C.3.12

<table>
<thead>
<tr>
<th>Case</th>
<th>Significant Details</th>
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<tr>
<td><em>Marbury v. Madison (1803)</em></td>
<td>In his last days of office, President John Adams appointed several federal judges and justices of the peace including John Marshall, Chief Justice of the U.S. Supreme Court and William Marbury as Justice of the Peace for Washington D.C. Not all of the <em>appointments</em> were finalized before the end of the Adams presidency. President Thomas Jefferson informed his Secretary of State, James Madison, not to deliver the remaining appointments because they were no longer valid. Marbury (an Adams appointee) referred to an act of Congress that he believed would require that Madison make certain that Marbury would get to hold his government position. This case went to the Supreme Court to determine how these presidential actions should be handled.</td>
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“It is ... the duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity, ... interpret the rule. If two laws conflict with each other, the Court must decide on the operation of each.”
The judicial opinion in this case strengthened the system of checks and balances. The outcome of this case established the power of judicial review for the Supreme Court. Judicial review is the power that the Court has to find something as “unconstitutional”.

Case - Marbury v. Madison (1803)
Under Louisiana law, whites and blacks were required to ride in separate railway cars. Although Homer Plessy was seven-eighths (7/8) white and one-eighth (1/8) African-American, he was required to ride in the “colored” car. Plessy was arrested for refusing to leave the “whites-only” railway car. He took his case to state court because he believed that this segregation (separation based on the law) violated the 14th Amendment equal protection clause, which says that states must apply the law equally and cannot discriminate against citizens or groups of citizens. The Louisiana judge, John Ferguson, ruled that Louisiana can enact segregations laws within the state. As a result, Plessy appealed this case to the United States Supreme Court.
"Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."
The judicial opinion in this case established that **separate but equal** did not violate the 14th Amendment **equal protection clause** as long as the separate African-American facilities were “equal” in quality to those of whites.
African-American students were not allowed to attend the same public schools as white students because state laws permitted racial segregation (separation based on the law). Several parents of African-American children, including Oliver Brown, sued the Topeka, Kansas School Board claiming racial segregation (separation of people based on race) is unequal and violates the equal protection clause of the 14th Amendment which says that states must apply the law equally and cannot discriminate against citizens or groups of citizens. The lower courts ruled in favor of the school system; Brown appealed this case to the United States Supreme Court.
“We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”
This judicial opinion on this case strengthened the meaning of the equal protection clause of the 14th Amendment and struck down the use of the “separate but equal” approaches in public education established in Plessy v. Ferguson. The Court upheld that segregation (separation of people based on race) in public schools is unconstitutional.
| **Gideon v. Wainwright (1963)** | Clarence Gideon was arrested and charged in a Florida court for breaking and entering. He was unable to afford a lawyer and the court refused to appoint a lawyer to him. Gideon was forced to defend himself in court and the jury found him guilty. In his appeal to the Supreme Court, Gideon claimed the lower court violated his rights under the 6th Amendment, which protects the rights of the accused and the equal protection clause of the 14th Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens. |
“Lawyers in criminal courts are necessities, not luxuries.”
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<thead>
<tr>
<th>Case</th>
<th>Constitutional Rights/Principles</th>
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<tr>
<td>Gideon v. Wainwright (1963)</td>
<td>This case dealt with <strong>rights of the accused</strong> which is protected by the 4th, 5th and 6th Amendments:</td>
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<td>4th Amendment – no unreasonable searches and seizures</td>
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<td>5th Amendment – protection from double jeopardy, the right to due process, protection from self-incrimination</td>
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<td>6th Amendment – the right to an attorney, the right to a speedy and public trial, the right to be informed of criminal charges, the right to be confronted by witnesses accusing the person of committing a crime</td>
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This **judicial opinion** on this case further clarified and strengthened the **rights of the accused** (which are the rights protected in the 4th, 5th, and 6th Amendments). This case focused on the 6th Amendment provision of the right to counsel (attorney) in criminal cases.
The state of Arizona arrested Ernesto Miranda for kidnapping and the state court found him guilty. He was questioned about the charges when he was arrested without being advised of his right to speak with an attorney or any of his other legal rights. Miranda appealed his conviction of these charges to the Supreme Court claiming the police violated his rights under the portion of the 5th Amendment that protects the rights of the accused against self-incrimination.
“The prosecution may not use statements, ... from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination.”
This judicial opinion on this case further strengthened the rights of the accused (which are the rights protected in the 4th, 5th, and 6th Amendments). This case focused on the 5th Amendment provision of due process and protection from self-incrimination. As a result of this ruling, law enforcement is now required to read people their “Miranda Rights” when they are being arrested for a crime. The “Miranda Rights” let suspects know that they have the right to remain silent and have the right to an attorney (the right to an attorney was established in Gideon v. Wainwright).
At age 15, Gerald Gault was arrested for making an indecent phone call. Gault was denied the right of due process (established legal procedures) because he was a juvenile (someone under the age of 18). Gault was tried in juvenile court and sentenced to six years to the State Industrial School. Gault appealed this case to the United States Supreme Court.
"Appellants urge that the Arizona statute is unconstitutional under the Due Process Clause because, as construed by its Supreme Court, ‘there is no right of appeal from a juvenile court order.’"
This judicial opinion on this case confirmed that the proceedings of Mr. Gault’s case in Juvenile Court were unconstitutional. The Court decided that criminal cases for juveniles must obey the equal protection clause of the 14th Amendment. Minors have the same rights as adults.

