

# Supreme Court Cases Period 1 Fall 2015



## Table of Contents

<b>Powers of the Federal Government (Supremacy)</b>			
1819	Dartmouth College v. Woodward	By Emily Gray	4
1819	McCulloch v. Maryland	By Nick Kasprzak	5
1824	Gibbons v. Ogden	By Daniel Lim	6
1964	Heart of Atlanta Motel v. US	By Jay Weathington	7
1974	US v. Nixon	By Phoebe Clawson	8
<b>First Amendment</b>			
1943	West Virginia Board of Education v. Barnette	By Madison Pendergraft	10
1962	Engel v. Vitale	By Jacob Vaughters	11
1963	Abington School District v. Schempp	By Sarah Bryant	12
1968	Tinker v. Des Moines School District	By Brendan Kelly	13
1972	Wisconsin v. Yoder	By: Cody Snyder	14
1985	Wallace v. Jaffree	By Maddie Nugent	15
1986	Bethel School District v. Fraser	By Rachel Bailey	16
1988	Hazelwood School District v. Kuhlmeier	By: Anna Woodhouse	17
1989	Texas v. Johnson	By Amber Baldwin	18
2010	Citizens United v. FEC	By Doc Redman	19
<b>Rights of the Accused</b>			
1942	Betts v. Brady	By: Ailsa Conolly	21
1961	Mapp v. Ohio	By Ben Zamonek	22
1963	Gideon v. Wainwright	By: Brianna Green	23
1964	Escobedo v. Illinois	By: Nicholas Cochran	24
1966	Miranda v. Arizona	By; Simone Peterson	25
1967	In Re Gault	By: Brenna O'Brien	26
1976	Gregg v. Georgia	By Eric Scollard	27
2013	Salinas v. Texas	By: Meredith Cash	28
<b>Equal Protection of the Law</b>			
1857	Dred Scott v. Sandford	By: Walker Booth	30
1896	Plessy v. Ferguson	By: Alexia Thompson	31
1944	Korematsu v. US	By Matthew Bissette	32
1954	Brown v. Board of Education of Topeka, Kansas	By: Ricky Werner	33
1964	Heart of Atlanta Motel v. US	By: Jay Weathington	34
1971	Swann v. Charlotte-Mecklenburg Board of Education	By: Stephen Schelfe	35
1972	Furman v. Georgia	By: Meghan Gasper	36
1973	Roe v. Wade	By: Jada Gardner	37
1978	Regents of the University of California v. Bakke	By: Carlie Sellers	38

# **Part 1: Powers of the Federal Government (Supremacy)**

## Dartmouth College v. Woodward (1819)

By: Emily Gray

### Background Information

The New Hampshire Legislature wanted to turn Dartmouth University, a private institution, into a public state university. The legislature attempted this by changing the school charter and gave control to the governor of New Hampshire. The old trustees then filed a lawsuit against William H. Woodward, who sided with the new trustees, who wanted a public university.

### Constitutional Issue(s)

Did the New Hampshire Legislature unconstitutionally interfere with Dartmouth College's rights under the contract clause?

### Supreme Court Decision (Majority Opinion)

The contract clause "prohibits states from violating contracts with private or public corporations". The Marshall Court deemed the college charter as a contract between private parties, which meant that the Legislature couldn't interfere with the college.

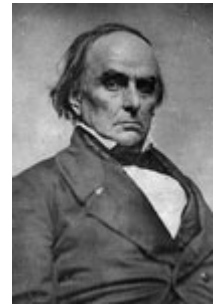
### Precedent

This case set the precedent that "contract" applied not only to relations between government and citizens, but also to transactions that involve a person's property rights.

### Concurring Opinion(s)

Justice Washington thought that since the New Hampshire Legislature didn't receive any prior approval from Dartmouth College beforehand, Dartmouth College should not be bound to become public. In addition, the State Court should not be allowed to force the College to agree to become public.

Justice Story wanted to follow "*super antiquas vias* under the law", which meant he was guided by authority and principles. Story believed that he must, as a justice, pronounce the law as he saw it, and not by people persuading him to feel a certain way. Therefore, since Dartmouth was a private institution, the New Hampshire Legislature is not allowed to force the college to become public. This is due to the contract clause in the Constitution. "The charter of Dartmouth College contains no such reservation, and I am therefore bound to declare that the acts of the Legislature of New Hampshire now in question do impair the obligations of that charter, and are consequently unconstitutional and void."



William H. Woodward

### Dissenting Opinion(s)

Justice Duvall agreed with Woodward in that Dartmouth should be a public institution. He wanted the Supreme Court to rule such that the old trustees gave Woodward \$20,000 to pay for the case and to apologize (in a way) for filing charges against him.

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# McCulloch v. Maryland (1819)

By: Nick Kasprzak

## Background Information

In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax.

- Petitioner: McCulloch
- Respondent: Maryland

## Constitutional Issue(s)

- Congress has power to incorporate a bank
- The Bank of the United States has, constitutionally, a right to establish its branches or offices of discount and deposit within any state
- The State within which such branch may be established cannot, without violating the Constitution, tax that branch.
- The States have no power, by taxation or otherwise, to retard, impede, burthen, or in any manner control the operations of the constitutional laws enacted by Congress to carry into effect the powers vested in the national Government.

## Supreme Court Decision (Majority Opinion)

Maryland may not impose a tax on the bank

## Precedent

## Concurring Opinion(s)

No Concurring Opinions

## Dissenting Opinion(s)

No Dissenting Opinions

## Sources Cited (MLA)

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## Gibbons v. Ogden(1824)

By: Daniel Lim

### Background Information:

States gave licenses to individuals to operate steamboats on waters in the particular states waters. The states that would enforce these laws had substantial fees for out of state steamboat operators. Thomas Gibbons a steamboat owner who did business between New Jersey and New York with a federal coastal license was still being fined by the state of New York even with his federal license, so he challenged Aaron Ogden's monopoly license grant that monopolized the area and would downplay on small businesses like Gibbons'.

### Constitutional Issue(s):

New York did not have the right to regulate interstate commerce.

### Supreme Court Decision (Majority Opinion):

New York's requirement for an out of state steamboat to pay a fee for navigation privileges was deemed unconstitutional.

### Precedent:

National government has exclusive power to regulate interstate commerce under the Supremacy Clause and Commerce Clause

### Concurring Opinion(s):

"The "power to regulate commerce" here meant to be granted was that power to regulate commerce which previously existed in the states" Justice Johnson.

### Dissenting Opinion(s):

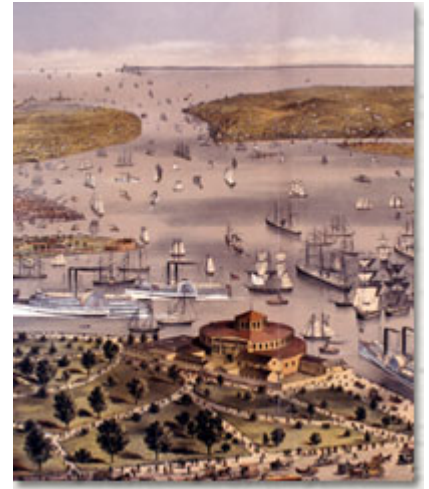
No dissenting opinion

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## Heart of Atlanta Motel v. US (1964)

By: Jay Weathington

### Background Information

The owner of a hotel in Atlanta, the "Heart of Atlanta", was refusing to serve black people. Title II of the Civil Rights of 1964 prevented from public facilities affecting commerce.

### Constitutional Issue(s)

His refusing to provide housing to African-American people broke Title 2 of the Civil Rights Act of 1964. The facility was banned from discriminating, and still prevented black people from receiving service shows that the act has clearly be broken.

### Supreme Court Decision (Majority Opinion)

The Supreme Court's decision was to uphold the constitutionality of the Civil Rights Act of 1964, essentially flatly rebuking claims from the plaintiff.

### Precedent

This was the first occasion where Congress had to decide whether private discrimination was a crime, showing that this was not based on any precedent.

