

Landmark U.S. Supreme Court Case Study

Marbury v. Madison - 1803

Essential Question of the Case:

Do the plaintiffs have a right to receive their commissions?

Can they sue for their commissions in court?

Does the Supreme Court have the authority to order the delivery of their commissions?

Background

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.

Decision & Impact

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 make 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.

Adapted from:

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

Landmark U.S. Supreme Court Case Study

McCulloch v. Maryland - 1819

Essential Question of the Case:

Was the establishment of a bank by Congress constitutional? Did the state of Maryland violate its authority by imposing a tax on the bank?

Background

In April 1816, Congress passed a law creating the Second Bank of the United States. By 1817 the bank was opened in Baltimore, Maryland. Leaders from Maryland questioned the constitutionality of the creation of the bank, believing the national government had exceeded their power. Two years later the General Assembly of Maryland imposed a tax on the bank.

According to the Maryland law,. “..it shall not be lawful for the said branch, office of discount and deposit, or office of pay and receipt to issue notes, in any manner, of any other denomination than five, ten, twenty, fifty, one hundred, five hundred, and one thousand dollars, and no note shall be issued except upon stamped paper.” This stamped paper included the tax for each denomination. In addition, the Act said that “the President, cashier, each of the directors and officers offending against the provisions aforesaid shall forfeit a sum of \$500 for each and every offense.”

James McCulloch, the head cashier of the bank, refused to pay the tax. In an attempt to force him to pay the tax, the state of Maryland filed a lawsuit against McCulloch. Maryland lost the initial case. It was then sent to the Maryland Court of Appeals. The Maryland Court of Appeals held that the creation of a bank was not specifically listed as an expressed power of Congress found in Article 1 of the U.S. Constitution, therefore the creation of the national bank was unconstitutional. James McCulloch appealed to the U.S. Supreme Court.

Decision & Impact

In 1819, the Supreme Court ruled unanimously that the creation of the bank was constitutional. The opinion, written by Chief Justice John Marshall, affirmed the implied powers of Congress found under the “necessary and proper” clause of the Constitution. Chief Justice Marshall wrote “Among the enumerated powers, we do not find that of establishing a bank or creating a corporation. But there is no phrase in the instrument which, like the articles of confederation, excludes incidental or implied powers; and which requires that everything granted shall be expressly and minutely described...although, among the enumerated powers of government, we do not find the word ‘bank,’ or ‘incorporation,’ we find the great powers to lay and collect taxes; to borrow money; to regulate commerce...let the ends be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.” The Court reasoned that the creation of the bank was properly correlated to the legitimate power to tax, borrow, and regulate interstate commerce which is held by Congress, therefore the Bank was constitutional under the Necessary and Proper Clause. The Court also ruled that the state of Maryland did not have the power to tax the bank under the Supremacy Clause of the Constitution.

Adapted from <https://www.oyez.org/cases/1789-1850/17us316>

Landmark U.S. Supreme Court Case Study

Dred Scott v. Sandford - 1857

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 Sanford¹ 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.

Decision & Impact

In a 7–2 opinion, a majority of the U.S. Supreme Court ruled in favor of Sanford.¹ 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 that 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.

Adapted from: <https://www.landmarkcases.org/cases/dred-scott-v-sandford> and <https://www.landmarkcases.org/cases/dred-scott-v-sandford>

Landmark U.S. Supreme Court Case Study

Plessy v. Ferguson - 1896

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.

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 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.

Adapted from:

https://www.landmarkcases.org/assets/site_18/files/plessy_v_ferguson/student/loc_plessy_v-ferguson_full_c_student.pdf and <https://www.oyez.org/cases/1850-1900/163us537>

Landmark U.S. Supreme Court Case Study

Brown v. Board of Education - 1954

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, buses, and teachers. Sometimes, the buildings, buses, 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, 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.

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.

Adapted from <https://www.landmarkcases.org/cases/brown-v-board-of-education> and <https://www.oyez.org/cases/1940-1955/347us483>

Landmark U.S. Supreme Court Case Study

Gideon v. Wainwright - 1963

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.

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.

Adapted from http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright and <https://www.oyez.org/cases/1962/155>,

Landmark U.S. Supreme Court Case Study

Miranda v. Arizona - 1966

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.

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.

Adapted from http://www.streetlaw.org/en/landmark/cases/miranda_v_arizona#Tab=Background and http://www.oyez.org/cases/1960-1969/1965/1965_759

Landmark U.S. Supreme Court Case Study

Korematsu v. United States - 1944

Essential Question of the Case:

Was the exclusion of Americans of Japanese descent constitutional?

