases because I didn't have any kind of description. No guarantees they're the right ones, but at least its something. Also sorry for the lack of font differentiation, it all got lost in the transfer.

-Morgan

The Slaughter-House Cases
Year: 1873
Majority: Miller
"Private interests must be made subservient to the general interests of the community. This is called the police power."
Concurring: None
Dissenting: Field
"The privileges and immunities of citizens of the US, every one of them, is secured against abridgement in any form by any state."
-Bradley
"This right to choose one's calling is an essential part of that liberty which it is the object of the government to protect; and a calling, when chose, is a man's property and right."
-Swayne
Privileges and immunities of citizenship of the United States were to be protected by the Fourteenth Amendment not privileges and immunities of citizenship of a state.

Lochner v. New York
Year: 1905
Majority: Peckham
"The general right to make a contract in relation to his business is part of the liberty of the individual protected by the 14th Amendment."
Concurring: None
Dissenting: Harlan, Holmes
New York's regulation of the working hours of bakers was not a justifiable restriction of the right to contract freely under the 14th Amendment's guarantee of liberty.

Abrams v. United States: and Schenck (1919), Whitney (1925), Dennis (1951), Masses Publishing (1917), Brandenburg (1969)
Year: 1919
Majority: Holmes
Concurring:
Dissenting: Holmes
"It is only present danger of immediate evil or an intent to bring it about that warrants congress in setting a limit to the expression of opinion where private rights are not concerned."
Defendants' criticism of U.S. involvement in World War I was not protected by the First Amendment, because they advocated a strike in munitions production and the violent overthrow of the government.

Gitlow v. New York
Year: 1925
Majority: Clarke
Concurring:
Dissenting: Holmes
"If the publication of this document had been laid as an attempt to induce an uprising against government at once and not at some indefinite time in the future it would have presented a different question. The object would have been one with which the law might deal, subject to the doubt whether there was any danger that the publication could produce any result, or in other words whether it was not futile and too remote from possible consequences."
Though the Fourteenth Amendment prohibits states from infringing free speech, the defendant was properly convicted under New York's criminal anarchy law for advocating the violent overthrow of the government, through the dissemination of Communist pamphlets.

Debs v. United States
Year: 1919
Majority: Holmes
"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." Quoted from Schenck
Concurring:
Dissenting:

Debs was attempting to arouse mutiny and treason by preventing the drafting of soldiers into the United States Army. This sort of sentiment and speech was outlawed in United States with the Espionage Act of June 15, 1917

Schenck v. United States
Year: 1919
Majority: Holmes
"The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent."
Concurring:
Dissenting:
Defendant's criticism of the draft was not protected by the First Amendment, because it created a clear and present danger to the enlistment and recruiting practices of the U.S. armed forces during a state of war.

Whitney v. California
Year: 1925
Majority:
Concurring: Brandeis
"But even advocacy of violation, however reprehensible morally, is not justification for denying free speech where the advocacy falls short of incitement and there is nothing to indicate that the advocacy would immediately be acted on. The wide difference between advocacy and incitement, between preparation and attempt, between assembling and conspiracy, must be borne in mind."
Dissenting:
Defendant's conviction under California's criminal syndicalism statute for membership in the Communist Labor Party did not violate her free speech rights as protected under the Fourteenth Amendment, because states may constitutionally prohibit speech tending to incite to crime, disturb the public peace, or threaten the overthrow of government by unlawful means.

New York Times Co. v. Sullivan
Year: 1964
Majority: Brennan
"The constitution requires, we think, a federal rule that prohibits a public official from revering damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'"
Concurring: Black
"We would more faithfully interpret the 1st amendment by holding that at the very least it leaves the people and the free press to criticize and discuss public affairs with impunity."
Dissenting: Goldberg
The First Amendment, as applied through the Fourteenth, protected a newspaper from being sued for libel in state court for making false defamatory statements about the official conduct of a public official, because the statements were not made with knowing or reckless disregard for the truth. Supreme Court of Alabama reversed and remanded.

