

SCOTUS Comparison Cases

for the AP U.S. Government and Politics Redesign

The College Board has redesigned the AP U.S. Government and Politics curriculum effective for the 2018–19 school year. One of the most significant revisions to the course is the addition of a list of 15 Supreme Court cases students are required to know in depth. This knowledge will be assessed in a free response question (FRQ) on every exam that will require students to compare the facts, issue, arguments, or decisions in one of the required case to a non-required case. There may be qualitative analysis and comparison multiple choice questions that require students to compare Supreme Court cases as well.

To aid teachers in helping their students build the skills necessary to successfully respond to these questions, Street Law has compiled this list of its case summaries that can be used as comparison cases to the 15 required cases. **Note that this is not an exhaustive list—it only includes comparison cases that exist in Street Law’s Free Resource Library.**

The required cases below are organized by unit to reflect the AP U.S. Government and Politics Course framework.

All case summaries may be found in **Street Law’s Free Resource Library** (<https://store.streetlaw.org/resource-library/>).

To effectively use the case summaries, please see our guide to **Using Case Studies in the Classroom** (<https://store.streetlaw.org/using-case-studies-in-the-classroom/>). The strategies that best scaffold the skills necessary to answer the Supreme Court Comparison FRQ are: Applying a Precedent, Opinion Writing, and Moot Court (where the required case is a precedent in the comparison case).

Unit 1: Foundations of American Democracy

- *McCulloch v. Maryland* (1819)
- *United States v. Lopez* (1995)

Unit 2: Interactions Among Branches of Government

- *Baker v. Carr* (1962)
- *Shaw v. Reno* (1993)
- *Marbury v. Madison* (1803)

Unit 3: Civil Liberties and Civil Rights

- *Engel v. Vitale* (1962)
- *Wisconsin v. Yoder* (1972)
- *Tinker v. Des Moines Independent Community School District* (1969)
- *Schenck v. United States* (1919)

- *New York Times Co. v. United States* (1971)

- *McDonald v. Chicago* (2010)

- *Gideon v. Wainwright* (1963)

- *Roe v. Wade* (1973)

- *Brown v. Board of Education* (1954)

Unit 4: American Political Ideologies and Beliefs

- *No related cases.*

Unit 5: Political Participation

- *Citizens United v. Federal Election Commission* (2010)

Unit 1: Foundations of American Democracy

McCulloch v. Maryland (1819)

Does Congress have the authority under the Constitution and the Commerce Clause to commission a national bank? If so, does the state of Maryland have the authority to tax a branch of the national bank operating within its borders?

■ **Case Summary**

- See also LandmarkCases.org

Comparison Cases:

- *Gonzales v. Raich* (2005)
 - Commerce Clause, Controlled Substances Act, medicinal marijuana
- *National Federation of Independent Business v. Sebelius* (2012)
 - Commerce Clause, Affordable Care Act
- *Gibbons v. Ogden** (1824)
 - Commerce Clause, transportation

U.S. v. Lopez (1995)

Does the Commerce Clause give Congress the power to pass the Gun Free School Zones Act?

■ **Case Summary**

Comparison Cases:

- *United States v. Morrison* (2000)
 - Commerce Clause, Violence Against Women Act
- *Gonzales v. Raich* (2005)
 - Commerce Clause, Controlled Substances Act, medicinal marijuana
- *Gibbons v. Ogden** (1824)
 - Commerce Clause, transportation

Unit 2: Interactions Among Branches of Government

Baker v. Carr (1962)

Do federal courts have the power to decide cases about the apportionment of population into state legislative districts?

■ **Case Summary**

Comparison Cases:

- *Shelby County v. Holder* (2013)
 - Jurisdiction, 14th Amendment/Equal Protection Clause, Voting Rights Act
- *Gill v. Whitford* (2018)
 - Jurisdiction, 14th Amendment/Equal Protection Clause, standing, partisan gerrymandering
- *Shaw v. Reno* (1993)
 - Jurisdiction, 14th Amendment/Equal Protection Clause, racial gerrymandering

Shaw v. Reno (1993)

Does the North Carolina residents' claim that the 1990 redistricting plan discriminated on the basis of race raise a valid constitutional issue under the 14th Amendment's Equal Protection Clause?

