

Landmark Supreme Court Cases Guide

Strategies for Teaching Landmark Supreme Court Cases

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

Content focus: Additional items may include, but are not limited to, the following: District of Columbia v. Heller.

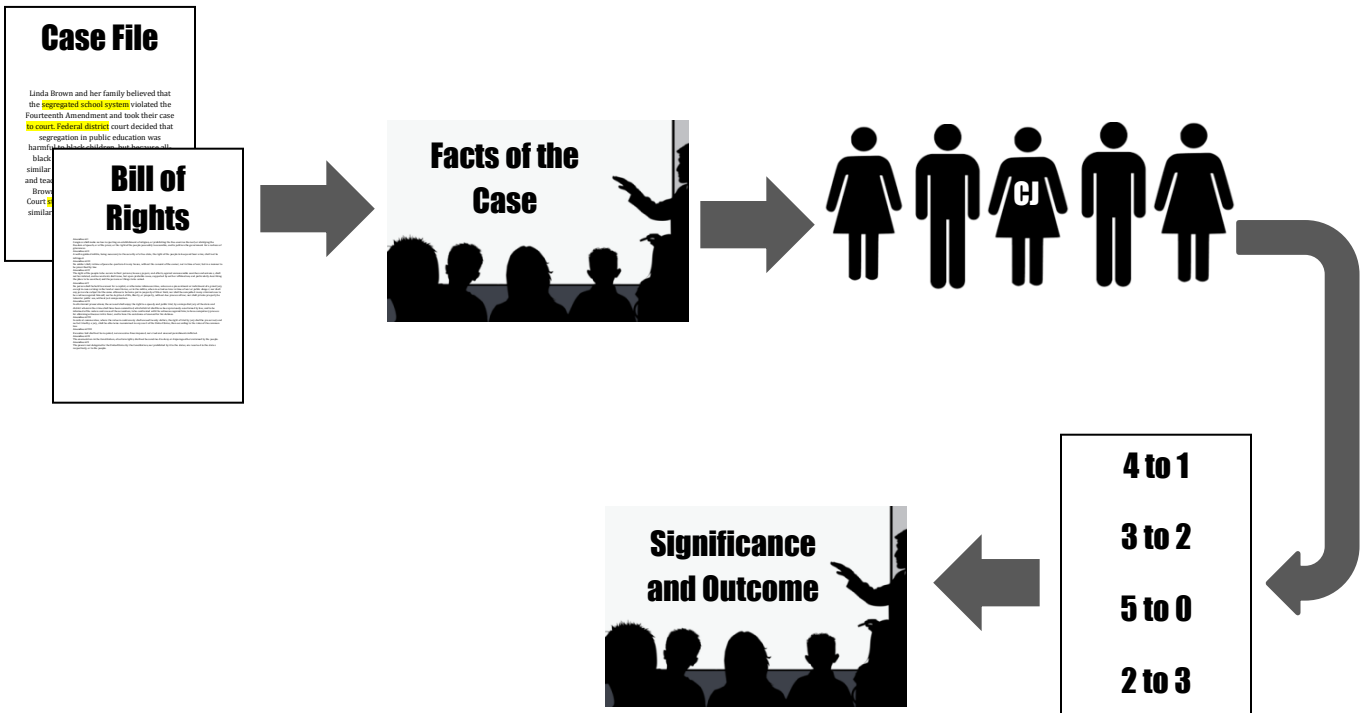
In this packet:

- Strategies for teaching landmark cases
 - Judicial Conference (Supreme Court Conference Activity)
 - Moot Court
 - Pro Se Court
 - Learning Stations
 - Case Jigsaw
 - Comic Strip
- Student handouts – “Case Files” for each landmark case listed in Benchmark SS.7.C.3.12 including the facts of the case and the question before the court
- Bill of Rights of the United States Constitution Handout (also includes the 14th Amendment)
- Teacher’s guide for each landmark case including the facts of the case, the question before the court, the case outcome, and resources for lesson extension

Strategies for Teaching Landmark Cases

Judicial Conference (Supreme Court Conference Activity)

1. Distribute one of the cases in the “Case File” handouts and a copy of the Bill of Rights. Have students read the facts of the case individually and highlight/underline any information they find to be relevant. Students should then identify which right in the Bill of Rights is being addressed in the given case. Students should individually answer the question before the court in writing and provide a reason for their decision based on the U.S. Constitution and the facts of the case.
2. Discuss the facts of the case as a whole group. Ask students questions about the facts provided to encourage discussion. Do not have students answer the question before the court at this time.
3. Divide the class into groups of five students. Students should:
 - a. Identify one student as the Chief Justice.
 - b. Discuss the facts of the case in their small group.
 - c. The Chief Justice will poll the group. Each student will announce her/his answer to the question before the court individually.
 - d. Work together to reach a unanimous decision in their group, if possible.
 - e. The Chief Justice should then take a final poll of the group and tally the results to the question before the court.
4. Have the Chief Justices come to the front of the room to share the decision of their group. Keep a record of the polls on a whiteboard/smartboard/chart paper.
5. Tell students the decision of the U.S. Supreme Court and discuss the legal reasoning behind the decision. Highlight the significance and outcome of the case.



Strategies for Teaching Landmark Cases

Moot Court

1. Distribute the one of the cases from the “Case File” handout and a copy of the Bill of Rights. Have students read the facts of the case individually and highlight/underline any information they find to be relevant. Students should then identify which right in the Bill of Rights is being addressed in the given case. Students should individually answer the question before the court in writing and provide a reason for their decision based on the U.S. Constitution and the facts of the case.
2. Discuss the facts of the case as a whole group. Ask students questions about the facts provided to encourage discussion. Do not have students answer the question before the court at this time.
3. Assign students the following roles*:
 - a. Attorneys for the Petitioner (4, divided into pairs of 2)
 - b. Attorneys for the Respondent (4, divided into pairs of 2)
 - c. Justices (9) – Panel 1
 - d. Justices (9) – Panel 2

**Numbers may vary based on the number of students in a given class. Petitioner and Respondent teams should be composed of pairs and panels of Justices should be odd numbers. For a large class, there will be two rounds of oral arguments. You may choose to have smaller panels of Justices. An odd number not exceeding 9 is ideal.*
4. Teams will prepare arguments (petitioners and respondents) and questions (Justices) based on the facts of the case. Students in the role of the attorney should answer the question(s) before the court clearly, citing the U.S. Constitution as the basis for their argument. Justices should focus their questions on the U.S. Constitution and the facts of this specific case.
5. Teams will present their oral argument based on the following timing parameters:
 - a. Petitioner, attorney A – 2 minutes
 - b. Petitioner, attorney B – 2 minutes
 - c. Respondent, attorney A – 2 minutes
 - d. Respondent, attorney B – 2 minutes
 - e. Petitioner, rebuttal, one attorney – 1 minute
 - f. Justices may ask questions at any time during the allotted time for each attorney.

