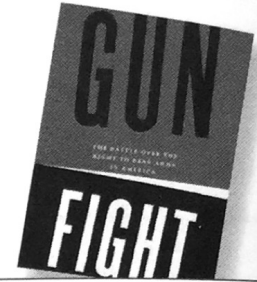




- ▶ *Tinker v. Des Moines* (1969): students have free speech rights
- ▶ *Hazelwood School District v. Kuhlmeier* (1988): schools can censor school-sponsored student newspapers

First Amendment Rights



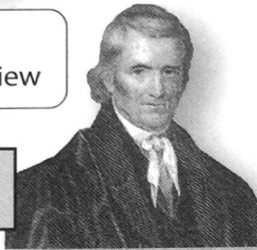
- ▶ *District of Columbia v. Heller* (2008): cities cannot ban handguns

Second Amendment Rights

IT IS EMPHATICALLY THE PROVINCE AND DUTY OF THE JUDICIAL DEPARTMENT TO SAY WHAT THE LAW IS.

- ▶ *Marbury v. Madison* (1803): established power of judicial review

Judicial Review

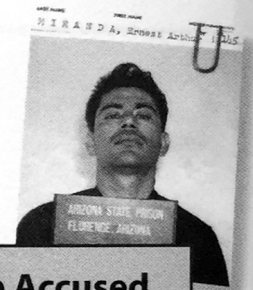


U.S. Supreme Court Key Decisions



Presidential Power

- ▶ *United States v. Nixon* (1974): executive privilege did not shield President Nixon
- ▶ *Bush v. Gore* (2000): halted recount for lack of standards, making Bush President



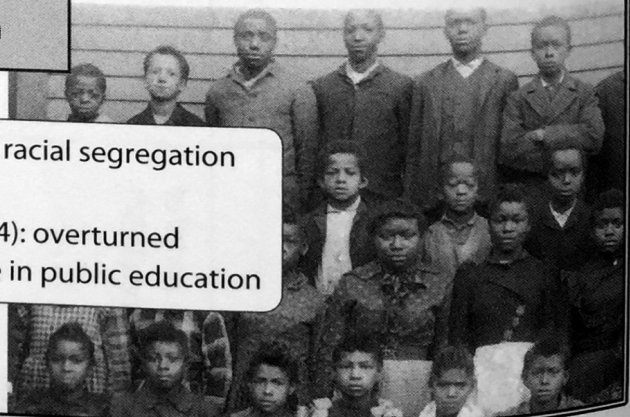
Rights of the Accused

- ▶ *Gideon v. Wainwright* (1963): poor criminal defendant entitled to court-appointed attorney
- ▶ *Miranda v. Arizona* (1966): Suspect must be told of rights prior to interrogation
- ▶ *In re Gault* (1967): minors have many "due process" rights of adults



Racial Segregation

- ▶ *Plessy v. Ferguson* (1896): upheld racial segregation if "separate but equal"
- ▶ *Brown v. Board of Education* (1954): overturned Plessy. Segregation has no place in public education



Review Cards: The Supreme Court in Action

Judicial Review

The Supreme Court interprets and protects constitutional rights, especially those in the Bill of Rights and the Fourteenth Amendment.

Marbury v Madison (1803)

- ▶ **Facts:** William Marbury sued the Secretary of State, James Madison, for failing to deliver his commission.
- ▶ Marbury filed his suit directly with the Supreme Court so that it would order Madison to send the commission. In the Judiciary Act of 1789, Congress had given the Supreme Court the power to issue such orders (*writs of mandamus*).
- ▶ **Issues:** (1) Should the Supreme Court issue a court order to Madison, as Secretary of State, requiring him to deliver the commission to William Marbury? (2) Can the Supreme Court rule on the constitutionality of a law passed by Congress?
- ▶ **Decision/Outcome:** Chief Justice John Marshall believed that Marbury was entitled to his commission. However, the Supreme Court did not have the power to order its delivery. The Constitution had defined the “original jurisdiction” of the Supreme Court, and Congress had no power to enlarge it. The section of the Judiciary Act giving the Court the power to issue *writs of mandamus* thus conflicted with the Constitution.
- ▶ The Court had the duty of interpreting the law, and where it saw that a law was in conflict with the Constitution, the law was invalid. The Court’s power to overturn laws it views as unconstitutional is known as **judicial review**.
- ▶ **Significance:** The case established the Court’s power of judicial review.

