

Supreme Court Cases

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Supreme Court Case Study 2



Power of the Federal Government v. Power of the State Government

McCulloch v. Maryland, 1819

***** Background of the Case *****

The Supreme Court first settled a dispute between a national and a state law in 1819. The Second Bank of the United States had been chartered by Congress in 1816. Large sections of the country, especially the West and South, bitterly opposed the Bank. The Bank’s tight credit policies contributed to an economic depression, and many states reacted against what they saw as a “ruthless money trust” and “the monster monopoly.” Two states even prohibited the bank from operating within their jurisdictions. Six other states taxed Bank operations. In 1818 the Maryland legislature placed a substantial tax on the operations of the Baltimore branch of the Bank of the United States. The cashier of the Baltimore branch, James McCulloch, issued bank notes without paying the tax. After Maryland state courts ruled against McCulloch for having broken the state law, he appealed to the United States Supreme Court.

Constitutional Issues *****

One of the issues that concerned the Founders at the Constitutional Convention was how to divide power between the federal government and state governments. Reconciling national and local interests proved difficult. In the *McCulloch* case, the Supreme Court ruled in favor of federal power.

The constitutional questions in the *McCulloch v. Maryland* case concern both the powers of Congress and the relationship between federal and state authorities.

***** The Supreme Court’s Decision *****

Chief Justice John Marshall wrote the decision for a unanimous Court. He started with the question, “Has Congress the power to incorporate a bank?”

In first determining the extent of congressional power, Marshall held that the Constitution is a creation not of the states, but of the people, acting through statewide constitutional conventions. Therefore, the states are bound in obligation to the Constitution, which is “the supreme law of the land.” Marshall summed up the decision based on the Supremacy Clause, saying, “If any one proposition could command the universal assent of mankind we might expect it to be this—that the government of the Union, though limited in its powers, is supreme within its sphere of action The states have no power to retard, impede, burden, or in any manner control, the operation of the constitutional laws enacted by Congress.”

Although the specific powers of Congress do not include the power to charter a corporation, the section enumerating these powers includes a statement giving Congress the authority to make the laws “necessary and proper” for executing its specific tasks. In Marshall’s analysis, the terms “necessary and proper” grant Congress implied powers to carry out granted, or enumerated, powers. “Let the end be legitimate, let it be within the scope of the Constitution,

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Supreme Court Case Study 2 (continued)

and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional,” the Chief Justice wrote. The choice of means is for Congress to decide. In the *McCulloch* case, the Court held that Congress had the power to incorporate a bank.

On the question of the validity of Maryland’s bank tax, Marshall again noted the Constitution’s supremacy, but he also recognized a state’s constitutional right to impose taxes. Echoing his earlier argument, Marshall observed that a government may properly tax its subjects or their property. The federal government and its agencies, however, are not subjects of any state. A tax on a national institution by one state would be an indirect tax on citizens of other states, who would not benefit from such a tax.

Furthermore, the power to tax, if misused, is also the power to harm an institution. The power of Congress to establish an institution must imply the right to take all steps necessary for its preservation. In a conflict between the federal power to create and preserve a corporation and a state’s power to levy a tax, the state must yield. Therefore, the Court denied Maryland’s power to tax the Second Bank of the United States. In this way Marshall ensured the power of Congress to enact legislation “under a Constitution intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs.”

In conclusion, Marshall wrote, “. . . this is a tax on the operations of the bank, and is, consequently, a tax on the operation of an instrument employed by the government of the Union to carry its powers into execution. Such a tax must be unconstitutional”

The Court’s decision in the *McCulloch* case brought a storm of abuse raining down on the Court. Virginia passed a resolution urging that the Supreme Court be divested of its power to pass on cases in which states were parties. Ohio, which like Maryland had a tax on the United States Bank, simply continued to collect the tax. The decision was particularly offensive to believers in the strict, literal interpretation of the Constitution because it sustained the doctrine of implied powers. Nevertheless, the *McCulloch* decision, in upholding the principle of implied powers, enlarged the power of the federal government considerably and laid the constitutional foundations for the New Deal in the 1930s and the welfare state of the 1960s.



Questions

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. What constitutional principle did the Supreme Court establish in the *McCulloch* case?
2. What is the objective of the “necessary and proper” clause?
3. What was the basis for the Court’s ruling that Maryland could not tax the Second Bank of the United States?
4. How did the fact that Justice Marshall was a Federalist influence his ruling in the *McCulloch* case?
5. How did the *McCulloch* ruling contribute to the strength of the national government?

Supreme Court Case Study 4



Regulation of Interstate Commerce

Gibbons v. Ogden, 1824

***** Background of the Case *****

In 1798 the New York legislature gave Robert Fulton a monopoly for steamboat navigation in New York. In 1811 Fulton’s partner, Robert Livingston, assigned to Aaron Ogden an exclusive license to run a ferry service on the Hudson River between New York and New Jersey—a very profitable business. Seeking to take advantage of this flourishing trade, a competitor, Thomas Gibbons, secured a license from the federal government to operate a ferry between Elizabethtown, New Jersey, and New York City.

Claiming that his monopoly rights were being infringed, Ogden obtained an injunction in a New York state court forbidding Gibbons’s boat from docking in New York. (An injunction is an order by a court prohibiting a person or a group from carrying out a specific action.) Gibbons appealed the state court’s decision to the United States Supreme Court.

Constitutional Issues *****

The Constitution did not make clear what was meant by interstate commerce or the extent to which it could be regulated. At the time of this case in 1824, New York had closed its ports to vessels not owned or licensed by a monopoly chartered by the state. In retaliation, other states passed similar laws that limited access to their ports. The United States attorney maintained that the country faced a commercial “civil war.” In the absence of a clear statement of what is meant by interstate commerce, how did the federal government have the power to intervene?

The *Gibbons v. Ogden* case presented the Supreme Court with the first opportunity to consider the ramifications of the commerce clause contained in Article I, Section 8 of the Constitution. This clause gave Congress the power “to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.” Several constitutional questions were involved in the case, revolving around an interpretation of the commerce clause.

The first question was whether navigation should be considered to be a part of commerce. Then, if navigation should be so considered, to what extent might Congress regulate it? Another question was whether Congress had an exclusive right to regulate interstate commerce or if this was a “concurrent” power to be shared with the states.

***** The Supreme Court’s Decision *****

The Court held in favor of Gibbons. Chief Justice John Marshall wrote that commerce “describes the commercial intercourse between nations, and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations which shall exclude navigation”

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Supreme Court Case Study 4 (continued)

Marshall applied the same reasoning to commerce between states. In fact, he noted, the United States government had always regulated navigation. “All America understands,” he wrote, “and has uniformly understood the word ‘commerce’ to comprehend navigation” Thus the Court held that “a power to regulate navigation is expressly granted as if that term had been added to the word ‘commerce.’”

Marshall now turned to the meaning of “among,” as in “among the several states.” He reasoned that since “among” means “intermingled with,” “commerce among the states cannot stop at the external boundary line of each state but may be introduced into the interior.” Congress had no power over commerce which was confined to one state alone, but that power was in full force as soon as a state’s boundary line had been crossed. And the power to regulate must necessarily follow any commerce in question right across those boundaries.”

Marshall concluded that, like other congressional powers, the power to regulate commerce is unlimited so long as it is applied to objects specified in the Constitution.

The case also raised the question as to whether Congress’s power to regulate is exclusive. If it is, then a state would be prevented from making its own commerce regulations. Marshall chose not to resolve this question. Instead, he wrote that in the *Gibbons* case there was a conflict between the state’s law and a federal statute. “In every such case, the act of Congress . . . is supreme; and the law of the state. . . must yield to it.” *Gibbons*’s right to operate ferry service in competition with *Ogden* was therefore upheld.

By broadening the meaning of interstate commerce, Marshall laid the groundwork for including not only such clearly interstate activities as railroads and pipelines, but also the minimum wage regulation and prohibition of child labor. Robert Jackson, a Supreme Court justice who served in the mid-1900s, was thus correct when he declared, “Chief Justice Marshall described the federal commerce power with a breadth never exceeded.”



