



FLORIDA JOINT CENTER FOR CITIZENSHIP

LANDMARK SUPREME COURT CASES

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

TABLE OF CONTENTS

Lesson Summary	2
Suggested Student Activity Sequence	4
Student Activity Sheets & Reading Materials	7
Sources	33
Answer Keys.....	34
Civics Content Vocabulary	37
Essential Teacher Content Background Information	38

Lesson Summary

Essential Questions

What are the outcomes of select landmark Supreme Court cases? Why are these cases significant?

NGSSS Benchmark

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

Florida Standards

LAFS.68.RH.1.1	LAFS.68.RH.1.2	LAFS.68.RH.3.7	LAFS.68.RH.3.9
LAFS.WHST.1.2	LAFS.68.WHST.3.9	LAFS.68.WHST.4.10	LAFS.7.SL.1.1
LAFS.7.SL.1.2	LAFS.7.SL.2.4	MAFS.K12.MP.3.1	MAFS.K12.MP.6.1

Overview

In this lesson, students will understand the outcome and significance of select landmark Supreme Court cases.

Learning Goals/Benchmark Clarifications

- Students will use primary sources to assess the significance of these U.S. Supreme Court cases.
- Students will evaluate how these U.S. Supreme Court cases have had an impact on society.
- Students will recognize and/or apply constitutional principles and/or rights in relation to the relevant U.S. Supreme Court decisions.

Benchmark Content Limits

- Items will not require students to recall specific details of any U.S. Supreme Court case.

Civics EOC Reporting Category

Reporting Category 2 – Roles, Rights, and Responsibilities of Citizens

Suggested Time Frame

- Five 45-50 minute class periods

Civics Content Vocabulary

- arbiter, *Brown v. Board of Education*, *Bush v. Gore*, *District of Columbia v. Heller*, Equal Protection Clause, executive privilege *Gideon v. Wainwright*, *Hazelwood v. Kuhlmeier*, *In re Gault*, judicial opinion, judicial review, juvenile rights, landmark, legal equality, legal precedent, *Marbury v. Madison*, *Miranda v. Arizona*, *Plessy v. Ferguson*, prosecute, rights of the accused, segregation, self-incrimination, separation of powers, Supremacy Clause, *Tinker v. Des Moines*, unanimous, *United States v. Nixon*

Instructional Strategies

Close reading of complex text

Cooperative learning

Inquiry with primary sources

Materials

Computer with internet access to project lesson activity sheets

Highlighters for all students

Student activity sheets and reading materials:

- *Marbury v. Madison*
- Landmark U.S. Supreme Court Case Study *Plessy v. Ferguson*, 1896
- Landmark U.S. Supreme Court Case Study *Brown v. Board of Education*, 1954
- Landmark Supreme Court Cases Graphic Organizer

- Landmark U.S. Supreme Court Case Study *Gideon v. Wainwright*, 1963
- Landmark U.S. Supreme Court Case Study *Miranda v. Arizona*, 1966
- Landmark U.S. Supreme Court Case Study *In re Gault*, 1966
- Landmark U.S. Supreme Court Case Study *Tinker v. Des Moines*, 1968
- Landmark U.S. Supreme Court Case Study *United States v. Nixon*, 1974
- Landmark U.S. Supreme Court Case Study *Hazelwood v. Kuhlmeier*, 1987
- Landmark U.S. Supreme Court Case Study *Bush v. Gore*, 2000
- Landmark U.S. Supreme Court Case Study *D.C. v. Heller*, 2007
- Landmark U.S. Supreme Court Case Study Student Activity Sheet

Lesson Activities and Daily Schedule

Please use the chart below to track activity completion.

Day	Task #	Steps in Lesson	Description	Completed? Yes/No
Day One	Task 1	1-6	Hook Activity	
	Task 2	7-10	<i>Marbury v. Madison</i> Video and Reading Activities	
Day Two	Task 3	11-28	<i>Plessy v. Ferguson</i> Case Study	
	Task 4	29-43	<i>Brown v. Board of Education</i> Case Study	
Day Three	Task 4	29-43	<i>Brown v. Board of Education</i> Case Study (continued)	
	Task 5	44	Checking for Understanding A	
	Task 6	45-49	Collaborative Group Case Study	
Day Four	Task 6	45-49	Collaborative Group Case Study (continued)	
Day Five	Task 7	50 & 51	Case Study Presentations	
	Task 8	52	Checking for Understanding B	

Suggested Student Activity Sequence

Teacher note: Conduct this lesson after you have taught the judicial branch (SS.7.C.3.8 and SS.7.C.3.11) and the Bill of Rights (SS.7.C.2.4) and your students have an understanding of the court system and the responsibilities of the U.S. Supreme Court.

1. To begin this lesson, show students the following images:
<http://www.loc.gov/pictures/resource/cph.3f05399/> (separate but equal)
<http://www.loc.gov/pictures/resource/ppmsca.03119/> (school integration)
2. Pose the following questions for discussion: “What is happening in both of these images? How do you know? What do you think is the issue in each image? What evidence helps you identify the issue?”
3. Allow students time to share out and pose the following question for discussion: “How do you think these images relate to the judicial branch?”
4. Lead students to the understanding that the first image is related to the concept of “separate but equal,” the second image shows an integrated school and both issues are related to landmark U.S. Supreme Court cases.
5. Share the following definition of landmark:
Landmark – an important or unique decision, event, fact, discovery, etc.
6. Explain to students that they are going to learn about landmark U.S. Supreme Court cases and that one characteristic of landmark cases is that they have had a big impact on society.
7. Explain to students that they will read as a whole class a short text on the U.S. Supreme Court Case: *Marbury v. Madison*.
8. Pass out the “*Marbury v. Madison*” reading and read through the directions and text as a whole class.
9. Place students into pairs and instruct the students to reread the text with their partner, answer the questions at the bottom of the page and mark evidence in their text to justify their answers.
10. Review the answers as a whole class.
11. Explain to the students that, as a whole class, they will look at two more U.S. Supreme Court cases.
12. Pass out the “Landmark U.S. Supreme Court Case Study *Plessy v. Ferguson*, 1896” reading and student activity sheet.
13. Explain to students that they will analyze the U.S. Supreme Court Case *Plessy v. Ferguson*, 1896 and determine why this case is considered to be a landmark decision.
14. Read together the Essential Question and Background sections.
15. Instruct students to mark text that helps them summarize the background of the case.
16. Ask students to define “opinion” as it appears in context in the reading.
17. Have students share out.
18. Instruct students to turn to the activity sheet, write down the essential question of this case and summarize the background information in three complete sentences.
19. Read the Constitutional Principles section and summarize both amendments as a class.
20. Instruct students to list the amendments and write a summary of both amendments on their activity sheet.
21. Read together the Decision and Impact section.
22. Discuss Questions 4 and 5 as a class. Instruct students to take notes on their activity sheet.
23. Display the following image from Florida Memory: <http://www.floridamemory.com/items/show/52962>.
24. Explain to students that this photograph was taken in Jacksonville in 1948.
25. Pose the following questions for discussion: “What do you think is going on in this photograph? What is the issue on which it is focusing? How do you know? How do you think the people in this photograph feel?” Teacher note: If your students require additional direction for analyzing this photograph, please use the National Archives Photograph Analysis Worksheet:
http://www.archives.gov/education/lessons/worksheets/photo_analysis_worksheet.pdf
26. Lead students to the understanding that they are looking at an example of how the idea of “separate but equal” was interpreted.