### Concurring Opinion(s)

Justice Black had the concurring opinion that the issue was not in breaking the Civil Rights Act of 1964. it was the fact that preventing black customers who were interstate travelers from receiving service was an obstruction of interstate commerce.

Justice Goldberg presented a nearly identical concurring opinion.

### Dissenting Opinion(s)

None applicable.

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"Heart of Atlanta Motel, Inc. v. United States 379 U.S. 241 (1964)." Justia Law. Wed 9 Dec 2015.

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## US v. Nixon (1974)

By: Phoebe Clawson

### Background Information

Five months before the 1972 election, burglars were discovered in the Democratic Party headquarters in the Watergate apartment complex in Washington. The burglary was found to be connected to President Nixon and other White House officials. Nixon denied affiliation with the scandal, but refused to turn over audiotapes of his phone conversations to Congress, claiming that they were covered by "executive privilege", the President's right to keep information classified.

### Constitutional Issue(s)

Is the President's right/executive privilege to safeguard certain information (confidentiality power) immune from judicial review?

### Supreme Court Decision (Majority Opinion)

No, neither the separation of powers nor the need for confidentiality of high-level communications can sustain an absolute executive privilege. The fundamental demands of due process of law must be followed. All nine of the Supreme Court justices agreed on this decision (9:0)

### Precedent

The president is not completely immune from a Supreme Court subpoena.



### Concurring Opinion(s)

No Concurring Opinions

### Dissenting Opinion(s)

No Dissenting Opinions

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# **Part 2: The First Amendment**

## West Virginia Board of Education v. Barnette (1943)

By: Madison Pendergraft

### Background Information

In 1943, Walter Barnette sued the West Virginia Board of Education when his child got suspended for not saluting the USA flag and reciting the "Pledge of Allegiance." At the time, citizens of West Virginia were required by law to stand and recite the "Pledge of Allegiance" with right hand outward saluting the USA flag. All those who did not were subject to disciplinary repercussions.

### Constitutional Issue(s)

The constitutional issue of the time was that forcing someone to salute is a form of speech and goes against First Amendment right due to being a way of "communicating ideas".

### Supreme Court Decision (Majority Opinion)

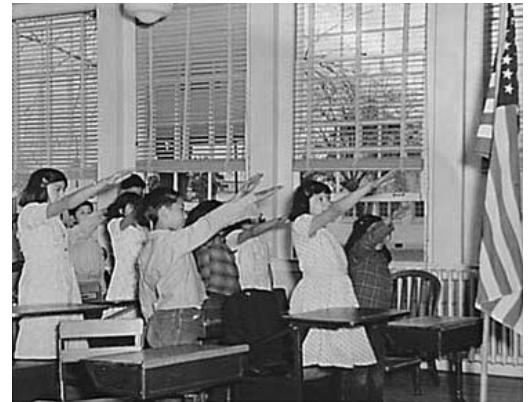
The vote in court was 6-3 in favor of Barnette. They declared that an American Citizen cannot be forced to salute the flag and recite the pledge. They can also not be punished for not doing so. The rationalization was declared that forcing anyone into saluting the flag is taking away their First Amendment right and requiring them to do something they don't want to do.

### Precedent

The precedent was set that "No official... Can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."

### Concurring Opinion(s)

With concurring opinions, Justice Black and Murphy said the previous statute did not extend to religious protections gained through the First and Fourteenth Amendments. The justices saw it as a religious persecution to condemn certain religions based on their beliefs. They did not see this as a way to gain nationality, but instead as a way to suppress those who are less likely to speak up.



### Dissenting Opinion(s)

In dissension, Justice Frankfurter wrote that he did not see a problem with requiring people to salute the flag and saw it as the government getting into small town issues where they shouldn't be sticking their noses.

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"West Virginia State Board of Education v. Barnette." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 8, 2015. <<https://www.oyez.org/cases/1940-1955/319us624>>

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## Engel v. Vitale (1962)

By: Jacob Vaughters

### Background Information

There was a school where every day a voluntary prayer was held that said "Almighty god, we acknowledge our dependence upon thee, and beg thy blessings upon us, our teacher, and our country." Parents began questioning the constitutionality of this daily prayer.

### Constitutional Issue(s)

The question at hand was whether this prayer violated the "establishment of religion" clause in the First Amendment

### Supreme Court Decision (Majority Opinion)

The majority opinion was yes, the prayer did in fact violate the "establishment of religion" clause in the First Amendment. Although it was a non-denominational prayer and was also voluntary it could not be seen at any other angle but unconstitutional.

### Precedent

This case set the precedent that government sponsored prayer was a violation of the "establishment of religion" clause.

### Concurring Opinion(s)

Justice Douglas stated that religion is a freedom and you have a right to it but it is not to be pushed upon minors on purpose or unintentionally by having something like a morning prayer.

### Dissenting Opinion(s)

Justice Stewart stated that he did not believe letting people say a prayer if they want to does not go against the establishment clause and that it is their freedom to religion and speech. He also made a point that at the beginning of a day in court they stand and invoke the power of god and that he sees no difference between the two situations.

### Sources Cited (MLA)

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## Abington School District v. Schempp (1963)

By: Sarah Bryant

### Background Information

This case was argued in 1963 over the controversial requirements at Abington High School. Students in the school were expected to read at least ten verses from the Bible each morning and recite the Lord's Prayer, unless the student had a note signed by a parent.

### Constitutional Issue(s)

Religious freedom, granted to all citizens in the First Amendment, is the issue being argued in this case.

### Supreme Court Decision (Majority Opinion)

The Court found these activities as a violation and encroachment on the Free Exercise Clause and the Establishment Clause. This decision was 8-1.

### Precedent

None

### Concurring Opinion(s)

**Justice Brennan**- "Involvements of religion in public institutions of a kind which offends the first and fourteenth amendments,"

**Justice Douglas**- "It insists on baptizing children,"

**Justice Goldberg**- "True religious liberty requires that government neither engage in nor compel religious practice,"

### Dissenting Opinion(s)

**Justice Stewart**- "Each state was left free to go its own way and pursue its own policy with respect to religion,"

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<https://supreme.justia.com/cases/federal/us/374/203/>



## Tinker v. Des Moines School District (1968)

By: Brendan Kelly

### Background Information

Several students in the Des Moines school district wanted to protest the war in Vietnam by wearing black armbands to school. The school system found out and created a rule saying any students found wearing an armband would be asked to remove it or face suspension. The students ignored the rule and were suspended. Soon after they sued the school district saying their First Amendment rights were violated.

### Constitutional Issue(s)

Are student protests during school hours and on school property, protected under the First Amendment?

### Supreme Court Decision (Majority Opinion)

7-2 in favor of Tinker, The students' protests are allowed during school hours and on school property as long as they pose no threat to the work environment of the school.

### Justice Fortas

Wearing the armband is close to "pure speech" which is protected under the First Amendment. Also the planned protest posed no reasonable threat to the discipline and order of the school, making the policy banning armbands an unreasonable breach of the student body's First Amendment rights. However, the court still recognizes the state's and school official's authority to "prescribe and control conduct" in the public school system.

### Precedent

The First Amendment protects students' right to protest as long as the protest does not interfere with the work environment of the school.

### Concurring Opinion(s)

#### Justice Stewart

He agrees with most of what the court has laid out, but takes issue with the First Amendment rights of children being equal those of adults.

#### Justice White

He notes the Court drawing a distinction between communication by words and communication by acts. He also states that he does not agree with some of the points laid out in *Burnside v. Byars* which was relied upon heavily by the court in this case.

### Dissenting Opinion(s)

#### Justice Black

He believes removing the power for school officials to properly restrict dress and conduct will transfer that responsibility from those officials to the courts. Giving the courts too much responsibility in the oversight and maintaining of the rules and deciding what is a reasonable threat to a school's work environment. He also thinks that a school is not an appropriate place to express these protests and while that right is protected, that protection does not apply everywhere and at all times.