**If there are multiple panels of students, repeat so all students have the opportunity to present.*
6. Poll the Justices to see how they voted on the case based on the arguments and law presented. Compare to the actual outcome of the case.
7. As an extension, listen to the oral arguments made available at www.oyez.org (link for each case, where applicable, is provided on the teacher resource page for the case).

Strategies for Teaching Landmark Cases

Pro Se Court

1. Distribute one of the cases from the “Case File” handout and a copy of the Bill of Rights. Have students read the facts of the case individually and highlight/underline any information they find to be relevant. Students should then identify which right in the Bill of Rights is being addressed in the given case. Students should individually answer the question before the court in writing and provide a reason for their decision based on the U.S. Constitution and the facts of the case.
2. Discuss the facts of the case as a whole group. Ask students questions about the facts provided to pull out more information from the students. Do not have students answer the question before the court at this time.
3. Divide the class evenly into three groups:
 - a. Group A: Develop arguments for the petitioner
 - b. Group B: Develop arguments for the respondent
 - c. Group C: Develop relevant questions to be asked to the petitioner and the respondents based on the facts of the case (at least 2 questions for each side)
4. After providing time for students in each of the three groups to develop their arguments or questions as assigned, reassemble students in new groups with three students in each group. Each group of three should have one student from group A, one student from group B and one student from group C. If there are one or two students left without a group, assign to an existing group.
5. Each group of three students should position themselves throughout the room. Each will present in their small groups at the same time. The groups of three should have:
 - a. At least one petitioner
 - i. Petitioner will begin by presenting for 2 minutes in their small group; Justice/Judge asks questions.
 - b. At least one respondent
 - i. Respondent will follow by presenting for 2 minutes in their small group; Justice/Judge asks questions.
 - c. At least one Justice/Judge
 - i. Ask questions of both the petitioner and the respondent.
6. Debrief by having each Justice/Judge offer their decision on the case based on the question before the court and an explanation of their decision. Discuss the actual outcome of the case with the class.

Adapted from: *We the People: The Citizen and the Constitution*. Level 3. Calabasas: Center for Civic Education, 2009. 222. Print.

Strategies for Teaching Landmark Cases

Case Jigsaw

The jigsaw method is excellent for teaching multiple cases in the same lesson. It is most effectively used by grouping cases with common Constitutional themes. For example:

Rights of the Accused	Student Speech
<ul style="list-style-type: none"> ● Gideon v. Wainwright (right to an attorney) ● Miranda v. Arizona (due process) ● In re Gault (due process for juveniles) 	<ul style="list-style-type: none"> ● Tinker v. Des Moines ● Hazelwood v. Kuhlmeier ● Morse v. Frederick*
Juvenile Rights	Search and Seizure
<ul style="list-style-type: none"> ● In re Gault (due process for juveniles) ● Roper v. Simmons* (death penalty for juveniles) ● Graham v. Sullivan* (life sentences for juveniles) 	<ul style="list-style-type: none"> ● Florida v. J.L.* ● Scott v. Harris* ● Terry v. Ohio*
<p>*This is not a landmark case noted in the Benchmark or item specifications, but will provide students with an opportunity to reinforce the application of constitutional reasoning to any Supreme Court case. Facts of the case for this and other cases can be found at:</p> <ul style="list-style-type: none"> ● www.oyez.org ● www.landmarkcases.org ● Other 	

1. Divide the class into groups based on the number of cases being studied. Each group should receive a different Case File. Students should complete the chart* (attached) using the handouts provided and information found online. This should take approximately 15 minutes.
2. Next reassemble the groups using the jigsaw method so that each new group has at least one person that is an expert from each of the home groups. A diagram of the jigsaw method is provided as an attachment. (See page labeled Jigsaw Method)
3. Students should provide the name of the case and teach the facts, significance, and outcome of their case while the other students complete their handout in each new group.
4. Once complete, students should return to their original group and check their handouts against one another.
5. Debrief as a class by discussing the significance and outcome of each case.

*Students can also create foldable notes in lieu of completing the table. See diagram below.

Miranda v. Arizona	In re Gault	Gideon v. Wainwright
--------------------------	----------------	-------------------------

Fold a bank sheet of paper in half and cut the front side of the paper only into flaps appropriate to the number of cases being studied. Label the outside with the name of the case.

Facts		
Significance Outcome	In re Gault	Gideon v. Wainwright

Inside of each case, include a summary of the facts and the significance and outcome of each case.

Landmark Cases Jigsaw

Name: _____ Date: _____

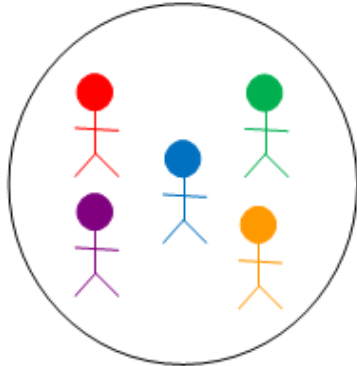
Instructions: Write the name of your case in the left column. Provide a summary of the facts in the “Facts” box. Next, decide which Amendment in the U.S. Constitution the case is based upon and write the number and key words of the Amendment in the Constitutional Connection box. Write the question before the court in the correct box. Conduct research online to find the outcome of the case. You will be put into new groups where you will learn about other cases. Fill in the chart as your classmates teach you about these cases.

Case	Facts	Constitutional Connection	Question before the Court	Outcome
			Significance	
			Significance	
			Significance	