27. Discuss the impact of separate but equal on society and instruct students to take notes on their activity sheet.
28. Have students independently write an answer to Question 6 and then share out.
29. Place students into eight cooperative learning groups. Teacher note: You can have more than eight, but you need to have a minimum of eight groups.
30. Pass out the “Landmark U.S. Supreme Court Case Study *Brown v. Board of Education* 1954” reading and student activity sheet.
31. Explain to students that they will work in their cooperative group to analyze the U.S. Supreme Court Case *Brown v. Board of Education*, 1954 and determine why this case is considered to be a landmark decision.
32. Instruct the students to work with their group members to read the Essential Question and Background sections of the reading and then answer Questions 1 and 2 on their activity sheet.
33. Have students share out by reading their summary sentences and sharing the evidence they identified from their text.
34. Have students complete the reading and answer Questions 3-5 in their cooperative groups.
35. Have students share out.
36. Instruct students to list the amendments and write a summary statement for each amendment on their activity sheet.
37. Read together the Decision and Impact section.
38. Discuss Questions 4 and 5 as a class. Instruct students to take notes on their activity sheet.
39. Display the following image from Florida Memory: <http://www.floridamemory.com/items/show/34838>.
40. Pose the following questions for discussion: “What is the headline in the photograph about? How do you know? Why do you think the *Tallahassee Democrat* made this the front-page headline?”
41. Display the following image from the Library of Congress that was viewed at the beginning of the lesson: <http://www.loc.gov/pictures/resource/ppmsca.03119/>.
42. Pose the following questions for discussion: “What is happening in this photograph? How do you know? How might this photograph be related to the outcome of *Brown v. Board of Education*?”
43. Have students write a response for Question 6 on their student activity sheet. Instruct students to share out. Provide the following key points about the significance of *Brown v. Board of Education* to help guide their answers:
 - The U.S. Supreme Court used intangible (unseen, not measurable) evidence to determine that the 14th Amendment's equal protection clause was violated.
 - The U.S. Supreme Court's decision was impactful in that it applied to all children enrolled in school, which was (and still is) required by state and federal law.
 - The U.S. Supreme Court ruled unanimously in this case which is rare for such a controversial issue.
 - The case broadened the interpretation of the equal protection clause, which set a precedent for later equal protection cases.
44. Checking for Understanding A (Formative Assessment):

Pass out the “Landmark Supreme Court Cases” graphic organizer. Read through the directions as a whole class and instruct students to work in their small groups to fill in the rows for 1803, 1896 and 1954. For the 1803 row, instruct students to focus on the “Name of Case” and “Impact” columns.
45. Explain to students that they will work in their small groups to analyze another landmark U.S. Supreme Court case. Explain to students that their task is to analyze the case in the same way that they did for *Plessy v. Ferguson* and *Brown v. Board of Education*. In addition to analyzing the case, they will need to present the case to the rest of the class and clearly explain why their assigned case is a landmark U.S. Supreme Court case. The presentation must explain the essential question, the constitutional principle(s), the outcome, impact on society and why the case is a considered a landmark.
46. Pass out a “Landmark U.S. Supreme Court Case Study” reading and student activity sheet to each group for one of the following U.S. Supreme Court cases: *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re*

Gault, Tinker v. Des Moines, United States v. Nixon, Hazelwood v. Kuhlmeier, Bush v. Gore and D.C. v. Heller. Teacher note: Before passing out the case studies to each group, be sure to preview each case. The case study readings differ in length and complexity.

47. Instruct the groups to read and complete their activity sheet in order to analyze their assigned U.S. Supreme Court case.
48. Explain to students that once each group has read and completed their activity sheet, they will be responsible for teaching the rest of the class about their case. Explain to the students that their presentation should briefly explain the background of the case, but should focus on the essential question, the related constitutional principle(s), the outcome, impact on society and why the case is considered a landmark.
49. Provide time for the students to work on their case study and to prepare for their presentation.
50. Instruct students to take out their “Landmark Supreme Court Cases” graphic organizer. Explain to students that they need to take notes on each case they learn about during the presentations.
51. Provide time for each group to present their case. After each presentation, allow for other students to ask any clarifying questions.
52. Checking for Understanding B (Formative Assessment):
Instruct students to write a well-crafted informative response using the following prompt:
Prompt
Write a well-crafted informative text to explain how U.S. Supreme Court cases have had an impact on society. Provide examples from at least three U.S. Supreme Court cases you have learned about in this lesson.

Extension Suggestions: Provide time for students to play the game “Supreme Decision” from iCivics:
<http://www.icivics.org/games/supreme-decision>.

Marbury v. Madison | 1803 | The power of judicial review

Directions: As a class, read the following passage about the U.S. Supreme Court Case *Marbury v. Madison*. After reading, answer the questions at the bottom of the passage and mark the text that helped you answer both questions.

When it comes to conflicts, someone has to make the final decision. The writers of the Constitution did not determine which of the three branches of government would be the final arbiter, or decision maker, on constitutional issues. Today, it is assumed that the courts are the final authority on such matters. However, their role wasn't always clear.

In 1803, the U.S. Supreme Court case *Marbury v. Madison* established that the Supreme Court has the power to determine whether or not the actions of the other two branches of government are legal and in line with the U.S. Constitution. This is called judicial review.

In his last days in office, President John Adams appointed several federal judges and justices of the peace, including William Marbury as Justice of the Peace for Washington D.C. Some of these presidential appointments were not finished before the end of the Adams presidency. President Thomas Jefferson told his Secretary of State, James Madison, not to deliver the unfinished letters of appointment because Adams was no longer President. William Marbury said that there was an act of Congress that required Madison to make sure that Marbury got his appointment as justice of the peace.

The Supreme Court ruled in Marbury's favor, but said that a section of the act of Congress Marbury mentioned was unconstitutional. The Court also said it had the power of judicial review, the power to decide whether certain laws and government actions are unconstitutional.

With the power of judicial review, the Supreme Court became the chief interpreter of the U.S. Constitution. It also made the judicial branch an equal branch to the legislative and executive branches. With the power of judicial review, the judicial branch can check the actions of the legislative and executive branches and made sure their actions are in line with the Constitution.

Since *Marbury v. Madison*, the U.S. Supreme Court has relied on the power of judicial review to make sure that government actions are constitutional. Historians say that *Marbury v. Madison* influenced the Court's decisions in *Brown v. Board of Education* and *Bush v. Gore*; and other issues that have an impact on daily life.

What is judicial review?

Why is the power of judicial review important?

Landmark U.S. Supreme Court Case Study

Plessy v. Ferguson | 1896 | Page One

Essential Question of the Case:

Is Louisiana's law requiring racial segregation on its trains an unconstitutional violation of the equal protection clause of the Fourteenth Amendment?

Background

In 1890, Louisiana passed a law called the Separate Car Act. This law said that railroad companies must provide separate but equal train cars for whites and blacks. Blacks had to sit with blacks and whites had to sit with whites. This act of separating people based on race is called segregation. Anyone who broke this law would have to pay a \$25 fine or go to jail for 20 days.

Two groups of people wanted to challenge the constitutionality of the Separate Car Act. A group of black citizens who raised money to reverse the law worked together with the East Louisiana Railroad Company, which sought to end the Act mainly because of business and money reasons. They chose a 30-year-old shoemaker named Homer Plessy, a U.S. citizen who was one-eighth black and a Louisiana resident. On June 7, 1892, Plessy purchased a first-class ticket from New Orleans to Covington, Louisiana and sat in the railroad car for "White" passengers. The railroad officials knew Plessy was coming and arrested him for violating the Separate Car Act.

Plessy argued in court that the Separate Car Act violated the Thirteenth and Fourteenth Amendments to the Constitution. The Thirteenth Amendment banned slavery and the Fourteenth Amendment requires that the government treat people equally. John Howard Ferguson, the judge hearing the case, had stated in a previous court decision that the Separate Car Act was unconstitutional if applied to trains running outside of Louisiana. In this case, however, he declared that the law was constitutional for trains running within the state and found Plessy guilty. Plessy appealed the case to the Louisiana State Supreme Court, which agreed that the Louisiana law was constitutional. Plessy then took his case, *Plessy v. Ferguson*, to the U.S. Supreme Court.

Constitutional Principles Related to the Case

13th Amendment (1865)

SECTION. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION. 2. Congress shall have power to enforce this article by appropriate legislation.

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Landmark U.S. Supreme Court Case Study

Plessy v. Ferguson | 1896 | Page Two

Decision & Impact

In a 7-1 decision, the Supreme Court ruled in favor of Ferguson. The majority rejected Plessy's Thirteenth and Fourteenth Amendment arguments and instead agreed with the idea of "separate but equal."