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. If you operated a trucking service between San Francisco, California, and Portland, Oregon, could you be subject to regulation by either or both of the states and the federal government? Explain.
2. Why was it necessary for Marshall to take the trouble to explain why navigation should be considered as part of commerce?
3. Explain in what way Justice Jackson’s characterization of Marshall’s *Gibbons* opinion was correct.
4. In what way is Marshall’s ruling in the *Gibbons* case consistent with his other decisions, such as *McCulloch v. Maryland*, that related to federal versus state powers?
5. Do you agree with Marshall’s ruling that *Gibbons* had a right to compete with *Ogden*’s ferry line? Give reasons for your answer.

Supreme Court Case Study 6



The Right to Freedom of Enslaved Persons

Dred Scott v. Sandford, 1857

***** Background of the Case *****

John Emerson, a United States Army surgeon, took enslaved African Dred Scott to live at military posts in Illinois, a free state in 1834, and then to posts in the territory of Upper Louisiana (now Minnesota), where slavery had been forbidden by the Missouri Compromise of 1820. In 1838 Emerson and Scott returned to Missouri.

In 1846 Scott won a suit for his freedom against Emerson’s widow in a Missouri court. Scott claimed that by having lived in free territory, he had earned his freedom. This ruling was overturned, however, by Missouri’s Supreme Court. Aided by various antislavery interests, Scott then started a new suit in a federal district court against Mrs. Emerson’s brother, John Sandford of New York, who had been acting as his sister’s agent. Since the case was a dispute between people who live in two different states, it could be heard in a federal court. When the federal court ruled that Scott was still a slave, he appealed to the United States Supreme Court.

Constitutional Issues *****

The Constitution left questions such as the legal rights of slaves for later lawmakers to solve. In 1850 Congress passed the Fugitive Slave Law, which stated that a slave was property and which required escaped slaves to be returned to their holders. Opponents of the law unsuccessfully challenged its legality before the Supreme Court.

The first major issue was whether Dred Scott—an African American—qualified as a citizen of the United States and was, therefore, entitled to sue in a federal court. The second issue concerned whether Scott had gained his freedom by moving to a free territory or state. The third issue focused on the Missouri Compromise of 1820, which banned slavery north of the southern boundary of Missouri (except for Missouri itself). Scott had lived in the non-slavery region. Did Congress have the power to prohibit slavery in the territories and to make the prohibition a condition of admission to the Union?

***** The Supreme Court’s Decision *****

The Court’s decision was written by Chief Justice Roger B. Taney, although each justice wrote his own opinion, with only one justice concurring with Taney in every respect. Two justices dissented.

Taney’s first ruling was that former Africans, “whether emancipated or not,” did not qualify as United States citizens. Taney held that only those who were state citizens when the Union was formed became federal citizens. Even though a state may emancipate a slave, give him the right to vote, and admit him to state citizenship, Taney said, none of these actions gave a slave automatic federal citizenship. The right to grant federal citizenship belonged exclusively to Congress. Taney concluded that Scott was not, and never had become, a citizen of the United States, and was not, therefore, entitled to sue in a federal court.

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Supreme Court Case Study 6 (continued)

Taney next examined the question of whether Scott had gained his freedom when he entered the Upper Louisiana Territory. The Chief Justice attacked the Missouri Compromise as an unconstitutional exercise of congressional authority. Congress cannot forbid a state or a territory from making slavery legal. Taney explained that as long as slavery is authorized by the Constitution, Congress cannot alter the right of a person to own slaves or any other kind of property. In viewing the Missouri Compromise as unconstitutional, the Court determined that Scott’s status did not change when he entered free territory. The Court held that Scott had been a slave in Illinois and had returned to Missouri as a slave. On his return to Missouri, he became subject to Missouri law alone. Taney ordered the suit dismissed for lack of jurisdiction.

***** Dissenting Opinion *****

Justice Benjamin R. Curtis dissented. Curtis noted that free African Americans were among those who had voted to ratify the Constitution in a number of states. Nothing in the Constitution stripped these free African Americans of their citizenship. Curtis maintained that “under the Constitution of the United States, every free person born on the soil of a State, who is a citizen of that State, who is a citizen of that State by force of its Constitution or laws, is also a citizen of the United States”

The Court’s decision is one example of judicial power being exercised in favor of racial segregation. It is also the first time that a major federal law was ruled unconstitutional.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. What was the relationship between the Missouri Compromise and the Court’s decision in the *Dred Scott* case?
2. What effect do you think the Court’s decision in the *Dred Scott* case had on the efforts of many Americans to end slavery?
3. If you were a plantation owner in the South who held many slaves, how would you have reacted to the *Dred Scott* decision?
4. What did the Court say about enslaved African Americans’ position in the United States?
5. Why is the *Dred Scott* decision regarded as one of the most important cases in the history of the Supreme Court?

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Supreme Court Case Study 8



The Bill of Rights and State Rights

Slaughterhouse Cases, 1873

***** Background of the Case *****

In 1869 the Louisiana government granted the Crescent City Stock Landing and Slaughterhouse Company a monopoly on licensed butchering in New Orleans on the grounds that the action protected public health.

Local butchers, who were excluded from the monopoly, opposed it with legal action in the state courts. Losing there, they appealed to the federal courts and then to the United States Supreme Court. The butchers argued that they had been deprived of their livelihoods by the state’s deliberate discrimination against them. Therefore, the law violated the Thirteenth Amendment’s ban on involuntary servitude, as well as the 1866 Civil Rights Act, which had been passed to enforce that ban. In addition, they argued, the state law violated the Fourteenth Amendment’s guarantees of equal protection under the law and of due process.

The state responded by claiming that no federal constitutional question was involved since both the Thirteenth and Fourteenth Amendments were irrelevant to the case. If, in fact, the Court did apply these amendments to the case, the federal system would be revolutionized by exempting individuals’ claims from state regulation.

Constitutional Issue *****

Before the Civil War, individuals who believed they had been deprived of their rights and liberties had only their state constitution to rely on for protection. According to an 1833 Supreme Court decision, the Bill of Rights of the United States Constitution applied only to the national government. In 1868, however, the Fourteenth Amendment was added to the United States Constitution. Although the amendment was intended to protect formerly enslaved people, who had been given their freedom by the Thirteenth Amendment, the Fourteenth Amendment contained a sentence that could be interpreted as applying to all persons in the United States: “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.”

If the Supreme Court interpreted this sentence as applying to all persons, then the way was open to conveying to the national government the enforcement of rights that earlier had been limited to the states and denied to the national government.

The *Slaughterhouse* cases were the first involving the Fourteenth Amendment to be heard by the Court. The constitutional issues in the *Slaughterhouse* cases concerned the extent to which the Thirteenth and Fourteenth Amendments applied to all Americans, not only to formerly enslaved people.

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Supreme Court Case Study 8 (continued)

★★★★★★★★★★★★★★ The Supreme Court’s Decision ★★★★★★★★★★★★★★

A majority of the Court held that the monopoly on butchering granted by Louisiana did not violate the rights of the other butchers. Justice Samuel F. Miller, writing the Court’s opinion, dismissed the butchers’ claim that the state law violated their rights under the Thirteenth Amendment. The monopoly created by the state law, he held, could not be interpreted as imposing servitude.

Miller now turned to the Fourteenth Amendment. This amendment, he wrote, “declares that persons may be citizens of the United States without regard to their citizenship of a particular state, and it overturns the *Dred Scott* decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt.”

Justice Miller assigned to the states, rather than the federal government, the protection of basic civil liberties. This meant that everyone, not just formerly enslaved people, who had assumed the federal government was their “guardian of democracy,” had to look to the states to protect their rights. The Court agreed that there were certain “federal privileges and immunities,” such as the right to petition for redress of grievances, which states were bound to respect, but otherwise, the Court concluded, a state determined the privileges and immunities of its citizens.

★★★★★★★★★★★★★★ Dissenting Opinion ★★★★★★★★★★★★★★

Four justices dissented from the Court’s decision. Justice Joseph P. Bradley emphasized both the Privileges and Immunities Clause and the Due Process Clause. He insisted that both clauses protected an individual’s right to choose a vocation or business. In denying that right or subordinating it to police powers, the states abridged the privileges and immunities of citizens, thus depriving the affected persons of both liberty and property, violating the Due Process Clause.