#### Justice Harlan

He believes the school officials should be given wide authority to maintain order and a good working environment in their school system. However, he does not want to exempt them from the First and Fourteenth Amendments. In cases like this the school board would only be considered in the wrong if their rules were motivated by non-legitimate school concerns, for example suppressing an unpopular viewpoint while permitting a popular one.

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### Quick Links

[Case Overview](#)

[Justice Opinions](#)



## Wisconsin v. Yoder (1972)

By: Cody Snyder

### Background Information:

Jonas Yoder and Wallace Miller, both members of the Old Order Amish religion, and Adin Yutzy, a member of the Conservative Amish Mennonite Church, were prosecuted under a Wisconsin law that required all children to attend public schools until age 16. The three parents refused to send their children to such schools after the eighth grade, arguing that high school attendance was contrary to their religious beliefs.

### Constitutional Issue(s) :

Did Wisconsin's requirement that all parents send their children to school at least until age 16 violate the First Amendment by criminalizing the conduct of parents who refused to send their children to school for religious reasons?

### Supreme Court Decision (Majority Opinion) :

In a unanimous decision, the court ruled in favor of the free exercise of religion under the First Amendment. The Court found the values and programs of secondary school were in direct conflict with that of the Amish religion perspectives.

### Precedent:

The precedent that was set was free exercise of religion under the 1<sup>st</sup> Amendment outweighs states laws when claimed for a religious purpose.

### Concurring Opinion(s) :

Justice Stewart - He believed that we cannot impose the criminal punishment upon the guardians for religiously based refusal to compel their children to attend public high school.

Justice White - He claims that their claims would drastically be changed if the religious refusal called for no schooling at all.



### Dissenting Opinion:

Justice Douglas - The Court assumes the only interests that matter are those of the parents. The court agrees to the claim, the parents are seeking vindicate to their free exercise claims, but also that of their children.

### Sources Cited (MLA)

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## Wallace v. Jaffree (1985)

By: Maddie Nugent

### Background Information

In 1985 Mobile Alabama, three of Mr. Jaffree's children went to a public school where the teachers conducted regular prayer services during the day with the students. These practices endorsed religion among the student body, thereby violating the First Amendment.

### Constitutional Issue(s)

The public school violated the First Amendment by endorsing religion.

### Supreme Court Decision (Majority Opinion)

The Alabama law was unconstitutional because the case discovered that not only did the state fail to remain religiously neutral, but there was also affirmative religious endorsement.

### Precedent

"...the statute fails the first prong of the Lemon test and therefore violates the Establishment Clause."

### Concurring Opinion(s)

There were a few concurring opinions in the Court by some of the Justices. Powell stated that the defendant (Alabama Law) violated the 1st Amendment, but some moments of silence statutes may be constitutional. Justice O'Connor agreed with Powell, but stated that moments of silence is not inherently religious.



### Dissenting Opinion(s)

Justice Rehnquist suggested the court embrace a more restricted interpretation of the Establishment Clause that would permit vocal group prayer in public schools. Justice White on the other hand brings up an interesting point. He stated that it is difficult to remain completely religiously neutral as a court because given the Free Exercise Clause the government must occasionally exempt a religious observer from an otherwise generally applicable obligation. Justice Burger stated that he believes in the power of prayer and the Divine guidance it provides the people that conduct prayer regularly. He made points about how both the Senate and House of Representatives begin each meeting with prayer.

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## Bethel School District v. Fraser (1986)

By: Rachel Bailey

### Background Information

Mathew Fraser, a high school student at the time, delivered a speech during a school assembly advocating for his friend's candidacy for student office. In the speech, Fraser used a series of sexual innuendos and was later suspended from school for delivering the speech to over 600 students. He was then prohibited from speaking at graduation despite having been voted to do so by the student body. The school system disciplined Fraser on the grounds of his speech "disrupting the educational process."

### Constitutional Issue(s)

Does the first amendment prohibit a school system from disciplining a student for delivering a crude speech to his fellow student body during a school assembly?

### Supreme Court Decision (Majority Opinion)

The Supreme Court found that it was in fact appropriate for the school system to prohibit the use of vulgar language. They did however, rule that Fraser should be allowed to speak at graduation after all.

### Precedent

*"It is true, however, that the State has interests in teaching high school students how to conduct civil and effective public discourse and in avoiding disruption of educational school activities. Thus, the Court holds that, under certain circumstances, high school students may properly be reprimanded for giving a speech at a high school assembly which school officials conclude disrupted the school's educational mission"*

### Concurring Opinion(s)

Justice Brennan had a concurring opinion. He believed that the school system had a right to prohibit profane language without having it violate the First Amendment.



### Dissenting Opinion(s)

Justice Marshall and Justice Stevens both has dissenting opinions. They both believed that the speech didn't necessarily disrupt the educational process, and therefore shouldn't have been punishable by suspension.

### Sources Cited (MLA)

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## Hazelwood School District v. Kuhlmeier (1988)

By: Anna Woodhouse

### Background Information

Students of Hazelwood East High School published works in the school newspaper that the school principal found inappropriate and ordered that the works be held from publication. Cathy Kuhlmeier and 2 other former students took the case to court.

### Constitutional Issue(s)

freedom of speech, freedom of the press

### Supreme Court Decision (Majority Opinion)

5 to 3 decision, held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The school had the right to refuse to sponsor speech that was inconsistent with shared values of civilized social order.

### Precedent

As long as the educators actions were "reasonably related to legitimate pedagogical concerns", they don't offend the First Amendment.

### Concurring Opinion(s)

n/a

### Dissenting Opinion(s)

Justice Brennan: the school paper was an opportunity to express their views while gaining an appreciation of their rights and responsibilities under the First Amendment.

### Sources Cited (MLA)

"Hazelwood School District v. Kuhlmeier." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 8, 2015.

"Hazelwood Sch. Dist. v. Kuhlmeier 484 U.S. 260 (1988)." *Justia Law*. Justica, n.d. Web. 08 Dec. 2015.

### Quick Links

Justicia, Oyez



# Texas v. Johnson (1989)

By: Amber Baldwin

## Background Information

In 1984, Gregory Lee Johnson burned an American flag while protesting Reagan administration policies. For violating a Texas law against flag desecration, he was sentenced to a \$2000 fine and a year in jail. The Texas Court of Criminal Appeals reversed the decision before it went to the Supreme Court.

## Constitutional Issue(s)

Does Johnson's burning of the American flag count as a form of expression that must be protected under the First Amendment's freedom of speech?

## Supreme Court Decision (Majority Opinion)

The justices ruled 5-4 that Johnson's action was a form of self expression and must be protected by the First Amendment. Even if something is offensive, that does not permit infringement of freedom of speech.

## Precedent

Self-expressive actions cannot be criminalized based only on personal offense.

## Concurring Opinion(s)

Justice Kennedy agreed with the majority opinion and wanted to add that even though they are reluctant to let him go free, it is on a philosophical basis that he would be imprisoned. He said that the flag protects even those who hold it in contempt.

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## Dissenting Opinion(s)

Justice Rehnquist believed that the flag has a uniqueness that justifies prohibition against burning it. They believed that because it is the symbol of the nation, it is a special case and that it is Constitutional to ban desecration of it.

## Sources Cited (MLA)

"Texas v. Johnson." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 8, 2015.  
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# Citizens United v. Federal Elections Commission (2010)

By: Doc Redman

## Background Information

Citizens United, a political action committee, released a documentary against Hillary Clinton. They created all sorts of ads to run on broadcast and cable tv, but wanted to run them within 30 days of the primary election. United States Code (USC) 441 prohibits speech that advocates or defeats a candidate to be run to 50,000 or more people within 30 days of a primary election. Also, Bipartisan Campaign Reform Act (BCRA) sections 201 and 311 state that Citizens United would have to provide a disclaimer on their ads and documentary because it wasn't authorized by a candidate. United Citizens sought relief from these laws in order to run their documentary and ads.