First Amendment Rights (Free Speech)

Are students entitled to the same “free speech” rights as adults?

Tinker v. Des Moines Independent School District (1969)

- ▶ **Facts:** Students sued their school for banning the wearing of armbands, which they had planned to wear as a protest against the Vietnam War. Students claimed the school violated their First Amendment right to free speech.
- ▶ **Issues:** (1) Do students have the right to “free speech” guaranteed in the First Amendment? (2) Was the wearing of armbands to school an exercise of “free speech”?
- ▶ **Decision/Outcome:** The Supreme Court ruled that First Amendment rights applied to students, and that the wearing of armbands was a form of symbolic speech that the First Amendment protected.
- ▶ **Significance:** The case made it clear that students had free speech rights.

Hazelwood School District v. Kuhlmeier (1988)

- ▶ **Facts:** Two articles in a school-sponsored student newspaper were censored by the school principal. The students claimed this violated their First Amendment rights.
- ▶ **Issue:** Does the First Amendment protect school-sponsored publications from censorship by school authorities?
- ▶ **Decision/Outcome:** The Supreme Court ruled that schools have the right to control activities they sponsor (*pay for*) for valid educational purposes.
- ▶ **Significance:** *Hazelwood* therefore qualified the *Tinker* ruling by allowing censorship in this case.

Second Amendment Rights (The Right to Bear Arms)

District of Columbia v. Heller (2008)

- ▶ **Facts:** Policeman Richard Heller claimed that a Washington D.C. law prohibiting residents from owning handguns violated his Second Amendment rights.
- ▶ **Issue:** Do local laws prohibiting handgun ownership violate the Second Amendment?
- ▶ **Decision/Outcome:** The Supreme Court ruled that the Second Amendment applied to residential guns used for family protection. Local governments had no power to ban handguns, though they could set limitations.
- ▶ **Significance:** States cannot prohibit handgun ownership.

Fifth and Sixth Amendment Rights (Rights of the Accused)

Several rights in the Bill of Rights protect the accused. This is to protect innocent people who have been wrongfully accused of a crime, and to guard against government abuse.

Gideon v. Wainwright (1964)

- ▶ **Facts:** Clarence Gideon, a poor defendant, was accused of robbery. He asked the court to provide him with a free lawyer, but was refused. At the time, Florida only provided a free lawyer in capital (*death penalty*) cases.
- ▶ **Issue:** Does the **Sixth Amendment** require a court to provide **counsel** (*a lawyer*) to a poor defendant accused of a **felony** (*a crime punishable with imprisonment of one year or more*)?
- ▶ **Decision/Outcome:** The Supreme Court ruled that the Sixth Amendment guarantees the right to a lawyer. Governments are therefore required to provide one to defendants too poor to afford one if they are charged with a felony.
- ▶ **Significance:** States now offer poor defendants the services of a public defender.

Miranda v. Arizona (1966)

- ▶ **Facts:** Ernesto Miranda was convicted for kidnapping and rape after he confessed during police interrogation. He appealed the case because he had not been informed of his Fifth and Sixth Amendment rights to remain silent and to have a lawyer present before his confession.
- ▶ **Issue:** Can the police **interrogate** (*question*) a suspect without informing him of his rights to remain silent or to have a lawyer present?
- ▶ **Decision/Outcome:** The Supreme Court ruled that suspects must always be informed of their Fifth and Sixth Amendment rights before interrogation; otherwise their confession cannot be used in court.
- ▶ **Significance:** Police now must read suspects their "Miranda Rights."

