

Final Project Here:

<http://supremecourtcase.blogspot.com/>

AMER GOV BMARK 2 SUPREME COURT CASE ANALYSIS

Post link for your G-Doc Contract on AM GOV COURSE BLOG by end of class

DEADLINES

Contract: due on AM GOV Course Blog **by end of 1st class**

Case 1: due on G-Doc **by midnight on Mon, Jan 14th**

Case 2: due on G-Doc **by midnight on Mon, Jan 21st**

Case Briefings: B Band: **in class on Tues, Jan 22nd** D Band: **in class on Wed, Jan 23rd**

CONTRACT

-IDENTIFY the 2 cases you will research

Case 1: Planned Parenthood of Central Missouri v. Danforth

Case 2: Coker v. Georgia

-BRIEFLY EXPLAIN why you chose these 2 cases (*only 1 sentence per case*)

Case 1: I've always been interested in the issue of abortion.

Case 2: I find it interesting that as punishment for the rapist they gave him death penance.

-DECLARE WHAT YOU WILL MAKE to showcase your cases (*website, blog, wiki, other*)

I think I will create a blogspot to showcase the cases.

-EACH CASE BRIEFING CAN be varied in format (*for ex. 1 video, 1 podcast on a website*)

[Landmark Cases](#)

[Cornell Law Archive by Topic \(Historic\)](#)

[Cornell Law Archive by Topic \(1990-Present\)](#)

I will record podcasts to give brief explanations of my cases.

WORKFLOW *(You will work independently)*

Cases: Choose 2 US Supreme Court cases *(1 case per week, 2 work periods per week)*

Online Repository: Create a place to “house” your 2 Case Briefings

RESEARCH *(You MUST address the following)*

BACKGROUND

-Your understanding of the case background *(who, what, when, where, why and how)*

Case 1

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0428_0052_ZS.html

Who: 2 Missouri-licensed physicians

What: Required that, before submitting to an abortion during the first 12 weeks of pregnancy, a woman must consent in writing to the procedure and certify that "her consent is informed and freely given, and is not the result of coercion"

When: Argued: March 23, 1976 --- Decided: July 1, 1976

Where: Missouri

Why: For injunctive and declaratory relief challenging the constitutionality of the Missouri abortion statute.

How:

Case 2

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0433_0584_ZS.html

Who: Coker

What: Coker is convicted of rape and is sentenced to a death penance. The judgment upholding the death sentence is reversed, and the case is remanded.

When: Argued: March 28, 1977 --- Decided: June 29, 1977

Where: Georgia

Why: A punishment is 'excessive' and unconstitutional if it (1) makes no measurable contribution to acceptable goals of punishment and hence is nothing more than the purposeless and needless imposition of pain and suffering; or (2) is grossly out of proportion to the severity of the crime."

How: The Supreme Court held that the Eighth Amendment to the United States Constitution forbade the death penalty for the crime of rape.

-Identification of major players involved in case (*individuals and or groups*)

Case 1:

Appellants: Planned Parenthood of Central Missouri, David Hall, M.D., and Michael Freiman, M.D.

Appellee: John C. Danforth, Attorney General of Missouri

Appellants' Claim: That a Missouri abortion law was too restrictive on many aspects of the abortion process thus violating the patients' constitutional rights.

Chief Lawyers for Appellants: Frank Susman

Chief Lawyers for Appellees: John C. Danforth

Justices of the Court: Harry A. Blackmun, William J. Brennan, Jr., Thurgood Marshall, Lewis F. Powell, Jr.

Justices Dissenting: Chief Justice Warren E. Burger, William H. Rehnquist, John Paul Stevens, Byron R. White

[Source](#)

Case 2:

Appellant

Ehrlich Anthony Coker

Appellee

State of Georgia

Appellant's Claim

That the death penalty for rape violates the Constitution's Eighth Amendment.

Chief Lawyer for Appellant

David E. Kendall

Chief Lawyer for Appellee

B. Dean Grindle, Jr., Assistant Attorney General of Georgia

Justices for the Court

Harry A. Blackmun, William J. Brennan, Jr., Thurgood Marshall, John Paul Stevens, Potter...

<http://www.enotes.com/coker-v-georgia-reference/coker-v-georgia>

-How the case relates to the U.S. Constitution (*ex. which amendments are in question*)

Case 1: First Amendment: Freedom of Speech

Case 2: Eighth Amendment: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

-Who will be most affected by outcome of the case (*ex. women seeking abortions in RvW*)

Case 1: Coincidentally that is the answer to this. Women seeking abortion.

Case 2: People imprisoned for rape.

OUTCOME

-Summary and Analysis of BOTH sides of the case

Case 1:

Ruled in favor of Danforth on some state requirements including provisions defining viability of

the fetus, requiring a written consent by the pregnant women before an abortion, and keeping detailed medical records by abortion clinics.