14th Amendment (Equal Protection Clause) says that states must apply the law equally and cannot discriminate against citizens or groups of citizens.
Case—Tinker v. Des Moines (1968)

John Tinker, his sister Mary Beth Tinker, and other students decided to wear black armbands to school in protest of the Vietnam War. The school adopted a policy prohibiting armbands. When the students arrived to school, they refused to remove their armbands and were suspended. The Tinkers claimed the school officials violated their 1st Amendment right to freedom of speech.
“In wearing armbands, the petitioners were quiet and passive. They were not disruptive, and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth.”
This case dealt with the 1st Amendment as applied in schools and to students. 1st Amendment – freedom of speech, freedom of expression (symbolic speech)

This judicial opinion in this case focused on the 1st Amendment rights of students. It was assumed, before this case, that students lost all of the rights “at the school house gate”. This case did away with that belief, instead making sure that students do have some of their rights, including freedom of expression (including “symbolic speech”) and freedom of speech, as long as it does not disrupt the educational mission of the school.
In 1972, the offices of the Democratic National Committee in Washington D.C. were broken into. During the criminal investigation, a federal judge ordered President Nixon to turn over audio tapes of conversations recorded by Nixon about the break-in. Nixon refused to produce the tapes for the court by claiming that **executive privilege** (the belief that conversations between the President and his aides are protected from being revealed to anyone) allowed him to withhold the conversation tapes from the other government branches and protect the secrecy of the conversations. The United States government prosecuted (carry a legal action against a person to prove guilt or innocence) President Nixon and requested that the case and evidence against President Nixon be heard by the U.S. Supreme Court.
“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 of immunity from judicial process under all circumstances.”
The judicial opinion in this case confirmed the concept of legal equality, which is that everyone is equal in the eyes of the law. Even though this case involved a U.S. President, it did not prevent him from being held responsible for his wrongdoings, or mistakes, including refusing to follow the rule of law.
Students of Hazelwood East High School wrote and edited the school-sponsored newspaper. The school principal removed two articles from the issue and claimed they were inappropriate. Cathy Kuhlmeier and two other students brought the case to court because they believed the principal violated their 1st Amendment rights of freedom of the press.
“First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. 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.”

The judicial opinion in this case focused on the 1\textsuperscript{st} Amendment rights of students, specifically freedom of the press. The Court determined that a school could prevent the publication of articles in the school newspaper or limit the speech of their students if it disrupted the educational mission of the school.
During the 2000 presidential election, Al Gore and George W. Bush were close in their number of Electoral College votes and the Florida Supreme Court required that the votes in question be recounted by hand. These votes determined which candidate won Florida’s Electoral College votes and would ultimately win the presidential election. Bush requested to stop the recount and claimed it violated the equal protection clause of the 14th Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens. In this case, the inequality was linked to the fact that only certain ballots were to be recounted (those that did not give a clear idea of the voter’s choice) and not all votes.
“Because it is evident that any recount ... would be unconstitutional under the Equal Protection Clause, the Florida Supreme Court’s judgment ordering manual recounts is reversed. The Clause’s requirements apply to the manner in which the voting franchise is exercised. Having once granted the right to vote on equal terms, Florida may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.”