## Constitutional Issue(s)

Citizens United argued that USC 441 is unconstitutional as applied to their documentary and sections 201 and 311 of BCRA are also unconstitutional when applied to the documentary and ads.

## Supreme Court Decision (Majority Opinion)

The Supreme Court concluded with a 5-4 decision in favor of the FEC. The majority decision stated that BCRA's restrictions regarding the documentary do not violate the 1st Amendment. Also, BCRA's disclosure requirements are justified by a governmental interest in educating society about political spending. The majority decision upheld disclosure requirements for political ads and the ban on political contributions from unions/corporations. USC 441 was upheld as well.

## Precedent

The decision by the Supreme Court made it ok for corporations and labor unions to spend as much as they want to convince people to vote for or against a candidate. However, this decision did not change the law that it is illegal to give direct contributions to candidates running for office.

## Concurring Opinion(s)

Justice Thomas, Justice Scalia, Justice Stevens and Justice Roberts provided concurring opinions. Justice Thomas wrote that the Court properly rejected the theory of direct prohibition of speech. Justice Scalia wrote that the First Amendment only talks of freedom of speech, not of speakers and doesn't exclude corporations. He said the dissenting opinion doesn't have sufficient evidence to say it is violating the First Amendment.

## Dissenting Opinion(s)

Justice Thomas and Justice Stevens wrote dissenting opinions as well. Justice Thomas dissents the Court's decision to uphold BCRA section 201 and 311 because it endorses unconstitutional behavior as a price for open political speech, which is the object of First Amendment protection. Justice Stevens blasted the Court for "blatantly disregarding precedent and the principle of stare decisis."

## Sources Cited (MLA)

"Citizens United v. FEC." N.p., n.d. Web. 8 Dec. 2015.

"Citizens United v. Federal Election Comm'n 558 U.S. \_\_\_ (2010)." *Justia Law*. N.p., n.d. Web. 08 Dec. 2015.

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[www.Justia.com](http://www.Justia.com)

[www.usnews.com](http://www.usnews.com)

[www.britannica.com](http://www.britannica.com)



# **Part 3: Rights of the Accused**

## Betts v. Brady (1942)

By: Ailsa Conolly

### Background Information

Smith Betts was a 43 year old man who was indicted for robbery in Maryland, but was unable to afford counsel so he requested that one be appointed for him however the Judge denied the request. Betts fought to defend himself and argue that he had the right to counsel but the judge concluded that criminal defendants who cannot afford a lawyer do not have the right to have one appointed for them.

### Constitutional Issue(s)

This court case violated the 6th Amendment in the US Constitution that guarantees the right to counsel in all criminal prosecutions, and the 14th Amendment that states the right to due process and equal protection of law. This court case violated the rights of Smith Betts because he was refused counsel, even though he had a legal right to have one appointed to him.

### Supreme Court Decision (Majority Opinion)

The Supreme Court ruled that criminal defendants who cannot afford a lawyer do not have right to a state appointed attorney. The Justices argued that the 14th Amendment did not include the specifics involved in the 6th Amendment and therefore were not violating any constitutional rights.

### Precedent

[picture]

The Betts vs. Brady case set a precedent that allowed the State to determine if/when counsel should be appointed, ~~although Justice Black reversed the decision and required that counsel is provided for all defendants in criminal trials.~~

### Concurring Opinion(s)

N/A

### Dissenting Opinion(s)

Justice Hugo Black dissented against the majority because he believed that financial stability is what depends on a persons' sentencing. He saw this as a serious violation to the 14th Amendment that states all people have equal protection under the law. ~~Justice Black was the one who reversed the decision on this case and required that all defendants be provided with counsel.~~

### Sources Cited (MLA)

"Betts v. Brady." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec. 10, 2015.

"Betts v. Brady." LII/Legal Information Institute. Web. Dec. 10, 2015

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# Mapp v. Ohio (1961)

By: Ben Zemonek

## Background Information

Dollree Mapp was convicted of possessing obscene materials after an illegal police search of her home for a fugitive. The Supreme Court decided not to follow the previous ruling of the Wolf case in which the decision was that there was enough reason to allow the evidence found when searched to not be disregarded and be used in court although proper search procedures were not followed.

## Constitutional Issue(s)

Illegal police search and freedom of expression. Although the search was done illegally and police forced their way into Mapp's home without a warrant nor her consent, police believed to have enough reason to enter the premises due to a suspected fugitive that was thought to have been held within the household.

## Supreme Court Decision (Majority Opinion)

The Supreme Court decided in favor of Mapp 6-3. They declared "all evidence obtained by searches and seizures in violation of the Constitution is inadmissible in Court." This means that regardless of whether or not the evidence could be the difference between being charged as guilty or not guilty, it cannot be used if the correct procedures were not followed to obtain it.

## Precedent

A clashing precedent was set after 6 of the justices sided with Dollree Mapp. This case placed a requirement of excluding illegally obtained evidence in court at all levels of government. However, this caused some controversy due to the fact that in the previous Wolf case the Supreme Court there was enough valid reasoning behind the illegal search and seizure and that the evidence was allowed to be used in court. This would no longer be the case after the Mapp v. Ohio decision which changed any court being allowed to accept illegally obtained evidence due to violation of human rights stated in the 4th Amendment.



## Concurring Opinion(s)

Justice Black stated that the 4th Amendment's prohibition of unreasonable searches and seizures is enforceable against the states and is the main reason he sided with Mapp instead of Ohio.

Justice Douglas claimed that the effect of the 4th Amendment is to put courts of the US and federal officials, in the exercise of their power, under limitations and restraints. It's a source of keeping "authority figures" in check so that they cannot get carried away and violated a human's rights whenever they please.

## Dissenting Opinion(s)

Justice Harlan was one of three against the majority for numerous reasons. Court overruled the Wolf case which, aforesaid, stated there was reason behind the search which means the evidence should be allowed to be used in court. He believes that regard for stare decisis should come into play and that they should be consistent with their rulings. The Wolf ruling represents sounder Constitutional doctrine than the ruling for Mapp v. Ohio Harlan states.

## Sources Cited (MLA)

"Mapp v. Ohio." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec. 3, 2015.

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## Gideon v. Wainwright (1963)

By: Brianna Green

### Background Information

Gideon was charged with a misdemeanor of breaking and entering. In open court, he asked the judge to appoint counsel for him because he could not afford an attorney. The trial judge denied Gideon's request because Florida law only permitted appointment of counsel for poor defendants charged with capital offenses. Later, Gideon was charged with the crime and sentenced 5 years in prison. Gideon sought relief from his conviction by filing a petition for writ of habeas corpus in the Florida Supreme Court. He was denied by Florida's Supreme Court so he wrote to Supreme Court of the United States to help him out.

### Constitutional Issue(s)

A prior decision of the Court's, *Betts v. Brady*, 316 U.S. 455 (1942), held that the refusal to appoint counsel for an indigent defendant charged with a felony in state court did not necessarily violate the Due Process Clause of the Fourteenth Amendment. The Court granted Gideon's petition for a writ of certiorari – that is, agreed to hear Gideon's case and review the decision of the lower court – in order to determine whether *Betts* should be reconsidered.

### Supreme Court Decision (Majority Opinion)

Reversed and remanded. In its opinion, the Court unanimously overruled *Betts v. Brady*

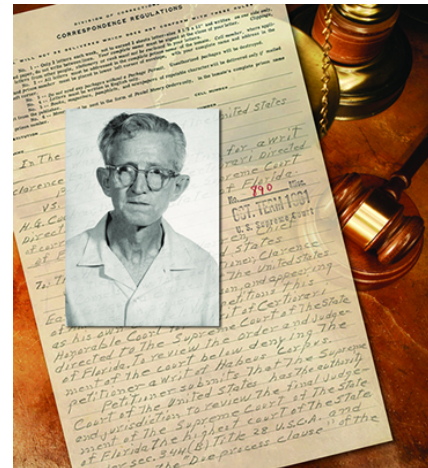
### Precedent

In overturning *Betts*, Justice Black stated that "reason and reflection require us to recognize that in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him." if someone is poor, they are required to have someone represent them.

