

Landmark U.S. Supreme Court Case Study

Plessy v. Ferguson | 1896 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1851-1900/1895/1895_210, Streetlaw.org http://www.streetlaw.org/en/landmark/cases/plessy_v_ferguson and Laws.com <http://constitution.laws.com/supreme-court-decisions/plessy-v-ferguson>

Essential Question of the Case:

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

Background

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

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

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

Constitutional Principles Related to the Case

13th Amendment (1865)

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

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

14th Amendment (1868)

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property, without due process of law; **(Due Process Clause-State level)**

nor deny to any person within its jurisdiction the equal protection of the laws. **(Equal Protection Clause)**

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The Court's Decision

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

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

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

Impact on Society

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.

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Brown v. Board of Education | 1954 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1950-1959/1952/1952_1

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

Essential Question of the Case:

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

Background

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

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

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

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

Constitutional Principle Related to the Case

14th Amendment (1868)

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property, without due process of law; **(Due Process Clause-State level)**
nor deny to any person within its jurisdiction the equal protection of the laws. **(Equal Protection Clause)**

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The Court's Decision

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.

Impact on Society

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.

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Gideon v. Wainwright | 1963 | Page One

Adapted from Oyez.org http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright,
Streetlaw.org http://www.streetlaw.org/en/landmark/cases/gideon_v_wainwright and Laws.com
<http://constitution.laws.com/supreme-court-decisions/gideon-v-wainwright>

Essential Question of the Case:

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

Background

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

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

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

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

Constitutional Principles Related to the Case

6th Amendment (1791)

In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence. **(Right to a lawyer/attorney/legal counsel)**

14th Amendment (1868)

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property, without due process of law; **(Due Process Clause-State level)**
nor deny to any person within its jurisdiction the equal protection of the laws. **(Equal Protection Clause)**

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The Court's Decision

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.

Impact on Society

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.

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Miranda v. Arizona | 1966 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1960-1969/1965/1965_759,
Streetlaw.org http://www.streetlaw.org/en/landmark/cases/miranda_v_arizona#Tab=Background, and Laws.com
<http://constitution.laws.com/supreme-court-decisions/gideon-v-wainwright>

Essential Question of the Case:

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

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.

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Miranda v. Arizona | 1966 | Page Two

Constitutional Principles Related to the Case

5th Amendment (1791)

No person ... shall be compelled in any criminal case to be a witness against himself (**Protection against Self-incrimination**), nor be deprived of life, liberty, or property, without due process of law (**Due Process Clause-National level**);...

6th Amendment (1791)

In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence. (**Right to a lawyer/attorney/legal counsel**)

The Court's Decision

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

Impact on Society

As a result of the Court’s ruling in this case, police must now 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.

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In re Gault | 1966 | Page One

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

Essential Question of the Case:

Were the procedures used to arrest Gault and commit him to the State Industrial School constitutional under the due process clause of the Fourteenth Amendment and other constitutional clauses?

Background

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

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

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

Constitutional Principle Related to the Case

5th Amendment (1791)

No person ... shall be compelled in any criminal case to be a witness against himself (**Protection against Self-incrimination**).

6th Amendment (1791)

In all criminal prosecutions, the accused shall enjoy the right ... **to be confronted with the witnesses against him**;... and to have the Assistance of Counsel for his defence. (**Right to a lawyer/attorney/legal counsel**)

14th Amendment (1868)

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; Nor shall any State deprive any person of life, liberty, or property, without due process of law; (**Due Process Clause-State level**)

nor deny to any person within its jurisdiction the equal protection of the laws. (**Equal Protection Clause**)

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In re Gault | 1966 | Page Two

The Court's Decision

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.

Impact on Society

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.

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Tinker v. Des Moines | 1968 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1960-1969/1968/1968_21
and Landmarkcases.org <http://landmarkcases.pbworks.com/w/page/14738317/Tinker%20v%20Des%20Moines>

Essential Question of the Case:

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

Background

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

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

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

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

Constitutional Principles Related to the Case

1st Amendment (1791)

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

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Tinker v. Des Moines | 1968 | Page Two

The Court's Decision

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

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

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

Impact on Society

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

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Hazelwood v. Kuhlmeier | 1987 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1960-1969/1968/1968_21, Streetlaw.org http://www.streetlaw.org/en/Page/646/Background_Summary_Questions and Kids.Law.com <http://kids.laws.com/hazelwood-v-kuhlmeier>

Essential Question of the Case:

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

Background

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

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

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

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

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

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

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

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Hazelwood v. Kuhlmeier | 1987 | Page Two

Constitutional Principle Related to the Case

1st Amendment (1791)

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

The Court's Decision

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.

Impact on Society

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.

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Bush v. Gore | 2000 | Page One

Adapted from Oyez.org http://www.oyez.org/cases/1970-1979/1974/1974_73_1766, PBS.org
http://www.pbs.org/wnet/supremecourt/future/landmark_bush.html,
and Kids.Law.com <http://kids.laws.com/bush-v-gore>

Essential Questions of the Case:

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

Background

In 2000, Vice President Al Gore faced Texas Governor George W. Bush in the presidential election. A winner in the election could not be determined until Florida's Electoral Vote was decided. The morning after Election Day, Governor Bush led Vice President Gore by about 1,800 votes in Florida. Due to the fact that the returns were so close, Florida law called for an automatic machine recount of ballots. When this recount was complete, Bush had only a 327-vote lead out of almost 6 million ballots cast. With the race so close, Florida law allowed Gore the option of a manual (by hand) recount of votes in the counties of his choosing. Gore chose four counties with many complaints of voting machine issues: Broward, Miami-Dade, Volusia, and Palm Beach. Florida law also required that the state's election results had to be finalized by the Secretary of State, Katherine Harris, within seven days of the election (by November 14, 2000). Three of the four counties were unable to complete the recount process by the deadline.

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

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

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Bush v. Gore | 2000 | Page Two

Constitutional Principles Related to the Case

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

14th Amendment (1868)

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

Decision & Impact

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

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

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

Landmark U.S. Supreme Court Case Study

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Adapted from Oyez.org http://www.oyez.org/cases/2000-2009/2007/2007_07_290, Time.com http://www.time.com/time/specials/packages/article/0,28804,2036448_2036452_2036455,00.html, and Law.com <http://cases.laws.com/dc-v-heller>

Essential Question of the Case:

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

Background

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

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

Constitutional Principle Related to the Case

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

The Court's Decision

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

Impact on Society

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