Name: _____
Date: _____

Gallery Walk: Landmark Court Cases

Case #1	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #2	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #3	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #4	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #5	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #6	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #7	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #8	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #9	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

Case #10	
Brief Summary (2-3 sentences)	
Amendment in Question?	
Predict the Supreme Court ruling.	

Draw a Picture:	**Supreme Court Ruling:**

#1 PLESSY v. FERGUSON (1896)

Location: New Orleans, Louisiana
Year: 1895

Facts of the Case

The state of Louisiana enacted a law that required separate railway cars for blacks and whites. In 1892, Homer Adolph Plessy--who was seven-eighths Caucasian--took a seat in a "whites only" car of a Louisiana train. He refused to move to the car reserved for blacks and was arrested.

Question

Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?

A poster of the Louisiana Railroad.

NEGRO EXPULSION FROM RAILWAY CAR, PHILADELPHIA.

On June 7, 1892, Homer Adelph Plessy boarded a train in New Orleans, Louisiana, and sat in the white passenger car. An African American whose light complexion allowed him to pass for white, Plessy announced his transgression and was asked to leave and take a seat in the colored car. Plessy refused the demands of the conductor and was arrested and jailed under the jurisdiction of Judge John H. Ferguson. Before Judge Ferguson, Plessy and his defense argued that his ejection from the train car violated his constitutional rights under the Thirteenth and Fourteenth Amendments. Ferguson ruled that the state of Louisiana had the power to regulate railroad companies that operated within the boundaries of the state, which would in this case serve to uphold the defacto southern tradition of racial segregation.

The Plessy v. Ferguson decision would go before the United States Supreme Court in 1896. After some deliberation, the Supreme Court Justices ruled 7 to 1 to uphold Judge Ferguson's previous verdict. The Court had established that the quality of the white car and colored car on the East Louisiana Railroad were of equal quality, and that any racial animosity created from the designation of the two separate cars was derived at "because the colored race chooses to put that construction upon it." The decision handed down by the U.S. Supreme Court would establish the legality of "separate but equal," which would be overturned in 1954 with the landmark case of Brown v. Board of Education of Topeka.

Plessy sitting in a "whites only" car of a Louisiana train.

#1 PLESSY v. FERGUSON (1896)

Conclusion

Decision: 7 votes for Ferguson, 1 vote(s) against
Legal provision: US Const. Amend 14, Section 1

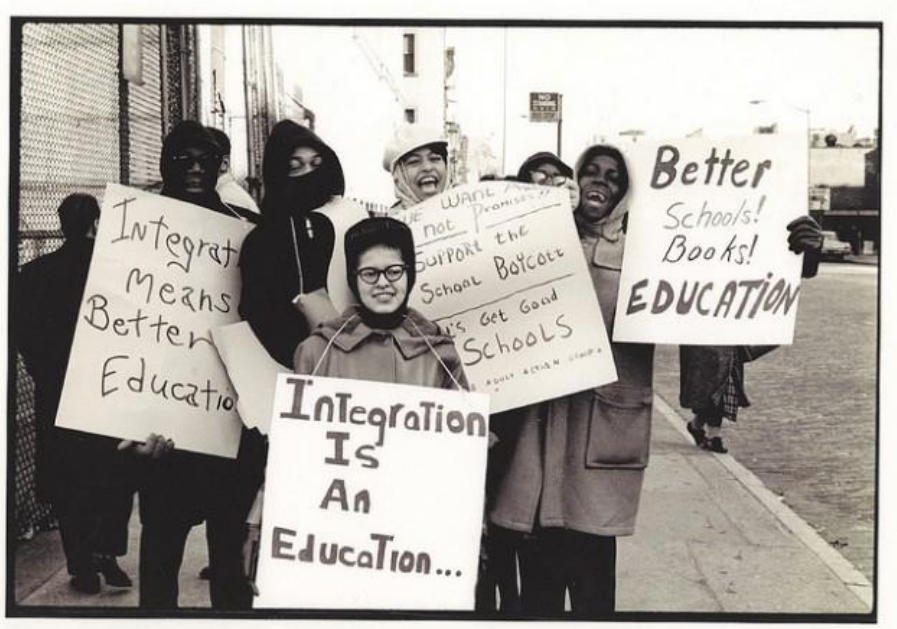
No, the state law is within constitutional boundaries. The majority, in an opinion authored by Justice Henry Billings Brown, upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Justice Brown conceded that the 14th amendment intended to establish absolute equality for the races before the law. But Brown noted that "in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

#2 BROWN v. BOARD OF EDUCATION (1954)

Location: Topeka, Kansas
Year: 1954

Facts of the Case:
Black children were denied admission to public schools attended by white children under laws requiring or permitting segregation according to the races. The white and black schools approached equality in terms of buildings, curricula, qualifications, and teacher salaries. This case was decided together with Briggs v. Elliott and Davis v. County School Board of Prince Edward County.