The majority, in an opinion written by Associate Justice Henry Billings Brown, supported state based racial segregation. The justices based their decision on the idea of "separate but equal;" that separate facilities for blacks and whites did not conflict with the Fourteenth Amendment as long as they were equal. (The phrase, "separate but equal" was not part of the opinion.)

Justice Brown agreed that the 14th amendment intended to establish absolute equality for the races before the law. He identified that the purpose of the Fourteenth Amendment as "enforce[ing] the absolute equality of the two races before the law," but then argued that "it could not have been intended to abolish [end] distinctions based upon color, or to enforce social...equality." According to the Court, the Fourteenth Amendment was only concerned with legal equality, the idea that everyone is equal in the eyes of the law.

The *Plessy v. Ferguson* decision greatly impacted society. The idea of "separate but equal" led to racial segregation and states began creating "separate but equal" spaces in public places. Separate but equal is based on the idea that the facilities are kept in equal condition. However, this was not generally the case. The *Plessy v. Ferguson* decision impacted public institutions immediately. For example, education funding was often much less for African American schools, than for white schools. This decision led to places in society that were separate, but not equal.

Landmark U.S. Supreme Court Case Study

Plessy v. Ferguson | 1896 | Page Three – Student Activity Sheet

1. What is the essential question of this case?

--

2. Using the evidence you found during your reading, summarize the background of this case in three complete sentences.

--

3. What are the constitutional principles related to the case? List the principles and summarize the meaning below.

4. How did the Court answer the essential question? What was the reason for their decision?

--

5. What was the impact of this case on society?

--

6. Why is this case considered a landmark?

--

Landmark U.S. Supreme Court Case Study

Brown v. Board of Education | 1954 | Page One

Essential Question of the Case:

Does the segregation of children in public schools only on the basis of race deny the minority children of the equal protection of the laws guaranteed by the Fourteenth Amendment?

Background

In the early 1950s, many students went to different schools because of their race. White children went to one school and black children went to a different school. This system was called segregation. During this time, segregation was legal. Many other public facilities were also segregated.

Segregation was legal because of past court decisions. In 1896, the U.S. Supreme Court decided a case called *Plessy v. Ferguson*. In this case, the Court said that segregation was legal when the facilities for both races (trains, bathrooms, restaurants, etc.) were similar in quality.

Under segregation, all-white and all-black schools sometimes had similar buildings, busses, and teachers. Sometimes, the buildings, busses, and teachers for the all-black schools were lower in quality. Often, black children had to travel far to get to their school. In Topeka, Kansas, a black student named Linda Brown had to walk through a dangerous railroad to get to her all-black school even though there was an all-white school in her neighborhood. Her family believed that segregated schools were unconstitutional.

The Brown family sued the school system, Board of Education of Topeka. The district court said that segregation hurt black children. However, the district court also said the schools were equal. Therefore, the segregation was constitutional. The Browns disagreed with the decision. They believed that the segregated school system did violate the Constitution. They thought that the system violated the Fourteenth Amendment guaranteeing that people will be treated equally under the law.

Constitutional Principle Related to the Case

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Landmark U.S. Supreme Court Case Study

Brown v. Board of Education | 1954 | Page Two

Decision & Impact

In a unanimous decision, the Supreme Court ruled in favor of Brown. The Court found the practice of segregation unconstitutional and refused to apply its decision in *Plessy v. Ferguson* to “the field of public education.” Chief Justice Earl Warren wrote the opinion for the Court.

The Court noted that public education was central to American life. Calling it “the very foundation of good citizenship,” they acknowledged that public education was necessary to prepare children for their future professions. The justices found it very unlikely that a child would be able to succeed in life without a good education. Access to a good education was “a right which must be made available to all on equal terms.”

Departing from the Court’s earlier decision in *Plessy*, the justices here argued that separating children solely on the basis of race created a feeling of inferiority in the “hearts and minds” of black children. Segregating children in public education created and continued the idea that black children held a lower status in the community than white children, even if their separate educational facilities were basically equal. The Court concluded that “separate education facilities are inherently unequal”, the Supreme Court ruled that segregation in public education denied black children the equal protection of the laws guaranteed by the Fourteenth Amendment.

Brown v. Board of Education reversed the decision made in *Plessy v. Ferguson* and had a large impact throughout the United States. It was no longer legal to have segregated schools and the decision led to ending the practice of “separate but equal” in other public places throughout the nation.

Landmark U.S. Supreme Court Case Study

Brown v. Board of Education | 1954 | Page Three – Student Activity Sheet

1. What is the essential question of this case?

--

2. Using the evidence you found during your reading, summarize the background of this case in three complete sentences.

--

3 What is the constitutional principle related to the case? List the principle and summarize the meaning below.

--	--

4. How did the Court answer the essential question? What was the reason for their decision?

--

5. What was the impact of this case on society?

--

6. Why is this case considered a landmark?

--

Landmark Supreme Court Cases

Year	Name of Case	Essential Question of Case	Constitutional Principle(s)	Outcome - Decision	Impact -Why is this a Landmark Case?
1803					
1896					
1954					
1963					
1966					
1966					

Year	Name of Case	Essential Question of Case	Constitutional Principle(s)	Outcome - Decision	Impact -Why is this a Landmark Case?
1968					
1974					
1987					
2000					
2007					

Landmark U.S. Supreme Court Case Study

Gideon v. Wainwright | 1963 | Page One

Essential Question of the Case:

Did the state court's failure to appoint a lawyer for Gideon violate his right to a fair trial and due process of law as protected by the Sixth and Fourteenth Amendments?

Background

On June 3, 1961, someone broke into the Bay Harbor Pool Room in Panama City, Florida. Some beer and wine were stolen. The cigarette machine and jukebox were smashed and money was missing. A witness said he saw Clarence Earl Gideon in the poolroom early that morning. The police found Gideon and arrested him. He had a lot of change in his pockets and was carrying a bottle of wine. They charged him with breaking and entering.

Gideon was poor. He could not afford a lawyer. At the trial, he asked the judge to appoint a lawyer for him. The judge said no. Gideon argued that the Sixth Amendment says he is entitled to a lawyer. The judge told Gideon that the state doesn't have to pay for a poor person's legal defense. This meant that Gideon had to defend himself. He tried but didn't do a very good job at defending himself. For example, he called some witnesses who helped the other side more than they helped him.

Gideon was found guilty and was sentenced to five years in jail. He thought that this was unfair because he had not been given a lawyer. He asked the Florida Supreme Court to release him but the court said no. Gideon kept trying. He wrote a petition and sent it to the U.S. Supreme Court. When the Court read what Gideon had written, the Court agreed to hear his case.

In an earlier case, *Betts v. Brady*, the Court had ruled that in state criminal trials, the state must supply a poor defendant with a lawyer only if there are "special circumstances". These special circumstances could be that the case is very complicated or that the person cannot read or is not competent to represent himself. Gideon did not claim any of these special circumstances. The Court needed to decide if it should get rid of this "special circumstances" rule. If it did so, then poor people like Gideon would be given a lawyer if charged with a felony in a state court.

Constitutional Principles Related to the Case

6th Amendment (1791)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Landmark U.S. Supreme Court Case Study

Gideon v. Wainwright | 1963 | Page Two

Decision & Impact

The U.S. Supreme Court ruled in favor of Gideon in a unanimous decision. The Court decided that Gideon had a right to be represented by a court-appointed attorney and, in doing so, overruled its 1942 decision of *Betts v. Brady*. In this case the Court found that the Sixth Amendment's guarantee of counsel, a lawyer, was a fundamental right and essential to a fair trial. They ruled that this applies to the states through the Due Process Clause of the Fourteenth Amendment.

Associate Justice Black wrote the opinion for the Court, which ruled that the right to the assistance of counsel in felony criminal cases is a fundamental right, and must be required in state courts as well as federal courts. In the opinion, Justice Black called it an "obvious truth" that a fair trial for a poor defendant could not be guaranteed without the assistance of counsel.