Also dissenting, Justice Stephen J. Field argued that the Thirteenth Amendment ban on involuntary servitude had been violated by creating the butchering monopoly. As for the Fourteenth Amendment, it embraced all the fundamental rights belonging to free men. “The amendment,” he wrote, “does not attempt to confer any new privileges or immunities upon citizens or to enumerate or define those already existing. It assumes that there are such privileges and immunities which belong of right to citizens as such, and ordains that they shall not be abridged by state legislation.”



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. How did the Court limit the protections of the Thirteenth and Fourteenth Amendments?
2. What effect did the Court’s ruling in the *Slaughterhouse* cases have on the *Dred Scott* decision?
3. Suppose you had been a butcher in New Orleans. How would the Court’s decision have affected you?
4. Who gained from the Court’s decision, state governments or the federal government? Explain.
5. With whose opinions do you agree, those of the Court or the dissenting justices? Explain.

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Supreme Court Case Study 11



Interstate Commerce

Wabash, St. Louis & Pacific Railway Co v. Illinois, 1886

***** Background of the Case *****

In the nineteenth century, as a network of railroads spread across the United States, community rights and corporate rights collided. Farmers objected to the high prices rail companies charged to transport their grain, and state legislatures stepped in to regulate the rates charged by railways. Railroad companies had grown wealthy by charging whatever price the market would bear, and they resisted new regulations.

Wabash, St. Louis & Pacific Railway Co. v. Illinois originated when the state of Illinois took the Wabash railway company to court for violating state law. Illinois claimed that Wabash had illegally charged one company more than another to carry goods between Illinois and New York. One of the companies shipped its goods a slightly shorter distance than the other but had been charged a higher rate. According to the state, this practice was discriminatory. Because the shipment originated in Illinois, the state argued that the railroad’s rates were subject to Illinois law. Wabash argued that because it was transporting freight through several states, Illinois law did not apply.

After a lower court sided with Illinois in the dispute, Wabash appealed the decision to the Illinois Supreme Court and lost. Wabash then asked the United States Supreme Court to hear the case.

Constitutional Issue *****

The central issue in *Wabash* was whether railroad transport fell under the commerce clause (Article I, Section 8) of the U.S. Constitution. The commerce clause states that only Congress has the power to regulate interstate commerce.

Previous Supreme Court decisions had given states a great deal of freedom to regulate businesses within their borders. One of these cases was *Munn v. Illinois* (1876). *Munn* established the right of states to regulate private industry in order to protect the public from unfair business practices.

Cases such as *Peik v. Chicago & N. W. R. Co.* (1876) and *Chicago, B. & Q. R. Co. v. Iowa* (1876) essentially allowed state regulation of interstate commerce, provided that Congress had not already acted to regulate it. The Court had ruled that as long as a railway was situated within a state, the state could regulate it. This rule applied even if the state inadvertently regulated interstate commerce as well.

***** The Supreme Court’s Decision *****

The court ruled 6 to 3 in favor of the Wabash railway company, with Justice Samuel Miller writing for the majority.

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Supreme Court Case Study 14



Legality of Segregation by Race

Plessy v. Ferguson, 1896

***** Background of the Case *****

In 1890 Louisiana passed a law ordering railroads in the state to “provide equal but separate accommodations for the white and colored races.” Violations of the law carried a fine of \$25 or 20 days in jail. Railway personnel were responsible for assigning seats according to race.

On June 7, 1892, Homer A. Plessy, who was one-eighth African American, decided to test the law’s validity by sitting in the white section of a train going from New Orleans to Covington, Louisiana. When a conductor ordered Plessy to give up his seat, he refused. He was then arrested and imprisoned in a New Orleans jail. He was tried by a New Orleans court and found guilty of having violated the Louisiana law described above. He appealed to the Louisiana Supreme Court, which found the law valid. Plessy then appealed to the United States Supreme Court, claiming his conviction and the Louisiana railroad law were unconstitutional because they violated the Thirteenth and Fourteenth Amendments.

Constitutional Issue *****

In the Reconstruction period after the Civil War, although slavery had been abolished by the Thirteenth Amendment, African Americans lived in a segregated society, especially in the South. The Fourteenth Amendment banned the deprivation of life, liberty, or property without “due process of law.” Yet laws were passed in southern states that required segregated schools, theaters, parks, buses, and railroad trains. The *Plessy* case challenged the constitutionality of these so-called Jim Crow practices.

Homer A. Plessy challenged the constitutionality of segregation laws in Louisiana. He based his appeal on the Thirteenth Amendment, which abolished slavery, and the Fourteenth Amendment, which prohibited the states from denying “the equal protection of the law” to any person.

***** The Supreme Court’s Decision *****

A majority of the Court denied Plessy’s appeal and upheld the practice of segregation as required by the Louisiana law. Justice Henry Brown wrote the majority opinion. First, the ruling brushed aside the relevance to the case of the Thirteenth Amendment. Brown wrote that “a legal distinction between white and colored races . . . has no tendency to destroy the legal equality of the two races.”

The rest of the Court’s opinion, however, dealt with the applicability of the Fourteenth Amendment. Brown concluded that this amendment aimed strictly “to enforce the absolute equality of the two races before the law,” but that it “could not have been intended to abolish distinctions based on color, or to enforce social, as distinguished from political, equality . . .”

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Supreme Court Case Study 32



The Rights of People of Suspect Ethnic Backgrounds

Korematsu v. United States, 1944

***** **Background of the Case** *****

After the bombing of Pearl Harbor in December 1941 by Japanese planes, anti-Japanese sentiment on the West Coast rose to almost hysterical proportions. All people of Japanese ancestry, even citizens of the United States, were suspected of being pro-Japan, or worse—saboteurs and spies for Japan. Yielding to such sentiments, President Franklin D. Roosevelt issued an executive order that authorized the military to evacuate and relocate “all or any persons” in order to provide “protection against espionage and against sabotage to national defense. . . .” The military first set curfews on the West Coast for persons of Japanese ancestry. Later the military removed all persons of Japanese ancestry to war relocation centers. The order affected approximately 112,000 persons of Japanese ancestry, of whom about 70,000 were native-born American citizens. An act of Congress later reinforced the president’s order by providing penalties for violations.

Korematsu, a Japanese American citizen, refused to leave his home in California for a relocation camp. He was convicted in a federal court. His appeal to a United States circuit court failed, and he then brought the case before the United States Supreme Court.

Constitutional Issue *****

Since the president is commander in chief of the armed forces and Congress is given the power to declare war, was the executive order and its Congressional counterpart a constitutional exercise of the war power?

***** **The Supreme Court’s Decision** *****

The Court decided against Korematsu by a vote of 6 to 3. Justice Hugo Black wrote for the Court.

In 1943 the Court had upheld the government’s position in a similar case, *Hirabayashi v. United States*. That case concerned the legality of the West Coast curfew order. In *Hirabayashi*, as well as in *Korematsu*, the Court’s language pointed toward the necessity of giving the military the benefit of the doubt on the grounds of wartime necessity.

In the earlier case, the Court had held that “we cannot reject as unfounded the judgment of the military authorities and of Congress. . . .” Likewise, in the *Korematsu* case, the Court declared, “We are unable to conclude that it was beyond the war power of Congress and the Executive to exclude those of Japanese ancestry from the West Coast area at the time they did.”

Justice Black cited evidence that, following internment, “approximately five thousand citizens of Japanese ancestry refused to swear unqualified allegiance to the United States and to renounce allegiance to the Japanese Emperor, and several thousand evacuees requested repatriation to Japan.” Although the Court admitted awareness of the hardships internment imposed on American citizens, it stated “hardships are part of war. . . . Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier.”