Background

Two months after the United States entered World War II as a result of the Japanese bombing of Pearl Harbor, President Franklin Roosevelt signed Executive Order 9066. This executive order authorized the Secretary of War and armed forces to remove Japanese-Americans from land that had been designated as military areas as well as surrounding communities, which included most of the west coast of the United States. As a result, over 120,000 Japanese Americans who were mainly from the west coast were relocated to other areas in western and midwestern states. Approximately $\frac{2}{3}$ of those relocated were U.S. citizens.

A 23 year-old Japanese-American from San Leandro, California, named Fred Korematsu refused to leave his residence and evacuate as was required by the order. He was arrested by the FBI on May 30, 1942 for failing to obey relocation orders. He responded by arguing that his 5th amendment rights were violated by the Executive Order 9066. He was convicted in a federal court of violating military orders and sentenced to 5 years of probation. As a result, Korematsu's attorneys appealed the decision to the U.S. Court of Appeals, which agreed with the lower trial court that he had violated military orders. Korematsu appealed the decision to the United States Supreme Court.

Decision & Impact

In a 6-3 decision on December 18, 1944, the Supreme Court ruled that the evacuation order that Korematsu violated was valid. The majority opinion, written by Justice Black, found that the military evacuation order was necessary to keep the U.S., particularly the West Coast, safe from invasion and espionage. In the dissent, Justice Robert Jackson wrote "Korematsu ... has been convicted of an act not commonly thought a crime. It consists merely of being present in the state whereof he is a citizen, near the place where he was born, and where all his life he has lived." He argued that the nation's wartime security concerns were not sufficient to deny constitutionally protected rights from Korematsu and the other internees.

Adapted from: <https://www.oyez.org/cases/1940-1955/323us214> and <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-korematsu-v-us>

Landmark U.S. Supreme Court Case Study

Mapp v. Ohio - 1961

Essential Question of the Case:

Was the evidence gathered from Mapp's house protected by the Fourth Amendment?

Background

Officers from the Cleveland, Ohio police department were searching for a male suspect that they believed was involved in the bombing of a house a few days prior. Dollree Mapp had been a known acquaintance of the suspect. Thinking the bomb suspect might be hiding in Mapp's home, police officers approached her home, identified themselves, and knocked on her door. Mapp refused to allow the officers inside because they did not have a search warrant. Many hours later, the officers forcefully entered her home with a sheet of paper that one officer indicated was a court ordered search warrant. Mapp demanded to see the document and tried to grab it from the officer. Mapp was quickly detained and the officers began their search for the bomb suspect. They did not find the bomb suspect inside her home, however, while searching her home, officers found "obscene" books and photographs.

Possession of lewd or obscene material was a violation of Ohio law. Mapp was arrested and the materials found were confiscated. At her trial the prosecution did not produce the warrant used to enter Mapp's home, however Mapp was found guilty and sentenced to 1 to 7 years in prison. Mapp appealed her conviction to the Ohio State Supreme Court. The Ohio State Supreme Court upheld the conviction and ruled that the inclusion of the evidence against Mapp at her trial, even without proof of a warrant, was valid.

Decision & Impact

In a 6-3 decision the Supreme Court overturned the conviction of Dollree Mapp. Previously, in the 1914 case, *Weeks v. United States*, the Supreme Court established the exclusionary rule. Under the exclusionary rule, the government could not use illegally gathered evidence in federal trials. In the 1961 ruling of *Mapp v. Ohio*, the Supreme Court clarified the exclusionary rule to expand to state criminal prosecutions as well.

The majority in *Mapp* held that evidence found in a warrantless search of a home, must be excluded from trial. The ruling in *Mapp v. Ohio* ultimately strengthened protections against unreasonable searches found in the Fourth Amendment.

Adapted from <https://www.oyez.org/cases/1960/236>

Landmark U.S. Supreme Court Case Study

In re Gault - 1966

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.

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.

Adapted from <http://criminal-justice.laws.com/in-re-gault> and http://www.oyez.org/cases/1960-1969/1966/1966_116

Landmark U.S. Supreme Court Case Study

United States v. Nixon - 1974

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.

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.

Adapted from http://www.streetlaw.org/en/landmark/cases/united_states_v_nixon#Tab=Overview and <https://www.oyez.org/cases/1973/73-1766>

Landmark U.S. Supreme Court Case Study

Regents of the University of California - 1978

Essential Question of the Case:

Can race be a determining factor in college admissions?