Roth v. United States, Albert v. CA
Year: 1957
Majority: Brennan
"All ideas having even the slightest redeeming social importance have the full protection of the guarantees, unless excludable because they encroach upon the limited area of more important interests."
"We hold that obscenity is not within the area of constitutionally protected speech or press"
Concurring: Warren, Harlan
Dissenting: Douglas, w/ Black
"To allow the state to punish speech or publication that the judge or jury thinks has an undesirable impact on thoughts but that is not shown to be a part of unlawful action is drastically to curtail the 1st."
Obscenity is not protected by the First Amendment, but more strictly defines what is considered "obscene". Material whose "dominant theme taken as a whole appeals to the prurient interest" to the "average person, applying contemporary community standards."

Miller v. California
Year: 1973
Majority: Burger
"We do not see the harsh hand of censorship of ideas and repression of political liberty lurking in every state regulation of commercial exploitation of human interest in sex."
-Three pronged test developed: 1) community standards, 2) violation of explicitly stated law, 3) does it have literary/artistic/scientific purpose?
Concurring: None
Dissenting: Brennan, Douglas
"Obscenity--~~which even we cannot define with precision~~--is a hodge-podge. To send men to jail for violating standards they cannot understand, construe, and apply is a monstrous this to do in a nation dedicated to fair trials and due process."
Obscene materials are defined as those that the average person, applying contemporary community standards, find, taken as a whole, appeal to

the prurient interest; that depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable state law; and that, taken as a whole, lack serious literary, artistic, political, or scientific value.

Paris Adult Theater I v. Slaton

Year: 1973

Majority: Burger

Preventing unlimited display of distribution of obscene material, which by definition lacks any serious literary, artistic, political, or scientific value as communication, is distinct from a control of reason and the intellect."

Concurring: None

Dissenting: Douglas

"Obscenity at most is the expression of offensive ideas. There are regimes in the world where ideas offensive to the majority (or at least to those who control the majority) are suppressed. There life proceeds at a monotonous pace. Most of us would that find that world offensive."
-Brennan

Our experience with the Roth approach has certainly taught us that the outright suppression of obscenity cannot be reconciled with the fundamental principles of the 1st and 14th amendment. For we have failed to formulate a standard that sharply distinguishes protected from unprotected speech."

It was in the opinion of the court that the films under question were obscene and "hard core pornography," and that obscene, pornographic films do not acquire constitutional immunity from state regulation simply because they are exhibited for consenting adults only. They agreed that the holding was properly rejected by the Georgia Supreme Court, and the Georgia Supreme Court had not violated the First Amendment's Freedom of Speech Clause. "legitimate state interests were at stake in stemming the tide of commercialized obscenity, including the community's quality of life and public safety."

Texas v. Johnson

Year: 1989

Majority: Brennan

"If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

"In deciding whether particular conduct possesses sufficient communicative elements to bring the 1st amendment into play, we have asked whether 'an intent to convey a particularized message was present, and [whether] the likelihood was great that the message would be understood by those who viewed it"

"We have not permitted the gov. to assume that every expression of a provocative idea will incite a riot, but instead required careful consideration of the actual circumstances surrounding such expression, asking whether the expression 'is directed to inciting or producing imminent lawless action and is likely to incite or produce such action."

Concurring: Kennedy

Dissenting: Rehnquist

"When a word or symbol acquires value as the result of organization and the expenditure of labor, skill and money by an entity, that entity constitutionally may obtain a limited property right in the word or symbol"

"His act, like Chaplinsky's provocative words, conveyed nothing that could not have been conveyed and was not conveyed just as forcefully in a dozen different ways."
-Stevens

"The court is therefore quite wrong in blandly asserting that the respondent "was prosecuted for his expression of dissatisfaction with the policies of this country, expression situated at the core of our 1st amendment values. Respondent was prosecuted because of the method he chose to express his dissatisfaction with those policies."

A statute that criminalizes the desecration of the American flag violates the First Amendment.

Virginia v. Black, Barry E. et al

Year: 2003

Majority: O'Connor

"Thus, just as a State may regulate only that obscenity which is the most obscene due to its prurient content, so too may a State choose to prohibit only those forms of intimidation that are most likely to inspire fear of bodily harm."