The judicial opinion on this case set a precedent related to U.S. Supreme Court dealings with state elections. Considering that elections are handled by each state, and that there was no uniform way to count the presidential votes, the Supreme Court believed that the Florida Supreme Court, in deciding that only certain votes would be recounted (those that did not indicate a preferred candidate), acted in an unconstitutional manner.
After the District of Columbia passed a law requiring the registration of handguns, requiring licenses for all pistols, and requiring that all legal firearms be kept unloaded and disassembled or trigger locked, a group of private gun-owners (including Mr. Heller) brought a suit claiming the laws violated their Second Amendment right to bear arms. The federal court that heard the case first said the Second Amendment only protected ownership of firearms for those associated with a militia, like the National Guard. Heller appealed this decision to the Supreme Court.
“The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.”

The judicial opinion on this case focused on the meaning of the 2nd Amendment right to bear arms. The Supreme Court’s interpretation of the 2nd Amendment is that individuals, not just militias, have the right to own or carry a weapon.
**Bush v. Gore** - U.S. Supreme Court case that determined that states cannot violate the Equal Protection Clause under the Fourteenth Amendment when conducting election recounts.

**Civil liberties** - rights guaranteed by the laws of a country, (i.e., the Bill of Rights)

**District of Columbia v. Heller** - U.S. Supreme Court case that upheld that the Second Amendment protects an individual’s right to own a firearm.

**Equal protection clause** - the section of the Fourteenth Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens.

**Executive privilege** - the belief that the conversations between the president and his aides are confidential.

**Gideon v. Wainwright** - U.S. Supreme Court case that upheld the Sixth Amendment right that all defendants must be appointed a lawyer if they cannot afford their own attorney.

**Hazelwood v. Kuhlmeier** - U.S. Supreme Court case that determined that the First Amendment does not protect all types of student speech in school.

**Judicial opinion** - judgment by a court.

**Miranda v. Arizona** - U.S. Supreme Court cases that upheld the Fifth Amendment protection from self-incrimination.

**Precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court.

**Rights of the accused** - the rights included in the Fourth, Fifth and Sixth Amendments: protection from unreasonable search and seizure, double jeopardy, and self-incrimination, the right to due process, right to a speedy and public trial, trial by jury, the right to be informed of criminal charges, right to be confronted by adverse witnesses, right to an attorney, protection from self-incrimination.

**Self incrimination** - 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.

**Tinker v. Des Moines** - U.S. Supreme Court case that upheld a student’s First Amendment right to engage in symbolic speech in school.

**United States v. Nixon** - U.S. Supreme Court case that limited executive privilege.
Brown v. Board of Education - U.S. Supreme Court case that determined that “separate but equal” segregation was not equal in public education

civil rights - the rights belonging to citizens; traditionally refers to the basic rights to be free from unequal treatment based on certain protected characteristics (i.e. race, gender, disability)

discriminate – unfair treatment

equal protection clause - the section of the Fourteenth Amendment that says that states must apply the law equally and cannot discriminate against citizens or groups of citizens

In re Gault - U.S. Supreme Court case that determined that juvenile court must comply with the Fourteenth Amendment

judicial opinion - judgment by a court

landmark - an important or unique decision, event, fact, or discovery

Marbury v. Madison - U.S. Supreme Court case that established judicial review (the power of the U.S. courts to examine the laws or actions of the legislative and executive branches of the government and to determine whether such actions are consistent with the U.S. Constitution)

Plessy v. Ferguson - U.S. Supreme Court case that determined that “separate but equal” segregation was not discrimination

presidential appointment - the power of the U.S. President to choose members of his or her cabinet, ambassadors to other nations, and other officials in his or her administration

rights of the accused - the rights included in the Fourth, Fifth and Sixth Amendments: protection from unreasonable search and seizure, double jeopardy, and self-incrimination, the right to due process, right to a speedy and public trial, trial by jury, the right to be informed of criminal charges, right to be confronted by adverse witnesses, right to an attorney, protection from self-incrimination