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Supreme Court Case Study 37



Nullifying the Separate but Equal Principle

Brown v. Board of Education of Topeka, Kansas, 1954

***** **Background of the Case** *****

Linda Brown, an African American teenager, applied for admission to an all-white public school in Topeka, Kansas. The board of education of Topeka refused to admit her. In a 1950 case, *Sweatt v. Painter*, the Supreme Court had for the first time questioned the constitutionality of the *Plessy* decision. The Court had held in that case that African Americans must be admitted to the previously segregated University of Texas Law School because no separate but equal facilities existed in Texas. The National Association for the Advancement of Colored People (NAACP) now saw denying admission to Linda Brown and other young African Americans as an opportunity to challenge segregation in the public schools, even though the facilities in other segregated schools for African Americans were equal to those for white students.

Brown represents a collection of four cases, all decided at one time. The cases had one common feature: African American children had been denied admission to segregated, all-white public schools. The cases reached the United States Supreme Court by way of appeals through lower courts, all of which had ruled in accordance with the 1896 *Plessy* decision.

Constitutional Issue *****

The *Brown* case called for an explicit reappraisal of the *Plessy* decision. Did separate but equal public facilities violate the equal protection clause of the Fourteenth Amendment? In the case of *Plessy v. Ferguson*, the Supreme Court had established the separate but equal principle, which allowed the continuation of segregated schools and public facilities. During the 56 years since the *Plessy* decision, however, Americans' views on segregation had changed. To many people, the very idea of segregated schools as well as other segregated public facilities seemed to be out of step with the times. In the years after World War II, the NAACP and other civil rights groups began pressing for nullification of the separate but equal idea. The justices were not immune to the changing social forces in the United States. Still, if in fact they wished to overturn *Plessy* in the *Brown* case, they faced the challenge of finding a constitutional basis for their decision.

***** **The Supreme Court's Decision** *****

The Court ruled unanimously to overrule the separate but equal principle. Chief Justice Earl Warren, who wrote the decision, was keenly aware that in overruling *Plessy*, an act of enormous social and political consequences, it was important for the entire Court to be in agreement. The *Brown* ruling was thus issued by a unanimous Court.

In his decision, Warren explained that since the relation of the Fourteenth Amendment to public schools was difficult to determine, the Court would "look instead to the effect of segregation itself on public education." The chief justice explained, "We must consider public education in the light of its full development and its present place in American life

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Supreme Court Case Study 41



The Legality of Evidence Seized by the Police

Mapp v. Ohio, 1961

***** Background of the Case *****

In May 1957, three police officers arrived at Dollree Mapp’s home after having received a tip that a fugitive had hidden there. Mapp, who had phoned her attorney, refused to admit the police officers. They notified their headquarters, and the officers began their surveillance of the house.

Three hours later four more police officers arrived. They knocked on the door, and when Mapp did not immediately answer, they forced the door and entered. Mapp demanded to see a search warrant. One of the officers held up a piece of paper, claiming it was the warrant. Mapp snatched the paper and stuffed it into her blouse. After a scuffle, the officers recovered the paper and handcuffed Mapp.

While this was transpiring, Mapp’s attorney arrived, but the police refused to let him enter the house or have access to his client. The police then began to search the house. They did not find a fugitive in the house; however, in the course of their search which covered the entire residence, they turned up some material they deemed obscene. Mapp was charged and eventually convicted of having lewd and lascivious books and pictures in her possession, a violation of an Ohio statute.

At her trial, the state produced no search warrant, but the failure to produce one went unexplained. Mapp was convicted of having violated the Ohio law. On appeal, the Ohio Supreme Court upheld the conviction even though the evidence against her had been illegally seized. Mapp appealed her case to the United States Supreme Court.

Constitutional Issue *****

Suppose the police arrive at your house in response to a call reporting an intruder. While looking for the reported intruder, the police undertake, without a warrant, a search of dresser drawers in various bedrooms where they find a supply of illegal drugs. Can this evidence be introduced at your trial on charges of drug possession? This question involves what has been called the “exclusionary rule”—that is, a rule that evidence seized in violation of a person’s constitutional rights may not be used against that person in a trial.

In *Wolf v. Colorado* (1949), a case similar to the *Mapp* case, the Supreme Court had recognized that the Fourth Amendment embodies the right of an individual to privacy but declined to forbid illegally seized evidence from being used at trial. Since the 1914 decision in *Weeks v. United States*, illegally seized evidence could not be used in federal courts. The issue in the *Mapp* case was whether or not the exclusionary rule of *Weeks*, applied to the states through the Fourteenth Amendment, also prohibited illegally seized evidence in state courts.

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Supreme Court Case Study 41 (continued)

***** The Supreme Court’s Decision *****

The Court voted 6 to 3 to reverse the Ohio Supreme Court’s decision. Justice Tom C. Clark wrote for the majority:

“In extending the substantive protection of due process to all constitutionally unreasonable searches—state or federal—it was logically and constitutionally necessary that the exclusion doctrine—an essential part of the right to privacy—be also insisted upon. . . . In other words, privacy without the exclusionary rule would be a hollow right. . . .” The Court held that this right could not continue to tolerate the admission of unlawfully seized evidence.

The *Mapp* decision was seen by the Court as the end of a double standard by which “a federal prosecutor may make no use of evidence illegally seized, but a State’s attorney across the street may. . . .” Justice Clark wrote that this decision also ended an unfortunate situation in which “the State, by admitting evidence unlawfully seized, serves to encourage disobedience to the Federal Constitution which it is bound to uphold.”

Clark was aware that the Court’s ruling would sometimes result in criminals going free because of an error on the part of the police. To this possibility he responded, “The criminal goes free, if he must, but it is the law that sets him free. Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence.”

***** Dissenting Opinions *****

Justice John Marshall Harlan dissented. He doubted the federal exclusionary rule was constitutional and suggested that, under federalism, court remedies for illegally seized evidence should be left to the states.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. According to the Court’s decision, why may illegally seized evidence not be used in a trial?
2. Why, according to Justice Clark, is it better for a criminal to go free than to convict the criminal with illegally seized evidence?
3. What was the illegally seized evidence in the *Mapp* case?
4. What was the “double standard” referred to in the Court’s decision?
5. Do you agree with the Court’s decision in the *Mapp* case? Give reasons for your answer.

Supreme Court Case Study 43



Constitutionality of Prayer in Public Schools

Engel v. Vitale, 1962

***** **Background of the Case** *****

In the early years of the country, prayers in schools had been considered a legitimate, even essential, part of education. Since most of the students were of the same religion, there was no question about the appropriateness of prayer in the schools. However, as the population became more diversified, questions began to be raised as to the legality of this practice. Civil libertarians were prominent in the move to abolish prayer in the schools.

In 1951 the New York State Board of Regents, which supervises the state’s public school system, approved a brief prayer at the start of each day. The prayer read: “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our Country.” School districts were not required to use the prayer, and students were not required to recite it. In 1958 the New Hyde Park school board adopted the prayer and directed that it be recited each day in every class, although students could be excused from reciting it.

Steven Engel, the parent of two children in the New Hyde Park schools, objected to this practice and asked a state court to order the prayer dropped. Engel directed his suit against the head of the school board, William J. Vitale, Jr. The state court and the New York Court of Appeals refused to enjoin—prohibit—recitation of the prayer. Engel then appealed to the United States Supreme Court. The question before the Court was whether the daily prayer, although noncompulsory, violated the First Amendment.

Constitutional Issue *****

The First Amendment, applied to the states through the due process clause of the Fourteenth Amendment, prohibits laws respecting the establishment of religion. Did the daily prayer of New York State schools, although noncompulsory, violate the establishment clause?

***** **The Supreme Court’s Decision** *****

The Court ruled in Engel’s favor 6 to 1. (Two justices did not participate in the decision.) Justice Hugo Black wrote the majority opinion.

No one had contested the fact that the prayer was essentially religious. The school board had argued, however, that it was permissible because it was “nondenominational”—that is, that it did not relate to any particular religious group. Furthermore, Vitale had noted that no student was compelled either to say the prayer or to remain in the classroom while it was being recited.

The Court disagreed, calling the practice “wholly inconsistent with the establishment clause.” It held that a prayer “composed by government officials as part of a governmental program to further religious beliefs . . . breaches the constitutional wall of separation between Church and State.” Neither the nondenominational nature of the prayer nor the fact that it was not compulsory could save it from unconstitutionality under the establishment clause.