### Concurring Opinion(s)

**Justice John M. Harlan** wrote a separate concurring opinion in which he argued that the majority's decision represented an extension of earlier precedent that established the existence of a serious criminal charge to be a "special circumstance" that requires the appointment of counsel.

**Justice Tom C. Clark** wrote that the Constitution guarantees the right to counsel as a protection of due process, and there is no reason to apply that protection in certain cases but not others.



### Dissenting Opinion(s)

N/A

### Sources Cited (MLA)

"Gideon v. Wainwright." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 7, 2015. <<https://www.oyez.org/cases/1962/155>>

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[The Anniversary, the Right and the Reality](#)  
[Gideon v. Wainwright After 50 Years](#)  
[By Janine Robben](#)

## Escobedo v. Illinois (1964)

By: Nicholas Cochran

### Background Information

Daniel Escobedo was arrested and taken into police custody as a suspect in a murder case. When being questioned by detectives he repeatedly requested a lawyer. Those requests were denied. His lawyer's requests to see his client were also denied. Subsequently Mr. Escobedo confessed to murder.

### Constitutional Issue(s)

In the case that a defendant was denied counsel while being questioned by the police, are their statements elicited by detectives admissible in court?

### Supreme Court Decision (Majority Opinion)

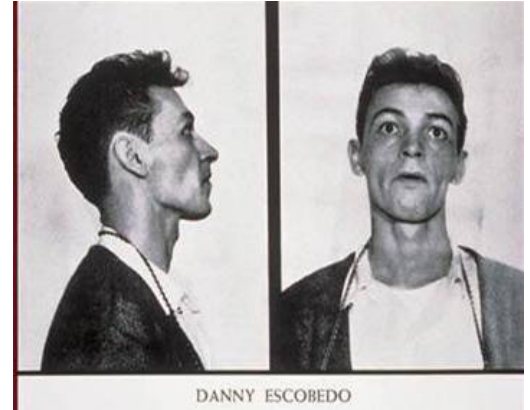
Justice Goldberg wrote that "the refusal by the police to honor petitioner's request to consult with his lawyer during the course of an interrogation constitutes a denial of "the Assistance of Counsel" in violation of the Sixth Amendment to the Constitution as "made obligatory upon the States by the Fourteenth Amendment," *Gideon v. Wainwright*, 372 U.S. 335, 342, and thereby renders inadmissible in a state criminal trial any incriminating statement elicited by the police during the interrogation." Meaning that no matter what he said to the police during their interrogation none of that could be used in court, because he was denied counsel and therefore his sixth amendment right had been violated.

### Precedent

Any statements made by a suspect in custody are considered inadmissible in court if the defendant was denied counsel during interrogation. ~~This conflicted with the precedent set in 1954 by Crooker V. California in which the court ruled that a confession was admissible even though it was obtained after the defendant had requested the assistance of counsel, which was denied.~~

### Concurring Opinion(s)

N/A



### Dissenting Opinion(s)

Justice Harlan dissented claiming "the rule announced today is most ill-conceived, and that it seriously and unjustifiably fetters perfectly legitimate methods of criminal law enforcement" Harlan believed that the police did not violate Escobedo's Sixth Amendment right, due to the precedent set in 1954. While Justice Stewart claimed that the right to counsel was only guaranteed after an indictment. Justice White expressed concerns about the implications the majority opinion would have on future cases, specifically concerning the boundaries it would impose on law enforcement by saying "*right to counsel now not only entitles the accused to counsel's advice and aid in preparing for trial, but stands as an impenetrable barrier to any interrogation once the accused has become a suspect. From that very moment, apparently his right to counsel attaches, a rule wholly unworkable and impossible to administer unless police cars are equipped with public defenders and undercover agents and police informants have defense counsel at their side*"

### Sources Cited (MLA)

"Escobedo v. Illinois." *LII / Legal Information Institute*. N.p., n.d. Web. 08 Dec. 2015.

"Escobedo v. Illinois 378 U.S. 478 (1964)." *Justia Law*. N.p., n.d. Web. 08 Dec. 2015.

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# Miranda v. Arizona (1966)

By: Simone Peterson

## Background Information

Miranda v. Arizona, decided by the Supreme court in 1966 by a 5-4 majority, held that the Constitution's Fifth Amendment prohibition against self-incrimination applied to an individual in police custody or "deprived of his freedom of action in any significant way", In order to safeguard this right, the court ruled that prior to being questioned suspects have to be informed of their right to remain silent, that anything they say can be used against them in the court, that they have the right to an attorney, and if they cannot afford one will be provided prior to questioning if wanted.

## Constitutional Issue(s)

The Fifth Amendment states that the government must follow the due process of the law before punishing a person and all citizens have the right to a trial by jury. A person cannot be tried twice for the same crime. A person being tried does not have to testify against himself this is called pleading the fifth. It is also your right to be read or recited the Miranda Rights. When the person on trial was not told their rights it was a violation of due process. In other words taking away a person's life liberty and property without them fully knowing why or having a chance to defend oneself.

## Supreme Court Decision (Majority Opinion)

The majority opinion was that all suspects have to be informed of their rights. The right to remain silent; that anything they say can be used against them in the court of law, they have the right to an attorney, if they cannot afford one, one will be provided if wanted. And they called this the Miranda Rights. This was added to the Fifth Amendment.

## Precedent

In this court case Gideon argues his right to an attorney even if he cannot afford one. This is showing precedent with the Fifth Amendment and his Miranda Rights

## Concurring Opinion(s)

The majority opinion written by chief Justice Earl Warren explained that "defendants arrested under state law must be informed of their constitutional rights against self-incrimination and to representation by an attorney before being interrogated when in police custody"

## Dissenting Opinion(s)

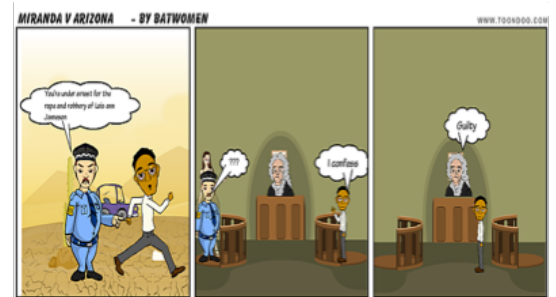
Justice Stewart, Harlan, and White joining wrote "I believe the decision of the Court represents poor constitutional law and entails harmful consequences for the country at large. How serious these consequences can be only time can tell. But the basic flaws in the Court's justification seem to me readily apparent now once all sides of the problem are considered. The new rules are not designed to guard against police brutality or other unmistakably banned forms of coercion. Those who used third degree tactics and deny them in court are easily able and destined to lie as skillfully about warnings and waivers. Rather, the thrust of the new rules is to negate all pressures, to reinforce the nervous or ignorant suspect, and ultimately discourage and confession at all. The aim in short is toward 'voluntariness' in a utopian sense, or to view it from a different angle, voluntariness with a vengeance..."

## Sources Cited (MLA)

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## Quick Links

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## In re Gault (1967)

By: Brenna O'Brien

### Background Information

Gerald Francis Gault, at the age of 15, was taken into custody for allegedly making an obscene phone call. When the police made arrest of Gault they did not notify the parents. Gerald Gault was later sent to juvenile court and was put into state industrial school unit until he reached the age of 21.

### Constitutional Issue(s)

The proceedings of the juvenile court went against the Constitution under the Fourteenth Amendment. The court did not follow the requirements of an adequate notice of charges, notification of both the parents and the child of the juvenile's right to counsel, opportunity for confrontation and cross-examination at the hearings, and adequate safeguards against self-incrimination.

### Supreme Court Decision (Majority Opinion)

The Court found that the procedures used in Gault's case met none of the requirements of the Fourteenth Amendment. These requirements included adequate notice of charges, notification of both the parents and the child of the juvenile's right to counsel, opportunity for confrontation and cross-examination at the hearings, and adequate safeguards against self-incrimination.

