

The Constitution

Unit 2

Bill of Rights Cases Jumble

In the table below are the facts of 11 Landmark Supreme Court Cases and Supreme Court rulings of the same 11 cases. However, the facts and the rulings are jumbled. Your job is to use your textbook and the Internet to match the facts of the case and Supreme Court ruling with each case on the blank chart.

Facts of the Case	Constitutional Question	Supreme Court Ruling
<ul style="list-style-type: none"> The leader of the National Socialist ("Nazi") Party of America, informed Skokie's police chief that the National Socialists intended to march 30-50 on the village's sidewalk in front of village hall. A number of Jewish organizations planned a counterdemonstration for the same day creating the fear of "uncontrollable violence." State court issued an injunction preventing the Nazi's from marching. 	Does denying a request for counsel for an indigent defendant violate the due process clause of the Fourteenth Amendment which embraces the defendant's right to counsel guaranteed by the Sixth Amendment?	* The court ruled that the death penalty does not constitute cruel and unusual punishment as long as it does not involve the unnecessary infliction of pain or the punishment is not out of proportion to the crime.
<ul style="list-style-type: none"> School officials searched a student's purse suspecting she had cigarettes. The officials discovered cigarettes, a small amount of marijuana, and a list containing the names of students who owed the student money. The student was charged with possession of marijuana and convicted. 	* Does the 6th amendment's guarantee to counsel apply to all people even if they cannot afford one, in all types of cases?	* upholding an earlier principle, the Court agreed that Feiner had created a "clear and present danger." Therefore, his arrest was constitutional and was in "the interest of the community in maintaining peace and order on its streets."
<ul style="list-style-type: none"> Betts, an unemployed farm hand, was indicted for robbery. When he requested a lawyer the trial judge refused Betts conducted his own defense and was found guilty 	* Did the state deprive the Nazi Party of their 1 st Amendment rights to freedom of speech and assembly by issuing the injunction?	The Supreme Court held that the framers of the Constitution placed a high value on the right of the accused to have the means to put up a proper defense, and the state as well as federal courts must respect that right. The Court held that it was consistent with the Constitution to require state courts to appoint attorneys for defendants who could not afford to retain counsel on their own.
<ul style="list-style-type: none"> With a fake warrant, police search Mapp's home to search for a fugitive The police did not find a fugitive but some obscene material and was arrested 	* Do schools have to meet the same strict standards as police when conducting searches (that is have probable cause and get a search warrant) or else be violating the unreasonable search and seizure protection of the 4th amendment ?	* Escobedo had not been adequately informed of his constitutional right to remain silent rather than to be forced to incriminate himself. * The court ruled that interrogation is no longer "general" questioning and that the purpose of interrogation is to get someone to confess and this point is a critical time when an attorney's advice is surely needed.
<ul style="list-style-type: none"> Three students decided to protest the Vietnam War by wearing black armbands to school fearing that the armbands would provoke disturbances, the principals of the ruled that all students wearing armbands be asked to remove them or face suspension the students refused to remove them and were suspended 	* Is the death penalty in ANY case a form of cruel and unusual punishment as defined by the 8th amendment ?	The Court ruled that the previously discovered right to counsel provided by the fourteenth amendment does not compel states to provide counsel to any defendant. While counsel may be necessary to receive a fair trial in some cases, it is not in all cases.
<ul style="list-style-type: none"> Gideon was arrested for breaking into a Florida poolroom. The judge denied his request for an attorney because the state only required an attorney for defendants accused of capital crimes. Gideon was found guilty. 	* May evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding? (Can evidence that was collected with an illegal search warrant be used in court?)	It was decided by the court that by not allowing the parade, Illinois had violated the 1 st Amendment rights of the Nazi Party to hold a peaceful demonstration.

<p>During World War II, Presidential Executive Order 9066 and congressional statutes gave the military authority to exclude citizens of Japanese ancestry from areas deemed critical to national defense and potentially vulnerable to espionage.</p>	<p>* Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the First Amendment's freedom of speech protections?</p>	<p>The Court decided that statements stemming from custodial interrogation of defendants cannot be used unless they demonstrated the use of procedural safeguards "effective to secure the privilege against self-incrimination." The Court specifically outlined the necessary aspects of police warnings to suspects, including warnings of the right to remain silent and the right to have counsel present during interrogations.</p>
<p>The defendant was accused of killing two men who picked him up when he was hitchhiking. He was then found guilty and sentenced to death.</p>	<p>Did the President and Congress go beyond their war powers by implementing exclusion and restricting the rights of Americans of Japanese descent?</p>	<p>* The court ruled that illegally obtained evidence may not be used in either federal or state trials.</p>
<p>The defendant was arrested and taken to a police station for questioning. Over several hours, the police refused his repeated requests to see his lawyer. The defendant eventually confessed to murder.</p>	<p>Does the police practice of interrogating individuals without notifying them of their right to counsel and their protection against self-incrimination violate the Fifth Amendment?</p>	<p>The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but only if it can be shown the forbidden conduct would substantially interfere with the learning process.</p>
<p>- a student at Syracuse University, made a speech on a street corner in Syracuse, New York encouraging listeners to attend a rally - the speech made several disparaging remarks about local politicians, organizations, and President Truman. - A crowd gathered, and several listeners began "muttering" and "shoving." One listener threatened Feiner. - Feiner refused two requests by police officers (who feared violence) to end his speech. He was arrested for inciting a riot.</p>	<p>* Does the 6th amendment right to counsel apply to the interrogation and questioning of a suspect?</p>	<p>The Court sided with the government and held that the need to protect against espionage outweighed individual's rights.</p>
<p>- Miranda was arrested for rape and kidnapping. - He was questioned and was never advised of his right to remain silent or his right to an attorney. - He confessed and was convicted.</p>	<p>* Did Feiner's arrest for inciting a riot violate his right to free speech under the First Amendment?</p>	<p>* The court ruled that schools do not have to meet the same standards as police when conducting searches. * The warrant requirement is unsuitable to the educational environment and schools only need to have reasonable suspicion to conduct a search.</p>