(continued)



Supreme Court Case Study 43 (continued)

Black pointed out, “It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America.” He went on, “Under that [First] Amendment’s prohibition . . . government in this country . . . is without power to prescribe any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.”

Black specified several purposes of the establishment clause. Among them, the clause sought (a) to prevent the “union of government and religion [which] tends to destroy government and to degrade religion”; (b) to express the principle “that religion is too personal, too sacred, too holy, to permit its ‘unhallowed perversion’ by a civil magistrate”; and (c) to prevent religious persecutions which have historically arisen from governmentally established religions.

The nation, the Constitution, and the Bill of Rights were all established in order to avoid these sorts of problems, Black concluded. Therefore, “the New York laws officially prescribing the Regents’ prayer are inconsistent both with the purposes of the establishment clause and with the establishment clause itself.”

★★★★★★★★★★★★★★★★★★★★ Dissenting Opinion ★★★★★★★★★★★★★★★★★★

Justice Potter Stewart challenged the Court’s reasoning in the case. He wrote, “The Court does not hold, nor could it, that New York has interfered with the free exercise of anybody’s religion. For the state courts have made it clear that those who object to reciting the prayer may be entirely free of any compulsion to do so, including any ‘embarrassments and pressures.’ . . . But the Court says that in permitting schoolchildren to say this simple prayer, the New York authorities have established ‘an official religion.’ With all respect, I think the Court has misapplied a great constitutional principle. I cannot see how an official religion is established by letting those who want to say a prayer say it.” He went on, “On the contrary, I think that to deny the wish of these schoolchildren to join in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our Nation.”

The Court’s decision provoked widespread controversy. Civil libertarians hailed it as a victory. Conservatives attacked it vigorously. One member of Congress from Alabama asserted, “They put the Negroes in the schools [in the *Brown* case]. Now they have driven God out.”



- DIRECTIONS:** Answer the following questions on a separate sheet of paper.
1. On what basis did the majority of court justices find school prayer unconstitutional?
 2. Do you agree with Justice Black’s opinion or with Justice Stewart’s? Give reasons for your answer.
 3. What was the New Hyde Park school district required to do after the Court’s decision?
 4. United States coins and paper money carry the phrase “In God We Trust.” Does this inscription violate the principle of separation of Church and State? Explain your answer.
 5. Almost all public schools are closed during certain religious holidays, such as Christmas and Easter. Do you think the *Engel* decision should apply to this custom?

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Supreme Court Case Study 45



A Poor Defendant’s Right to a Lawyer

Gideon v. Wainwright, 1963

***** Background of the Case *****

“From time to time in constitutional history an obscure individual becomes the symbol of a great movement in legal doctrine. Character and circumstances illuminate a new understanding of the Constitution. So it was in the case of Clarence Earl Gideon,” according to Anthony Lewis, a noted civil libertarian.

In 1961 Clarence Earl Gideon, a petty thief who had served four prison terms, was arrested for breaking into a poolroom in Panama City, Florida, and stealing a pint of wine and some change from a cigarette machine.

At his trial Gideon asked the judge to appoint a lawyer for him since he could not afford to hire one himself. The judge refused because under Florida law a lawyer could be provided only if the defendant was charged with a capital offense—one in which death was a possible penalty.

Gideon then pleaded not guilty; he conducted his own defense, but was found guilty and sentenced to five years in prison. From prison Gideon submitted a handwritten petition to the United States Supreme Court to accept his case as a pauper. In such cases the Court may accept petitions from indigent individuals and then appoint counsel to represent them before the Court. In this case, the Court appointed Abe Fortas, who later was to become a Supreme Court justice, as Gideon’s attorney.

Constitutional Issue *****

The Court accepted Gideon’s case in order to reconsider its decision in the case of *Betts v. Brady* (1942). In that case, the Court had ruled that, outside of special circumstances, the due process clause of the Fourteenth Amendment did not require the application of the Sixth Amendment’s guarantee of counsel in criminal cases to state trials. In a still earlier case, *Powell v. Alabama*, the Court had ensured that state courts would provide counsel in capital cases. The issue in the *Gideon* case deals with whether a defendant in a criminal case who cannot afford a lawyer is deprived of his or her Sixth Amendment right to counsel if he is not supplied with one.

***** The Supreme Court’s Decision *****

The Court ruled in Gideon’s favor, overturning its decision in the *Betts* case. Justice Hugo Black wrote for the opinion for the Court.

Black’s opinion stated that the decision in *Betts* represented an abrupt break from precedents such as those found in *Powell*. These precedents, he observed, as well as “reason and reflection,” convinced the Court that “in our adversary system of criminal justice, any person haled [brought] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”

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Supreme Court Case Study 45 (continued)

Black went on to stress that poor and rich alike are entitled to counsel. “Lawyers to prosecute are everywhere deemed essential to protect the public’s interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute, and defendants who have money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. The right of counsel of one charged with a crime may not be deemed fundamental and essential for fair trials in some countries, but it is in ours.”

Black continued, “From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals 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.”

In making the point that Gideon, like most people, did not have the expertise to defend himself, Black quoted the words of the Court in the *Powell* case: “The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge to prepare his defense adequately, even though he may have a perfect one. He requires the guiding hand of counsel at every step of the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.”

Gideon was tried again in the court that had convicted him, this time with a court-appointed lawyer. Before the same judge and in the same courtroom, Gideon was acquitted.



Questions



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Why did the Court believe that Gideon could not defend himself?
2. Did the Court rule that a defendant could never act as his or her own lawyer? Explain.
3. In overturning its *Betts* ruling, what did the Court in effect say about its judgment in that case?
4. Under the *Gideon* ruling, why is a trial judge required to appoint a lawyer for defendants who claim they are too poor to pay for one?
5. Why is the *Gideon* decision regarded as a historic civil liberties victory?

Supreme Court Case Study 46



The Right to Counsel

Escobedo v. Illinois, 1964

***** Background of the Case *****

Danny Escobedo was arrested in Chicago for the murder of his brother-in-law. The arrest took place at 2:30 A.M. on the morning of January 19, 1960, after the fatal shooting. Escobedo made no statement and was released. On January 30, 1960, Escobedo was taken into custody after an informant implicated him in the shooting. He declined to make any statement and asked to see his lawyer. Even though his lawyer was present in the police station, the police denied Escobedo the right to talk with him, and in fact, told Escobedo that his lawyer did not want to see him. Despite repeated attempts, Escobedo’s lawyer was not permitted to see his client until the police had completed their interrogation.

Police testimony later revealed that Escobedo had been handcuffed in a standing position during the interrogation and that he was agitated and upset. During the police interrogation, Escobedo made incriminating statements that led to his indictment for the murder of his brother-in-law. He spoke in Spanish to an officer who spoke his language, and during that conversation Escobedo revealed that he was aware of the shooting. Motions made before and during the trial to have these statements suppressed (not used) as evidence were denied. After Escobedo’s murder conviction, the United States Supreme Court took the case for review.

Constitutional Issue *****

By 1964 the Court had generally settled the question that the defendant in a state criminal trial has the Fifth Amendment right not to speak and the Sixth Amendment right to counsel. But it remained unclear exactly when a defendant needed a lawyer to protect his or her right not to speak. For example, it was not uncommon for police officers to deny a suspect the right to counsel in the early stages of an investigation, when the suspect might yield to police pressure and provide incriminating information or even confess to a crime. If the suspect had not had his or her counsel present at that time, did this violate the right-to-counsel principle? The Court had to consider whether the Sixth Amendment’s provision of the right to counsel also applied to the interrogation of a suspect of a crime.

***** The Supreme Court’s Decision *****

The Court voted 5 to 4 to reverse Escobedo’s conviction. Justice Arthur Goldberg wrote the Court’s opinion.

