

## 13 Worst Supreme Court Decisions of All Time - U.S. Supreme Court

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1. *Dred Scott v. Sanford* (1857): Hands down the worst Supreme Court decision ever, *Dred Scott*. The ruling undid the Missouri Compromise, barred laws that would free slaves, and all but guaranteed that there would be no political solution to slavery. The opinion even included a ridiculous "parade of horrors" that would appear if *Scott* were recognized as a citizen, unspeakable scenarios like African Americans being able to vacation, hold public meetings, and exercise their free speech rights.
2. *Buck v. Bell* (1927): "? Yes, please!" the Court declared in this terrible decision which still stands as good law. In an 8-1 decision written by Justice Oliver Wendell Holmes, the "for the protection and health of the state." Justice Holmes ruled that "society can prevent those who are manifestly unfit from continuing their kind" and ended the opinion by declaring that "three generations of imbeciles are enough."
3. *Korematsu v. United States* (1944): Here, the Supreme Court upheld the , finding that the need to protect against espionage outweighed the individual rights of American citizens. In a cruel and ironic twist, this was also the first time the Court applied strict scrutiny to racial discrimination by the U.S. government, belying the idea that strict scrutiny is "strict in theory, fatal in fact."
4. *Plessy v. Ferguson* (1896): The Court's famous "separate but equal" ruling . In doing so, the Court made sure that the gains of the post-Civil War reconstruction era were quickly replaced by decades of Jim Crow laws.
5. The Civil Rights Cases (1883): Another testament to the Court's failure to protect civil rights, the Civil Rights Cases struck down the Civil Rights Act of 1875. That law sought to ban racial discrimination in businesses and public accommodations. The court, in an 8-1 decision, held that the enforcement provisions of the Thirteenth and Fourteenth Amendments do not allow Congress to prevent non-governmental racial discrimination. It would take over 80 years for the Court to switch course, allowing for the government protection of civil rights in *Heart of Atlanta Motel v. U.S* -- this time under the Commerce Clause.
6. *Bowers v. Hardwick* (1986): This decision . As Justice Harry Blackmun noted in his dissent, the majority opinion displayed "an almost obsessive focus on homosexual activity." *Bowers* was overruled in 2003 by *Lawrence v. Texas*, though unconstitutional anti-sodomy laws still exist in several states.
7. *Lochner v. New York* (1905): Look, they're not all civil rights cases! In this case, the Supreme Court struck down a New York law limiting bakery work hours to 10 hours a day, finding an implicit "liberty of contract" in the Due Process Clause and giving birth to the *Lochner* era.
8. *Hammer v. Dagenhart* (1918): Here, the Court ruled that Congress could not ban child labor in intrastate commerce. Sure, Congress could legislate against gambling and other vices, but whether children were to be kept out of mines and factories was a question only states could decide.

9. *Kelo v. City of New London* (2005): Taking land from one private party to give it to another is a valid public use under the Takings Clause, the Supreme Court ruled in *Kelo*. The decision allowed New London to condemn Susette Kelo's land and transfer it to a private developer as part of a "comprehensive redevelopment plan."

10. *Lucas v. South Carolina Coastal Commission* (1992): A developer purchased vacant lots on South Carolina beaches. The state, seeking to prevent beach erosion, passed a management act which prevented Lucas from building homes on the land. That, according to the Supreme Court, was a total destruction of all "economically viable use" and a per se taking. Not only are the case's factual conclusions implausible, but as UCLA Law professor Jonathan Zasloff notes, the opinion is full of "expressly and needlessly anti-environmental" views.

11. *Bush v. Gore* (2000): You don't have to be a Democrat to question the wisdom of this Supreme Court case. In a partisan split, the Supreme Court's five Republican appointees halted the recount of contested ballots in Florida, handing the election to George W. Bush. Even Justice Sandra Day O'Connor has come to regret the ruling.

12. *Exxon Shipping Co. v. Baker* (2008): Want to send a message to corporate wrongdoers? Don't expect the Roberts Court to make it easy. Following the Exxon Valdez oil spill, one of the greatest environmental disasters of the time, and after years and years of litigation, Exxon was finally held responsible for its negligent captain and hit with \$5 billion in damages. Then the Supreme Court ruled that Exxon couldn't be subject to punitive damages in excess of compensatory ones, dropping total damages down to \$500 million. Not only did Exxon evade billions in damages, the Supreme Court's ruling increased the value of its stock by \$23 billion in two days. That was particularly a boon to Justice Alito, who chose to recuse himself from the case because he owned Exxon stock.

13. *Citizens United v. FEC* (2010): Perhaps the most hated decision from the Roberts Court, *Citizens United* held that political donations are speech protected by the First Amendment, opening the floodgates to unlimited personal and corporate donations to "super PACs." Though widely unpopular, the ruling isn't going away anytime soon. It would take a constitutional amendment or a new Supreme Court makeup to reverse the decision.