The Court stated that a lawyer for both sides in a case was absolutely necessary. In addition, the opinion noted that the Constitution emphasizes procedures to guarantee that defendants get fair trials. The Court concluded that the Sixth Amendment guarantee of a right to counsel was fundamental and essential to a fair trial in both state and federal criminal justice systems.

As a result of the *Gideon v. Wainwright* decision, the rights of the U.S. Constitution were enforced more strictly. Previously, the right to an attorney in state courts was based on the facts of each individual case and then it was determined whether the person required a lawyer. After the *Gideon v. Wainwright* case, the right to an attorney was offered regardless of the facts of the case and many changes were made to the public defender system. It was required that all state courts offer the services of a public defender who was properly trained in all aspects of the legal system.

Landmark U.S. Supreme Court Case Study

Miranda v. Arizona | 1966 | Page One

Essential Question of the Case:

Does the police practice of questioning individuals without notifying them of their right to a lawyer and their protection against self-incrimination violate the Fifth Amendment?

Background

Ernesto Miranda was a poor Mexican immigrant who lived in Arizona in 1963. A woman accused Miranda of committing a crime against her. The police arrested Miranda and asked him questions about the crime for two hours.

In the United States, people who are accused of crimes have certain rights granted by the Constitution. The Fifth Amendment of the Constitution says that the accused have the right not to self incriminate, which can mean that the accused have the right to be silent and cannot be forced to reveal to the police any information that might subject him or her to criminal trial. The Sixth Amendment of the Constitution says that the accused have the assistance of counsel for their defense.

The police did not tell Miranda that he had these rights when they arrested him. After the police were finished asking Miranda questions, he signed a confession. The police used his confession in trial and Miranda was convicted of the crime. The judge decided he should serve 20 to 30 years in prison for the crime.

Miranda appealed his case to the Supreme Court of Arizona, which is the highest court in Arizona. His attorney argued that his confession should not have been used as evidence in his trial because Miranda had not been informed of his rights, and no attorney had been present to assist him during his questioning. The Arizona Supreme Court denied his appeal and upheld Miranda's conviction.

The U.S. Supreme Court agreed to hear Miranda's case. The decision in *Miranda v. Arizona* was handed down in 1966.

Landmark U.S. Supreme Court Case Study

Miranda v. Arizona | 1966 | Page Two

Constitutional Principles Related to the Case

5th Amendment (1791)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Decision & Impact

In a 5-4 opinion, the Supreme Court ruled in favor of *Miranda*. The majority opinion, written by Chief Justice Earl Warren, decided that people arrested under state law must be informed of their constitutional rights against self-incrimination and to representation by an attorney before being questioned when in police custody.

In the majority opinion, the justices explained that the Fifth Amendment right against self-incrimination is a fundamental right and is “one of our Nation’s most cherished principles.” This guarantee requires that only statements freely made by a person may be used in court.

The Court ruled that police must ensure that defendants are aware of their rights before they are questioned in custody. Because the right against self-incrimination is so important to our system of justice, before questioning people in police custody, they must be warned 1) that they have the right to remain silent 2) that anything they say may be used against them in court, 3) that they have the right to an attorney, either retained by them or appointed by the court, and 4) that they may waive these rights, but they have the right to ask for an attorney any time during questioning, at which point the questioning can only continue in the presence of a lawyer.

The Supreme Court reasoned that because the right against self-incrimination is so fundamental, and because it is so simple to inform defendants of their rights, any statements made by defendants during questioning in which the defendant has not been read his “*Miranda* rights” cannot be submitted in a state or federal court. This Supreme Court case impacted police procedure throughout the nation by requiring police to read people their rights upon arrest.

Landmark U.S. Supreme Court Case Study

In re Gault | 1966 | Page One

Essential Question of the Case:

Were the procedures used to commit [arrest] Gault constitutional under the due process clause of the Fourteenth Amendment?

Background

On June 8, 1964, the Sheriff of Gila County, Arizona took Gerald Gault, a 15-year old boy, into custody without notifying his parents. Gault was arrested after a neighbor complained of receiving offensive prank calls. Gault's mother eventually located the boy, but he remained in custody. The only notification the Gaults received was a letter regarding Gault's future court date.

During the initial trial, neither the neighbor who accused Gault, nor any witnesses, were there to testify against Gault. Gault was found guilty and was sent to the State Industrial School for a period of time, while he was a minor. At the time, Arizona law did not allow an appeal process for juvenile cases, or cases for people under the age of 18. In response, Gault's parents petitioned the Arizona Supreme Court to have their son released.

The Arizona Supreme Court agreed with the lower court and found that the Arizona Juvenile Code and the Gault proceedings did not specifically violate the due process clause. The case was then appealed to the U.S. Supreme Court.

Constitutional Principle Related to the Case

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Landmark U.S. Supreme Court Case Study

In re Gault | 1966 | Page Two

Decision & Impact

In an 8-1 decision, the Supreme Court ruled that Gault being sent to the State Industrial School was a clear violation of the Fourteenth Amendment. The Supreme Court ruled in Gault's favor because the young man had been denied the right to an attorney, had never been formally notified of the charges against him, had not been informed of his right against self-incrimination, and did not possess the opportunity to confront his accuser. Protection from self-incrimination is the right in the Fifth Amendment that protects a person from being forced to reveal to the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution. The Supreme Court, through this ruling, stated that the purpose of the juvenile court was correction and not punishment.

Through the *In Re Gault* decision, the U.S. Supreme Court stated that an individual maintains their right to timely notification of charges, the right against self-incrimination, the right to confront a witness, and the right to a lawyer even if the individual is a juvenile.

In Re Gault was a landmark decision issued by the U.S. Supreme Court that established that a juvenile must be given similar due process rights as given to an adult under the Fourteenth Amendment.

Landmark U.S. Supreme Court Case Study

Tinker v. Des Moines | 1968 | Page One

Essential Question of the Case:

Does a ban against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?

Background

John and Mary Beth Tinker attended public school in Des Moines, Iowa in 1965. Their school did not allow students to wear armbands to protest the Vietnam War. However, the Tinkers decided to wear armbands to school anyway. The school officials asked the Tinkers to remove their armbands, but the Tinkers refused. John and Mary Beth Tinker were suspended from school until they agreed to remove the armbands.

The Tinkers' parents sued the school district in the U.S. District Court. Mr. and Mrs. Tinker believed that the Des Moines school district violated their right to free speech under the First Amendment to the U.S. Constitution. Even though the students were not speaking with their voices, they believed that wearing armbands was like speaking. This is called symbolic speech.

The District Court sided with the school officials. The Court said that wearing the armbands could disrupt learning at the school. Learning without disruption was more important than the free speech of the students.

The Tinkers appealed their case to the next level of courts, the U.S. Court of Appeals for the Eighth Circuit, but the Circuit Court agreed with the District Court. The Tinkers then appealed their case to the U.S. Supreme Court.

Constitutional Principles Related to the Case

1st Amendment (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Landmark U.S. Supreme Court Case Study

Tinker v. Des Moines | 1968 | Page Two

Decision & Impact

In a 7-2 decision, the Supreme Court ruled in favor of the Tinkers. Associate Justice Fortas wrote the majority opinion, ruling that students retain their constitutional right of freedom of speech while in public school.

The Court ruled that students are entitled to exercise their constitutional rights, even while in school. The justices reasoned that neither “students (n)or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” Because student expression is protected by the First Amendment even while in school, school officials must provide constitutionally valid reasons for limiting student expression.

The reason for limiting expression must be more than a desire to avoid having students express unpopular viewpoints and school officials must show that the expression would cause a substantial disruption to the school environment. The Court decided that allowing the Tinkers to wear their armbands protesting the Vietnam conflict would not “substantially interfere with the work of the school or impinge [invade] upon the rights of other students.” Wearing the armbands was a “silent, passive expression of opinion” that did not involve any “disorder or disturbance,” and was unlikely to cause a major disruption in the school. The decision also noted that the school officials specifically targeted anti-war armbands, but did not forbid the wearing of any other symbols conveying a political message.