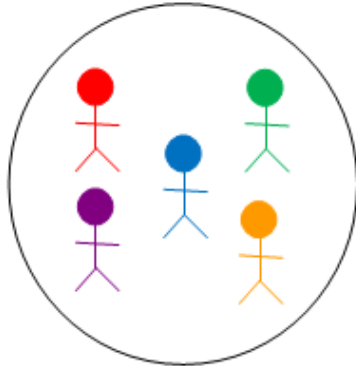
JIGSAW METHOD

Original Groups

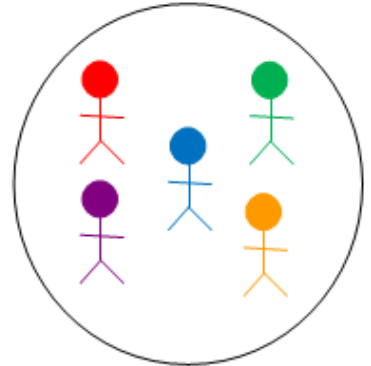
Group 1



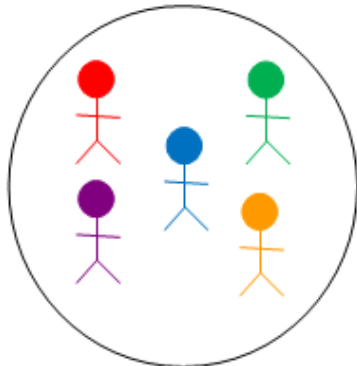
Group 2



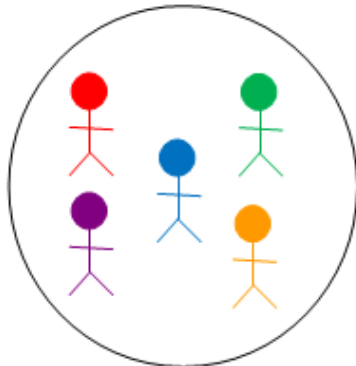
Group 3



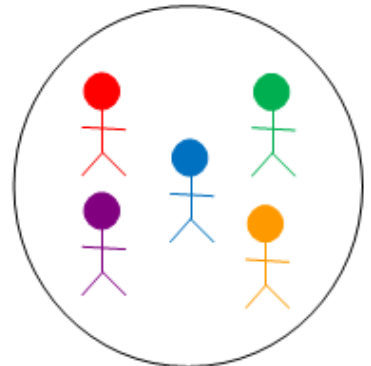
Group 4



Group 5

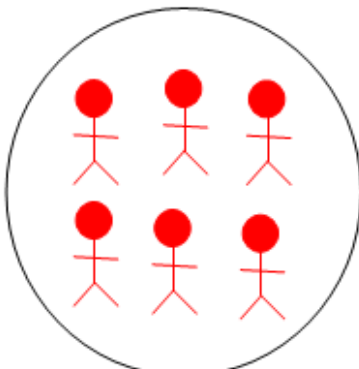


Group 6

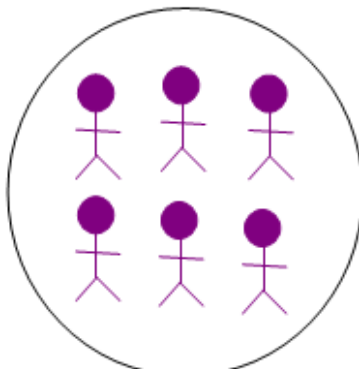


JIGSAW by putting one person from each of the original groups into a new group.

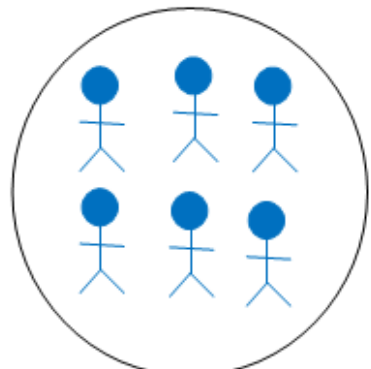
Group A



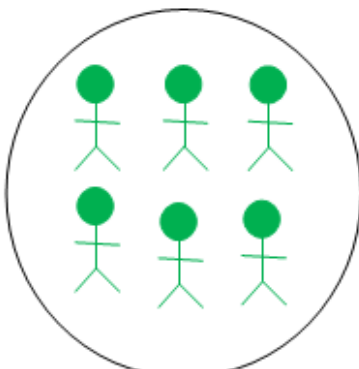
Group B



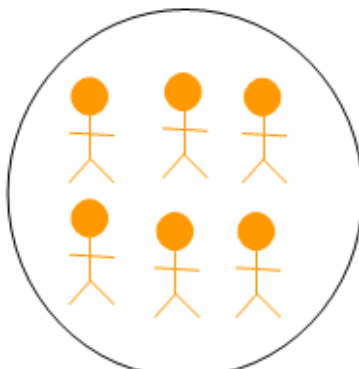
Group C



Group D



Group E



Strategies for Teaching Landmark Cases

Comic Strip

Option A – One Case

1. Select one case, divide students into six small groups, and provide them with the Case File for the chosen case.
2. Each group of students will be assigned one part of the comic strip from the list below. The groups will illustrate and caption the following components of the case on separate sheets of paper or on large sheets of chart paper:
 - a. The citation (case name/number)
 - b. Facts of the case
 - c. Question before the court
 - d. Constitutional application (What amendment is this issue based upon?)
 - e. Arguments for the petitioner
 - f. Arguments for the respondent
3. Have students work together to piece together the comic strip in the order cited above. Have each group present their portion of the comic strip and discuss key points with the students.
4. Debrief the activity by telling students the outcome of the case. As an extension, listen to the oral argument (when applicable) available at www.oyez.org.

Option B – Multiple Cases

1. Select Case Files for multiple cases. Divide the class into small groups based on the number of cases selected. Provide each group with a different Case File.
2. Each group will be responsible for creating a comic strip for their Case File. The groups will illustrate and caption the following components of the case on separate sheets of paper or on large sheets of chart paper:
 - a. Creative title for the case
 - b. Facts of the case
 - c. Question before the court
 - d. Constitutional application (What amendment is this issue based upon?)
 - e. Arguments for the petitioner
 - f. Arguments for the respondent
3. Once complete, students will post their comic strip (in the appropriate order) in the classroom either on the wall or at their seats.
4. Collect the Case Files from the groups and redistribute to different groups in the class. The students will then read their new Case File and then search for the comic strip that matches their case file. Students should stand next to the comic strip that matches their case.
5. Debrief the activity by having students explain how they identified the case and have them explain the facts. Discuss the outcome and significance of the cases.
6. As an extension, listen to the oral argument (when applicable) available at www.oyez.org.

Case Files

Student Handouts

- Marbury v. Madison
- Plessy v. Ferguson
- Brown v. Board of Education
- Gideon v. Wainwright
- Miranda v. Arizona
- In re Gault
- Tinker v. Des Moines
- Hazelwood v. Kuhlmeier
- United States v. Nixon
- Bush v. Gore
- District of Columbia v. Heller
- Bill of Rights and the 14th Amendment to the United States Constitution

Case File: Marbury v. Madison

Facts of the Case

Thomas Jefferson, a member of the Republican Party, won the election of 1800. Outgoing President John Adams, a member of the Federalist party, proceeded to rapidly appoint 58 members of his own party to fill government posts created by Congress.

It was the responsibility of the Secretary of State, John Marshall, to "deliver the commissions," finish the paperwork, and give it to each of the newly appointed judges. Although Marshall signed and sealed all of the commissions, he failed to deliver 17 of them to the respective appointees. Marshall assumed that his successor would finish the job, but some of the commissions were left undelivered.