Background:

In the early 1970s, the University of California Davis School of Medicine (UC Davis) had two admissions programs: a regular admissions program and a special admissions program. One of the reasons for the special admissions program was to increase the number of minority/disadvantaged students. In the regular admissions program, an applicant was required to have above a 2.5 grade point average to be admitted. However, in the special admissions program, applicants did not have to meet the 2.5 grade point average requirement. To be considered for the special admission program, candidates could indicate if they were members of a minority group or considered economically disadvantaged. Sixteen spots of the 100 students admitted were reserved for qualified “minority” and “disadvantaged” students and filled through the special admissions program. During the time frame of 1971-1974, no disadvantaged white students received admission through the special program.

In 1973 and again in 1974, Allan Bakke was a white person who applied to the regular admissions program. He was rejected both times. Applicants with lower scores than Bakke were admitted under the special program. After his second rejection, Bakke filed suit in the Superior Court of Yolo County, California. His argument claimed that the special admissions program violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964 because it excluded him on the basis of race.

The Superior Court of Yolo County, California, and the Supreme Court of California both found that the special admissions program violated the federal and state constitutions. The Superior Court declared that race could not be taken into account when making admissions decisions but also ruled that Bakke should not be admitted to the medical school because he failed to show that he would have been admitted even without the special admissions program. The Supreme Court of California, however, determined that Bakke should be admitted to the school. The Regents of the University of California then appealed the case to the Supreme Court of the United States.

Decision & Impact

In a 5-4 decision, five members of the Court voted to require the University of California, Davis (UC Davis) to admit Bakke to its medical school. The Court wrote that any racial quota system in a state-supported university violated both the Civil Rights Act of 1964 and the Equal Protection clause of the 14th Amendment. In the first part of the opinion, Justice Powell determined that admissions programs that rely on a quota system were always unconstitutional. Justice Powell also stated that even though racial quotas violate the Constitution, the Constitution does not prohibit any consideration of race in admissions to universities.

Since UC Davis' admissions program relied solely on racial quotas, it violated both the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment. A majority of the Court also agreed, however, that race could be considered in admissions decisions, but only as a "plus factor" among other factors, which UC Davis' program did not. The Court thus ruled that Bakke must be admitted to medical school at UC Davis.

Adapted from: <https://landmarkcases.org/cases/regents-v-bakke/>

Landmark U.S. Supreme Court Case Study

Hazelwood v. Kuhlmeier - 1987

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.

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.

Adapted from http://landmarkcases.org/en/Page/646/Background_Summary_Questions and http://www.oyez.org/cases/1980-1989/1987/1987_86_836

Landmark U.S. Supreme Court Case Study

District of Columbia v. Heller - 2008

Essential Question of the Case:

Do the parts of the District of Columbia law that limit the licensing of handguns and require licensed firearms to be kept nonfunctional in the home violate the Second Amendment?

Background

The laws in the District of Columbia banned handgun possession by making it against the law to carry an unregistered firearm and prohibiting the registration of handguns. The law also required that residents who own lawfully registered handguns keep them in a nonfunctional state, unless the firearms were located in a place of business or being used for recreational activities, by keeping them unloaded and disassembled or bound by a trigger lock or other similar device.

Dick Anthony Heller, a D.C. special police officer, was authorized to carry a handgun while on duty but was denied a license for a handgun he wished to keep at home. Heller sued the District of Columbia. He sought to keep the city from the enforcement of the ban on handgun registration and argued that the laws violated his Second Amendment right to keep a functional firearm in his home without a license. The district court dismissed the suit, but the U.S. Court of Appeals for the D.C. Circuit reversed this decision. They held that the Second Amendment protects an individual's right to keep firearms in the home for the purpose of self-defense, and the District of Columbia's requirement that firearms kept in the home in a nonfunctional state violated that right.

Decision & Impact

In a 5-4 decision, the justices ruled that the ban on registering handguns and the requirement to keep guns in the home disassembled or nonfunctional with a trigger lock mechanism violated the Second Amendment. In the majority opinion, written by Justice Antonin Scalia, the Court held that the first clause of the Second Amendment that references a "militia", known as a prefatory clause, does not limit the operative clause of the Amendment. Furthermore, the term "militia" should not be limited to those actively serving in the military, because at the time "militia" referred to all men who were capable of being called to military service. To interpret the Amendment as limiting the right to bear arms only to those in a governed military force would be to create exactly the type of state-sponsored force against which the Amendment was meant to protect people. The purpose of the Amendment should be read to "guarantee an individual right to possess and carry weapons in case of confrontation." By banning handguns and prohibiting firearms from being kept functional in the home, which is the area traditionally in need of protection, violates the Second Amendment.

Adapted from <https://www.oyez.org/cases/2007/07-290> and <https://www.law.cornell.edu/supct/html/07-290.ZS.html>