

LANDMARK U.S. SUPREME COURT DECISIONS

SS.912.CG.3.11 Evaluate how landmark Supreme Court decisions affect law, liberty and the interpretation of the U.S. Constitution.

TABLE OF CONTENTS

Essential Teacher Content Background Information	2
Lesson Summary	5
Suggested Student Activity Sequence & Pace	7
Government Content Vocabulary	9
Additional Resources, Answer Keys, and Sources	11

2023 BENCHMARK UPDATES

- Updated from SS.912.C.3.10
 - Changed from “Evaluate the ~~significance and outcomes~~ of landmark Supreme Court ~~cases~~.” to “Evaluate how landmark Supreme Court decisions affect law, liberty and the interpretation of the U.S. Constitution.”
 - Removal of “*Roe v. Wade*” and “*Texas v. Johnson*”
 - Addition of “*Dred Scott v. Sanford*”, “*Korematsu v. United States*”, “*In re Gault*”, “*Regents of the University of California v. Bakke*”
- Depth of Knowledge Changes within Benchmark
 - No changes
- Addition of Benchmark Clarifications
 - Benchmark clarifications are an addition to the 2023-2024 high school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. Protecting Individual Rights Through the Bill of Rights
2. Judicial Review
3. Protecting the Rights of Citizens

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 judicial 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”. The following cases are considered landmark cases due to their legal and historical impact.

Case	Year	Constitutional Provision	Amendment
<i>McCulloch v. Maryland</i>	1819	Implied Powers of Congress	N/A
<i>Dred Scott v. Sandford</i>	1857	Property Rights	Fifth
<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>Korematsu v. United States</i>	1944	Due process	Fifth
<i>Mapp v. Ohio</i>	1961	Right to Privacy	Fourth
<i>In re Gault</i>	1967	Right against self-incrimination	Fifth
<i>United States v. Nixon</i>	1974	Executive privilege	N/A
<i>Hazelwood v. Kuhlmeier</i>	1988	Free press/free speech	First
<i>District of Columbia v. Heller</i>	2008	Right to bear arms	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>Regents of California v. Bakke</i>	1978	Equal protection	Fourteenth

Lesson Summary

BENCHMARK		
SS.912.CG.3.11 Evaluate how landmark Supreme Court decisions affect law, liberty and the interpretation of the U.S. Constitution.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will recognize landmark Supreme Court cases (e.g., <i>Marbury v. Madison</i>; <i>McCulloch v. Maryland</i>; <i>Dred Scott v. Sandford</i>; <i>Plessy v. Ferguson</i>; <i>Brown v. Board of Education</i>; <i>Gideon v. Wainwright</i>; <i>Miranda v. Arizona</i>; <i>Korematsu v. United States</i>; <i>Mapp v. Ohio</i>; <i>In re Gault</i>; <i>United States v. Nixon</i>; <i>Regents of the University of California v. Bakke</i>; <i>Hazelwood v. Kuhlmeier</i>; <i>District of Columbia v. Heller</i>). Students will explain the foundational constitutional issues underlying landmark Supreme Court decisions related to the Bill of Rights and other amendments. Students will explain the outcomes of landmark Supreme Court cases related to the Bill of Rights and other amendments. 		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
<p>Competency 1: Understanding of the basic principles and practices of American democracy and how they are applied in our republican form of government</p> <p>Competency 4: Understanding of landmark Supreme Court cases, landmark legislation, and landmark executive actions and their impact on law and society</p>		
OVERVIEW		
In this lesson, students will analyze the effects of select landmark Supreme Court decisions.		
ESSENTIAL QUESTION		
How have the decisions in historic landmark Supreme Court cases significantly affected the American constitutional government and American society?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none"> 14th Amendment, Bill of Rights, <i>Brown v. Board of Education</i>, <i>District of Columbia v. Heller</i>, <i>Dred Scott v. Sandford</i>, due process, Equal Protection Clause, executive privilege, <i>Gideon v. Wainwright</i>, <i>Hazelwood v. Kuhlmeier</i>, <i>In re Gault</i>, judicial review, juvenile rights, <i>Korematsu v. United States</i>, landmark, legal equality, legal precedent, <i>Mapp v. Ohio</i>, <i>Marbury v. Madison</i>, <i>McCulloch v. Maryland</i>, <i>Miranda v. Arizona</i>, Necessary and Proper Clause, <i>Plessy v. Ferguson</i>, <i>Regents of the University of California v. Bakke</i>, rights of the accused, self-incrimination, Supremacy Clause, <i>United States v. Nixon</i> 		
INSTRUCTIONAL STRATEGIES		
Reading of complex text	Cooperative learning	Document analysis
MATERIALS		