Goldberg determined that although the questioning of Escobedo had preceded formal indictment, this fact “should make no difference” as to a person’s right to counsel. At the point of interrogation, he stated, the investigation was no longer a “general investigation” of an unsolved crime. Escobedo “had become the accused, and the purpose of the investigation was to ‘get him’ to confess his guilt despite his constitutional right not to do so.” It was at this point, Goldberg noted, that many confessions are obtained and this fact “points up its critical

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Supreme Court Case Study 46 (continued)

nature as a stage when legal aid and advice are surely needed. . . . Our Constitution, unlike some others, strikes a balance in favor of the right of the accused to be advised by his lawyers of his privilege against self-incrimination A system of criminal law enforcement which comes to depend on the ‘confession,’ will, in the long run, be less reliable and more subject to abuses than a system which depends on extrinsic evidence independently secured through skillful investigation. . . . If the exercise of constitutional rights will thwart the effectiveness of a system of law enforcement, then there is something very wrong with that system.”

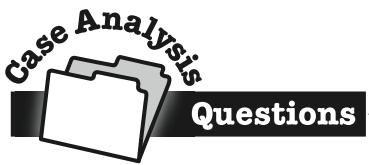
Goldberg replied to objections that the police would henceforth get fewer confessions because lawyers would automatically advise their clients to say nothing. Goldberg countered that this argument “cuts two ways” since it points out the critical importance to the accused of having an attorney at this stage in the investigation. Goldberg continued, “There is necessarily a direct relationship between the importance of a stage to the police in their quest for a confession and the criticalness of that stage to the accused in his need for legal advice.”

In summarizing the Court’s opinion, Goldberg noted that “when the process shifts from investigatory to accusatory—when its focus is on the accused and its purpose is to elicit a confession—our adversary system begins to operate, and . . . the accused must be permitted to consult with his lawyer.”

★★★★★★★★★★★★★★★★★★★★ Dissenting Opinion ★★★★★★★★★★★★★★★★★★

Four justices dissented. One, Justice John Marshall Harlan, stated, “I think the rule announced today is most ill-conceived and that it seriously and unjustifiably fetters [restricts] perfectly legitimate methods of criminal law enforcement.”

Justice Potter Stewart also dissented, agreeing with Justice Harlan that the ruling gave advantages to the criminal and took away too much authority from law enforcers. He stated that this decision “. . . perverts those precious constitutional guarantees, and frustrates the vital interests of society in preserving the legitimate and proper function of honest and purposeful police investigation.”



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. At which point, according to the Court’s decision, must a lawyer be provided to a suspect of a crime?
2. Which right of the accused does Justice Goldberg refer to as coming under the protection of the Constitution?
3. How do you think a police officer would react to the Court’s decision? Give reasons for your answer.
4. What criticism do both Justice Harlan and Justice Stewart make of the Court’s decision?
5. Do you agree with the Court’s ruling in this case or with those justices who dissented? Explain.

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Supreme Court Case Study 61

Right to Privacy & Birth Control

Griswold v. Connecticut (1965)

***** Background of the Case *****

Griswold v. Connecticut is a landmark Supreme Court case decided in 1965 that had a profound impact on reproductive rights and the right to privacy in the United States. The case centered on Connecticut's "Comstock Law," which prohibited the use of contraceptives and the provision of birth control services, even to married couples. Estelle Griswold, the executive director of the Planned Parenthood League of Connecticut, and Dr. C. Lee Buxton, a licensed physician and professor, were arrested and convicted for providing counseling and medical guidance on birth control to a married couple.

The central issue was whether the state's law violated the constitutional rights of privacy, especially with regard to marital privacy, and whether the government could regulate an individual's access to contraception.

Constitutional Issue *****

The primary constitutional issue in *Griswold v. Connecticut* revolved around the right to privacy. The case raised the following key questions:

1. Does the Constitution protect an individual's right to privacy, particularly in the context of intimate and marital matters?
2. Could a state law that banned the use of contraceptives and the provision of birth control services be upheld as constitutional, or did it infringe upon an individual's personal liberty and the right to make decisions about family planning?

***** The Supreme Court's Decision *****

In a 7-2 decision, the Supreme Court ruled in favor of Estelle Griswold and Dr. C. Lee Buxton. The Court held that the Connecticut law, which criminalized the use of contraceptives and the provision of birth control advice, violated the right to marital privacy. Justice William O. Douglas wrote the majority opinion, asserting that various constitutional amendments, including the First, Third, Fourth, and Ninth Amendments, together create "zones of privacy" that protect individuals and their personal decisions. In this case, the Court found that the law impermissibly intruded into the marital bedroom and infringed on a fundamental right.

The majority opinion emphasized that the government could not interfere with a married couple's right to make decisions about procreation, childbearing, and family life. The case established the principle that individuals, particularly in the context of marriage, have a constitutional right to privacy, protecting their decisions regarding birth control and family planning.

Griswold v. Connecticut is considered a foundational case for establishing the right to privacy in constitutional law. It laid the groundwork for subsequent cases like Roe v. Wade (1973), which recognized a woman's right to choose to have an abortion. Griswold significantly shaped the legal landscape regarding personal and reproductive rights and continues to be cited in cases dealing with privacy and individual autonomy.

★★★★★★★★★★★★★★★★★★★★ **Dissenting Opinion** ★★★★★★★★★★★★★★★★★★

There were two dissenting opinions in the Griswold case. Justices Hugo Black and Potter Stewart dissented.

Justice Black, in his dissent, took the position that the Constitution did not explicitly protect a right to privacy and that the Court should not create such rights through interpretation. He argued that the majority was legislating from the bench by finding a right to privacy that was not explicitly enumerated in the Constitution.

Justice Stewart's dissent was more moderate. While he disagreed with the majority's reasoning, he did not dispute the right to privacy. Instead, he argued that Connecticut's law was too broad and unconstitutional in its application but that it could be revised to pass constitutional muster.



Questions ★★★★★★★★★★★★★★★★★★

DIRECTIONS: Answer the following questions on a separate sheet of paper

1. What was the primary constitutional issue at the heart of the Griswold v. Connecticut case, and how did the Comstock Law in Connecticut relate to this issue?
2. How did the majority opinion, authored by Justice William O. Douglas, establish the right to privacy in the context of marital and reproductive matters, and which constitutional amendments were cited to support this argument?
3. Discuss the dissenting opinions by Justices Hugo Black and Potter Stewart in the Griswold case. What were their main points of contention with the majority's decision?
4. Explain the long-term impact of the Griswold decision on constitutional law, particularly in relation to reproductive rights and individual privacy. How did it set a precedent for future cases?
5. How did the Griswold v. Connecticut case pave the way for the landmark Roe v. Wade decision in 1973, and what broader legal principles did it establish in the realm of personal autonomy and privacy rights?

Supreme Court Case Study 50



The Rights of the Accused

Miranda v. Arizona, 1966

***** Background of the Case *****

Ernesto Miranda had been arrested at his home in Phoenix, Arizona, and accused of kidnapping and rape. Questioned at the police station by two police officers, he was not advised of his right to an attorney nor his right to remain silent. After two hours of interrogation, he signed a written confession to the crimes. At his trial, he was found guilty and sentenced to 20 to 30 years in prison. He took his case to the United States Supreme Court.

Constitutional Issue *****

The Fifth Amendment of the Constitution guarantees that “no person . . . shall be compelled in any criminal case to be a witness against himself. . . .” This right was made part of the Bill of Rights to prevent a tyrannical government from forcing accused persons to confess to crimes they may or may not have committed. Miranda’s case before the Supreme Court was based on this Fifth Amendment protection. The Court accepted the case in order to explore and clarify certain problems arising from earlier decisions related to the rights of individuals taken into police custody. The precise question that the Court explored was under what circumstances an interrogation may take place so that a confession made during the interrogation would be constitutionally admissible in a court of law.

***** The Supreme Court’s Decision *****

The Supreme Court overturned Miranda’s conviction in a 5 to 4 decision. Chief Justice Earl Warren wrote the majority opinion. The Court’s ruling centered on what happens when a person is taken into custody. No statement from the suspect, the Court held, may be used when it stems from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination. By custodial interrogation, we mean questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom in any significant way.