Tinker v. Des Moines set the legal precedent that students keep some of their First Amendment rights while in school and for school officials to deny these rights, they must show a substantial impact on the school and learning environment.

Landmark U.S. Supreme Court Case Study

United States v. Nixon | 1974 | Page One

Essential Question of the Case:

Is the President's right to protect certain information, using his "executive privilege" power, completely protected from judicial review?

Background

In 1972, five burglars broke into the Democratic National Committee headquarters, the national office of the Democratic Party. There, party members make decisions relating to political campaigns. They also decide how they will raise money to help Democratic candidates.

The burglars were caught. Later, investigators discovered that President Nixon and his aides were involved in the burglary. They had hired people to break into the offices. They wanted to get information that would help Nixon get re-elected. Investigators discovered that the president and his aides had committed other illegal acts, too.

The president must follow the rule of law. If he breaks the law, he can be put on trial. Since President Nixon broke the law, the federal government decided to prosecute, or bring legal action against him. The government gathered evidence against him. They discovered that President Nixon had a tape recorder in the Oval Office. He taped most of what happened in his office. The tapes included conversations he had with his aides.

The prosecutor in the case believed that the tapes probably had information about the illegal things President Nixon and his aides had done. He asked President Nixon to turn over the tapes. Nixon refused. A federal judge told him he had to give the tapes to the prosecutor.

The president appealed the decision to the U.S. Circuit Court of Appeals. The prosecutor asked the U.S. Supreme Court to hear the case instead. That Court agreed to hear the case.

President Nixon's lawyers argued that the president's tapes were protected by executive privilege, the belief that conversations between the president and his aides are private. Nixon argued that there are times when these discussions need to be kept private to protect the country. Other times, privacy is needed to protect the advisors. They need to be able to give the president advice without worrying about being criticized by other people. That way, they can be honest with the president. Their honest opinions help the president make decisions.

The lawyers who argued on behalf of the United States said that the tapes were necessary to prove that the president had committed a crime. They argued that justice in this criminal case was more important than protecting the privacy of the president and his aides. Therefore, President Nixon should turn over the tapes.

Landmark U.S. Supreme Court Case Study

United States v. Nixon | 1974 | Page Two

Constitutional Principle Related to the Case

Executive Privilege - The principle that members of the executive branch of government cannot legally be forced to reveal their confidential communications when it could negatively affect the operations or procedures of the executive branch.

The term executive privilege is not in the Constitution. However the concept of separation of powers, the idea that each branch has separate and distinct functions and powers, is expressed through the role and function of each branch as outlined in Articles I, II, and III of the Constitution.

Decision & Impact

In a unanimous decision, the Court ruled in favor of the United States and against President Nixon. Chief Justice Burger wrote the opinion for the Court and concluded that presidents do enjoy a constitutionally protected executive privilege, but that the privilege was limited. The Court decided that, in this case, the President's interest in keeping his communications secret was not more important than providing a fair trial with all available facts.

President Nixon's attorneys first argued that the concept of separation of powers prevented the Supreme Court from hearing this case at all. They claimed that, because the judicial and executive branches are separate, each with its own functions, the judicial branch should not be allowed to interfere with the functioning of the executive branch. The Court rejected this argument, responding that the case raised a constitutional question, and therefore clearly fell within the functions of the judicial branch as interpreter of the Constitution. To support this ruling, the justices cited the Court's decision in *Marbury v. Madison*, in which the Court declared that "it is the province and duty of the judicial department to say what the law is."

President Nixon's lawyers also argued that the Court should find the president was entitled to absolute executive privilege. This meant that he could not be forced to reveal any of his confidential communications unless he chose to. The Court acknowledged that the president was entitled to a degree of executive privilege but this privilege was limited. In this case, President Nixon's interest in keeping his communications secret conflicted with the interests of the judicial branch in providing a full and fair trial. A fair trial required release of all facts and relevant information. The justices argued that the interests of the president must be balanced against the interests of the judicial branch when these interests conflict.

This case was the first time that the Supreme Court provided a limitation to the executive branch by restricting the powers that the president can use. This case set the precedent that being president does not make one above the law.

Landmark U.S. Supreme Court Case Study

Hazelwood v. Kuhlmeier | 1987 | Page One

Essential Question of the Case:

Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Background

The journalism class at Hazelwood East High School wrote articles and put them together for the school paper. They gave the newspaper to their teacher, Howard Emerson. Mr. Emerson showed the newspaper to the principal. He asked the principal if it was okay to make copies and hand them out to students at the school.

Principal Reynolds did not like what he read. First, there was an article about pregnant students. It described the students, but it did not give their names. Principal Reynolds was afraid that students would be able to figure out who the pregnant students were.

There was another article that Principal Reynolds did not like. This one talked about divorce. In it, one student said things about her father. For example, she said that her father went out too much. She also said that her father didn't spend enough time with his family. The father did not get a chance to tell his side of the story. Principal Reynolds thought this was unfair.

Principal Reynolds thought the paper needed to be changed. But it was almost the end of the school year. He was afraid that it would take the class a long time to change it. If it took too long, the school year would be over and the other students would not get the paper. So he told Mr. Emerson to remove the pages that had the articles about pregnancy and divorce. He said to make copies of the rest of the paper.

The students were very angry. They had spent a lot of time writing the articles. They could have fixed them if Principal Reynolds had given them a chance. Instead, he deleted two pages that also contained other articles. They believed that this was a violation of their First Amendment rights. They went to the U.S. District Court. That court did not agree with them. It said that school officials may limit student speech in the school newspaper if their decision has "a substantial and reasonable basis." In other words, if he has a good reason, it is okay for a principal to limit student speech.

The students appealed the decision. The Court of Appeals reversed the decision of the U.S. District Court. This court said that the school paper was a "public forum," or place where students could express their views. The judges said that the school could not edit the paper except "to avoid . . . substantial interference with school work or discipline . . . or the rights of others." They did not think that the articles about pregnancy would have interfered with schoolwork. They thought the articles should have been printed.

The school appealed the decision of the Court of Appeals and the U.S. Supreme Court agreed to hear the case.

Landmark U.S. Supreme Court Case Study

Hazelwood v. Kuhlmeier | 1987 | Page Two

Constitutional Principle Related to the Case

1st Amendment (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Decision & Impact

The Supreme Court ruled against the students in a 5-3 decision. Associate Justice White wrote the majority opinion, concluding that the First Amendment does not prevent school officials from using reasonable authority over the content of school-sponsored publications. The public school and its attached rules will govern over what can be produced by any publication associated with the school. Therefore, a school may not need to completely follow the First Amendment.

The majority opinion first discussed whether school-sponsored student newspapers are public forums. If they were public forums, school officials would not be allowed to exercise editorial control over the content of the paper. Referring to Supreme Court precedent, the decision noted that school facilities are only considered to be public forums when school authorities have “by policy or by practice” opened those facilities for use by the general public. If the facilities are used for other purposes, however, they do not constitute a public forum, and “school officials may impose reasonable restrictions on the speech of students.” The school newspaper in this case was not open to the entire student body, teachers and other members of the community, but was instead published as part of the curriculum of a journalism class. Therefore, its primary function was for educational purposes, and the newspaper did not constitute a public forum.

The Court determined that the First Amendment rights of students in public schools are not necessarily equal to those of adults outside of schools and that schools can limit speech that conflicts with the mission of the school. School officials have authority and control over publications, such as school newspapers, to make sure that the educational lesson is taught and readers are not exposed to possibly inappropriate material. As long as the editing control of school officials was related to educational concerns, it did not violate the First Amendment. This case was the second major case dealing with First Amendment rights in schools and set a precedent of determining how school officials could legally limit students’ First Amendment rights.

Landmark U.S. Supreme Court Case Study

Bush v. Gore | 2000 | Page One

Essential Questions of the Case:

Did the Florida Supreme Court violate Article II Section 1 Clause 2 of the U.S. Constitution by making new election law? Do manual recounts, without consistent standards, violate the Equal Protection and Due Process clauses of the Constitution?