- Amendment Images
- The Bill of Rights and 14th Amendment text
- Sticky notes (5 per student)
- Landmark Supreme Court Cases Graphic Organizer
- Landmark Supreme Court Cases reading packet

B.E.S.T. STANDARDS

The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation.
Thematically, this lesson aligns to:

- ELA.R.3.2 Paraphrase and Summarize
- ELA.R.3.3 Comparative Reading

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p>Planning Note: This lesson should be taught after teaching the judicial branch introduction in SS.912.CG.3.7 and SS.912.CG.3.8. Additional elements of the judicial branch will also be taught in benchmarks SS.912.CG.3.9, SS.912.CG.3.10, and SS.912.CG.3.14. Additionally, you will need to print and hang up the “Amendment Images” around your classroom and have sticky notes ready to be distributed at the beginning of the class period.</p> <ol style="list-style-type: none"> 1. Pass out “The Bill of Rights and 14th Amendment” text. 2. Complete a quick review of the Bill of Rights and section I of the 14th Amendment. 3. Pass out five sticky notes to each student. Have them put their names on them. 4. Give the following instructions: Around the room is a series of images. You are going to move around and view each of them. After viewing the image, use one sticky note per image, and write out the amendment number you think relates to that image. Teacher Note: More than one amendment might relate to each image. Answers are in the speaker notes of the slides for the images. 5. Allow time for the students to walk around viewing images and placing their sticky notes. 6. Walk around the room to each image. At each image, randomly pull off a sticky note with the amendment number. Ask that student the following question: What evidence from this image justifies your choice? Follow up with the questions: Did anyone else interpret this image as aligning to the same amendment number? A different amendment/constitutional issue? 7. Lead students to the understanding that the topics of the Bill of Rights and the 14th Amendment are often where our most contested constitutional issues arise. 8. Explain to students that the constitutional interpretations of these amendments have come from the decisions in landmark U.S. Supreme Court cases. 9. Ask students: What does ‘landmark’ mean? (an important or unique decision, event, fact, discovery, etc.) 10. Explain to students that in the remainder of this lesson, they are going to learn about and evaluate several landmark U.S. Supreme Court cases which have had a big impact on society. 11. Pass out the “Landmark Supreme Court Cases Graphic Organizer.” 12. Explain to students you are going to model how to fill out the graphic organizer by completing the court case <i>Marbury v. Madison</i> together. 13. Pass out the “Landmark Supreme Court Cases” reading packet and read through the text of <i>Marbury v. Madison</i> as a whole class. 14. Instruct students to take 5-10 minutes to work individually and fill out the graphic organizer with a pencil. 15. After students have had time to fill out the <i>Marbury v. Madison</i> row on the graphic organizer, have students share out answers to review as a whole group, having students correct their work. Teacher Note: Use the answer key provided to help guide discussion. 16. Place students into pairs. 17. Instruct students to continue to move through the cases in the reading packet, reading the information and completing the appropriate row on their organizer. Teacher Note: You could allow this to be unstructured at students' own pace or set a timer with parameters for when they finish each one. This portion of the activity sequence will most likely take you into more days. 18. As students work, circulate around the room and assist students as needed to check for understanding.

19. Once all students have completed the graphic organizer, review answers as a whole group by having each pair share their answers for one court case.

Teacher Note: Place emphasis on students' understanding of the connection between the details of the court case/decision, the constitutional issue, and corresponding amendment.