Concurring: Scalia, Souter (in part)

Dissenting: Thomas

Virginia's statute against cross burning is unconstitutional because it places the burden of proof on the defendant to demonstrate that he or she did not intend the cross burning as intimidation.

Wisconsin v. Yoder

Year: 1972

Majority: Burger

"Thus a state's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by he free exercise clause of the 1st amendment, and the tradition interest of parents with respect to the religious upbringing of their children so long as they, in the words of Pierce, "prepare them for additional obligations."

Concurring: None
Dissenting: Douglass
The Wisconsin Compulsory School Attendance Law violated the Free Exercise Clause of the First Amendment because required attendance past the eighth grade interfered with the right of Amish parents to direct the religious upbringing of their children.

Reynolds v. United States
Year: 1878
Majority: Waite
"To permit [exemption of Reynolds on grounds of his religious belief] would be to make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself. Government could exist only in name under such circumstances."
"In the face of all this evidence it is impossible to believe that the constitutional guaranty of religious freedom was intended to prohibit legislation in respect to this most important feature of social life."
Concurring: None
Dissenting: None
The First Amendment was not intended to, and therefore does not, protect the right to practice polygamy, even if such a practice is rooted in one's religious beliefs.

Employment Division v. Smith
Year: 1990
Majority: Scalia
Concurring: O'Connor
"Because the 1st Amendment does not distinguish between religious belief and religious conduct, conduct motivated by religious belief, like the belief itself, must be at least presumptively protected by the Free Exercise Clause."
Dissenting: Blackmun
The Free Exercise Clause permits the State to prohibit sacramental peyote use and thus to deny unemployment benefits to persons discharged for such use." Neutral laws of general applicability do not violate the Free Exercise Clause of the First Amendment

Church of Lukumi Babalu Aye v. City of Hileah
Year: 1993
Majority: Kennedy
"At a minimum, the protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons."
"The principle that government, in pursuit of legitimate interests, cannot in a selective manner impose burdens only on conduct motivated by religious belief is essential to the protection of the rights guaranteed by the Free Exercise Clause."
Concurring: Scalia, Souter, Blackmun
Dissenting: None
The ordinances were neither neutral nor generally applicable: rather, they applied exclusively to the church. Because the law was targeted at Santería, the Court held, it was not subject to an undemanding rational basis test: rather, it had to be justified by a compelling governmental interest, and be narrowly tailored to advance that interest. Because the ordinance suppressed more religious conduct than was necessary to achieve its stated ends, it was deemed unconstitutional.

Everson v. B. of E. of the Township of Ewing
Year: 1946
Majority: Black
"The 1st amendment requires the state to be neutral in its relations with groups of religious believers and non-believers; it dos not require the state to be their adversary. State power is no more to be used so as to handicap religions than it is to favor them.
Concurring: None
Dissenting: Rutlege, Jackson
"The object [of the 1st amendment] was broader than separating church and stat in this narrow sense. It was to create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."
A state or local authority may provide reimbursement for public transportation costs to students attending private religious schools. This funding must be available for all students regardless of which school they attend. The majority argues this NJ law does not establish a state religion as there is no special treatment for parochial students.

Engel v. Vitale
Year: 1962
Majority: Black
"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance."
Concurring: Douglas

Dissenting: Stewart
Government-directed prayer in public schools, even if it is denominationally neutral and non-mandatory, violates the Establishment Clause of the First Amendment.

Wallace v. Jaffree
Year: 1985
Majority: Stevens
"for whenever the state itself speaks on a religious subject, one of the questions that we must ask is 'whether the government intends to convey a message of endorsement or disapproval of religion."
Concurring: Powell, O'Connor
"A statute that ostensibly promotes a secular interest often has an incidental or even a primary effect of helping or hindering a sectarian belief. Chaos would ensue if every such stature were invalid under the establishment clause. For example, the state could not criminalize murder for fear that it would thereby promote the biblical command against killing. The task for the court is to sort out those statutes and government practices whose purpose and effect go against the grain of religion liberty protected by the 1st amendment."
Dissenting: Rehnquist
"The state surely has a secular interest in regulating the manner in which public schools are conducted. Nothing in the establishment Clause of the 1st amendment, properly understood, prohibits any such generalized "endorsement" of prayer"
The State's endorsement, by enactment of 16-1-20.1, of prayer activities at the beginning of each school day is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion."