William Marbury, whom Adams had appointed as justice of the peace of the District of Columbia, was one of these last-minute appointees who did not receive his commission. Marbury sued James Madison, the new Secretary of State, and asked the Supreme Court of the United States to issue a court order that requires an official to perform or refrain from performing a certain duty. In this case, the order would have required Madison to deliver the commission.

Marbury took his case directly to the United States Supreme Court to gain his appointment. He wanted the Supreme Court to issue an order forcing the new Secretary of State, James Madison, to give Marbury his Commission because the Judiciary Act gave the U.S. Supreme Court original jurisdiction (the power to make legal decisions) to issue such an order. However, the Judiciary Act was in direct conflict with Article III, Section 2 of the U.S. Constitution that gives the Supreme Court original jurisdiction in specific cases only.

Questions before the Court

Does Marbury have a right to the Commission?

&

Did Marbury have a right to take the case to the United States Supreme Court?

Case File: Plessy v. Ferguson

Facts of the Case

In 1890, Louisiana passed a statute called the Separate Car Act declaring that all rail companies carrying passengers in Louisiana must provide separate but equal accommodations for white and non-white passengers. The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail. A group of black citizens joined forces with the East Louisiana Railroad Company to fight the Act.

In 1892, Homer Plessy, who was one-eighth black, purchased a first-class ticket and sat in the white-designated railroad car. Plessy was arrested for violating the Separate Car Act and argued in court that the Act violated the Fourteenth Amendments to the Constitution. After losing twice in the lower courts, Plessy took his case to the U.S. Supreme Court.

Question before the Court

Is Louisiana's law requiring racial segregation on its trains unconstitutional?

Case File: Brown v. Board of Education

Facts of the Case

In Topeka, Kansas in the 1950s, schools were segregated by race. Each day, Linda Brown and her sister had to walk through a dangerous railroad switchyard to get to the bus stop for the ride to their all-black elementary school. There was a school closer to the Brown's house, but it was only for white students. Linda Brown and her family believed that the segregated school system violated the Fourteenth Amendment and took their case to court. Federal district court decided that segregation in public education was harmful to black children, but because all-black schools and all-white schools had similar buildings, transportation, curricula, and teachers, the segregation was legal. The Browns appealed their case to the U.S. Supreme Court stating that even if the facilities were similar, segregated schools could never be equal to one another.

Question before the Court

Does the segregation of children in public schools solely on the basis of race violate the equal protection of the laws guaranteed by the 14th Amendment?

Case File: Gideon v. Wainwright

Facts of the Case

After being arrested in Panama City, Florida in 1961 and accused of breaking and entering a pool hall and stealing money from vending machines, Mr. Gideon was charged with a felony. In trial court, Mr. Gideon appeared without funds for an attorney and asked the judge to appoint a lawyer to represent him as he could not afford one. The judge said he could not appoint an attorney because Florida law only allowed for the appointment of free legal counsel to persons charged with crimes that could lead to the death penalty.

"The COURT: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case."

Mr. Gideon represented himself in the trial court and was found guilty. He was sentenced to five years in a Florida state prison.

Mr. Gideon studied law in the prison library and then filed a *writ of habeas corpus* (a legal petition requesting release from unjust imprisonment and to be brought before a judge) to the Florida Supreme Court. He claimed that his conviction was unconstitutional under the US Constitution (Sixth Amendment) because he did not have assistance of legal counsel in his defense. The Florida Supreme Court denied all relief without an opinion.

Mr. Gideon then wrote a handwritten note to the US Supreme Court and they agreed to hear his case.

Question before the Court

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

Case File: Miranda v. Arizona

Facts of the Case

Prior to this case, many people did not know what their rights were while in police custody. In this case, Ernesto Miranda was identified in a police lineup by a woman, who accused him of kidnapping and assaulting her. Miranda was arrested and questioned by the police for two hours. He eventually confessed to the crimes. During the interrogation (questioning), police did not tell Miranda that he had the right to an attorney. They also did not tell him of his right of protection against self-incrimination. He was not informed of his Fifth Amendment or Sixth Amendment rights during the police interrogation.

In a state trial court in Arizona, the prosecutor used the confession as evidence against Miranda. He was convicted and sentenced to 20 to 30 years in prison.

Miranda's attorney appealed to the Arizona Supreme Court, stating that the police had unconstitutionally obtained the confession. The Arizona Supreme Court upheld the conviction. Then he appealed to the United States Supreme Court, which agreed to hear the case in 1966 along with four similar cases.

Question before the Court

Does the police practice of questioning suspects in police custody without notifying them of their right to remain silent or their right to an attorney, violate their constitutional rights?

Case File: In re Gault

Facts of the Case

Gerald Francis Gault, fifteen years old, was taken into custody for allegedly making an obscene phone call. He was arrested and taken to a Children's Detention Home in Arizona. He was not informed of the charges against him. His mother was not at home when he was arrested. She had to search to find her son in custody. Gault had been on probation for six months prior to this arrest for being in the company of a friend who had stolen a wallet from a woman's purse.

The following day, a petition was filed in juvenile court. During the hearing, no witnesses were sworn, no attorney was present for Gault, and the officer stated that the youth admitted to making the obscene remarks after he was questioned. Gault's parents had not been present during the questioning of their son.

At the time, adults charged in similar circumstances would have likely received a sentence of 60 days. Gault was sentenced to the State Industrial School until he was 21.

Question before the Court

In this case, the Court considered whether the Due Process Clause of the 14th Amendment applies to juvenile delinquency proceedings. Were the procedures used to commit Gault in violation of the U.S. Constitution?

Case File: Tinker v. Des Moines Independent School District

Facts of the Case

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Eckhardt, 16 years old, decided, with approval from their parents, to protest the Vietnam War by wearing black armbands to their schools in December. Upon learning of their intentions, and fearing that the armbands would create problems and cause disturbances on campus, a policy was developed to prohibit students from wearing armbands to schools. Students who wore armbands to school would be asked to remove them or face suspension. When the Tinkers and Eckhardt wore their armbands to school, they were asked to remove them. When they refused, they were suspended for several days. There were no disturbances or disruptions at school when they wore the armbands, but the principals were worried that they could cause problems.

Question before the Court

Did the principals' rule against wearing armbands in public school violate the students' First Amendment freedom of speech protections?

Case File: Hazelwood v. Kuhlmeier

Question Before the Court

The Spectrum, a school-sponsored newspaper at Hazelwood East High School, was written and edited by students as part of a journalism class on campus. In May 1983, Robert E. Reynolds, the school principal, received the page proofs for the May 13 issue. The principal found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be removed from the publication. The articles dealt with teen pregnancy and the impact of divorce. Both articles also included interviews with students on campus. The principal was concerned that the pregnant girls might be identified by other students on campus and that the article addressed issues that were inappropriate for younger students. The principal was also concerned that the newspaper article did not seek comments from the parent of the student who was interviewed about divorce. Students challenged the principal's actions and brought the case to court.