20. Checking for Understanding (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.

Government Content Vocabulary

Word/Term	Definition
14th Amendment	added to the Constitution in 1868, this amendment defined citizenship and granted citizens equal protection under the laws
Bill of Rights	the first ten amendments added to the U.S. Constitution
<i>Brown v. Board of Education</i>	U.S. Supreme Court case that determined that “separate but equal” segregation was not equal in public education
<i>District of Columbia v. Heller</i>	U.S. Supreme Court case that upheld 2nd Amendment rights
<i>Dred Scott v. Sandford</i>	U.S. Supreme Court decision in which the Court ruled that African Americans, whether enslaved or free, were not citizens of the United States and therefore did not have the right to sue in federal court
due process	the right of people accused of crimes to have laws that treat them fairly, so that they cannot lose their life or freedom without having their legal rights protected
Equal Protection Clause	the section of the 14th Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens
executive privilege	the belief that the conversations between the president and his aides are confidential
<i>Gideon v. Wainwright</i>	U.S. Supreme Court case that upheld the 6th Amendment right that all defendants must be appointed a lawyer if they cannot afford their own attorney
<i>Hazelwood v. Kuhlmeier</i>	U.S. Supreme Court case that determined that the 1st Amendment does not protect all types of student speech in school
<i>In re Gault</i>	U.S. Supreme Court case that determined that juvenile court must follow the 14th Amendment
judicial review	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 Marbury v. Madison established this power
juvenile rights	rights of people under age 18
<i>Korematsu v. United States</i>	U.S. Supreme Court case that upheld the exclusion of Japanese-Americans from military areas on the West Coast military area during World War II
landmark	an important or unique decision, event, fact, discovery, etc.
legal equality	the concept that everyone is equal in the eyes of the law

legal precedent	a principle or rule established in a previous legal case that becomes relevant in subsequent cases
<i>Mapp v. Ohio</i>	U.S. Supreme Court case that extended the protections of the exclusionary rule to state criminal prosecutions
<i>Marbury v. Madison</i>	U.S. Supreme Court case that established judicial review
<i>McCulloch v. Maryland</i>	U.S. Supreme Court case that confirmed the creation of a U.S. bank was constitutional through the implied powers of Congress
<i>Miranda v. Arizona</i>	U.S. Supreme Court cases that upheld the 5th Amendment protection from self-incrimination
Necessary and Proper Clause	the clause that allows Congress the ability to make laws or to act where the Constitution does not explicitly give it authority to act, found in Article 1. Also known as the Elastic Clause
<i>Plessy v. Ferguson</i>	U.S. Supreme Court case that determined that “separate but equal” segregation was not discrimination
<i>Regents of the University of California v. Bakke</i>	U.S. Supreme Court case that racial quotas violated the Equal Protection Clause of the 14th Amendment
rights of the accused	the rights included in the 4th, 5th, and 6th 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
self-incrimination	the right in the 5th 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
Supremacy Clause	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>United States v. Nixon</i>	U.S. Supreme Court case that limited executive privilege

ADDITIONAL RESOURCES

[Florida Department of Education: Florida Civic Literacy Exam Homepage](#)

Florida Department of Education's Civic Literacy Reading List

- *Brown v. Board of Education* (1954)
- *Dred Scott v. Sandford* (1857)
- *Gideon v. Wainwright* (1963)
- *Korematsu v. United States* (1944)
- *Marbury v. Madison* (1803)
- *McCulloch v. Maryland* (1819)
- *Miranda v. Arizona* (1966)
- *Plessy v. Ferguson* (1896)

ANSWER KEYS

Sample Answers: Landmark Court Cases Graphic Organizer
Written Response: Sample Scoring Rubric

SOURCES

Links sourced within slides for Amendment images

Landmark Supreme Court Cases reading packet adapted from:

<https://www.uscourts.gov/about-federal-courts/educational-resources>

<https://www.oyez.org>

<https://landmarkcases.org/landmark-cases/>

U.S. Constitution: <https://www.archives.gov/founding-docs/constitution-transcript>