Lee v. Weisman
Year: 1992
Majority: Kennedy
"it is beyond dispute that, at a minimum, the constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which establishes a state religion or religious faith, or tends to do so."
"we do not address whether that choice is acceptable if the affected citizens are mature adults, but we think the state may not, consistent with the establishment clause, place primary and secondary school children in this position. Research in psychology supports the common assumption that adolescents are often susceptible to pressure from their peers towards conformity, and that the influence is strongest in matters of social convention."
Concurring: Blackmun, Souter
Dissenting: Scalia
Including a clergy-led prayer within the events of a public high school graduation violates the Establishment Clause of the First Amendment.

Strauder v. West Virginia
Year: 1880
Majority: Strong
"the very fact that colored people are singled out and expressly denied by a statute all right to participate in the administration of the law, as jurors, because of their color, though they are citizens, and may be in other respects fully qualified, is practically a brand upon them, affixed by the law, an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others."
Concurring: None
Dissenting: Field, joined by Clifford
Exclusion of individuals from juries solely because of their race is a violation of the Equal Protection Clause.

Plessy v. Ferguson
Year: 1896
Majority: Brown
"We cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable or obnoxious to the 14th amendment."
"the argument also assumes that social prejudice may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforce commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits and a voluntary consent of individuals."
Concurring: None
Dissenting: Harlan
"In the view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color=blind, and neither knows nor tolerates classes among citizens."
The "separate but equal" provision of public accommodations by state governments is constitutional under the Equal Protection Clause.

Bradwell v. Illinois
Year: 1873
Majority: Miller
Concurring: Bradley

"civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural an proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life."

Dissenting: None

Illinois constitutionally denied law licenses to women, because the right to practice law was not one of the privileges and immunities guaranteed by the Fourteenth Amendment. Illinois Supreme Court affirmed.

Minor v. Happersett

Year: 1874

Majority: Waite

"if the right of suffrage is one of the necessary privileges of a citizen of the united states, then the constitution and laws of Missouri confining it to men are in violation of the constitution of the US... the direct question is, therefore, presented whether all citizens are necessarily voters."

Concurring: None

Dissenting: None

The Court held that voting is not a privilege of citizenship

Brown v. Board of Education

Year: 1954

Majority: Warren

"does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

Concurring: None

Dissenting: None

Segregation of students in public schools violates the Equal Protection Clause of the Fourteenth Amendment, because separate facilities are inherently unequal.

Bolling v. Sharpe

Year: 1874

Majority: Warren

"Segregation in public education is not reasonably related to any proper government objective, and thus it imposes on Negro children of DC a burden that constitutes an arbitrary deprivation of their liberty in violation of the DPC."

Concurring: None

Dissenting: None

Racial segregation in the public schools of the District of Columbia is a denial to Negro children of the due process of law guaranteed by the Fifth Amendment.

Loving v. Virginia

Year: 1967

Majority: Warren

"Thus the state contends that, because its miscegenation statues punish equally both the white and the Negro participants in an interracial marriage, these statutes, despite their reliance on racial classifications do not constitute an invidious discrimination based upon race."

"the argument is that the EPC does not outlaw miscegenation statutes because of their reliance on racial classifications, the question of constitutionality would thus become whether there was any rational basis for state to treat interracial marriages differently from other marriages. On this question, the state argues, the scientific evidence is substantially in doubt, and, consequently, this court should defer to the wisdom of the state legislature in adopting its policy of discouraging interracial marriages."

