

Case	BF	LI	D/O	Sig
Marbury V. Madison Judicial Review	John Adams beaten by Jefferson for 3 <sup>rd</sup> president. Adams tried to commission Marbury, but it was not given.	Should supreme court issue an order to Madison requiring him to deliver the commission.  Can the supreme court rule on a constitutionality of a law passed by congress	Marbury did not receive his commission.  Judiciary Act of 1789: was an unconstitutional expansion of Judicial branch  Judicial Branch should have the power to declare laws unconstitutional, est. the principle of Judicial Review.	Firmly established Judicial Review  Made the Supreme Court the guardian of the Constitution  The Supreme Court does not issue advisory opinions: advice to officials on the validity or meaning of a law
Tinker v. Des Moines First Amendment Rights	High school students protested the Vietnam War with arm bands. The parents supported it but the school suspended them until they returned without the arm bands.	Do students have the right to free speech?  Was the wearing of the armbands to school an exercise of free speech?	Students and teachers are not stripped of their rights at the school house gate.  The armbands are considered expression  Students rights were violated and returned to them	Est. that students were citizens entitled to freedom of speech guaranteed by the First Amendment
Hazlewood v Kuhlmeier  First Amendment	School sponsored newspaper was censored by the principal and students sued based on First Amendment Violation.  8 <sup>th</sup> circuit court of appeals upheld that their rights were violated	Does First Amendment protect school- sponsored publications from censorship by school authorities	Supreme Court reversed the 8 <sup>th</sup> circuit ruling.  Right to publish was not the same as the armbands in Tinker.  Schools have a right to exercise control “so long as their actions are reasonably related to legitimate pedagogical (educational) concerns.”	Qualified some of the free speech rights.  Censorship is ok as long as restrictions served a valid educational purpose

<p>District of Columbia v. Heller</p> <p>Second Amendment</p>	<p>1975 passed Fire arms-controlled regulations act.</p> <p>Prohibited residents from carrying and registering handguns, those kept in homes must be unloaded and disassembled or have trigger lock.</p> <p>Heller applied and denied (police officer)</p>	<p>Do local laws prohibiting handgun ownership violate Second Amendment rights to keep handguns and other firearms for private use in ones home?</p>	<p>Ruled that the law violated Second amendment because it took away someone's right to protection.</p>	<p>Tied second amendment rights to self-defense.</p>
<p>Gideon V. Wainwright</p> <p>Rights of the accused</p>	<p>Gideon was arrested for robbery</p> <p>Too poor to afford a lawyer</p> <p>Florida would only provide if facing the death penalty.</p> <p>Defended himself and sentenced to 5 years.</p>	<p>Does the 6<sup>th</sup> amendment require a court to provide counsel (lawyer) to an indigent (poor) defendant accused of a felony (1 year or more imprisonment)</p>	<p>The government must provide a lawyer to a poor client that has been accused of a felony.</p> <p>Right to a lawyer is fundamental for a fair trial. (6<sup>th</sup> and the 14<sup>th</sup> amendment)</p>	<p>States must provide lawyers to a poor client (filled by public defenders)</p>
<p>Miranda v Arizona</p> <p>Rights of the accused</p>	<p>Miranda was arrested for various felonies.</p> <p>Never informed that he had the right to remain silent or to have a lawyer present during questioning.</p>	<p>Can police interrogate a suspect without informing him/her of their right to remain silent and to have a lawyer?</p>	<p>Overtured the conviction due to him not being informed of his rights.</p>	<p>The rights established by the Supreme Court are referred to as Miranda Rights.</p> <p>Police must recite them before interrogating a suspect.</p>

	Sentenced to 20-30 years in prison			
In Re Gault  Rights of the Accused	<p>15-year-old accused of an obscene phone call and was tried in a faulty hearing.</p> <p>Sentence till 21 in a Juvenile detention center.</p> <p>Did not have an attorney.</p> <p>Max penalty for an adult was \$50 fine and 2 months in jail</p>	What due process rights are owed to a Juvenile facing a possible loss of liberty.	Juveniles are still entitled to all reasonable due process rights when facing possible detention.	Must provide minors with due process rights
Plessy v Ferguson Racial Segregation and Equal Protection	<p>1890 Jim Crow laws were passed to provide equal but separate passenger cars</p> <p>Plessy a mixed-race man rode in a white rail car and was arrested.</p>	Can a state impose racial segregation by offering separate-but-equal facilities without violating the Equal Protection Clause of the 14 <sup>th</sup> Amendment?	<p>Ruled that racial segregation did not violate the equal protection clause of the 14<sup>th</sup> amendment.</p> <p>Law was not created based on the idea that one race was either superior or inferior</p>	<p>As long as facilities offered were of equal standards it affirmed the constitutionality of the law.</p> <p>Segregation did not violate Equal Protection Clause</p>
Brown v. Board of Education  Racial Segregation and Equal Protection	Linda Brown was forced to attend an all-black school because the all-white school was closer to their home her father sued the local school board.	Did racial segregation in public schools violate the equal protection clause of the 14 <sup>th</sup> amendment?	Racial segregation violated the Equal Protection Clause of the 14 <sup>th</sup> Amendment.	<p>Southern States protested the law and stated it wouldn't be enforced.</p> <p>Supreme Court made a separate decision on how it would be carried out.</p>

				Lower federal courts had to carry out the ruling.
United States v. Nixon  The Presidency	<p>During 1972 a group of former government agents broke into the Democratic Party Headquarters at Watergate Hotel and office complex.</p> <p>Nixon taped all conversations in the white house.</p> <p>Claimed that he had executive privilege.</p>	Does “executive privilege” the need of the President of the U.S. for privacy and confidentiality in making high level decisions of national importance excuse the President from turning over documents needed as evidence in a criminal proceeding	Claim of Executive privilege was overturned and had to turn over the tapes.	<p>Tapes reveled that Nixon was behind the Watergate Cover Up</p> <p>Nixon resigned rather than face jail time.</p> <p>Decision proved that the President is not above the “rule of law”</p>
Bush v. Gore  The Presidency	<p>Florida’s votes were delayed because of the errors in voting and the counting of votes. Bush filed FL Supreme Court to stop the recount. Florida Supreme ruled against Bush and ordered a hand count of the votes.</p> <p>No uniform standards for determining when a ballot would be counted and when it would be rejected before Florida was required to report its vote to the Electoral College.</p>	Did a lack of standards for a manual recount of the vote violate the Equal Protection clause and due process rights of the 14 <sup>th</sup> Amendment?	<p>Supreme Court was divided 5 to 4.</p> <p>Halted the recount due to a lack of standards and the fact that legally questionable votes might have been included in the recount.</p>	U.S. Supreme Court halted the recount, as a result Bush won the electoral votes and became the next President. Even though Gore won the Popular vote.

	Bush filed a petition to the U.S. Supreme Court to stop the recount.			
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