

## **Supreme Court Cases: Constitutional Issues, Majority Decisions, and Lasting Impacts**

<b>Case (Year)</b>	<b>Constitutional Issue</b>	<b>Majority Decision</b>	<b>Lasting Impact</b>
<i>Marbury v. Madison</i> (1803)	Does the U.S. Supreme Court have the right to review and interpret laws made by Congress to determine their constitutionality?	Yes. The U.S. Supreme Court may review and interpret laws made by Congress to determine their constitutionality (called <i>judicial review</i> ).	The U.S. Supreme Court has the power of judicial review over laws and acts of Congress, actions of the president, <i>and laws and actions of state and local governments</i> .
<i>Plessy v. Ferguson</i> (1896)	Is segregation (separating people due to race) legal considering that the Constitution says everyone must be treated equally?	Yes, under the Constitution segregation is legal if the races are treated equally.	Created the “separate but equal” doctrine which allowed segregation laws to continue for years afterwards.
<i>Brown v. Board of Education</i> (1954)	Are segregated schools for black and white children legal under the Constitution?	No, segregated schools are not equal, since schools for black children were never equal to schools for white children.	Ended the “separate but equal” doctrine; was the beginning of the end for segregation.
<i>Gideon v. Wainwright</i> (1963)	Do states have to provide an attorney to all defendants who cannot afford one, in every type of criminal case?	Yes, under the 6 <sup>th</sup> Amendment states must provide an attorney to criminal defendants who cannot afford one, in any type of case.	States must now provide an attorney to any criminal defendant who cannot afford one.
<i>Miranda v. Arizona</i> (1966)	Do police need to inform suspects of their right to remain silent before questioning them?	Yes, under the 5 <sup>th</sup> and 6 <sup>th</sup> Amendments, police must inform suspects of their right to remain silent, and to have an attorney present, during questioning.	Police must read criminal suspects the <i>Miranda rights</i> when taking them into custody, and before questioning them.
<i>In re Gault</i> (1967)	Should juvenile (persons under 18) criminal suspects receive the same due process rights that adult criminal suspects receive?	Yes, under the 14 <sup>th</sup> Amendment all states must provide juvenile criminal suspects with the same due process rights as adults.	All juvenile criminal suspects are given the same due process protection as adults (right to remain silent, right to an attorney, etc).
<i>Tinker v. Des Moines</i> (1969)	Do students in schools have the 1 <sup>st</sup> Amendment protections of free political speech (symbolic expression)?	Yes, students in schools are protected by the 1 <sup>st</sup> Amendment for free political speech (symbolic expression).	Students may express their political views in school; symbolic speech is protected by the 1 <sup>st</sup> Amendment.
<i>U.S. v. Nixon</i> (1974)	Does the president have executive privilege (keeping conversations with aides private) in all situations?	No, the president’s executive privilege is not protected in “general discussions,” such as the one concerning the Watergate scandal.	Even the president is not above the law. President Richard Nixon resigned under the threat of impeachment after the case.
<i>Hazelwood v. Kuhlmeier</i> (1988)	Are students’ articles in school newspapers protected under the 1 <sup>st</sup> Amendment freedom of the press?	No, articles in school newspapers are subject to the review and approval of the principal, since they represent the school, not an individual.	School principals may reject all or part of a school publication if it does not meet the school’s standards.

Case (Year)	Constitutional Issue	Majority Decision	Lasting Impact
<i>Bush v. Gore</i> (2000)	Did the U.S. Supreme Court have the right to rule on the constitutionality of a vote recount in a presidential election?	Yes, the court ruled that the vote recount was unconstitutional because the method of recounting votes was not consistent.	The vote recount was stopped and George W. Bush won the 2000 presidential election.
<i>District of Columbia v. Heller</i> (2008)	Do people living in the federal District of Columbia (D.C.) have the right to keep firearms in their homes for traditionally lawful purposes?	Yes. The 2 <sup>nd</sup> Amendment states that individuals have the right to keep firearms for traditionally lawful purposes, such as home defense.	People in D.C. may keep firearms in their homes for self-defense. A later case would apply this to all the states.

### Structure and Function of the Courts

#### U.S. Federal Court System

##### Supreme Court (1)

- Has both **original jurisdiction** (in state vs. state cases, cases involving foreign diplomats, and cases involving treaties with other countries) and **final appellate jurisdiction** (from federal appeals courts and state supreme courts)
- **Judicial review**: the power to decide the constitutionality of a law or act of Congress, an action by the executive branch, or state laws or actions
- Issues **Writs of Habeas Corpus**: police must bring a prisoner before a judge to explain why they are being held
- **Nine justices**; simple majority to win
- Justices **appointed by the president** and **confirmed by the Senate**; serve for life