"marriage is one of the 'basic civil right of man,' fundamental to our very existence and survival. To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subservient of the principle of equality at the heart of the 14th Amendment"

Concurring: Stewart

Dissenting: None

The Court declared Virginia's anti-miscegenation statute, the "Racial Integrity Act of 1924", unconstitutional, thereby ending all race-based legal restriction on marriage in the United States

Korematsu v. United States

Year: 1944

Majority: Black

"It should be noted, to begin with, that all legal restrictions which curtail the civil rights of a single group are immediately suspect. That is not to say that all such restrictions are unconstitutional. It is to say that courts must subject them to the most rigid scrutiny. Pressing public necessity may sometimes justify the existence of such restrictions; racial antagonism never can."

Concurring: Frankfurter

Dissenting: Murphy, Roberts, Jackson

"The judicial test of whether the gov, on a plea of military necessity, can validly deprive an individual of any of his constitutional rights is whether

the deprivation is reasonably related to a public danger that is so "immediate, imminent and impending" as to not admit of delay and not to permit the intervention of ordinary constitutional processes to alleviate the danger."
The exclusion order leading to Japanese American Internment was constitutional.

Regents of the University of California v. Baake
Year: 1978
Majority: Powell
"The attainment of a diverse student body clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the 1st amendment. The freedom of a university to make its own judgments as to education includes the selection of its students"
Concurring: None
Dissenting: Brennan, Blackmun
"Racial classifications designed to further remedial purposes must serve important governmental objectives and must be substantially related to achievement of those objectives."
- Marshall
"it is because of unequal treatment that we not must permit the institutions of this society to give consideration to race in making decisions about who will hold the positions of influence, affluence, and prestige in America."
The Court held that while affirmative action systems are constitutional, a quota system based on race is unconstitutional.

Grutter v. Bollinger
Year: 2003
Majority: O'Connor
"To be narrowly tailored, a race-conscious admissions program cannot use a quota system---it cannot 'insulate each category of applications with certain desired qualifications from competition with all other applicants."
Concurring: Ginsburg
Dissenting: Kennedy, Rehnquist, Scalia, Thomas
"To be constitutional, a university's compelling interest in a diverse student body must be achieved by a system where individual assessment is safeguarded through the entire process."
University of Michigan Law School admissions program that gave special consideration for being a certain racial minority did not violate the Fourteenth Amendment.

Gratz v. Bollinger
Year: 2003
Majority: Rehnquist
Concurring: Thomas, O'Connor
"A state's use of racial discrimination in higher education admissions is categorically prohibited by the EPC. The admission policy does not discriminate among the groups included within its definition of underrepresented minorities, but it does not sufficiently allowed for the consideration of nonracial distinctions among underrepresented minority applicants."
Dissenting: Souter, Ginsburg
A state university's admission policy violated the Equal Protection Clause of the Fourteenth Amendment because its ranking system gave an automatic point increase to all racial minorities rather than making individual determinations

Frontiero v. Richardson
Year: 1973
Majority: Brennan
"Any statutory scheme which draws a sharp line between the sexes, solely for the purpose of achieving convenience, necessarily commands 'dissimilar treatment for ment and women who are similarly situated,' and therefore involves the 'very kind of arbitrary legislative choice forbidden by the constitution."
Concurring: Powell
"Democratic institutions are weakened, and confidence in the restrain of the court is impaired, when we appear unnecessarily to decide sensitive issues of broad social and political importance at the very time they are under consideration within the prescribed constitutional process."
Dissenting: Rehnquist
The United States military cannot differentiate benefits based on gender

United States v. Virginia
Year: 1996
Majority: Ginsburg
Concurring: Rehnquist
"it is not the 'exclusion' of women that violates the EPC, but the maintenance of al all-men's school without providing any--~~much less a comparable~~ -institution for women.
Dissenting: Scalia
"The rationale of today's decision is sweeping: for sex-based classifications, a redefinition of intermediate scrutiny that makes it indistinguishable

from strict scrutiny. Indeed, the court indicates that if any program restricted to one sex is 'unique', it must be opened to members of the opposite sex 'who have the will and capacity' to participate in it."
State of Virginia's exclusion of women from the Virginia Military Institute violated Equal Protection Clause of the Fourteenth Amendment.