Question
Does the segregation of children in public schools solely on the basis of race deprive the minority children of the equal protection of the laws guaranteed by the 14th Amendment?



An Integration Plan That Never Was: Looking for Brown v. Board of Education in the New York City Board of Education's 1954 Commission on Integration.

Late News

Associated Press Leased Wires

The Danville Bee.

FOR ALL DEPARTMENTS CALL 4500

56th Year — Founded February, 1880 — No. 19,038 — Danville, Va., Monday Afternoon, May 17, 1954 — Price: FIVE CENTS

SEGREGATION IN PUBLIC SCHOOLS ENDED BY COURT

Ruled Unconstitutional By Supreme Court; Date To End Practice Not Set

Rules Separate Facilities Are Unequal

WASHINGTON (AP) — The Supreme Court ruled unanimously today that segregation of Negro and White students in public schools is unconstitutional. But it said it will hear further arguments this

Danville School Board Will Meet At Once To Study Court Decision

Officials Give Views On Matter; Call For Calm Study On All Sides

Good Progress

Robert P. McConnell, chairman of the School Board, on being in-

Firm Entered, Haul Is Made; Boy Wounded

Man Accidentally Shot In The Hand

A breaking and entering and an accidental shooting topped occurrences claiming police attention over the week-end.

Charlie's Place on Riverside Drive was broken into by way of a rear window and a sizeable quantity of cigarettes, cigars, candy and chewing gum taken. The discovery was made during a routine check by Lieut. Curtis Fields shortly after last midnight. Patrolmen J. B. Walton and J. B. Gardner conducted the initial investigation and this morning turned the case

Paroled Slayer Captured After Bizarre Deaths

Held For Four Brutal Killings

MOULTRIE, Ga. (AP)—Capture of a paroled Georgia convict wanted in connection with four brutal slayings ended three days of terror today and brought sighs of relief to this South Georgia community.

Tom Williams, a 45-year-old paroled murderer, was taken on the edge of a swamp east of the city last night. Lt. W. E. McDuffie of the Georgia Bureau of Identification made the capture. He hustled Williams off to his auto-

McCarthy-Army Hearings' Future Thrown In Doubt

Presidential Order Shutting Off Inquiry Denounced By Sen. McCarthy

WASHINGTON (AP)—The future of the McCarthy-Army hearings was thrown in doubt today by a presidential order—denounced by Sen. McCarthy as an "iron curtain"—shutting off inquiry into whether "higher-ups" directed the charges against the senator.

The Senate investigations subcommittee recessed its public hearings at 11:55 a. m. (EDT) to consider in closed session what stand it might take on Eisenhower's order.

McCarthy, claiming that "this cover up" made it impossible to get at the truth, declined to say, when asked by

Suit Being Tried

ALEXANDRIA, Va. (AP)—A suit by John Locke Green to force his recognition as a Democratic candidate for Congress went to trial before a three-judge federal court here today.

Green, a Republican when he held office as Arlington County treasurer, brought the suit against Virginia's 10th District Democratic Committee after it refused to accept him as a party candidate for the forthcoming congressional election.

Funds Requested

WASHINGTON (AP) — President Eisenhower asked Congress today for an extra $34,100,000 to help areas crowded by federal workers or workers on federal projects with school construction.

The request, in a letter to Speaker of the House Martin, is for funds for the next fiscal year beginning July 1. The extra money is in addition to 40 million dollars already in the budget for the same purpose for the fiscal year ahead.

Considering Violations

WASHINGTON (AP) — Atty. Gen. Brownell said officially today the Justice Department is considering "possible violations of the criminal law" in the preparation and dissemination of a document Sen. McCarthy presented May 4 in the McCarthy-Army hearings.

Brownell made the disclosure in ruling that no part of the document should be declassified from its confidential category.