■ **Case Summary**

Comparison Case:

- *Gill v. Whitford* (2018)
 - Jurisdiction, 14th Amendment/Equal Protection Clause, standing, partisan gerrymandering

* Case summary unavailable, but case materials can be found on LandmarkCases.org.

Marbury v. Madison (1803)

Does Marbury have a right to his commission, and can he sue the federal government for it? Does the Supreme Court have the authority to order the delivery of the commission?

■ **Case Summary**

■ See also Landmarkcases.org

Comparison Cases:

- *U.S. v. Lopez* (1995)
 - Judicial review, Commerce Clause, Gun Free School Zones Act
- *Dred Scott v. Sandford** (1857)
 - Judicial review, due process, standing, slavery
- *United States v. Nixon** (1974)
 - Judicial review, executive privilege

■ *Zelman v. Simmons-Harris* (2002)

- Establishment Clause, scholarship program to send children to religious private schools

■ *Van Orden v. Perry* (2005)

- Establishment Clause, Ten Commandments on state property

■ *Good News Club v. Milford Central School* (2001)

- Establishment Clause, religious club use of public school facilities

Unit 3: Civil Liberties and Civil Rights

Engel v. Vitale (1962)

Does the recitation of a prayer in public schools violate the Establishment Clause of the First Amendment?

■ **Case Summary**

Comparison Cases:

- *Santa Fe Independent School District v. Doe* (2000)
 - Establishment Clause, student-led, student-initiated prayers at football games
- *Town of Greece v. Galloway* (2014)
 - Establishment Clause, sectarian prayer at town meetings

Wisconsin v. Yoder (1972)

Under what conditions does the state’s interest in promoting compulsory education override parents’ First Amendment right to free exercise of religion?

■ **Case Summary**

Comparison Cases:

■ *Trinity Lutheran Church v. Comer* (2017)

- See also [Classifying Arguments](#)
- Free Exercise Clause, 14th Amendment/ Equal Protection Clause, exclusion of church from state grant program

■ *Locke v. Davey* (2004)

- Free Exercise Clause, funding religious instruction with college scholarships

■ *Masterpiece Cakeshop v. Colorado Civil Rights Commission* (2018)

- Free Exercise Clause, First Amendment/ speech, baker required to create wedding cake to same-sex couple

* Case summary unavailable, but case materials can be found on LandmarkCases.org.

Tinker v. Des Moines (1969)

Does a prohibition against the wearing of armbands in public school, as a form of symbolic speech, violate the students' freedom of speech protections guaranteed by the First Amendment?

■ Case Summary

■ See also LandmarkCases.org

Comparison Cases:

- Hazelwood School District v. Kuhlmeier (1988)
 - See also LandmarkCases.org
 - First Amendment/speech/press, prior restraint of student newspaper
- Morse v. Frederick (2007)
 - See also [Applying Precedents](#)
 - First Amendment/speech, students pro-drug message during a school-supervised event
- Virginia v. Black (2003)
 - First Amendment/speech, cross burning
- Snyder v. Phelps (2011)
 - See also [Deliberation Materials](#)
 - First Amendment/speech, hate speech
- Texas v. Johnson* (1989)
 - First Amendment/speech, flag burning

- First Amendment/speech, hate speech
- Brown v. Entertainment Merchants Association (2011)
 - First Amendment/speech, state law prohibiting sale of violent video games to minors
- Texas v. Johnson* (1989)
 - First Amendment/speech, flag burning

NYTimes v. U.S. (1971)

Did the government's efforts to prevent two newspapers from publishing classified information given to them by a government leaker violate the First Amendment protection of freedom of the press?