##### Circuit Courts of Appeal (13)

- Have **appellate jurisdiction**: the authority to hear cases from a lower court
- A panel of **3 judges** review the **fairness** of district court trials
- They can vote to **uphold** (keep) the district court's verdict; or **reverse** it; or **remand** it (send it back to the district court to be tried again)
- Judges are **appointed** by the president and **confirmed** by the Senate

##### District Courts (Trial Courts) (94)

- Have **original jurisdiction**: the ability to hear criminal and civil cases for the first time
- **Criminal** case: the government tries a person suspected of committing a federal crime (i.e. bank robbery, terrorism)
- **Civil** case: a dispute between two people or two groups (usually over money or patents)
- **One judge** oversees a case
- The court **determines the facts** of a case by hearing witness testimony and reviewing evidence
- The judge or a **jury** decides the **guilt** or **innocence** of the defendant

#### Florida State Court System

##### Supreme Court (1)

- Has **final appellate** jurisdiction within the state
- Reviews final **death sentence** orders
- Issues **Writs of Habeas Corpus**
- Reviews district court of appeals decisions that declare a part of the state constitution **invalid**
- **Seven justices**; simple majority to win
- Judges **appointed by the governor** for 6 year terms; **retained** (kept) by the voters for additional terms

##### District Courts of Appeal (5)

- Have **appellate** jurisdiction within their district
- A panel of **3 judges** review the **fairness** of circuit court trials
- They can vote to **uphold** or **reverse** a circuit court's verdict, or **remand** a case back to a circuit court
- Judges **appointed by the governor** for 6 year terms; retained by the voters for additional terms

##### Circuit Trial Courts (20)

- Have **general jurisdiction**: the ability to hear most criminal and civil cases
- Hear cases involving **felony** (serious) crimes (i.e. murder and armed robbery) and **civil cases over \$15,000**
- Hear cases involving **juveniles**
- Hear **appeals** from county courts
- Judges are **elected** by the voters for 6 year terms
- **One judge** presides over a case
- The court **determines the facts** of a case by hearing witness testimony and reviewing evidence
- The judge or a **jury** decides the **guilt** or **innocence** of the defendant

##### County Trial Courts (67)

- Hear cases involving **misdemeanor** (less serious) crimes and **civil cases under \$15,000**
- Judges are **appointed** for 6 year terms
- **One judge** oversees a case
- Many **non-jury trials** take place in county courts



**Basic Trial Process // Step 1:** Opening Statements >>> **2:** Evidence and Witness Testimony >>> **3:** Closing Statements >>> **4:** Jury Deliberation >>> **5:** Verdict

**Civics EOC Exam Tutorials: U.S. Supreme Court Cases  
Questions Sheet**

(These are sample questions based on Civics EOC Item Specifications; not the actual exam questions.)  
*Beneath each question, explain why you think that your answer is the correct one.*

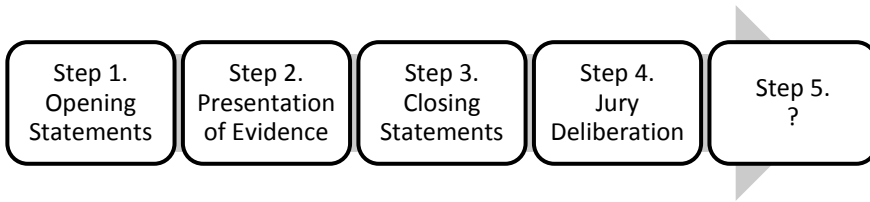
1. What lessons did future U.S. leaders learn from the 1974 U.S. Supreme Court case *United States v. Nixon*?
  - a. The president is accountable for obeying the law.
  - b. The president is responsible for enforcing the law.
  - c. The president is not allowed to hold secret talks with foreign governments.
  - d. The president is not allowed to have private meetings with cabinet members.
  
2. Which principle was the focus of the U.S. Supreme Court decision in *Miranda v. Arizona* (1966)?
  - a. Freedom of expression
  - b. Freedom of speech
  - c. Self-incrimination
  - d. Right to counsel
  
3. States must pay for public defenders as a result of which U.S. Supreme Court case?
  - a. *District of Columbia v. Heller* (2008)
  - b. *Hazelwood v. Kuhlmeier* (1988)
  - c. *Gideon v. Wainwright* (1963)
  - d. *Miranda v. Arizona* (1966)
  
4. Which was an outcome of the U.S. Supreme Court decision in *Brown v. Board of Education* (1954)?
  - a. Administrators may limit the content of student publications.
  - b. Public school districts that segregate deny equal protection.
  - c. Students have a reduced expectation of privacy in school.
  - d. Criminal defendants have the right to an attorney.
  