Question Before the Court

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

"Facts and Case Summary - Hazelwood v. Kuhlmeier." *United States Courts*. Web. 17 Dec. 2015.
<<http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-hazelwood-v-kuhlmeier>>.

"Hazelwood School District v. Kuhlmeier." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 17, 2015.
<<https://www.oyez.org/cases/1987/86-836>>

Case File: United States v. Nixon

Facts of the case

Early in the morning of June 17, 1972, several individuals were arrested inside the office of the Democratic National Committee (DNC), located in the Watergate building in Washington, D.C. This was no ordinary robbery: Those arrested were connected to President Richard Nixon's (Republican) reelection campaign, and they had been caught while attempting to wiretap phones and steal secret documents.

A grand jury returned indictments against seven of President Nixon's closest aides in the Watergate affair. The special prosecutor appointed by Nixon and the defendants sought audio tapes of conversations recorded by Nixon in the Oval Office. Nixon asserted that he was immune from the subpoena claiming "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest.

Question before the Court

Based on the facts provided, is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, protected from judicial review?

"United States v. Nixon." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 16, 2015.
<<https://www.oyez.org/cases/1973/73-1766>>

"Watergate Scandal." History.com. A&E Television Networks. Web. 29 Dec. 2015.
<http://www.history.com/topics/watergate><http://www.history.com/topics/watergate>

Case File: Bush v. Gore

Facts of the Case

The results of the 2000 Presidential election (November 7, 2000) between Texas Governor George W. Bush and Vice President were so close in Florida that state law (statute 102.141 (7)) called for an automatic machine recount of ballots. After the automatic machine recount, the results were even closer with Vice President Gore losing by a very small margin. Vice President Gore then sought manual recounts in Volusia, Palm Beach, Broward, and Miami-Dade Counties under Florida Law (102.166).

Florida law (FS 102.11) also establishes a date for submitting the certified election results to the Secretary of State, which was November 14, 2000. Counties required to conduct a manual recount were unable to meet this deadline.

Because there were different interpretations as to when a county should order a manual recount and also a dispute over the deadline for the Secretary of State to certify the election results, the dispute was brought before Florida Supreme Court.

All seven justices agreed that a manual recount should occur if there was a difference between the votes the machine counted and the votes actually cast that were not electronically recorded because of how the ballot was marked or punched ("undervotes"). Each county where the votes were challenged were to be recounted by hand and the Secretary of State could not certify the election until the recounts had been completed *or* by November 26th. Even with the extended deadline, many counties could not complete the recount in time and some counties, like Miami-Dade, stopped counting.

On December 8, 2000, the Florida Supreme Court ordered that manual recounts of ballots were required in all Florida counties where "undervotes" had not been recounted by hand and recounts should begin at once. The court explained that there could be no question that there were uncounted "legal votes" meaning those in which there was a clear indication of the voter's intent-sufficient to place the results of the election in doubt.

The next day, the United States Supreme Court stopped the manual recounts in Florida and held oral argument on December 11, 2000.

Questions before the Court

Did the Florida Supreme Court exceed its authority by ordering a state-wide manual recount?

And, would such a recount be constitutional?

"Bush v. Gore." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 16, 2015. <<https://www.oyez.org/cases/2000/00-949>>

McBride, Alex. "Landmark Cases: Bush v. Gore." *PBS*. PBS, 1 Dec. 2006. Web. 17 Dec. 2015. <http://www.pbs.org/wnet/supremecourt/future/landmark_bush.html>.

Case File: District of Columbia v. Heller

Facts of the Case

The District of Columbia passed the Firearms Control Regulations Act of 1975. This law made it a crime to carry an unlicensed handgun, and limited the distribution of licensed handguns mainly to police and security officers. It also required that all legal firearms must be kept unloaded and disassembled or trigger locked.

In 2003, a group of private gun-owners, including Mr. Richard Heller, brought suit claiming that certain parts of the Firearms Control Regulation Act violated the Second Amendment of the United States Constitution.

The federal trial court in Washington D.C. held that the Second Amendment applies only to militias, such as the National Guard, and not to private gun ownership based on precedent from a 1939 U.S. Supreme Court Case called U.S. v. Miller. The U.S. Court of Appeals for the District of Columbia Circuit disagreed, voting two to one that the Second Amendment does in fact protect private gun owners.

Question before the Court

Does the D.C. Code violate the Second Amendment rights of individuals not affiliated with service in a militia who wish to keep handguns and other firearms for private use in their homes?

"District of Columbia v. Heller." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 17, 2015. <<https://www.oyez.org/cases/2007/07-290>>

Bill of Rights

And the 14th Amendment to the U.S. Constitution

Amendment I

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.

Amendment II

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.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise

re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIV

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.

Case Files

Teacher Information

Includes:

- Facts of the case
- Question before the court
- Case outcomes
- Additional resources for teaching the cases

Case File: Marbury v. Madison

Facts of the Case

Thomas Jefferson, a member of the Republican Party, won the election of 1800. Outgoing President John Adams, a member of the Federalist party, proceeded to rapidly appoint 58 members of his own party to fill government posts created by Congress.

It was the responsibility of the Secretary of State, John Marshall, to "deliver the commissions," finish the paperwork, and give it to each of the newly appointed judges. Although Marshall signed and sealed all of the commissions, he failed to deliver 17 of them to the respective appointees. Marshall assumed that his successor would finish the job, but some of the commissions were left undelivered.

William Marbury, whom Adams had appointed as justice of the peace of the District of Columbia, was one of these last-minute appointees who did not receive his commission. Marbury sued James Madison, the new Secretary of State, and asked the Supreme Court of the United States to issue a court order that requires an official to perform or refrain from performing a certain duty. In this case, the order would have required Madison to deliver the commission.

Marbury took his case directly to the United States Supreme Court to gain his appointment. He wanted the Supreme Court to issue an order forcing the new Secretary of State, James Madison, to give Marbury his Commission because the Judiciary Act gave the U.S. Supreme Court original jurisdiction (the power to make legal decisions) to issue such an order. However, the Judiciary Act was in direct conflict with Article III, Section 2 of the U.S. Constitution that gives the Supreme Court original jurisdiction in specific cases only.

Questions before the Court

Does Marbury have a right to the Commission? &

Did Marbury have a right to take the case to the United States Supreme Court?

