

## Landmark U.S. Supreme Court Case Study

*Dred Scott v. Sandford* | 1857 | Page One

### Essential Question of the Case:

Was Dred Scott free or a slave?

### Background

Dred Scott was born an enslaved person in Virginia around 1799. In 1834, a man named Dr. Emerson bought Dred Scott and they moved to Illinois, a non-slave (free) state. Later they moved to Minnesota, also a non-slave state. Then the Emersons and the Scotts moved to Missouri, a slave state. In 1843, Dr. Emerson died and his wife became Dred Scott's enslaver.

Dred Scott sued Mrs. Emerson. He claimed that he was no longer enslaved because he had become free when he lived in a free state. The jury decided that Scott and his family should be free. Mrs. Emerson quickly appealed the jury's decision, and Scott and his family remained enslaved. After the trial, Mrs. Emerson moved away and her brother, John Sanford<sup>1</sup> became Scott's enslaver. In 1852, the Missouri Supreme Court said that Missouri does not have to follow the laws of another state. As a slave state, Missouri's laws meant that Scott and his family were not free.

Sanford moved to New York and left the Scotts in Missouri. Scott sued Sanford again in a federal court. Federal courts decide cases where the citizens live in different states. In 1854, the U.S. Court for the District of Missouri heard the case. Sanford won the case, and Scott then appealed to the Supreme Court of the United States.

When the case came to the Supreme Court of the United States, the country was in deep conflict over slavery. In the past, some enslaved people had successfully sued their owners for freedom. However, by the 1850s, many states were hardening their positions on slavery, making such cases more difficult to win. It would not be long before the country was in a civil war over the issue of slavery.

### Constitutional Principle Related to the Case

#### **14<sup>th</sup> 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.

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#### Decision & Impact

In a 7–2 opinion, a majority of the U.S. Supreme Court ruled in favor of Sanford.<sup>1</sup> Chief Justice Taney wrote the opinion for the Court. The Court first decided that people of African descent were not citizens as defined by the Constitution. They then ruled enslaved people did not become free simply by entering a free state or a territory that had not yet become a state. This overturned the ruling of the lower federal court, but it affirmed the ruling of the Missouri Supreme Court.

The Supreme Court decided that people of African descent were not U.S. citizens as defined by the Constitution, and, therefore, the Supreme Court and lower federal courts had no jurisdiction to hear this case. The decision cited Article III, Section 2 of the Constitution, which gives federal courts the power to hear cases “between Citizens of different States.” To determine the definition of “citizens,” the justices considered the intent of the Framers of the Constitution to determine what defined a citizen. They noted that at the time the Constitution was written, people of African descent, both enslaved and free, were “regarded as beings of an inferior order” and were “so far inferior that they had no rights which the white man was bound to respect.” Believing that the Court should not “give to the words of the Constitution a more liberal construction ... then they were intended to bear when the instrument was framed and adopted,” the Court concluded that people of African descent were not citizens, and could therefore “claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.” This included the ability to bring suit in federal court.

The Court further stated that the power of Congress to regulate the internal workings of the territories that had not yet become states was limited. They concluded that an act of Congress prohibiting citizens from “owning [enslaved persons] in the territor[ies] ... is not warranted by the Constitution, and is therefore void.” The Court struck down the Missouri Compromise as unconstitutional because Congress did not have the power under the Constitution to determine whether slavery was allowed in the territories, even those these were not yet states.

In addition, the Court concluded that enslaved people could not be made free simply by entering a free state or territory because this would deprive slave owners of their property without giving them due process of law as required by the Fifth Amendment. Accordingly, “an act of Congress which deprives a citizen of the United States of his ... property, merely because he ... brought his property into a particular Territory of the United States” was unconstitutional. The Court held, therefore, that Dred Scott and his family were “property” and were not made free simply because they were brought into a free territory

## 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

#### 6<sup>th</sup> 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.

#### 14<sup>th</sup> 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.

#### Constitutional Principles Related to the Case

##### 5<sup>th</sup> 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.

##### 14<sup>th</sup> 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

*Miranda v. Arizona* | 1966 | Page Two

### 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

##### **14<sup>th</sup> 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

*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.

#### 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.

## Landmark U.S. Supreme Court Case Study

### *United States v. Nixon* | 1974 | Page Two

#### **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. They believed that the deletion of the articles 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.

#### Constitutional Principle Related to the Case

##### 1<sup>st</sup> 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.

## Landmark U.S. Supreme Court Case Study

*Hazelwood v. Kuhlmeier* | 1987 | Page Two

### 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.