In re Gault (1967)

- ▶ **Facts:** Gerald Gault's parents appealed a case where a juvenile court had denied Gault's "due process" rights and given him an unjustly harsh penalty. He was accused of making a single obscene call to a neighbor, which he denied. He was sent away to a juvenile home with no right of appeal. Gault was given no advance notice of his hearing, faced no witnesses, had no lawyer, had no transcript of the hearing, and had no right of appeal. The maximum penalty for an adult was 2 months, yet he was sent away for 6 years.
- ▶ **Issue:** What "due process" rights are owed to a **juvenile** (*a minor*) facing a possible loss of liberty?
- ▶ **Decision/Outcome:** The Supreme Court ruled that although juvenile courts should have different procedures than adult courts, normal "due process" rights still applied to minors.
- ▶ **Significance:** Because of *In re Gault*, states reformed their juvenile justice procedures.

Fourteenth Amendment Rights (Racial Segregation and "Equal Protection")

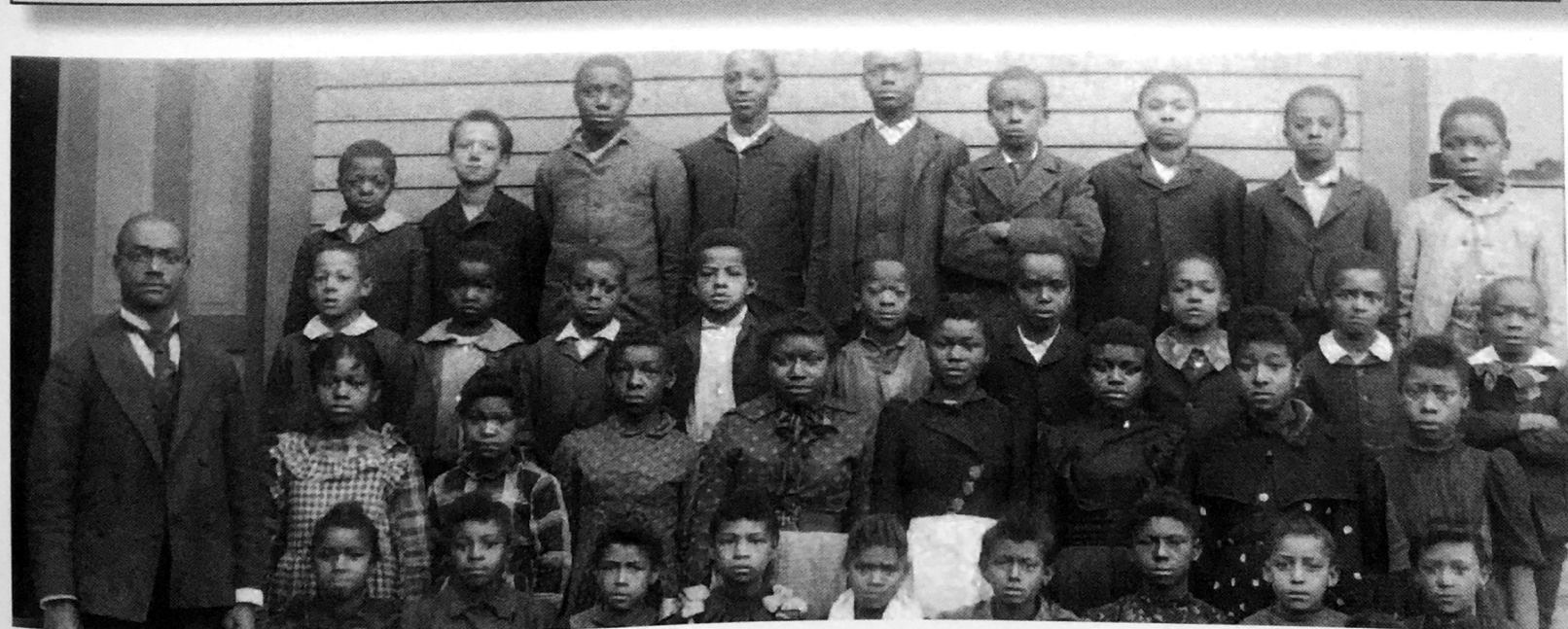
These two cases, for and against segregation, are among the most influential in U.S. history.