■ Case Summary

Comparison Cases:

- Hazelwood School District v. Kuhlmeier (1988)
 - See also LandmarkCases.org
 - First Amendment/speech/press, prior restraint of student newspaper
- Greater New Orleans Broadcasting Association, Inc. v. United States (1999)
 - First Amendment/speech/press, private casino gaming advertisements

Schenck v. U.S. (1919)

Did Schenck's conviction under the Espionage Act for criticizing the draft violate his First Amendment free speech rights?

■ Case summary

Comparison Cases:

- Snyder v. Phelps (2011)
 - See also [Deliberation Materials](#)

McDonald v. Chicago (2010)

Does the Second Amendment right to keep and bear arms apply to state and local governments through the 14th Amendment and thus limit Chicago's ability to regulate guns?

■ Case Summary

* Case summary unavailable, but case materials can be found on LandmarkCases.org.

Comparison Cases:

- *D.C. v. Heller* (2008)
 - Second Amendment, D.C. handgun ban
- *Mapp v. Ohio** (1961)
 - Incorporation

Gideon v. Wainwright (1963)

Does the Sixth Amendment’s right to counsel in criminal cases extend to defendants in state courts, even in cases in which the death penalty is not at issue?

- [Case Summary](#)
- See also [LandmarkCases.org](#)

Comparison Cases:

- *Alabama v. Shelton* (2002)
 - Sixth Amendment/right to counsel, suspended sentence
- *Riley v. California* (2014)
 - Due process rights
 - Fourth Amendment/rights of the accused, cell phone search incident to an arrest
- *Chavez v. Martinez* (2003)
 - Due process rights
 - Fifth Amendment/rights of the accused, self-incrimination
- *Miranda v. Arizona** (1966)
 - Due process rights
 - Fifth Amendment/rights of the accused, self-incrimination
 - See also [Miranda Primer, Activity, and Checklist](#)

Roe v. Wade (1973)

Does the U.S. Constitution protect the right of a woman to obtain an abortion?

- [Case Summary](#)
- See also [LandmarkCases.org](#)

Comparison Case:

- *Whole Woman’s Health v. Hellerstedt* (2016)
 - Right to privacy, state abortion restrictions

Brown v. Board of Education (1954)

Does segregation of public schools by race violate the Equal Protection Clause of the 14th Amendment?

- [Case Summary](#)
- See also [LandmarkCases.org](#)

Comparison Cases:

- *Parents Involved in Community Schools v. Seattle School District No. 1* (2007)
 - 14th Amendment/Equal Protection Clause, school district race-conscious student assignment plan
- *Fisher v. University of Texas* (2016)
 - 14th Amendment/Equal Protection Clause, race considered in undergraduate admissions
- *Gratz v. Bollinger and Gutter v. Bollinger* (2003)
 - 14th Amendment/Equal Protection Clause, race considered in undergraduate and law school admissions
- *Obergefell v. Hodges* (2015)
 - 14th Amendment/Equal Protection Clause, same-sex marriage

* Case summary unavailable, but case materials can be found on [LandmarkCases.org](#).

- *Plessy v. Ferguson** (1896)
 - 14th Amendment/Equal Protection Clause, “separate but equal”
- *Regents of the University of California v. Bakke** (1978)
 - 14th Amendment/Equal Protection Clause, affirmative action in medical school admissions

- *Williams-Yulee v. The Florida Bar* (2015)
 - First Amendment/speech, campaign restrictions for judicial office

Unit 4: American Political Ideologies and Beliefs

No related cases.

Unit 5: Political Participation

Citizens United v. Federal Election Commission (2010)

Does a law that limits the ability of corporations and labor unions to spend their own money to advocate the election or defeat of a candidate violate the First Amendment’s guarantee of free speech?

■ Case Summary

Comparison Cases:

- *McCutcheon v. FEC* (2014)
 - First Amendment/speech, aggregate contributions to political committees and candidates
- *FEC v. Wisconsin Right to Life* (2007)
 - First Amendment/speech, issue ads
- *Randall v. Sorrell* (2006)
 - First Amendment/speech, limits on campaign contributions and spending

* Case summary unavailable, but case materials can be found on LandmarkCases.org.