Warren noted that a suspect under interrogation is subject to great psychological pressures designed “to overbear the will,” and that questioning often takes place in an environment “created for no other purpose than to subjugate the individual to the will of his examiner.” In overturning Miranda’s conviction, the Court intended “to combat these pressures and to permit a full opportunity to exercise the privilege against self-incrimination. . . .”

A person in police custody “or otherwise deprived of his freedom. . . must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney, one will be appointed for him prior to any questioning if he so desires,” Warren stated.

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Supreme Court Case Study 50 (continued)

Once these warnings are given, the individual in custody may choose to stop answering questions, or may halt the interrogation until his attorney is present. Otherwise, he may waive his exercise of these rights. In such a case, there would be “a heavy burden . . . on the Government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to . . . counsel.”

The *Miranda* ruling applies only to interrogations. The Court emphasized that such safeguards were “not intended to hamper the traditional function of police officers in investigating crime. . . .” The ruling was not meant to bar “general on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process. . . .” In addition, the Chief Justice declared, the Fifth Amendment does not bar voluntary statements from a person who, for example, enters a police station “. . . to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make.”

The *Miranda* ruling has led to the practice now followed routinely by arresting police officers and other law enforcement officials during which they read a suspect his or her *Miranda* rights.

★★★★★★★★★★★★★★★★★★★★ Dissenting Opinion ★★★★★★★★★★★★★★★★★★

Justices John Marshall Harlan, Tom C. Clark, Potter Stewart, and Byron White dissented. They saw no historical precedent for the majority position and feared the decision could weaken law enforcement. Justice White condemned the majority for creating law enforcement directives he viewed as inflexible, while at the same time leaving many unanswered questions.



DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. How has the Supreme Court interpreted the Fifth Amendment’s protection against self-incrimination to apply to all persons questioned in connection with a crime?
2. Suppose you were arrested as a suspect in a crime. The arresting officers rush you to a tiny room where they question you for 12 hours without a stop. Then, too weary to protest, you sign a confession. How would the Court’s *Miranda* decision protect you in such a situation?
3. At the scene of a crime, a police officer questions witnesses about the details of a holdup. The officer suspects that some of the witnesses are connected with the crime. How does the *Miranda* decision apply in such an instance?
4. What do you think would happen if a person convicted of a crime proved that she or he was not informed of the *Miranda* rights when questioned by the police?
5. In recent years, the *Miranda* decision has been criticized by some persons as protecting the rights of criminals and neglecting the rights of crime victims. Do you agree or disagree with this point of view? Why?

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Supreme Court Case Study 53



Freedom of Expression in Public Schools

Tinker v. Des Moines, 1969

***** Background of the Case *****

Throughout the 1960s, television broadcasts carried graphic images of the Vietnam War. In December of 1965, John Tinker, his sister Mary Beth, and their friend Christopher Eckhardt decided to protest the war. They planned to wear black armbands to their schools in Des Moines, Iowa. When the school board learned of their plans, it adopted a policy that banned the wearing of armbands. Any students who violated this policy would be suspended.

Several students, including the Tinkers, went ahead with their protest. The students were suspended when they refused to remove the armbands. Through their parents, the students asked the district court to issue an injunction against the policy. The district court refused, stating that the school policy was “reasonable.” A divided appellate court upheld this decision. The petitioners then appealed to the United States Supreme Court, which agreed to review the case.

Constitutional Issue *****

The Court was asked to decide whether wearing armbands is a form of free speech, and thus protected under the First Amendment. The students claimed that wearing armbands was a way to express their ideas and opinions about the Vietnam War. Lawyers for the school board argued that the Tenth Amendment gives the states authority over education. The school board’s policy was needed to preserve order and discipline in the schools.

The U.S. Supreme Court had extended the First Amendment to cover the actions of state officials in *Gitlow v. New York* (1925). Later, in *West Virginia v. Barnette* (1943) the Court struck down a law requiring students to salute the American flag.

***** The Supreme Court’s Decision *****

In a 7 to 2 decision, the Supreme Court ruled in favor of the Tinkers and the students. The Court determined that the wearing of armbands was protected by the First Amendment’s free speech clause.

Justice Abe Fortas wrote the Court’s opinion. Justice Fortas wrote that wearing armbands was an action “akin to pure speech.” Further, he wrote, “It can hardly be argued that either students or teachers shed their constitutional rights . . . at the schoolhouse gate.” He found little evidence that this silent protest disrupted the school environment. Justice Fortas wrote that the school board officials acted out of an “urgent wish to avoid controversy,” rather than a fear of disrupting school activities.

Justice Potter Stewart wrote, however, in a concurring opinion, that, “[A] State may permissibly determine that, at least in some precisely delineated areas, a child . . . is not possessed of that full capacity for individual choice which is the presupposition of First Amendment guarantees.”

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Supreme Court Case Study 53 *(continued)*

The *Tinker* case remains controversial to this day. In more recent cases, the Court has limited students' First Amendment rights. In *Bethel School District v. Fraser* (1986), the Court upheld the disciplining of a student for using offensive speech in a school assembly. In *Hazelwood School District v. Kuhlmeier* (1988) the Court ruled in favor of a school district that censored student newspaper articles with mature subject matter.

***** Dissenting Opinion *****

Justice Hugo Black dissented. Justice Black pointed out that the wearing of armbands had led to mockery from other students and other disruptive behavior. This diversion from their normal school day was exactly what the school officials had wanted to avoid. Justice Black's dissent also contended that "some students . . . will be ready, able, and willing to defy their teachers on practically all orders."

Justice John Marshall Harlan, in a separate dissent, argued that school officials should have wide latitude in maintaining discipline. He further wrote that the school board's policy appeared to be motivated by genuine concerns.



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. Why does wearing armbands fall within the protection of the free speech clause?
2. Do you agree more with Justice Fortas's opinion or Justice Black's dissent? Give reasons for your answer.
3. Why is the *Tinker* decision considered such an important First Amendment case?
4. How does the *Tinker* decision affect your right to wear a T-shirt supporting a cause that you believe in?
5. How has the ruling in *Tinker* been modified by later Supreme Court decisions?

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Supreme Court Case Study 58



A Woman’s Right to Abortion

Roe v. Wade, 1973

***** Background of the Case *****

One of the most widely debated issues in recent times has been over whether a woman may legally have an abortion. Many religious groups have vigorously opposed abortion, while women’s rights organizations and civil libertarians, as well as many unaffiliated individuals, have supported that right.

A unmarried pregnant woman, Jane Roe (a pseudonym), brought suit against District Attorney Wade of Dallas County, Texas. She challenged a Texas statute that made it a crime to seek or perform an abortion except when, in a doctor’s judgment, abortion would be necessary to save the mother’s life. Because Roe’s life had not been threatened by her pregnancy, she had not been able to obtain an abortion in Texas.

Constitutional Issue *****

Roe argued that her decision to obtain an abortion should be protected by the right of privacy, a right that stemmed from the Bill of Rights generally, and from the liberty interests guaranteed by the Fourteenth Amendment’s due process clause. The state argued that the protection of life granted by the Fourteenth Amendment could not be applied to a fetus because a fetus was not a person in the eyes of the law.

***** The Supreme Court’s Decision *****

The Court decided in Roe’s favor. Justice Harry A. Blackmun wrote for the Court.

The Court, with one dissent, approached its decision by acknowledging the delicacy and depth of the issue before it. Nevertheless, it was the Court’s task “to resolve the issue by constitutional measurement free of emotion and of predilection.”

Justice Blackmun reaffirmed that there was a right to privacy that could be inferred from the First, Fourth, Fifth, Ninth, and Fourteenth Amendments. He said that “the right has some extension to activities relating to marriage . . . , procreation . . . , (and) contraception. . . .” Accordingly, “the right of privacy . . . is broad enough to encompass a woman’s decision whether or not to terminate her pregnancy.” Although specific and direct medical injury might follow a denial of choice, other injuries as well could result from an unwanted pregnancy. These include “a distressful life and future, psychological harm,” and also the “distress . . . associated with the unwanted child, and . . . the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it.” Yet the Court concluded that the privacy right was not absolute; accordingly, the right could not support an absolute right to choose abortion and “must be [balanced] against important state interests in regulation.”