Griswold v. Connecticut
Year: 1965
Majority: Douglas
Concurring: Goldberg, White
"The entire fabric of the constitution and the purpose that clearly underlie its specific guarantees demonstrate that the right to marital privacy and to marry and raise a family are of similar order and magnitude as the fundamental rights specifically protected."
- Harlan
"It would surely be an extreme instance of sacrificing substance to form were it to be held that the constitutional principle of privacy against arbitrary official intrusion comprehends only physical invasion by the police."
Dissenting: Black, Stewart
"I can find no such general right of privacy in the bill of rights, in any other part of the constitution, or in any case ever before decided by this court."
A Connecticut law criminalizing the use of contraceptives violated the right to marital privacy. Connecticut Supreme Court reversed.

Eisenstadt v. Baird
Year: 1972
Majority: Brennan
"Of the right of the individual means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child."
Concurring: None
Dissenting: Burger
A Connecticut law criminalizing the use of contraceptives violated the right to marital privacy. Connecticut Supreme Court reversed.

Roe v. Wade
Year: 1973
Majority: Blackmun
"The court has recognized that a right to personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the constitution."
Concurring: Stewart, Douglas
"Several decisions of this court make clear that freedom of personal choice in matters of marriage and family life is one of the liberties protected by the DPC of the 14th Amendment"
Dissenting: Rehnquist, White
Texas law making it a crime to assist a woman to get an abortion violated her due process rights. U.S. District Court for the Northern District of Texas affirmed in part, reversed in part

Stenberg v. Carhart
Year: 2000
Majority: Breyer
"A state cannot subject women's health to significant risks where state regulations force women to use riskier methods of abortion."
Concurring: O'connor, Stevens, Ginsburg
Dissenting: Kennedy, Rehnquist, Scalia
"The majority and O'Connor fail to distinguish between cases in which health concerns require a woman to obtain an abortion and casses in which health concerns cause a women who desires an abortion to prefer one method over another."
Laws banning partial-birth abortion are unconstitutional if they do not make an exception for the woman's health, or if they cannot be reasonably construed to apply only to the partial-birth abortion (intact D&X) procedure and not to other abortion methods.

Planned Parenthood of PA v. Casey
Year: 1992
Majority: Joint Opinion
"It is a promise of the constitution that there is a realm of personal liberty which the government may not enter. We have vindicated this principle before. Marriage is mentioned nowhere in the bill of rights and interracial marriage was illegal in most states in the 19th century, but the court was no doubt correct in finding it to be an aspect of liberty protected against state interference by the substantive components of the DPC."
"our cases recognize the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child"
"in our view, the undue burden standard is the appropriate means of reconciling the state's interest with the woman's constitutionally protected liberty."
Concurring: None
Dissenting: Stevens, Blackmun, Rehnquist, Scalia
A Pennsylvania law that required spousal notification prior to obtaining an abortion was invalid under the Fourteenth Amendment because it

created an undue burden on unmarried women seeking an abortion. Requirements for parental consent, informed consent, and 24-hour waiting period were constitutionally valid regulations.

Cruzan V. Director, Missouri Department of Health
Year: 1990
Majority: Rehnquist
"We do not think the DPC requires the state to repose judgment on these matters with anyone but the patient herself."
"We think the state may properly decline to make judgments about the quality of life that a particular individual may enjoy, and simply asset an unqualified interest in the preservation of human life to be weighed against constitutionally protected interests of the individual."
Concurrence: O'Connor, Scalia
"Because our notions of liberty are inextricably entwined with our idea of physical freedom and self-determination, the court has often deemed state incursions into the body repugnant to the interests protected by the DPC."
Dissent: Brennan, Stevens

The United States Constitution does not forbid Missouri to require that evidence of an incompetent's wishes as to the withdrawal of life-sustaining treatment be proved by clear and convincing evidence. The Due Process Clause does not require a State to accept the "substituted judgment" of close family members in the absence of substantial proof that their views reflect the patient's.