Background

In 2000, Vice President Al Gore faced Texas Governor George W. Bush in the presidential election. A winner in the election could not be determined until Florida's Electoral Vote was decided. The morning after Election Day, Governor Bush led Vice President Gore by about 1,800 votes in Florida.

Due to the fact that the returns were so close, Florida law called for an automatic machine recount of ballots. When this recount was complete, Bush had only a 327-vote lead out of almost 6 million ballots cast. With the race so close, Florida law allowed Gore the option of a manual (by hand) recount of votes in the counties of his choosing. Gore chose four counties with many complaints of voting machine issues: Broward, Miami-Dade, Volusia, and Palm Beach. Florida law also required that the state's election results had to be finalized by the Secretary of State, Katherine Harris, within seven days of the election (by November 14, 2000). Three of the four counties were unable to complete the recount process by the deadline.

On November 14, the 2nd Judicial Circuit Court ruled that Secretary Harris could legally accept election results after the 14th from any of the counties still completing a manual vote recount. Harris announced that she would consider late recount totals only if the county could justify their lateness in writing by 2 p.m. the following day (November 15). The three counties-Miami-Dade, Palm Beach, and Broward-immediately sent an explanation for the delay. Secretary Harris, however, rejected their explanations and announced that the final Florida vote count would be announced Saturday, November 18, 2000. On November 16, both Vice President Gore and Palm Beach County filed a request to the Florida Supreme Court to prevent Secretary Harris from finalizing the election until the three counties could finish their recounts. On November 21, the Florida Supreme Court ruled that Secretary Harris must allow the counties until November 26 to finish their recounts.

On November 26, Secretary Harris certified the election for Bush. The next day, Gore sued the secretary, alleging that the certified results were not valid because the recount process was not finished in Miami-Dade County. After a local court rejected the suit, Gore appealed to the Florida Supreme Court, which ruled on December 8 that Florida ballots cast, but not counted by voting machines, must be manually recounted if they had not been already. Governor Bush appealed this decision to the U.S. Supreme Court, which reviewed the case on December 9. Bush argued that the manual recount went against the 14th Amendment because the recount violated the equal administration of voting laws in Florida.

Landmark U.S. Supreme Court Case Study

Bush v. Gore | 2000 | Page Two

Constitutional Principles Related to the Case

Article II, SECTION. 1. Clause 2 Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

14th Amendment (1868)

SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Decision & Impact

On December 12, 2000, the Supreme Court, in a 5-4 decision, ruled that the Florida Supreme Court's recount order was unconstitutional because it granted more protection to some ballots than to others, violating the Fourteenth Amendment's Equal Protection Clause. This clause forbids states from denying "to any person within their jurisdiction the equal protection of the laws." The Court argued that voting for a president constituted a "fundamental right" guarded by the Equal Protection Clause, and that the Florida Supreme Court's recount order violated this right because it was not applied to all ballots. The Court alleged that the Florida Supreme Court's decision contained unequal processes and were above and beyond the processes required by Florida election law. The Court also argued that the recount was also unconstitutional because the Florida Supreme Court's decision made new election law, which only the state legislature may do.

December 12, 2000 was also the state deadline for selecting Electoral College members whose names would be formally submitted to Congress to represent Florida's choice for president. With no time left to recount votes consistent with the Court's ruling, George W. Bush was declared the winner. Some people believed that this case was a win for equal rights; others believed that the decision was motivated by political bias. This was due to the fact that the five justices of the majority opinion were appointed by Republican presidents and George W. Bush was also a Republican.

This case is considered a landmark due to the fact that the U.S. Supreme Court had a large impact in determining a winner for the 2000 presidential election. This case also impacted election laws and procedures throughout the nation.

Landmark U.S. Supreme Court Case Study

District of Columbia v. Heller | 2007 | Page One

Essential Question of the Case:

Do sections of the District of Columbia Code violate the Second Amendment?

Background

After the District of Columbia (D.C.) passed legislation barring the registration of handguns, requiring licenses for all pistols, and mandating that all legal firearms must be kept unloaded and disassembled or trigger locked, a group of private gun-owners, including a security guard named Dick Anthony Heller, sued the District of Columbia claiming the laws violated their Second Amendment right to bear arms. The federal trial court in Washington D.C. sided with the District of Columbia and stated that the Second Amendment applies only to militias such as the National Guard and not to private gun ownership.

The U.S. Court of Appeals for the District of Columbia Circuit disagreed, voting two to one that the Second Amendment does protect private gun owners.

Constitutional Principle Related to the Case

2nd Amendment A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Landmark U.S. Supreme Court Case Study

District of Columbia v. Heller | 2007 | Page Two

Decision & Impact

District of Columbia v. Heller was the first U.S. Supreme Court case to decide whether the Second Amendment protects an individual's right to keep and bear arms for self-defense. Some consider this case to be the most important government statement regarding guns in the U.S. since the Second Amendment was ratified in 1791.

In a 5-4 decision, the Court determined that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home. The Court based its decision on the text of the Second Amendment, as well as language in state constitutions adopted soon after the Second Amendment.

Landmark U.S. Supreme Court Case Study

Name of Case: _____ Year: _____

1. What is the essential question of this case?

--

2. Using the evidence you found during your reading, summarize the background of this case in three complete sentences.

--

3 What is the constitutional principle(s) related to the case? List the principle and summarize the meaning below.

4. How did the Court answer the essential question? What was the reason for their decision?

--

5. What was the impact of this case on society?

--

6. Why is this case considered a landmark?

--

Sources

Learn to swim campaign image: <http://www.loc.gov/pictures/resource/cph.3f05399/>

School integration. Barnard School, Washington D.C. image:

<http://www.loc.gov/pictures/resource/ppmsca.03119/>

Interior of railroad car image: <https://www.floridamemory.com/items/show/52962>

National Archives Photograph Analysis Worksheet:

http://www.archives.gov/education/lessons/worksheets/photo_analysis_worksheet.pdf

Tallahassee Democrat headline for segregation ban: <http://www.floridamemory.com/items/show/34838>

Supreme Decision game: <http://www.icivics.org/games/supreme-decision>

Marbury v. Madison reading: <http://www.uscourts.gov/uscourts/educational-resources/get-involved/legal-concepts/judicial-review.pdf>

Plessy v. Ferguson reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/1851-1900/1895/1895_210, Streetlaw.org,

http://www.streetlaw.org/en/landmark/cases/plessy_v_ferguson and Laws.com

<http://constitution.laws.com/supreme-court-decisions/plessy-v-ferguson>

Brown v. Board of Education reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/1950-1959/1952/1952_1 and Streetlaw.org,

http://www.streetlaw.org/en/landmark/cases/brown_v_board_of_education

Gideon v. Wainwright reading, all accessed March, 2013: Adapted from Oyez.org

<https://www.oyez.org/cases/1962/155>, Streetlaw.org,

http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright and Laws.com

<http://constitution.laws.com/supreme-court-decisions/gideon-v-wainwright>

Miranda v. Arizona reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/1960-1969/1965/1965_759, Streetlaw.org,

http://www.streetlaw.org/en/landmark/cases/miranda_v_arizona#Tab=Background, and Laws.com

<http://constitution.laws.com/supreme-court-decisions/major-decisions-miranda-v-arizona>

In re Gault reading, all accessed March, 2013: Adapted from Oyez.org [http://www.oyez.org/cases/1960-](http://www.oyez.org/cases/1960-1969/1966/1966_116)

[1969/1966/1966_116](http://www.oyez.org/cases/1960-1969/1966/1966_116) and Laws.com <http://criminal-justice.laws.com/in-re-gault>

Tinker v. Des Moines reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/1960-1969/1968/1968_21 and Landmarkcases.org

<http://landmarkcases.pbworks.com/w/page/14738317/Tinker%20v%20Des%20Moines>

United States v. Nixon reading, all accessed March, 2013: Adapted from Oyez.org

<https://www.oyez.org/cases/1973/73-1766>, Streetlaw.org,

http://www.streetlaw.org/en/landmark/cases/united_states_v_nixon#Tab=Overview, Law.com