Decision

Marbury does have the right to the commission. On the second issue, the justices held, through Marshall's forceful argument, that on the last issue the Constitution was "the fundamental and paramount law of the nation" and that "an act of the legislature repugnant to the constitution is void." In other words, when the Constitution--the nation's highest law--conflicts with an act of the legislature, that act is invalid. This case establishes the Supreme Court's power of judicial review.

"Marbury v. Madison." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015.
<https://www.oyez.org/cases/1789-1850/5us137>

Additional Resources for Teaching Marbury v. Madison

<http://www.history.com/topics/marbury-v-madison>

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/marbury-v-madison-1803>

<http://www.ourdocuments.gov/doc.php?flash=true&doc=19>

http://www.pbs.org/wnet/supremecourt/democracy/landmark_marbury.html

Case File: Plessy v. Ferguson

Facts of the Case

In 1890, Louisiana passed a statute called the Separate Car Act declaring that all rail companies carrying passengers in Louisiana must provide separate but equal accommodations for white and non-white passengers. The penalty for sitting in the wrong compartment was a fine of \$25 or 20 days in jail. A group of black citizens joined forces with the East Louisiana Railroad Company to fight the Act.

In 1892, Homer Plessy, who was one-eighth black, purchased a first-class ticket and sat in the white-designated railroad car. Plessy was arrested for violating the Separate Car Act and argued in court that the Act violated the Fourteenth Amendments to the Constitution. After losing twice in the lower courts, Plessy took his case to the U.S. Supreme Court.

Question before the Court

Is Louisiana's law requiring racial segregation on its trains unconstitutional?

Decision

No, the state law in 1890 was within constitutional boundaries. The majority, in an opinion authored by Justice Henry Billings Brown, upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Justice Brown conceded that the 14th amendment intended to establish absolute equality for the races before the law. But Brown noted that "in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

Note: See *Brown v. Board of Education*; decision in *Plessy* was overturned by *Brown v. Board of Ed.*

"Landmark Cases of the U.S. Supreme Court." *Plessy v. Ferguson*. Street Law, Inc. and The Supreme Court Historical Society. Web. 16 Dec. 2015. http://www.streetlaw.org/en/landmark/cases/plessy_v_ferguson

"*Plessy v. Ferguson*." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015. <https://www.oyez.org/cases/1850-1900/163us537>

Additional Resources for Teaching *Plessy v. Ferguson*

Lesson: <https://www.gilderlehrman.org/history-by-era/civil-rights-movement/resources/plessy-v-ferguson>

<http://www.history.com/topics/black-history/plessy-v-ferguson>

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/plessy-v-ferguson-1896>

http://www.law.cornell.edu/supct/html/historics/USSC_CR_0163_0537_ZS.html

Video: <http://www.pbslearningmedia.org/resource/bf09.socst.us.const.plessy/plessy-v-ferguson/>

Case File: Brown v. Board of Education

Facts of the Case

In Topeka, Kansas in the 1950s, schools were segregated by race. Each day, Linda Brown and her sister had to walk through a dangerous railroad switchyard to get to the bus stop for the ride to their all-black elementary school. There was a school closer to the Brown's house, but it was only for white students. Linda Brown and her family believed that the segregated school system violated the Fourteenth Amendment and took their case to court. Federal district court decided that segregation in public education was harmful to black children, but because all-black schools and all-white schools had similar buildings, transportation, curricula, and teachers, the segregation was legal. The Browns appealed their case to the U.S. Supreme Court stating that even if the facilities were similar, segregated schools could never be equal to one another.

Question before the Court

Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?

Decision

Yes. The long-held doctrine that separate facilities were permissible provided they were equal was rejected. Separate but equal is inherently unequal in the context of public education. Racial segregation in public education has a detrimental effect on minority children because it is interpreted as a sign of inferiority.

"Brown v. Board of Education of Topeka (1)." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015. <<https://www.oyez.org/cases/1940-1955/347us483>>

"Landmark Cases of the U.S. Supreme Court." Brown v. Board of Education. Street Law, Inc. and The Supreme Court Historical Society. Web. 16 Dec. 2015. http://www.streetlaw.org/en/landmark/cases/brown_v_board_of_education

Additional Resources for Teaching Brown v. Board of Education

Game: <https://www.icivics.org/games/argument-wars>

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/brown-v-board-education-1954>

<http://www.pbs.org/newshour/extra/2014/04/60th-anniversary-of-brown-v-board-of-education-resources/>

http://www.pbs.org/wnet/supremecourt/rights/landmark_brown.html

<http://www.tolerance.org/toolkit/brown-v-board-general-discussion-questions>

<http://www.uscourts.gov/educational-resources/educational-activities/history-brown-v-board-education-re-enactment>

Case File: Gideon v. Wainwright

Facts of the Case

After being arrested in Panama City, Florida in 1961 and accused of breaking and entering a pool hall and stealing money from vending machines, Mr. Gideon was charged with a felony. In trial court, Mr. Gideon appeared without funds for an attorney and asked the judge to appoint a lawyer to represent him as he could not afford one. The judge said he could not appoint an attorney because Florida law only allowed for the appointment of free legal counsel to persons charged with crimes that could lead to the death penalty.

"The COURT: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case."

Mr. Gideon represented himself in the trial court and was found guilty. He was sentenced to five years in a Florida state prison.

Mr. Gideon studied law in the prison library and then filed a *writ of habeas corpus* (a legal petition requesting release from unjust imprisonment and to be brought before a judge) to the Florida Supreme Court. He claimed that his conviction was unconstitutional under the US Constitution (Sixth Amendment) because he did not have assistance of legal counsel in his defense. The Florida Supreme Court denied all relief without an opinion.

Mr. Gideon then wrote a handwritten note to the US Supreme Court and they agreed to hear his case.

Question before the Court

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

Decision

Yes. Justice Hugo L. Black delivered the opinion of the 9-0 majority. The Supreme Court held that the framers of the Constitution placed a high value on the right of the accused to have the means to put up a proper defense, and the state as well as federal courts must respect that right. The Court held that it was consistent with the Constitution to require state courts to appoint attorneys for criminal defendants who could not afford to retain counsel on their own.

"Gideon v. Wainwright." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015.