Plessy v Ferguson (1896)

- ▶ **Facts:** An African-American man, Homer Plessy, appealed his arrest for ignoring Louisiana's "Jim Crow" **segregation** laws by sitting in the "whites only" passenger car of a train. Plessy himself was seven-eighths white.
- ▶ **Issue:** Can a state impose racial segregation by offering "separate-but-equal" facilities, without violating the "Equal Protection" Clause of the Fourteenth Amendment?
- ▶ **Decision/Outcome:** The Supreme Court ruled against Plessy: it held that racial segregation did *not* violate the **Fourteenth Amendment's** right to "equal protection," so long as the facilities provided to each race were "**separate but equal.**" The law itself, said the Court, did not say that one race was either superior or inferior to the other.
- ▶ **Significance:** As a result, segregation laws were further strengthened across the South.

Brown v Board of Education (1954)

- ▶ **Facts:** The NAACP (National Association for the Advancement of Colored People) appealed a case in which an African-American girl, Linda Brown, was forced to attend a segregated, African-American public school when a white school was closer to her home.
- ▶ **Issue:** Does racial segregation in public schools violate the "Equal Protection" Clause of the Fourteenth Amendment?
- ▶ **NAACP's Legal Argument:** **Thurgood Marshall**, the NAACP lawyer, argued that segregated education sent young African-American children the message that they were inferior to whites. Psychologist Dr. Clark supported this claim with a study in which African-American children preferred white dolls. Therefore racial segregation in public schools was "inherently unequal."
- ▶ **Decision/Outcome:** Chief Justice Earl Warren wrote the unanimous Court decision: racially segregated public schools violated the Fourteenth Amendment because they made African-American children feel inferior, not equal.
- ▶ **Significance:** The Supreme Court ruled that the lower federal courts should enforce the decision "with all deliberate speed." Though it took many years, the *Brown* decision was the first step toward ending racial segregation in the South.



Presidential Power

Despite the separation of powers, the Supreme Court has occasionally ruled on issues concerning Presidential power.

United States v Nixon (1974)

- ▶ **Facts:** In 1973, a group was caught breaking into Democratic headquarters in the Watergate Hotel and office complex. Journalists and Congressional hearings gradually learned that the White House might be involved. They also discovered that President Nixon had taped all his White House conversations. Nixon claimed he had “executive privilege” and refused to hand over tapes of White House conversations to investigators.
- ▶ **Issue:** Does “executive privilege”—the need of the President of the United States for privacy and confidentiality in making high-level, national decisions—excuse the President from turning over documents needed as evidence in a criminal proceeding?
- ▶ **Decision/Outcome:** The Supreme Court ruled that “executive privilege” did not justify withholding the tapes in these circumstances. The President was ordered to hand over the tapes.
- ▶ **Significance:** The tapes were handed over and President Nixon was implicated in the Watergate scandal. Nixon resigned rather than be impeached. The decision emphasized that the President is not above the rule of law.

Bush v Gore (2000)

- ▶ **Facts:** In November 2000, the Presidential election between candidates George W. Bush and Al Gore was extremely close. The outcome depended on which candidate won Florida’s electoral votes. Florida election officials were ready to certify Bush as the winner, but there had been significant irregularities in voting practices and the counting of ballots. The Florida Supreme Court ordered a manual recount. Bush filed a petition with the U.S. Supreme Court to halt the re-count because of a lack of uniform standards.
- ▶ **Issue:** Did the lack of standards for a manual recount of voters’ ballots violate the “Equal Protection” Clause and due process rights of the Fourteenth Amendment?
- ▶ **Decision/Outcome:** A divided U.S. Supreme Court ruled that the lack of standards and possibility of illegal votes violated both equal protection and due process. It halted the recount.
- ▶ **Significance:** As a result of this decision, George W. Bush won the Presidential election.