<http://constitution.laws.com/supreme-court-decisions/major-cases-us-v-nixon> and

<http://www.thefreedictionary.com/executive+privilege>

Hazelwood v. Kuhlmeier reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/1980-1989/1987/1987_86_836, Landmark Cases

http://landmarkcases.org/en/Page/646/Background_Summary_Questions

and Kids.Law.com <http://kids.laws.com/hazelwood-v-kuhlmeier>

Bush v. Gore reading, all accessed March, 2013: Adapted from Oyez.org [http://www.oyez.org/cases/2000-](http://www.oyez.org/cases/2000-2009/2000/2000_00_949g)

[2009/2000/2000_00_949g](http://www.oyez.org/cases/2000-2009/2000/2000_00_949g), PBS.org http://www.pbs.org/wnet/supremecourt/future/landmark_bush.html,

and Kids.Law.com <http://kids.laws.com/bush-v-gore>

District of Columbia v. Heller reading, all accessed March, 2013: Adapted from Oyez.org

http://www.oyez.org/cases/2000-2009/2007/2007_07_290, Time.com

http://www.time.com/time/specials/packages/article/0,28804,2036448_2036452_2036455,00.html, and

Law.com <http://cases.laws.com/dc-v-heller>

Marbury v. Madison | Sample Answers

When it comes to conflicts, someone has to make the final decision. The writers of the Constitution did not determine which of the three branches of government would be the final arbiter, or decision maker, on constitutional issues. Today, it is assumed that the courts are the final authority on such matters. However, their role wasn't always clear.

In 1803, the U.S. Supreme Court case *Marbury v. Madison* established that the Supreme Court has the power to determine whether or not the actions of the other two branches of government are legal and in line with the U.S. Constitution. This is called judicial review.

In his last days in office, President John Adams appointed several federal judges and justices of the peace, including William Marbury as Justice of the Peace for Washington D.C. Some of these presidential appointments were not finished before the end of the Adams presidency. President Thomas Jefferson told his Secretary of State, James Madison, not to deliver the unfinished letters of appointment because Adams was no longer President. William Marbury said that there was an act of Congress that required Madison to make sure that Marbury got his appointment as justice of the peace.

The Supreme Court ruled in Marbury's favor, but said that a section of the act of Congress Marbury mentioned was unconstitutional. The Court also said it had the power of judicial review, the power to decide whether certain laws and government actions are unconstitutional.

With the power of judicial review, the Supreme Court became the chief interpreter of the U.S. Constitution. It also made the judicial branch an equal branch to the legislative and executive branches. With the power of judicial review, the judicial branch can check the actions of the legislative and executive branches and made sure their actions are in line with the Constitution.

Since *Marbury v. Madison*, the U.S. Supreme Court has relied on the power of judicial review to make sure that government actions are constitutional. Historians say that *Marbury v. Madison* influenced the Court's decisions in *Brown v. Board of Education* and *Bush v. Gore*; and other issues that have an impact on daily life.

What is judicial review?

Judicial review is the power of the judicial branch to review actions of the legislative and executive branches to make sure they are in line with the U.S. Constitution.

Why is the power of judicial review important?

Judicial review is important because it gave the judicial branch the power to be the final interpreter of the Constitution, it gave the judicial branch a check against the other two branches and made it an equal branch. It is also important because the Supreme Court has used the power of judicial review when deciding other cases.

Landmark Supreme Court Cases – Sample Answers

Year	Name of Case	Essential Question of Case	Constitutional Principle(s)	Outcome - Decision	Impact -Why is this a Landmark Case?
1803	<i>Marbury v. Madison</i>				This case established the power of judicial review.
1896	<i>Plessy v. Ferguson</i>	Is Louisiana's law requiring racial segregation on its trains an unconstitutional violation of the equal protection clause of the Fourteenth Amendment?	13 th Amendment, Sections 1 and 2 and 14 th Amendment, Section 1	In a 7-1 decision, the Supreme Court ruled in favor of Ferguson.	U.S. Supreme Court determined that “separate but equal” segregation was not discrimination.
1954	<i>Brown v. Board of Education</i>	Does the segregation of children in public schools only on the basis of race deny the minority children of the equal protection of the laws guaranteed by the Fourteenth Amendment?	14 th Amendment, Section 1	In a unanimous decision, the Supreme Court ruled in favor of Brown.	U.S. Supreme Court determined that “separate but equal” segregation was not equal in public education.
1963	<i>Gideon v. Wainwright</i>	Did the state court's failure to appoint a lawyer for Gideon violate his right to a fair trial and due process of law as protected by the Sixth and Fourteenth Amendments?	6 th Amendment and 14 th Amendment, Section 1	The U.S. Supreme Court ruled in favor of Gideon in a unanimous decision.	U.S. Supreme Court upheld the Sixth Amendment right that all defendants must be appointed a lawyer if they cannot afford their own attorney
1966	<i>Miranda v. Arizona</i>	Does the police practice of questioning individuals without notifying them of their right to a lawyer and their protection against self-incrimination violate the Fifth Amendment?	5 th Amendment and 14 th Amendment, Section 1	In a 5-4 opinion, the Supreme Court ruled in favor of Miranda.	U.S. Supreme Court upheld the Fifth Amendment protection from self-incrimination.
1966	<i>In re Gault</i>	Were the procedures used to commit [arrest] Gault constitutional under the due process clause of the Fourteenth Amendment?	14 th Amendment, Section 1	In an 8-1 decision, the Supreme Court ruled that Gault being sent to the State Industrial School was a clear violation of the Fourteenth Amendment.	U.S. Supreme Court determined that juvenile court must comply with the Fourteenth Amendment.

Year	Name of Case	Essential Question of Case	Constitutional Principle(s)	Outcome - Decision	Impact -Why is this a Landmark Case?
1968	<i>Tinker v. Des Moines</i>	Does a ban against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?	1 st Amendment and 14 th Amendment, Section 1	In a 7-2 decision, the Supreme Court ruled in favor of the Tinkers.	U.S. Supreme Court upheld a student's First Amendment right to engage in symbolic speech in school.
1974	<i>U.S. v. Nixon</i>	Is the President's right to protect certain information, using his "executive privilege" power, completely protected from judicial review?	Executive Privilege	In a unanimous decision, the Court ruled in favor of the United States and against President Nixon.	U.S. Supreme Court limited executive privilege.
1987	<i>Hazelwood v. Kuhlmeier</i>	Did the principal's deletion of the articles violate the students' rights under the First Amendment?	1 st Amendment	The Supreme Court ruled against the students in a 5-3 decision.	U.S. Supreme Court determined that the First Amendment does not protect all types of student speech in school.
2000	<i>Bush v. Gore</i>	Did the Florida Supreme Court violate Article II Section 1 Clause 2 of the U.S. Constitution by making new election law? Do manual recounts, without consistent standards, violate the Equal Protection and Due Process clauses of the Constitution?	Article II, Section 1, Clause 2 and 14 th Amendment, Section 1	The Supreme Court, in a 5-4 decision, ruled that the Florida Supreme Court's recount order was unconstitutional because it granted more protection to some ballots than to others, violating the Fourteenth Amendment's Equal Protection Clause.	U.S. Supreme Court determined that states cannot violate the Equal Protection Clause under the Fourteenth Amendment when undertaking election recounts.
2007	<i>District of Columbia v. Heller</i>	Do sections of the District of Columbia Code violate the Second Amendment?	2 nd Amendment	In a 5-4 decision, the Court determined that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home.	U.S. Supreme Court upheld that the Second Amendment protects an individual's right to possess a firearm.