<https://www.oyez.org/cases/1962/155>*

*Includes audio of the oral argument

McBride, Alex. "Landmark Cases: Gideon v. Wainwright." PBS. PBS, 2005. Web. 28 Dec. 2015.

http://www.pbs.org/wnet/supremecourt/rights/landmark_gideon.html

Additional Resources for Teaching Gideon v. Wainwright

Game: <https://www.icivics.org/games/argument-wars>

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/gideon-v-wainwright-1963>

Video: <http://www.pbslearningmedia.org/resource/bf09.socst.us.const.gideon/gideon-v-wainwright/>

<https://www.texasbar.com/civics/High%20School%20cases/gideon-v-wainwright.html>

Case File: Miranda v. Arizona

Facts of the Case

Prior to this case, many people did not know what their rights were while in police custody. In this case, Ernesto Miranda was identified in a police lineup by a woman, who accused him of kidnapping and assaulting her. Miranda was arrested and questioned by the police for two hours. He eventually confessed to the crimes. During the interrogation (questioning), police did not tell Miranda that he had the right to an attorney. They also did not tell him of his right of protection against self-incrimination. He was not informed of his Fifth Amendment or Sixth Amendment rights during the police interrogation.

In a state trial court in Arizona, the prosecutor used the confession as evidence against Miranda. He was convicted and sentenced to 20 to 30 years in prison.

Miranda's attorney appealed to the Arizona Supreme Court, stating that the police had unconstitutionally obtained the confession. The Arizona Supreme Court upheld the conviction. Then he appealed to the United States Supreme Court, which agreed to hear the case in 1966 along with four similar cases.

Question before the Court

Does the police practice of questioning suspects in police custody without notifying them of their right to remain silent or their right to an attorney, violate their constitutional rights?

Decision of the Court

The Court held that prosecutors could not use statements stemming from custodial interrogation of defendants unless they demonstrated the use of procedural safeguards "effective to secure the privilege against self-incrimination." The Court specifically outlined the necessary aspects of police warnings to suspects, including warnings of the right to remain silent and the right to have counsel present during interrogations.

Miranda rights: You have the right to remain silent. Anything you say can and will be used against you. You have the right to an attorney. If you cannot afford an attorney, one will be appointed for you.

McBride, Alex. "Landmark Cases: Miranda v. Arizona." *PBS*. PBS. Web. 28 Dec. 2015.
<http://www.pbs.org/wnet/supremecourt/rights/landmark_miranda.html>.

"Miranda v. Arizona." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015.
<https://www.oyez.org/cases/1965/759>*

*Includes audio of the oral argument

Resources for Teaching Miranda v. Arizona

Game: <https://www.icivics.org/games/argument-wars>

Mini lesson: <https://www.icivics.org/teachers/lesson-plans/miranda-v-arizona-1966>

[http://www.streetlaw.org/en/landmark/cases/miranda v arizona](http://www.streetlaw.org/en/landmark/cases/miranda-v-arizona)

<http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-miranda-v-arizona>

Case File: In re Gault

Facts of the Case

Gerald Francis Gault, fifteen years old, was taken into custody for allegedly making an obscene phone call. He was arrested and taken to a Children's Detention Home in Arizona. He was not informed of the charges against him. His mother was not at home when he was arrested. She had to search to find her son in custody. Gault had been on probation for six months prior to this arrest for being in the company of a friend who had stolen a wallet from a woman's purse.

The following day, a petition was filed in juvenile court. During the hearing, no witnesses were sworn, no attorney was present for Gault, and the officer stated that the youth admitted to making the obscene remarks after he was questioned. Gault's parents had not been present during the questioning of their son.

At the time, adults charged in similar circumstances would have likely received a sentence of 60 days. Gault was sentenced to the State Industrial School until he was 21.

Question before the Court

In this case, the Court considered whether the Due Process Clause of the 14th Amendment applies to juvenile delinquency proceedings. Were the procedures used to commit Gault in violation of the U.S. Constitution?

Decision

Yes. The proceedings of the juvenile court failed to comply with the U.S. Constitution. The Court held that juveniles were entitled to some due process rights under the 14th Amendment of the United States Constitution. 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 of witnesses at the hearings, and adequate safeguards against self-incrimination. The Court found that the procedures used in Gault's case met none of these requirements.

"Facts and Case Summary - In Re Gault." *United States Courts*. Web. 28 Dec. 2015. <http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-re-gault>

"In re Gault." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015. <https://www.oyez.org/cases/1966/116> *

*Provides audio of the oral argument

Additional Resources for Teaching In Re Gault

Game: <https://www.icivics.org/games/argument-wars>

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/re-gault-1967>

Podcast: <http://www.npr.org/templates/story/story.php?storyId=10279166>

Case File: Tinker v. Des Moines Independent School District

Facts of the Case

John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Eckhardt, 16 years old, decided, with approval from their parents, to protest the Vietnam War by wearing black armbands to their schools in December. Upon learning of their intentions, and fearing that the armbands would create problems and cause disturbances on campus, a policy was developed to prohibit students from wearing armbands to schools. Students who wore armbands to school would be asked to remove them or face suspension. When the Tinkers and Eckhardt wore their armbands to school, they were asked to remove them. When they refused, they were suspended for several days. There were no disturbances or disruptions at school when they wore the armbands, but the principals were worried that they could cause problems.

Question before the Court

Did the principals' rule, against wearing armbands in public school, violate the students' First Amendment freedom of speech protections?

Decision

Yes. Justice Abe Fortas delivered the opinion of the 7-2 majority. The Supreme Court held that the students did not lose their First Amendment rights to freedom of speech when they stepped onto school property. In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would "materially and substantially interfere" with the operation of the school. In this case, the school district's actions evidently stemmed from a fear of possible disruption rather than any actual interference.

"Facts and Case Summary - In Re Gault." *United States Courts*. Web. 28 Dec. 2015. <<http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-re-gault>>.

"Tinker v. Des Moines Independent Community School District." Oyez. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015. <https://www.oyez.org/cases/1968/21>*

*Provides audio of the oral argument

Additional Resources for Teaching Tinker v. Des Moines

Game: <http://www.annenbergclassroom.org/page/the-first-amendment-tinker-v-des-moines>

Game: <https://www.icivics.org/games/supreme-decision>

<https://www.icivics.org/teachers/lesson-plans/lesson-2-i-cant-wear-what>

<http://www.streetlaw.org/en/landmark/cases/tinker-v-des-moines>

Case File: Hazelwood v. Kuhlmeier

Question Before the Court

The Spectrum, a school-sponsored newspaper at Hazelwood East High School, was written and edited by students as part of a journalism class on campus. In May 1983, Robert E. Reynolds, the school principal, received the page proofs for the May 13th issue. The principal found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be removed from the publication. The articles dealt with teen pregnancy and the impact of divorce. Both articles also included interviews with students on campus. The principal was concerned that the pregnant girls might be identified by other students on campus and that the article addressed issues that were inappropriate for younger students. The principal was also concerned that the newspaper article did not seek comments from the parent of the student who was interviewed about divorce. Students challenged the principal's actions and brought the case to court.

Question Before the Court

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

Decision

No. In a 5-to-3 decision, the Court held schools must be able to set high standards for student speech disseminated under their watch, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test.