### Precedent

The State Supreme Court affirmed dismissal of the writ. Agreeing that the constitutional guarantee of due process applies to proceedings in which juveniles are charged as delinquents. The proceedings for juveniles had to comply with the requirements of the Fourteenth Amendment.

### Concurring Opinion(s)

**Mr. Justice Black** wrote that he agrees with the Court that a new system would practically immunize juveniles from "punishment" for "crimes" in an effort to save them from youthful indiscretions and stigmas due to criminal charges or convictions.

**Mr. Justice White** wrote that he agrees that the privilege against compelled self-incrimination applies at the adjudicatory stage of juvenile court proceedings. However he did not find an adequate basis in the record for determining whether that privilege was violated in this case.

### Dissenting Opinion(s)

**Mr. Justice Harlan** wrote that it depends on the circumstances and that more thought needs to be put into the system and that due process should be carefully thought out.

**Mr. Justice Stewart** wrote he believed that the Court's decision is wholly unsound as a matter of constitutional law, and sadly unwise as a matter of judicial policy.

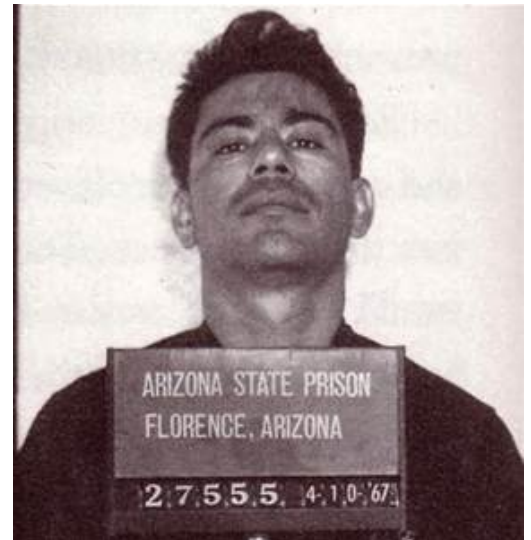
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## Gregg v. Georgia (1976)

By: Eric Scollard

### Background Information

In 1973 when Troy Leon Gregg was arrested and tried for murder and armed robbery, the jury quickly returned with a verdict of guilty. With this verdict came the death penalty, a sentence that many felt was unconstitutional and unnecessary.

### Constitutional Issue(s)

This case quickly gained national attention due to its controversial topic, and lasting impact on the United States. Many Americans felt that the death penalty violated the Eighth Amendment of "no cruel or unusual punishments." People believed that the rights of the accused were taken away when this sentence was carried out.

### Supreme Court Decision (Majority Opinion)

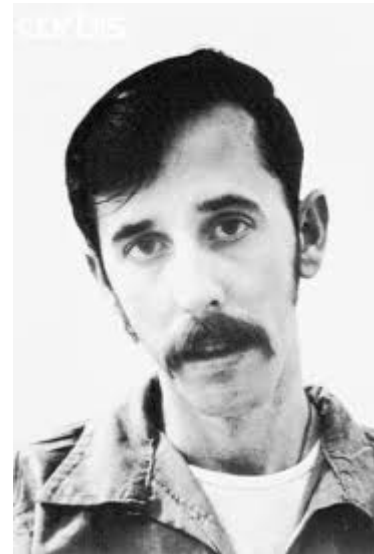
After months of debating the Court came to decision that the death penalty did not violate the rights of the accused, and was a legal form of punishment. Under the new Georgia statutory scheme a person convicted of murder may receive life in prison or death, however a death sentence must be decided by a jury at a separate evidentiary proceeding. The final vote for this case was 7-2.

### Precedent

This case set an example for other states to look at when deciding if the death penalty violated the inmate's rights.

### Concurring Opinion(s)

Justice White- this Court held the death penalty, as then administered in Georgia, to be unconstitutional. That same year, the Georgia legislature enacted a new statutory scheme under which the death penalty may be imposed for several offenses, including murder. The issue in this case is whether the death penalty imposed for murder on petitioner Gregg under the new Georgia statutory scheme may constitutionally be carried out. I agree that it may.



### Dissenting Opinion(s)

Justice Brennan- "from the beginning of our nation the punishment of death has stirred acute public controversy, the practice of deliberately putting some of its members to death. It is this essentially moral conflict that forms the backdrop for the past changes, and present operation of our system of imposing death as a punishment for crime. The death penalty does not prove as a good punishment for the purpose of deterrence, therefor life in prison shall be used."

### Sources Cited (MLA)

"Gregg v. Georgia." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 8, 2015.  
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<http://murderpedia.org/male/G/g/gregg-troy-leon-v-georgia.htm>

# Salinas v. Texas (2013)

By: Meredith Cash

## Background Information

In 1992 Houston police officers found 2 homicide victims. After investigation police believed it was Genovevo Salinas. Salinas agreed to answer questions about the homicide until he was asked whether the shotgun shells found at the scene of the crime would match the gun in Salinas' home. After trial Salinas was charged with murder but he was nowhere to be found. After 15 years he was found and sentenced to 20 years in prison.

## Constitutional Issue(s)

Salinas was not under arrest and had not been read his Miranda rights at the time of the questioning. At the second trial prosecution introduced evidence of Salinas' silence during the questioning. Salinas objected arguing that he could invoke his 5th Amendment protection.

## Supreme Court Decision (Majority Opinion)

Then Supreme Court Decision was 5-4. Justice Alito, Chief Justice Roberts, and Justice Kennedy concluded that the Fifth Amendment's privilege against self-incrimination does not extend to the defendants who decide to remain mute during questioning. Any witness who wants protection against self-incrimination must claim that protection. The court held that the Fifth Amendment does not establish a complete right to remain silent.

## Precedent

Any witness who desires protection against self-incrimination must explicitly claim that protection. The Fifth Amendment does not guarantee this protection unless claimed by the defendant.

## Concurring Opinion(s)

Justice Thomas and Justice Scalia believed that Salinas' claim would fail even if he had invoked his privilege because the prosecutor's comments did not compel him to give a self-incriminating testimony. Thomas also said that at the time of the framing, English and American courts strongly encouraged defendants to give unsworn statements and if they failed to do so, they drew adverse inferences.

## Dissenting Opinion(s)

Justice Breyer, Justice Ginsburg, Justice Sotomayor, and Justice Kagan thought otherwise. Breyer argued that previous cases have ruled that using the defendant's silence during the questioning is not allowed therefore the prosecution should not have been allowed to introduce the evidence of Salinas' silence during the questioning.

## Sources Cited (MLA)

"Salinas v. Texas." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 6, 2015.  
<<https://www.oyez.org/cases/2012/12-246>>

## Quick Links

<https://www.oyez.org/cases/2012/12-246>

[https://www.law.cornell.edu/supremecourt/text/12-246#writing-12-246\\_CONCUR\\_4](https://www.law.cornell.edu/supremecourt/text/12-246#writing-12-246_CONCUR_4)

The screenshot shows the top portion of a New York Times article. At the top right, it says "National Edition" and "SUNDAY, APRIL 21, 2013". The main headline is "The Right to Remain Silent". Below the headline, there are two columns of text. The left column begins with "Under the Constitution's Fifth Amendment, no one can be compelled to be a witness against himself in a criminal case. The prosecution cannot use a defendant's decision not to testify in court as evidence of guilt. Nor, as a result of the landmark Miranda case, can it use as evidence of guilt a suspect's decision to remain silent after being arrested." The right column begins with "not required Mr. Salinas to talk, the court said, so the Fifth Amendment's protection against forced self-incrimination was 'irrelevant.'" The article discusses the Supreme Court's decision in Salinas v. Texas and the implications for the Fifth Amendment's protection against self-incrimination.

