

Quoting the Case

Matching the Quote from the Majority Opinion to the Landmark Case

Benchmark: 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. D.C. v. Heller in content focus.

Clarifications/Objectives:

- Students will read quotes from landmark Supreme Court cases.
- Students will identify key phrases from landmark Supreme Court cases.
- Students will evaluate and interpret quotes from landmark Supreme Court cases.

Time: One class period

Materials:

- PowerPoint
- Projector
- Speakers
- Handout A: Quoting the Case
- Teacher's Guide

Lesson Preparation

- Review/copy all handouts and PowerPoints

Lesson Overview

Distribute Handout A Working in small groups, students should read and evaluate the quotes provided. Students will then interpret the meaning of the quote in the middle column. In the far right column, students should identify the name of the landmark Supreme Court case being quoted.

*There is an accompanying PowerPoint for this activity that can be used in conjunction with the handout or separately as a quiz show.

Debrief the activity Using the Teacher's Guide and/or PowerPoint presentation, debrief the activity by having groups identify the landmark case being addressed in the quote and provide an explanation of the meaning of the quote.

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Instructions: Read each quote from the majority opinion in landmark U.S. Supreme Court cases. In a small group, write the meaning of the quote and identify the landmark case being quoted.

Quote from the Case	Meaning of the Quote	Landmark Case
<p>“From the very beginning, our state and national constitutions and laws have laid great emphasis on...safeguards designed to assure fair trials...in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.”</p> <p>- Justice Hugo Black, 372 US 335 (1963)</p>		
<p>“There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms. Of course the right was not unlimited, just as the First Amendment’s right of free speech was not[.]”</p> <p>- Justice Antonin Scalia, 554 US 570 (2008)</p>		
<p>“A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.”</p> <p>- Justice Byron White, 484 US 260 (1988)</p>		
<p>“There can be no doubt that the Fifth Amendment... serves to protect persons in all settings in which their freedom of action is curtailed (<i>restricted, reduced, lessened</i>) in any significant way from being compelled to incriminate themselves.”</p> <p>- Justice Earl Warren, 384 US 436 (1966)</p>		
<p>"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each."</p> <p>- Chief Justice John Marshall, 5 US 137 (1803)</p>		

<p>“Unless appropriate due process of law is followed, even the juvenile who has violated the law may not feel that he is being fairly treated...” - Justice Abe Fortas, 387 US 1 (1967)</p>		
<p>“Neither the doctrine of separation of powers nor the generalized need for confidentiality of high-level communications...can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances. ...This...must be considered in light of our historic commitment to the rule of law.” - Justice Warren Burger, 418 US 683 (1974)</p>		
<p>“We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” - Justice Earl Warren, 347 US 483 (1954)</p>		
<p>“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” - Justice Abe Fortas, 393 US 503 (1969)</p>		
<p>“None are more conscious of the vital limits on judicial authority than are the members of this Court, and none stand more in admiration of the Constitution’s design to leave the selection of the President to the people, through their legislatures...” - Per Curiam Opinion, 531 US 98 (2000)</p>		
<p>“The statute of Louisiana requiring railway companies carrying passengers in their coaches in that State, to provide equal, but separate, accommodations for the...races, by providing two or more passenger coaches for each passenger train...and providing that no person shall be permitted to occupy seats in coaches other than the ones assigned to them...” - Justice Henry Billings Brown, 163 US 537 (1896)</p>		

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Quote from the Case	Meaning of the Quote <i>Answers will vary. General idea provided below.</i>	Landmark Case
<p>"From the very beginning, our state and national constitutions and laws have laid great emphasis on...safeguards designed to assure fair trials...in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him." - Justice Hugo Black, 372 US 335 (1963)</p>	<p>The state and national constitutions placed an emphasis on fair trials and equality before the law. These ideas mean little if someone charged with a crime does not have an attorney to assist at trial.</p>	<p>Gideon v. Wainwright</p>
<p>"There seems to us no doubt, on the basis of both text and history, that the Second Amendment conferred an individual right to keep and bear arms. Of course the right was not unlimited, just as the First Amendment's right of free speech was not[.]" - Justice Antonin Scalia, 554 US 570 (2008)</p>	<p>The Second Amendment grants the individual right to keep and bear arms. There are limits placed on this right, just as there are limits on the freedom of speech (and other rights as well).</p>	<p>D.C. v. Heller</p>
<p>"A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school." - Justice Byron White, 484 US 260 (1988)</p>	<p>Schools do not need to support speech that is in conflict with the educational mission of the school, even if the speech would be permissible outside of the school environment.</p>	<p>Hazelwood v. Kuhlmeier</p>
<p>"There can be no doubt that the Fifth Amendment... serves to protect persons in all settings in which their freedom of action is curtailed (<i>restricted, reduced, lessened</i>) in any significant way from being compelled to incriminate themselves." - Justice Earl Warren, 384 US 436 (1966)</p>	<p>The Fifth Amendment serves to protect people from incriminating themselves in all settings/situations where they are not free to leave.</p>	<p>Miranda v. Arizona</p>
<p>"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each." - Chief Justice John Marshall, 5 US 137 (1803)</p>	<p>The role of the judicial branch is to interpret and apply the law. When laws are in conflict, it is to the courts to interpret those laws.</p>	<p>Marbury v. Madison</p>

<p>“Unless appropriate due process of law is followed, even the juvenile who has violated the law may not feel that he is being fairly treated...”</p> <p>- Justice Abe Fortas, 387 US 1 (1967)</p>	<p>Juveniles have the right to due process of the law in order to ensure fair treatment.</p>	<p>In re Gault</p>
<p>“Neither the doctrine of separation of powers nor the generalized need for confidentiality of high-level communications...can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances...This...must be considered in light of our historic commitment to the rule of law.”</p> <p>- Justice Warren Burger, 418 US 683 (1974)</p>	<p>The separation of power and confidentiality of communication do not mean that a president does not have to follow the law. All are equal under the law and all must follow the law (definition of the rule of law).</p>	<p>U.S. v. Nixon</p>
<p>“We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”</p> <p>- Justice Earl Warren, 347 US 483 (1954)</p>	<p>In public schools, separate facilities are unequal.</p> <p>This decision overturned the precedent of “separate but equal” established in Plessy v. Ferguson.</p>	<p>Brown v. Board of Education</p>
<p>“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”</p> <p>- Justice Abe Fortas, 393 US 503 (1969)</p>	<p>Students and teachers have a right to free speech in a school setting.</p> <p>Note: Rights still have limits, as demonstrated in the decision in Hazelwood.</p>	<p>Tinker v. Des Moines</p>
<p>“None are more conscious of the vital limits on judicial authority than are the members of this Court, and none stand more in admiration of the Constitution’s design to leave the selection of the President to the people, through their legislatures...”</p> <p>- Per Curiam Opinion, 531 US 98 (2000)</p>	<p>The Constitution is designed to give and limit the powers of the branches of government. The Constitution is designed to leave the selection of the president to the people through their legislatures.</p>	<p>Bush v. Gore</p>
<p>“The statute of Louisiana requiring railway companies carrying passengers in their coaches in that State, to provide equal, but separate, accommodations for the...races, by providing two or more passenger coaches for each passenger train...and providing that no person shall be permitted to occupy seats in coaches other than the ones assigned to them...”</p> <p>- Justice Henry Billings Brown, 163 US 537 (1896)</p>	<p>The law in Louisiana required separate, but equal train cars/coaches for people of different races.</p> <p>The precedent of separate but equal would be overturned in the Brown v. Board decision.</p>	<p>Plessy v. Ferguson</p>