"Facts and Case Summary - Hazelwood v. Kuhlmeier." *United States Courts*. Web. 17 Dec. 2015.
<<http://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-hazelwood-v-kuhlmeier>>.

"Hazelwood School District v. Kuhlmeier." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 17, 2015.
<https://www.oyez.org/cases/1987/86-836>*

*Provides audio of the oral argument

Additional Resources for Teaching Hazelwood v. Kuhlmeier

Game: <https://www.icivics.org/games/argument-wars>

<http://www.scholastic.com/teachers/article/hazelwood-decision-and-student-press>

[http://www.streetlaw.org/en/landmark/cases/hazelwood v kuhlmeier](http://www.streetlaw.org/en/landmark/cases/hazelwood-v-kuhlmeier)

Case File: United States v. Nixon

Facts of the case

Early in the morning of June 17, 1972, several individuals were arrested inside the office of the Democratic National Committee (DNC), located in the Watergate building in Washington, D.C. This was no ordinary robbery: Those arrested were connected to President Richard Nixon's (Republican) reelection campaign, and they had been caught while attempting to wiretap phones and steal secret documents.

A grand jury returned indictments against seven of President Nixon's closest aides in the Watergate affair. The special prosecutor appointed by Nixon and the defendants sought audio tapes of conversations recorded by Nixon in the Oval Office. Nixon asserted that he was immune from the subpoena claiming "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest.

Question before the Court

Based on the facts provided, is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, protected from judicial review?

"United States v. Nixon." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 16, 2015.

https://www.oyez.org/cases/1973/73-1766*

*Provides audio of the oral argument

"Watergate Scandal." History.com. A&E Television Networks. Web. 29 Dec. 2015.

<http://www.history.com/topics/watergate><http://www.history.com/topics/watergate>

Decision

No. The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a *limited executive privilege in areas of military or diplomatic affairs*, but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. Nixon resigned shortly after the release of the tapes.

Additional Resources for Teaching United States v. Nixon

<http://www.history.com/topics/us-presidents/richard-m-nixon>

Lesson plan: http://www.justiceteaching.org/lesson_plans.shtml

Mini-lesson: <https://www.icivics.org/teachers/lesson-plans/us-v-nixon-1974>

http://www.streetlaw.org/en/landmark/cases/united_states_v_nixon

<http://teachingamericanhistory.org/library/document/united-states-v-nixon-1974/>

Case File: Bush v. Gore

Facts of the Case

The results of the 2000 Presidential election (November 7, 2000) between Texas Governor George W. Bush and Vice President were so close in Florida that state law (statute 102.141 (7)) called for an automatic machine recount of ballots. After the automatic machine recount, the results were even closer with Vice President Gore losing by a very small margin. Vice President Gore then sought manual recounts in Volusia, Palm Beach, Broward, and Miami-Dade Counties under Florida Law (102.166).

Florida law (FS 102.11) also establishes a date for submitting the certified election results to the Secretary of State, which was November 14, 2000. Counties required to conduct a manual recount were unable to meet this deadline.

Because there were different interpretations as to when a county should order a manual recount and also a dispute over the deadline for the Secretary of State to certify the election results, the dispute was brought before Florida Supreme Court.

All seven justices agreed that a manual recount should occur if there was a difference between the votes the machine counted and the votes actually cast that were not electronically recorded because of how the ballot was marked or punched ("undervotes"). Each county where the votes were challenged were to be recounted by hand and the Secretary of State could not certify the election until the recounts had been completed *or* by November 26th. Even with the extended deadline, many counties could not complete the recount in time and some counties, like Miami-Dade, stopped counting.

On December 8, 2000, the Florida Supreme Court ordered that manual recounts of ballots were required in all Florida counties where "undervotes" had not been recounted by hand and recounts should begin at once. The court explained that there could be no question that there were uncounted "legal votes" meaning those in which there was a clear indication of the voter's intent-sufficient to place the results of the election in doubt.

The next day, the United States Supreme Court stopped the manual recounts in Florida and held oral argument on December 11, 2000.

Questions before the Court

Did the Florida Supreme Court exceed its authority by ordering a state-wide manual recount?

And, would such a recount be constitutional?

"Bush v. Gore." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 16, 2015. <<https://www.oyez.org/cases/2000/00-949>>

McBride, Alex. "Landmark Cases: Bush v. Gore." *PBS*. PBS, 1 Dec. 2006. Web. 17 Dec. 2015. <http://www.pbs.org/wnet/supremecourt/future/landmark_bush.html>.

Decision

On December 12, 2000, the Florida Supreme Court issued an opinion that the Florida Supreme Court violated the constitutional rights of voters by ordering a manual recount because there were no statewide standards established as to when a vote would be counted in order to determine the "intent of the voter." At the same time, the majority of the United States Supreme Court (5-4) stated it was "too late": that there was insufficient time for Florida to now establish statewide standards for a new recount before the deadline of December 12th, the date established for the selection of the State's electors.

Additional Resources for Teaching Bush v. Gore

"Bush v. Gore." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 16, 2015.

[https://www.oyez.org/cases/2000/00-949*](https://www.oyez.org/cases/2000/00-949)

*Provides audio of the oral argument

Case File: District of Columbia v. Heller

Facts of the Case

The District of Columbia passed the Firearms Control Regulations Act of 1975. This law made it a crime to carry an unlicensed handgun, and limited the distribution of licensed handguns mainly to police and security officers. It also required that all legal firearms must be kept unloaded and disassembled or trigger locked.

In 2003, a group of private gun-owners, including Mr. Richard Heller, brought suit claiming that certain parts of the Firearms Control Regulation Act violated the Second Amendment of the United States Constitution.

The federal trial court in Washington D.C. held that the Second Amendment applies only to militias, such as the National Guard, and not to private gun ownership based on precedent from a 1939 U.S. Supreme Court Case called U.S. v. Miller. The U.S. Court of Appeals for the District of Columbia Circuit disagreed, voting two to one that the Second Amendment does in fact protect private gun owners.

Question before the Court

Does the D.C. Code violate the Second Amendment rights of individuals not affiliated with service in a militia who wish to keep handguns and other firearms for private use in their homes?

Decision

Yes. In a 5-4 decision, the Court held that the Second Amendment protects an individual 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 holding on the text of the Second Amendment, as well as applicable language in state constitutions adopted soon after the Second Amendment.

"District of Columbia v. Heller." *Oyez*. Chicago-Kent College of Law at Illinois Tech, n.d. Dec 29, 2015. https://www.oyez.org/cases/2007/07-290*

*Provides audio of the oral argument

Additional Resources for Teaching District of Columbia v. Heller

http://www.justiceteaching.org/resource_material/HellerMaterials.pdf