Civics Content Vocabulary

Word/Term	Part of Speech	Definition
arbiter	noun	a person with the power to decide a dispute
<i>Brown v. Board of Education</i>	proper noun	U.S. Supreme Court case that determined that “separate but equal” segregation was not equal in public education
<i>Bush v. Gore</i>	proper noun	U.S. Supreme Court case that determined that states cannot violate the Equal Protection Clause under the Fourteenth Amendment when conducting election recounts.
<i>District of Columbia v. Heller</i>	proper noun	U.S. Supreme Court case that upheld that the Second Amendment protects an individual’s right to own a firearm
Equal Protection Clause	proper noun	the section of the Fourteenth Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens
executive privilege	noun	the belief that the conversations between the president and his aides are confidential
<i>Gideon v. Wainwright</i>	proper noun	U.S. Supreme Court case that upheld the Sixth Amendment right that all defendants must be appointed a lawyer if they cannot afford their own attorney
<i>Hazelwood v. Kuhlmeier</i>	proper noun	U.S. Supreme Court case that determined that the First Amendment does not protect all types of student speech in school
<i>In re Gault</i>	proper noun	U.S. Supreme Court case that determined that juvenile court must follow the Fourteenth Amendment
judicial opinion	noun	judgment by a court
judicial review	noun	the power of the judicial branch to review the actions of the executive and legislative branches and determine whether or not they are unconstitutional (this includes laws passed by Congress); the U.S. Supreme Court case <i>Marbury v. Madison</i> established this power
juvenile rights	noun	rights of people under age 18
landmark	noun	an important or unique decision, event, fact, or discovery
legal equality	noun	the concept that everyone is equal in the eyes of the law
legal precedent	noun	a judicial decision that is used as an example in dealing with later, similar cases
<i>Marbury v. Madison</i>	proper noun	U.S. Supreme Court case that established judicial review
<i>Miranda v. Arizona</i>	proper noun	U.S. Supreme Court cases that upheld the Fifth Amendment protection from self-incrimination
<i>Plessy v. Ferguson</i>	proper noun	U.S. Supreme Court case that determined that “separate but equal” segregation was not discrimination
prosecute	verb	to carry legal action against an accused person to prove his or her guilt
rights of the accused	noun	the rights included in the Fourth, Fifth and Sixth Amendments: protection from unreasonable search and seizure, double jeopardy, and self-incrimination, the right to due process, right to a speedy and public trial, trial by jury, the right to be informed of criminal charges, right to be confronted by adverse witnesses, right to an attorney, protection from self-incrimination
segregation	noun	the separation of people, such as segregation based on race
self-incrimination	noun	the right in the Fifth Amendment that protects a person from being forced to reveal to the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution
separation of powers	noun	the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities
Supremacy Clause	proper noun	the clause that states that the U.S. Constitution is the supreme law of the land, and that national laws are supreme over state laws, found in Article VI
<i>Tinker v. Des Moines</i>	proper noun	U.S. Supreme Court case that upheld a student’s First Amendment right to engage in symbolic speech in school
unanimous	noun	in complete agreement
<i>United States v. Nixon</i>	proper noun	U.S. Supreme Court case that limited executive privilege

Essential Teacher Content Background Information

This section addresses the following issues:

1. Protecting Individual Rights through the Bill of Rights
2. Judicial Review
3. Protecting the Rights of Citizens
4. Other Supreme Court Roles

1. Protecting Individual Rights through the Bill of Rights

The Bill of Rights is most often used to protect the privileges and immunities of those persons whose behavior is believed to be either unpopular (political expression, religious practice) or criminal (those accused of committing crimes). This category of protecting unpopular behavior and suspected criminal activity is called “civil liberties”. The U.S. Supreme Court is responsible for interpreting parts of the Bill of Rights and the 14th Amendment as appropriate to determine whether individual rights have been violated through laws or procedures at the federal, state and local level.

The Bill of Rights, ratified in 1791, is the first ten amendments of the U.S. Constitution. It was intended to protect the people from the federal government abusing its power, specifically as to the rights of political and religious expression broadly defined, the rights and protections accorded individuals accused and convicted of crimes, private property protection, and the rights of the people as they relate to federal and state laws, and other rights.

The first word of the Bill of Rights, “Congress”, speaks to the focus of the Bill of Rights on the federal government. Under the Bill of Rights, citizens are guaranteed the right to free speech, peaceful assembly, the press, the free exercise of religion, and the right to petition the government for redress of grievances. Congress may not establish a religion, which is a right related to, though different from, religious exercise. The Bill of Rights also protects those accused or convicted of a crime in that they are entitled to due process of law, and are protected from incriminating themselves, “cruel and unusual” punishment, unreasonable search and seizure and being tried twice for committing the same crime. The concept of “due process” also includes the right to legal representation in criminal trials, the right to face one’s accuser, and the right to trial by jury. The Bill of Rights also protects property rights in that citizens may not be forced to house military personnel during peacetime and only during wartime by an Act of Congress, and that citizens’ property may only be taken with “just compensation”.

The Bill of Rights has been subject to extensive interpretation by the U.S. Supreme Court. Many argue that one of the most notable interpretations occurred when the Court decided, in *Gitlow v. New York* (1925), that the 14th amendment could serve as a tool for applying the Bill of Rights to state law.

The *Gitlow* case extended the “equal protection” and “due process” clauses of the Bill of Rights to the states on a selective basis. Because states may not deny U.S. citizens their due process and equal protection rights under the 14th amendment, U.S. citizens are protected when state laws deny them their rights under the federal Bill of Rights.

The process where the U.S. Supreme Court interprets state laws according to the protections established in the Bill of Rights is called “selective incorporation”—the court “selects” cases dealing with specific laws that, if found to violate the federal Bill of Rights, are “incorporated” into the Bill of Rights. This holds true even though the Bill of Rights was intended to protect citizens from the federal government and not the state governments.

2. Judicial Review

Judicial review is the principle that the judiciary branch, most often through the U.S. Supreme Court, can find federal and state laws unconstitutional. The separation of powers and checks and balances systems outlined in the U.S. Constitution do not address the possibility that the president may sign into law an act that Congress has passed even though that law violates the U.S. Constitution.

Judicial review is the process that, in finding federal and state laws unconstitutional, makes such laws null and void. The principle of judicial review was first established in 1803 with *Marbury v. Madison*, a U.S. Supreme Court case that found that parts of the Federal Judiciary Act of 1789 were inconsistent with Article III of the U.S. Constitution. The spirit of checks and balances, in essence, mandates that the U.S. Supreme Court oversee the work of determining the constitutionality of legislation because the president and Congress (or, in the case of a state, the governor and state legislature) have already participated in the legislative process. The spirit of checks and balances precludes either chief executives or legislatures from determining whether their own work is consistent with the U.S. Constitution. Laws made null and void through judicial review are often called “case law”.

Case	Year	Bill of Rights Provision	Amendment
<i>Gideon v. Wainwright</i>	1963	Right to counsel in felony cases	Sixth
<i>Miranda v. Arizona</i>	1966	Right against self-incrimination	Fifth
<i>in re Gault</i>	1967	Right against self-incrimination	Fifth
<i>Tinker v. Des Moines</i>	1969	Free speech/“symbolic speech”	First
<i>Hazelwood v. Kuhlmeier</i>	1988	Free press/free speech	First
<i>District of Columbia v. Heller</i>	2007	Gun ownership/gun control	Second

3. Protecting the Rights of Citizens

The U.S. Supreme Court also takes an active role in protecting the rights of citizens, or “civil rights”. Civil rights are those rights of citizens that the federal and state governments have an affirmative obligation to protect. Civil rights are most often understood to include protecting equal protection and due process rights found in the Fourteenth Amendment, which also defines citizenship. The U.S. Supreme Court engages in statutory interpretation in civil rights cases. This means that the Court is interpreting the meaning of statutes, but does not evaluate those statutes for their constitutionality.

Case	Year	Constitutional Provision	Amendment
<i>Plessy v. Ferguson</i>	1896	Equal protection	Fourteenth
<i>Brown v. Board of Education</i>	1954	Equal protection	Fourteenth
<i>Bush v. Gore</i>	2000	Equal protection	Fourteenth

4. Other Supreme Court Roles

The U.S. Supreme Court, as the highest court in the nation, has also played key roles in interpreting the U.S. Constitution and the Bill of Rights. For example, the U.S. Supreme Court interpreted the meaning of the separation of powers structure as it applied to presidential privilege and responsibility as outlined in Article II in *United States v. Nixon* (1974).