# **Part 4: Equal Protection of the Law**

## Dred Scott v. Sandford (1857)

By: Walker Booth

### Background Information

Dred Scott, a slave residing in Missouri from 1833 to 1843, traveled with his master to Illinois and the Louisiana Territory, deemed "free" by the Missouri Compromise. Because he believed he could win freedom from temporary residency in a free state, he sued his master upon his return to Missouri. There were two justices in concurrence, two justices in dissent, and three separate opinions in the court case which followed.

### Constitutional Issue(s)

Does temporary residence in a free state allow a slave to be? If not, then is not slavery technically legal even in states which are considered "free" by the Missouri Compromise line?

### Supreme Court Decision (Majority Opinion)

Slaves such as Scott were property, not people, meaning that their master could do whatever he intended with them, and could take them wherever they wanted to transport them legally. This decision brought a good portion of the momentum for abolishing slavery to a sudden halt, giving slave masters more legal rights.

### Precedent

Slaves do not have the right to sue in court, since by law they are considered property and do not have the rights an American citizen possesses. Rights of a person's state in which he/she was born or permanently resides are the state laws they are governed by.

### Concurring Opinion(s)

Justice Wayne: No personal opinion, but sides with the court, rather than a non-citizen by law who was trying to sue.

Justice Campbell: The laws of the state where the slave was born are the primary laws he/she lives by.

Justice Nelson (separate): Allowing Scott to be free denies Missouri's right as a state to choose to be either a slave state or a free state.

Justice Daniel (separate): The Circuit Court made an error in sustaining Scott's plea for an abatement of jurisdiction, but otherwise agrees with his fellow justices.

Justice Catron (separate): Similar to Campbell, he believes the Missouri Compromise unjustly violates a slave state's rights to have slaves, when they travel to free states. Also states that Louisiana Territory cannot be declared free or slave by any one person.

### Dissenting Opinion(s)

Justice Mclean: Mclean comments on the question of the plaintiff's ability to sue rather than the subject for which the plaintiff is suing. He states that citizens do not have to have the qualifications of electors for citizenship, and therefore Scott cannot be denied his right to sue due to non-citizenship because his African ancestry does not disqualify him for citizenship.

Justice Curtis: Scott meets the necessary requirements of citizenship, and the defendant's argument about his lack of citizenship is invalid. Therefore, the case cannot be decided simply by a lack of official citizenship.

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"Dred Scott v. Sandford." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 8, 2015.

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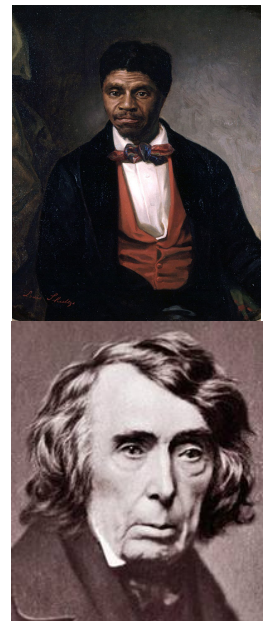
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<https://www.oyez.org/cases/1850-1900/60us393>



## Plessy v. Ferguson (1896)

By: Alexia Thompson

### Background Information

Homer Adolf Plessy was a 7/8th Caucasian man that took a seat in a “whites only” of a Louisiana train. He decided to do this with a test the Committee of Citizens had him agree to, the railroad company knew about it. When he was told to move to a car reserved for blacks he refused and therefore was arrested.

### Constitutional Issue(s)

This issue was attacked upon the grounds that it conflicts both with the 13th Amendment, abolishing slavery, and the Fourteenth Amendment, which prohibits certain restrictive legislation of the part of the states.

### Supreme Court Decision (Majority Opinion)

They found nothing discriminatory about the Louisiana law, Brown stated that separate treatment did not imply the inferiority of African-Americans but merely was a matter of state policy. He suggested that African-Americans were responsible for interpreting the law as connoting inferiority. He also pointed out that there was not a meaningful difference in quality between whites-only and African-American railway cars.

### Precedent

The precedent set was that “separate” facilities for blacks and whites were constitutional as long as they were “equal”.

### Concurring Opinion(s)

There were none

### Dissenting Opinion(s)

Mr. Justice Harlan argued that the Constitution was color blind and the United States had no class system. Accordingly, all citizens should have equal access to equal rights

U.S. Supreme Court justices in 1896



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# Korematsu v. US (1944)

By: Matthew Bissette

## Background Information

During World War II, the United States government gave military order to exclude citizens of Japanese descent from areas that were deemed critical areas of national defense, mostly the coasts. The government put them in something similar to concentration camps like that of Hitler but not as extreme. Large masses of them were moved into designated areas where they were required to live.

## Constitutional Issue(s)

The constitutional issue here is that Korematsu felt the US government went way beyond their power to do this act. He felt his rights were violated and he was not receiving the equal protection of the law. He felt Japanese people were being discriminated against, but the US government felt it was necessary for the protection of the homeland.

## Supreme Court Decision (Majority Opinion)

The court sided with the government and held the need to protect the United States from espionage greater than the rights of people from Japanese descent. The decision of the court case was justified under the circumstances of the situation being of "emergency and peril".

## Precedent

It is constitutional to take away rights in cases of national defense to protect from espionage

## Concurring Opinion

Power to wage war is as much of a part of the constitution as provisions for peace. The power to judge war must be judged in the context of war. Actions should not be deemed lawless

## Dissenting Opinion(s)

People shouldn't be placed in camps just based off race. You need to prove that the citizens were not loyal and were trying to corrupt the nation through espionage.

Unfair to remove everyone of a certain race/descent from an area while allowing people of other races to occupy the same area there.

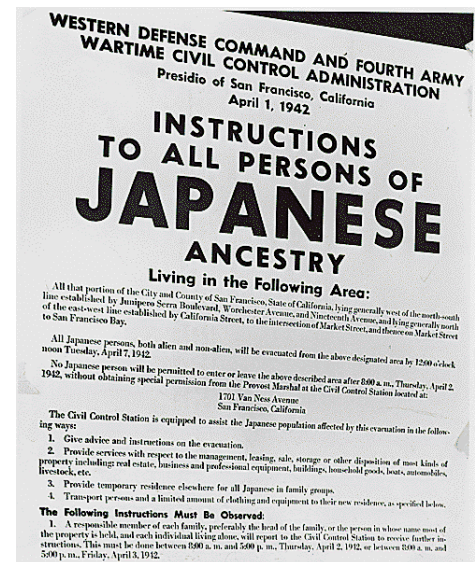
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# Brown v. Board of Education of Topeka, Kansas (1954)

By: Ricky Werner

## Background Information

Public schools in 1954 were segregated on the matter of race and thus black children have been denied attending the same school as white children attendees. The NAACP planned a challenge of white schools trying to persuade and enroll several black families and their children into white schools, one family being the Browns. Brown was denied to attend the school that was much closer to her because of its strict white policies and had to attend a much further away school that challenges the family and its time.

## Constitutional Issue(s)

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the Equal Protection Laws under the 14th amendment entitling proper education?

## Supreme Court Decision (Majority Opinion)

Overturing the ruling of Plessy v. Ferguson, the Supreme Court unanimously found that the Equal Protection Clause of the Fourteenth Amendment prohibits segregation on state public schools on the basis of race.

## Precedent

Segregation based on race in public schools violates the Constitution dealing with the fourteenth amendment.

## Concurring Opinion(s)

None were made.

## Dissenting Opinion(s)

None made, all unanimously agreed.

## Sources Cited (MLA)

"Brown v. Board of Education of Topeka 547 US. 483 (1954)." Justia Law. Web. 1 Dec. 2015.

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## Heart of Atlanta Motel v. US (1964)

By: Jay Weathington

### Background Information

The owner of a hotel in Atlanta, the "Heart of Atlanta", was refusing to serve black people. Title II of the Civil Rights of 1964 prevented from public facilities affecting commerce.

### Constitutional Issue(s)

His refusing to provide housing to African-American people broke Title 2 of the Civil Rights Act of 1964. The facility was banned from discriminating, and still prevented black people from receiving service shows that the act has clearly be broken.