The Court then turned to the question of whether a fetus is a person within the meaning of the Fourteenth Amendment. The Court decided that a fetus was not a person under the

(continued)

Supreme Court Case Study 37

Freedom of Speech, Campaign Finance

Citizens United v. Federal Elections Commission (2010)

***** Background of the Case *****

The Citizens United case occurred during a broader debate over campaign finance regulation in the United States. Campaign finance laws were designed to regulate the flow of money in political campaigns to prevent corruption, maintain transparency, and ensure fairness. The Bipartisan Campaign Reform Act (BCRA) of 2002, often referred to as the McCain-Feingold Act, was a significant piece of legislation that aimed to reform campaign financing.

One key provision of BCRA was the restriction on "electioneering communications" by corporations and unions, which prohibited the broadcast or cablecast of issue ads that mentioned a candidate within a specific timeframe before an election. These regulations aimed to reduce the influence of corporate and union money in political advertising.

Citizens United, a nonprofit organization, produced a documentary titled "Hillary: The Movie" in 2008. This documentary was highly critical of Hillary Clinton, who was running for the Democratic presidential nomination. Citizens United sought to broadcast the documentary on cable television within 30 days of the 2008 Democratic primaries. However, this would have violated BCRA's restrictions on electioneering communications, as the film was viewed as an attack on a candidate during the restricted time frame.

Citizens United was prohibited from airing the documentary, and they challenged this decision in court. The case made its way to the Supreme Court, becoming Citizens United v. Federal Election Commission.

In 2010, the Supreme Court handed down a landmark decision in Citizens United v. Federal Election Commission (FEC). The case revolved around a political advocacy group called Citizens United, which had produced a documentary critical of Hillary Clinton and wanted to air it close to the 2008 Democratic primaries. However, this was in violation of federal campaign finance laws that restricted the airing of such content close to an election.

The central issue was whether restrictions on corporate funding of independent political broadcasts during elections violated the First Amendment's protection of free speech. The decision in Citizens United had far-reaching implications for campaign finance and the role of corporations in American politics.

Constitutional Issue *****

The key constitutional issue in Citizens United v. FEC was whether the government could place limits on the political spending and speech of corporations and unions, especially when it came to independent expenditures that were not coordinated with candidates or political parties. The case raised questions about the balance between free speech rights and the government's interest in preventing corruption or the appearance of corruption in the political process.



Supreme Court Case Study 81

Right to Marry

Obergefell v. Hodges (2015)

***** **Background of the Case** *****

Before the Obergefell case, many U.S. states had laws or constitutional amendments in place that defined marriage as a union between one man and one woman, effectively prohibiting same-sex marriages. These state bans varied in their scope and legal language.

Same-sex couples and advocacy groups had been challenging these state bans in courts across the country for several years. Various federal courts had issued conflicting decisions on the constitutionality of these bans, creating a legal landscape where same-sex marriage was recognized in some states but not in others.

The Supreme Court had addressed related issues in previous cases, including *United States v. Windsor* (2013), which struck down a key section of the Defense of Marriage Act (DOMA) that defined marriage as between a man and a woman for federal purposes. The *Windsor* case was a significant step towards marriage equality but did not directly address state-level bans.

In 2015, the Supreme Court made a historic ruling in *Obergefell v. Hodges*, a case that addressed the constitutionality of same-sex marriage. The case involved several same-sex couples who were denied marriage licenses in their respective states, and they argued that these denials violated their Fourteenth Amendment rights to equal protection and due process.

The central issue in *Obergefell* was whether the state bans on same-sex marriage were constitutional and whether same-sex couples had a constitutional right to marry.

Constitutional Issue *****

The primary constitutional issues in *Obergefell v. Hodges* revolved around equal protection and due process as guaranteed by the Fourteenth Amendment. The case required the Supreme Court to determine if state bans on same-sex marriage violated these constitutional principles.

***** **The Supreme Court's Decision** *****

In a historic 5-4 decision, the Supreme Court ruled in favor of the petitioners, declaring that state bans on same-sex marriage were unconstitutional. The Court held that same-sex couples had a fundamental right to marry, and by denying them this right, the state bans violated the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The majority decision, authored by Justice Anthony Kennedy, had far-reaching implications for same-sex couples, granting them the legal right to marry in all 50 states.

The Court recognized that marriage is a fundamental right, essential to individual dignity and autonomy. This right is protected by the Due Process Clause of the Fourteenth Amendment and the state bans on same-sex marriage discriminated against same-sex couples by denying them the benefits and legal recognition that opposite-sex couples enjoyed. The bans, according to the Court, violated the Equal Protection Clause by treating same-sex couples differently.

Supreme Court Case Study 82



A Woman’s Right to Abortion

Dobbs v. Jackson Women’s Health Organization (2022)

***** Background of the Case *****

The case concerned a 2018 Mississippi law called the “Gestational Age Act,” which prohibits all abortions, with few exceptions, after 15 weeks’ gestational age. The only licensed abortion facility in Mississippi, Jackson Women’s Health Organization, and one of its doctors filed a lawsuit in federal district court challenging the law and requesting an emergency temporary restraining order (TRO). After a hearing, the district court granted the TRO while the litigation proceeded to discovery. After discovery, the district court granted the clinic’s motion for summary judgment and enjoined Mississippi from enforcing the law, finding that the state had not provided evidence that a fetus would be viable at 15 weeks, and Supreme Court precedent prohibits states from banning abortions prior to viability. The U.S. Court of Appeals for the Fifth Circuit affirmed.

In 2022, the Supreme Court heard the case of Dobbs v. Jackson Women's Health Organization, a significant case concerning abortion rights. The case focused on the Mississippi law that prohibited most abortions after 15 weeks of pregnancy, with exceptions only for medical emergencies or severe fetal abnormalities.

Constitutional Issue *****

The primary constitutional issue in Dobbs v. Jackson Women's Health Organization revolved around a woman's right to choose to have an abortion, as established in previous Supreme Court decisions, and the state's interest in regulating and potentially restricting access to abortions. This case presented a challenge to the precedent set by Roe v. Wade and Casey v. Planned Parenthood.

***** The Supreme Court’s Decision *****

The Supreme Court in a 6-3 decision upheld Mississippi’s Gestational Age Act, which bans most abortions after 15 weeks of pregnancy with exceptions for medical emergencies and fetal abnormalities. The Court’s decision overturned Roe v. Wade (1973) and Planned Parenthood v. Casey (1992), concluding that the Constitution does not protect the right to an abortion. The Court held that the viability standard established in Roe and Casey was “unworkable” and that states have a legitimate interest in regulating abortion. The Court also held that the Mississippi law did not impose an undue burden on a woman’s right to choose because it allowed for abortions before viability. As a result, the issue of abortion regulation has been returned to the elected branches.

★★★★★★★★★★★★★★★★★★★★★ **Dissenting Opinion** ★★★★★★★★★★★★★★★★★★★

Justice Kagan wrote the dissenting opinion, which argued that the Court’s decision to overturn Roe v. Wade and Planned Parenthood v. Casey was “dangerous” and “will severely impair women’s ability to exercise their constitutional rights”. The dissenting opinion also criticized the majority’s reasoning and argued that the Mississippi law was unconstitutional because it imposed an undue burden on a woman’s right to choose.



Questions ★★★★★★★★★★★★★★★★★★★

DIRECTIONS: Answer the following questions on a separate sheet of paper

1. What was the central legal issue in the Dobbs v. Jackson Women's Health Organization case, and how did it relate to Mississippi's "Gestational Age Act"?
2. Describe the significance of the Supreme Court's 2022 decision in Dobbs v. Jackson Women's Health Organization, particularly in relation to its impact on established abortion rights precedents.
3. How did the majority opinion in the Dobbs case justify overturning the precedents set by Roe v. Wade (1973) and Planned Parenthood v. Casey (1992)?
4. What key arguments were presented in Justice Kagan's dissenting opinion, and why did she consider the Court's decision "dangerous"?
5. What are the potential consequences and implications of the Supreme Court's decision in Dobbs for abortion rights, women's healthcare, and the political and legal landscape surrounding reproductive rights in the United States?