Bowers v. Hardwick
Year: 1986
Majority: White
Concurring: Burger, Powell
Dissenting: Stevens
"We protect those rights not because they contribute, in some direct and material way, to the general public welfare, but because they form so central a part of an individual's life."
"The fact that individuals define themselves in a significant way through their intimate sexual relationships with others suggests, in a nation as diverse as ours, that there may be many right ways of conducting those relationships, and that must of the richness of a relationship will come from the freedom an individual has to choose the form and nature of these intensely personal bonds."
"This case involves no real interference with the rights of others, for the mere knowledge that other individuals do not adhere to one's value system cannot be a legally cognizable interest, let alone an interest that can justify invading the houses, hearts, and minds of citizens who choose to live their lives differently."
A Georgia law classifying homosexual sex as illegal sodomy was valid because there was no constitutionally protected right to engage in homosexual sex.

Romer v. Evans
Year: 1996
Majority: Kennedy
"if the constitutional conception of equal protection of the laws means anything, it must at the very least mean that a bare desire to harm a politically unpopular group cannot constitute a legitimate governmental interest."
Concurring: None
Dissenting: Scalia
"But the society that eliminates criminal punishment for homosexual acts does not necessarily abandon the view that homosexuality is morally wrong and socially harmful; often, abolition simply reflects the view that enforcement of such criminal laws involves unseemly intrusion into the intimate lives of citizens."
An amendment to the Colorado Constitution that prevents extra protection under the law for homosexuals was struck down because it was not rationally related to a legitimate state interest.

Lawrence v. Texas
Year: 2003
Majority: Kennedy
"If protected conduct is made criminal and the law which does so remains unexamined for its substantive validity, it stigma might remain even if it were not enforceable as drawn for equal protection reasons."
"'the state cannot demean their existence or control their destiny by making their private sexual conduct a crime."
Concurring: O'Connor
"When a law exhibits such a desire to harm a politically unpopular group, we have applied a more searching form of rational basis review to strike down such laws under the EPC, especially where, as here, the challenged legislation inhibits personal relationships."
Dissenting: Scalia, Thomas
A Texas law classifying homosexual intercourse as illegal sodomy violated the privacy and liberty of adults to engage in private intimate conduct under the 14th amendment.

Goodridge v. Department of Public Health
Year: 2003
Majority: Marshall

"For the reasons we explain below, we conclude that the marriage ban does not meet the rational basis test for either due process or equal protection."
"Limiting protections, benefits, and obligations of civil marriages to opposite-sex couples violates the basic premises of individual liberty and equality under law protected by the Mass. Constitution."
Concurring: Greaney
Dissenting: Spina, Sosman, Cordy
"The statute in question does not seek to regulate intimate activity within an intimate relationship, but merley gives formal recognition to a particular marriage."
The denial of marriage licenses to same-sex couples violated provisions of the state constitution guaranteeing individual liberty and equality, and was not rationally related to a legitimate state interest

Washington V. Glucksburg
Year: 1997
Majority: Rehnquist
"The question before us is whether the liberty specially protected by the DPC includes a right to commit suicide which itself includes a right to assistance in doing so."
"Our decisions lead us to conclude that the asserted right to assistance in committing suicide is not a fundamental liberty interest protected by the DPC."
Concurrences: O'Connor, Stevens, Souter, Ginsburg, Breyer
The Court held that the Due Process Clause did not protect a right to assistance in committing suicide.

Vacco V. Quill
Year: 1997
Majority: Rehnquist
"We think the distinction between assisting suicide and withdrawing life-sustaining treatment, a distinction widely recognized and endorsed in the medical profession and in our legal traditions, is both important and logical."
Cuncurrences: Stevens, Souter, Ginsburg, Breyer, O'Connor
"Although as a general matter the state's interst in the contributions each person may make to society outweighs the person's interest in ending her life, this interest does not have the same force for a terminally ill patient forced not with the choice of whether to live, only of how to die."
States have a legitimate interest in outlawing assisted suicide; "liberty" defined in the 14th Amendment does not include the right to kill oneself, or assistance in doing so.