On other parts of the law, the Court ruled in favor of Planned Parenthood striking down Missouri's requirement for a husband's consent and, for unmarried minors, parental consent before receiving an abortion, prohibition of the saline amniocentesis abortion procedure, and requirement for physicians to preserve the fetus' life after an abortion.

Case 2:

Under the Georgia law, it claims that a “deliberate killer cannot be sentenced to death, absent aggravating circumstances, argues strongly against the notion that, with or without such circumstances, a rapist who does not take the life of his victim should be punished more severely than the deliberate killer.”

Mr. Justice Brennan concluded that the sentence of death for the crime of rape is grossly disproportionate and excessive punishment, and is therefore forbidden by the Eighth Amendment as cruel and unusual punishment.

-Outcome of the case (*which way did the Court decide?*)

Case 1:

5 votes for Planned Parenthood Of Missouri, 4 vote(s) against

Case 2:

7-to-2 decision, the Court held that the death penalty was "grossly disproportionate"

-Summary of Majority Decision (*explain in normal language what the Justices said?*)

Case 1:

Missouri legislators passed a law requiring abortion doctors to obtain a written statement from the mother certifying that her consent was freely given and not the result of coercion and also the written consent of her husband or of her parent if she was a minor girl (unless the abortion was necessary to save the mother's life). It also required doctors to exercise professional care to preserve the baby's life and health, declared babies who survived abortion to be abandoned wards of the state, prohibited saline injection abortions after 12 weeks, created an official definition for viability, and established reporting and recordkeeping requirements for abortion clinics and doctors. Appellants claimed that the Missouri Statute as unconstitutional. Basically, the Court invalidated spousal and parental consent, saline abortion limitation, and duty of care to save the baby, but upholds viability definition and informed consent.

Case 2:

The judgment upholding the death sentence is reversed, and the case is remanded. Basically, Coker's sentence to death penalty was unconstitutional. They stated that the eighth amendment of the U.S. forbids cruel and unusual punishment i.e. punishments that are in relation to the crime committed. “A punishment is ‘excessive’ and unconstitutional if it (1) makes no measurable contribution to acceptable goals of punishment and hence is nothing more than the purposeless and needless imposition of pain and suffering; or (2) is grossly out of proportion to the severity of the crime.” A sentenced death for rape was disproportionate.

Georgia at the time was the only state that authorized death for the rape of an adult woman. Since raping this woman did not involve the taking of a life, the court found the death penalty excessive.

-Summary of Dissenting Opinion (*unless it was a unanimous decision*)

Case 1:

Justice Stevens: He dissented from the majority opinion upholding the constitutionality of relating, respectively, to spousal consent, parental consent, the termination of parental rights, and the proscription of saline amniocentesis.

Case 2:

Powell J: He dissented because he was not persuaded by such a bright line is appropriate. As noted in *Snider v. Peyton*, "there is extreme variation in the degree of culpability of rapists." The deliberate viciousness of the rapist may be greater than that of the murderer. Rape is never an act committed accidentally. Rarely can it be said to be unpremeditated. There also is wide variation in the effect on the victim. The plurality opinion says that life is over for the victim of the murderer; for the rape victim, life may not be nearly so happy as it was, but it is not over and normally is not beyond repair.

COMMENTARY

-YOUR Commentary on the case (*what did you think of the case?- Good/Bad for America?*)

Case 1:

This was a good eye opener for women of the U.S. Abortion is still being debated by many people who are in favor of it and against it. Clearly, legalizing abortion is not a good thing because women will just seek for an abortion and end up doing things illegally or could even kill themselves.

Case 2:

I agree with how this case went down. Death penalty is not to be ruled against someone because of a minor crime. Yes, they are criminals (bad people) but the cruelty of killing them is not right. This was also a good for America as an eye opener. Many people argue today whether the death penalty should be abolished or not.

SOURCES

-All related resources (*At least 2 Primary and 2 Secondary NOT INCLUDING the Case itself*)

-All sources must be properly cited. (*link to easy bib*)

Works Cited

"57d. Roe v. Wade and Its Impact." *Roe v. Wade and Its Impact [ushistory.org]*. N.p., n.d. Web. 18 Jan. 2013.

"Coker v. Georgia." *Coker v. Georgia*. N.p., 28 Mar. 1977. Web. 18 Jan. 2013.

"COKER v. GEORGIA." *Coker v. Georgia*. N.p., n.d. Web. 18 Jan. 2013.

"Coker v. Georgia." *Enotes.com*. Enotes.com, n.d. Web. 18 Jan. 2013.

"Planned Parenthood of Central Missouri v. Danforth." *Enotes.com*. Enotes.com, n.d. Web. 18 Jan. 2013.

"PLANNED PARENTHOOD OF MISSOURI v. DANFORTH." *Planned Parenthood Of Missouri v. Danforth*. N.p., n.d. Web. 18 Jan. 2013.

"When Abortion Was Illegal." *When Abortion Was Illegal*. N.p., n.d. Web. 18 Jan. 2013.

PRESENTATION

Research: Update G-Doc by end of each week (*have separate sections for each case*)

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