5. Which U.S. Supreme Court decision addresses the need for public schools to balance students' rights with principals' responsibilities?
  - a. *Hazelwood v. Kuhlmeier* (1988)
  - b. *Gideon v. Wainwright* (1963)
  - c. *Plessy v. Ferguson* (1896)
  - d. *Bush v. Gore* (2000)
  
6. Juveniles accused of crimes continue to be afforded many of the same due process rights as adults as a result of which U.S. Supreme Court case?
  - a. *District of Columbia v. Heller* (2008)
  - b. *Hazelwood v. Kuhlmeier* (1988)
  - c. *In re Greene* (1930)
  - d. *In re Gault* (1967)

7. From a U.S. Supreme Court majority opinion:  
“If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.”  
Which case was this majority decision written for?
- Brown v. Board of Education* (1954)
  - Marbury v. Madison* (1803)
  - Plessy v. Ferguson* (1896)
  - Tinker v. Des Moines* (1969)
8. From a U.S. Supreme Court majority opinion:  
“It can hardly be argued that either students or teachers shed their constitutional right to free speech or expression at the schoolhouse gate. [...] Our problem involves direct, primary First Amendment rights akin to pure speech.”  
Which case was this majority decision written for?
- Tinker v. Des Moines* (1969)
  - District of Columbia v. Heller* (2008)
  - Gideon v. Wainwright* (1963)
  - Miranda v. Arizona* (1966)
9. The U.S. Supreme Court decided in the case of *District of Columbia v. Heller* (2008) that citizens in the District of Columbia had which of the following rights under the U.S. Constitution?
- The right to an attorney, under the 6<sup>th</sup> Amendment.
  - The right to be protected against cruel and unusual punishment, under the 8<sup>th</sup> Amendment.
  - The right to bear arms for lawful purposes, under the 2<sup>nd</sup> Amendment.
  - The right to due process, under the 5<sup>th</sup> Amendment.
10. From the majority opinion in the *Marbury v. Madison* (1803) U.S. Supreme Court case:  
“It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule.”  
What constitutional principle did this majority opinion create?
- Rule of Law
  - Judicial Review
  - Checks and Balances
  - Natural Law
11. Which U.S. Supreme Court decision ended a vote recount in Florida, and caused some people to question whether or not the court overstepped its authority in deciding the case?
- Reno v. ACLU* (1997)
  - Mapp v. Ohio* (1961)
  - U.S. v. Nixon* (1974)
  - Bush v. Gore* (2000)

## Civics EOC Exam Tutorials: Courts Questions Sheet

(These are sample questions based on Civics EOC Item Specifications; not the actual exam questions.)  
*Beneath each question, explain why you think that your answer is the correct one.*

1. The trial process is listed below.



Which option completes the trial process?

- a. cross examination
- b. jury instructions
- c. investigation
- d. verdict

2. What power is held by the Florida Supreme Court and the U.S. Supreme Court?

- a. Both courts may issue writs of habeas corpus
- b. Both courts may issue writs of mandamus
- c. Neither court hears equal protection cases
- d. Neither court hears death penalty cases

3. The passage below describes a dispute between two neighbors.

Liz's 16-year-old daughter backed into Doug's car while it was parked in front of his house. Doug sued Liz for \$1500 to cover the cost of repairing the car.

Which court heard the case?

- a. Circuit Court of Appeals
- b. Florida Supreme Court
- c. appellate court
- d. county court

4. John was arrested for second degree murder, a felony crime. Which Florida court should he be tried in?

- a. Supreme Court
- b. District Court of Appeals
- c. Circuit Trial Court
- d. County Trial Court

5. The passage below describes a U.S. Supreme Court decision.

In 1940, the Texas Democratic Party refused to give an African-American man a ballot to select candidates to run for Congress and governor.

In finding this action unconstitutional “...this Court is not constrained to follow a previous decision which..., involves the application of a constitutional principle, rather than an interpretation of the Constitution to evolve the principle itself.”

What does this decision illustrate?

- a. The court has the power to accept appeals cases.
- b. The court has the power of judicial review.
- c. The court is a district court.
- d. The court is a trial court.

6. The graph below describes appeals filed by type of appeal in the U.S. Court of Appeals, 1990-2010.

<b>Year</b>	<b>Civil</b>	<b>Criminal</b>
1990	27116	9493
1995	34203	10162
2000	35780	10707
2005	32818	16060
2010	55992	12797

Based on the graph, what conclusion can be drawn about court cases in the U.S.?

- a. More civil cases are being filed without legal representation.
  - b. More criminal cases are being filed without legal representation.
  - c. More criminal cases are being dropped before trial.
  - d. More civil actions are being dropped before trial.
7. Ellen has been a Florida district court of appeals judge for 18 years. Which statement below accurately describes why she has held this position for 18 years?
- a. She was appointed by the governor for life.
  - b. She was elected by the people of her district.
  - c. She was appointed by the governor for the first six years, and then retained by the voters for two more six year terms.
  - d. She was elected by the people for the first six years, and then retained by order of the governor for two more six year terms.