### Supreme Court Decision (Majority Opinion)

The Supreme Court's decision was to uphold the constitutionality of the Civil Rights Act of 1964, essentially flatly rebuking claims from the plaintiff.

### Precedent

This was the first occasion where Congress had to decide whether private discrimination was a crime, showing that this was not based on any precedent.

### Concurring Opinion(s)

Justice Black had the concurring opinion that the issue was not in breaking the Civil Rights Act of 1964. it was the fact that preventing black customers who were interstate travelers from receiving service was an obstruction of interstate commerce.

Justice Goldberg presented a nearly identical concurring opinion.

### Dissenting Opinion(s)

None applicable.

### Sources Cited (MLA)

"Heart of Atlanta Motel, Inc. v. United States 379 U.S. 241 (1964)." Justia Law. Wed 9 Dec 2015.

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## Swann v. Charlotte-Mecklenburg Board of Education (1971)

By: Stephen Schelfe

### Background Information

Swann Vs. Charlotte-Mecklenburg Board of Education was a dispute that came from the decision of Brown Vs. The Board of Education. Swann took the ruling a step further and asked the question if federal courts could interfere in states to help enforce desegregation. The court case ruling would determine if the federal government would be granted this power over the individual state governments.

### Constitutional Issue(s)

Were federal courts constitutionally authorized to oversee state imposed segregation?

### Supreme Court Decision (Majority Opinion)

A unanimous decision was reached ruling that the states were in violation of the current ruling in the case Brown Vs. The Board of Education. The Supreme Court ruled that if an infraction of the law occurred in states due to a previous ruling, the federal courts would be granted jurisdiction to remodel the problems that occur in the states.

### Precedent

The precedent was the current ruling in Brown Vs. The Board of Education in that schools were not granted the right to segregate on the basis of race.

### Concurring Opinion(s)

Due to the unanimous decision there was no concurring opinion

### Dissenting Opinion(s)

Due to the unanimous decision there were no dissenting opinions



### Sources Cited (MLA)

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"Swann V. Charlotte-Mecklenburg Board of Education" Oyez. Chicago-Kent college law at illinois tech, N.D. Dec 1, 2015

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## Furman v. Georgia (1972)

By: Meghan Gasper

### Background Information

A man, Furman, was burglarizing a private home. While inside the house, a family member living there saw him. He tried to flee immediately, but he tripped and fell. As he fell, his gun went off and shot a resident of the house. Because of this, he was convicted of murder and sentenced to death.

### Constitutional Issue(s)

The Court stated that the death penalty was defined as cruel and unusual punishment, therefore violating the 8th and 14th Amendments of the Constitution.

### Supreme Court Decision (Majority Opinion)

The vote was 5-4. The majority voted that the death penalty violated the 8th and 14th Amendment rights of the condemned person. In *Furman*, the Supreme Court ruled that the death sentence was not unconstitutional, but that the procedures and applications as practiced by the States were.

### Precedent

*Furman vs. Georgia* forced states and the national legislature to rethink their statutes for capital offenses to assure the death penalty would not be administered in capricious or discriminatory manners. This case later influenced the *Jackson vs. Georgia* case and the *Branch vs. Texas* case.

### Concurring Opinion(s)

Justices Douglas, Stewart, White, and Marshall were all majority justices, but wrote a separate concurring opinion. They believed that Furman was deprived of his constitutional rights. However, they could not agree on an argument removing the death penalty across the board.



### Dissenting Opinion(s)

The dissenters, Chief Justice Burger and Justices Blackmun, Powell, and Rehnquist, wrote opinions against the majority opinion. A few argued that the death penalty was a matter for the people to decide, through their legislatures. Others argued that emotional appeals were not appropriate in the Supreme Court opinions.

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*Supreme Court Cases*. N.p., n.d. Web. <[http://www.phschool.com/atschool/ss\\_web\\_codes/supreme\\_court\\_cases/furman.html](http://www.phschool.com/atschool/ss_web_codes/supreme_court_cases/furman.html)>. "Furman v. Georgia." *Oyez*. N.p., n.d. Web. 08 Dec. 2015. <<https://www.oyez.org/cases/1971/69-5030>>.

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<https://www.oyez.org/cases/1971/69-5030>

## Roe v. Wade (1973)

By: Jada Gardner

### Background Information:

The location of the case was held at the U.S. District Court for the Northern District of Texas. Norma McCorvey (known as Jane Roe) sought to terminate her pregnancy, but could not seek for an abortion because the Texas law prohibited abortions. ~~Recently in the last few years, Norma McCorvey have been trying to overturn her case. She was never with or wanted an abortion. She now dedicates her life “undoing the law”.~~

### Constitutional Issue(s):

Does the Constitution embrace a woman's right to terminate her pregnancy by abortion?

### Supreme Court Decision (Majority Opinion):

(By: Harry A. Blackman) The Court decided that a woman's right to an abortion fell within the right to privacy protected by the Fourteenth Amendment. It gave a women total authority over pregnancy during the first trimester.

### Precedent

The precedent was concluded that abortion is declared legal for women of age in state.

### Concurring Opinion(s)

(Justice Stewart) Believes that the court's decision is invalid under due process clause of the Fourteenth Amendment. It stated in the overview that “The meaning of liberty is in broad sense”, it cannot be limited or found.



### Dissenting Opinion(s)

(Justice Rehnquist) Abortion is not rooted in tradition and conscience of people. He stated how society's view on abortion is changing and it is not so universally accepted.

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“Roe v. Wade.” *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 7, 2015.

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## Regents of the University of California v. Bakke (1978)

By: Carlie Sellers

### Background Information

1978- Allan Bakke, a 35 year old white male, applied for admission to the University of California Medical School twice and was rejected both times. The school reserved 16 places in each entering class for "qualified minorities." Bakke's GPA and test scores exceeded those of any minority students admitted in the two years he was rejected.

### Constitutional Issue(s)

Bakke believed he was excluded from admission solely on the basis of race. He believed this decision violated the 14th Amendment.

### Supreme Court Decision (Majority Opinion)

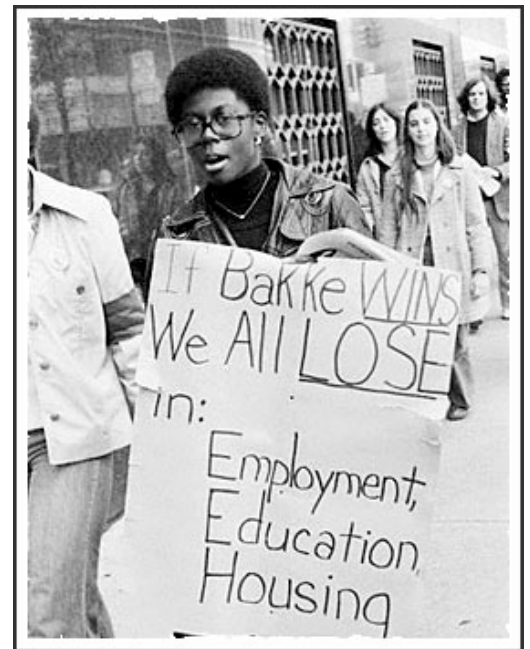
There was a 5-4 majority opinion. Racial and ethnic classifications of any sort are inherently suspect but he must be admitted. But, the decision upheld affirmative action allowing race to be one of several factors in college admission policy.

### Precedent

Minimize the white opposition to the goal of equality while extending gains for racial minorities through affirmative action.

### Concurring Opinion(s)

White, Marshall, Brennan and Blackmun all agreed that it was a good idea to permit the University to consider race of an applicant in making decisions regarding admissions. They also agreed to uphold affirmative action in order to achieve equal opportunity for all citizens of the United States.



### Dissenting Opinion(s)

White, Marshall, Brennan and Blackmun all also has some disagreements with the decision. They believed the decision to allow race to be considered in the admission process at universities violated the civil rights act and showed discrimination towards certain groups of people.

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