Strike Called

Supreme Court handed down a decision on *Brown v. Board of Education of Topeka, Kansas* (May 17, 1954) that ended legal segregation in public schools.

#2 BROWN v. BOARD OF EDUCATION (1954)

Conclusion

Decision: 9 votes for Brown, 0 vote(s) against
Legal provision: Equal Protection

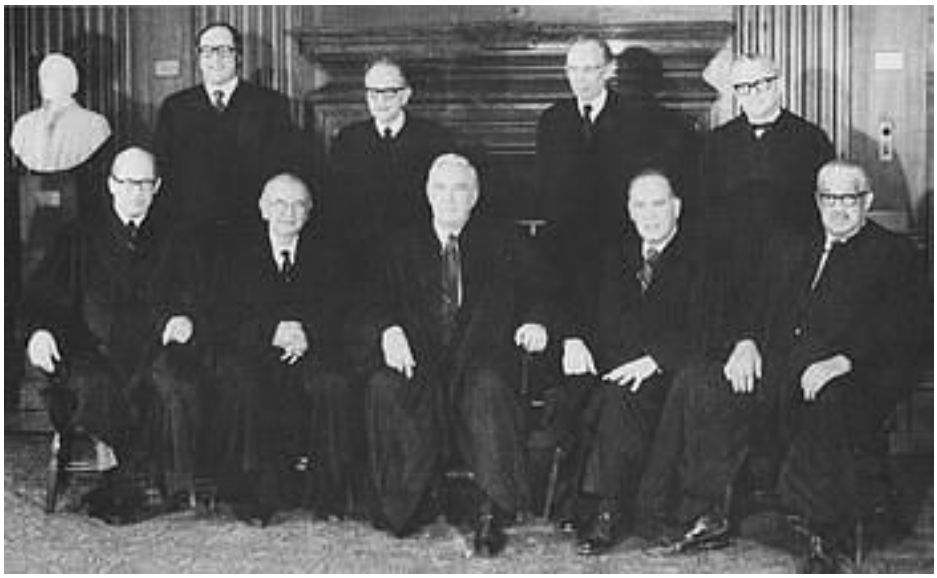
Yes. Despite the equalization of the schools by "objective" factors, intangible issues foster and maintain inequality. Racial segregation in public education has a detrimental effect on minority children because it is interpreted as a sign of inferiority. The long-held doctrine that separate facilities were permissible provided they were equal was rejected. Separate but equal is inherently unequal in the context of public education. The unanimous opinion sounded the death-knell for all forms of state-maintained racial separation.

#3 MAPP v. OHIO (1961)

Location: Mapp's Residence in Cleveland, OH
Year: 1961

Facts of the Case:
Dollree Mapp was convicted of possessing obscene materials after an admittedly illegal police search of her home for a fugitive. She appealed her conviction on the basis of freedom of expression.

Question:
Were the confiscated materials protected by the First Amendment? May evidence obtained through a search in violation of the Fourth Amendment be admitted in a state criminal proceeding?



The Burger Court Front: Byron R. White, William J. Brennan, Jr., Warren E. Burger, Potter Stewert, Thurgood Marshall Second row: William H. Rehnquist, Harry A. Blackmum, Lewis F. Powell, John Paul Stevens

Illegal police search

#3 MAPP v. OHIO (1961)

Conclusion

Decision: 6 votes for Mapp, 3 vote(s) against
Legal provision: Amendment 4: Fourth Amendment

The Court brushed aside the First Amendment issue and declared that "all evidence obtained by searches and seizures in violation of the Constitution is, by [the Fourth Amendment], inadmissible in a state court." Mapp had been convicted on the basis of illegally obtained evidence. This was an historic -- and controversial -- decision. It placed the requirement of excluding illegally obtained evidence from court at all levels of the government. The decision launched the Court on a troubled course of determining how and when to apply the exclusionary rule.

#4 ENGEL v. VITALE (1962)

Location: New Hyde Park-Garden City Park School District In New York
Year: 1962

Facts of the Case:
The Board of Regents for the State of New York authorized a short, voluntary prayer for recitation at the start of each school day. This was an attempt to defuse the politically potent issue by taking it out of the hands of local communities. The blandest of invocations read as follows: "Almighty God, we acknowledge our dependence upon Thee, and beg Thy blessings upon us, our teachers, and our country."

Question:
Does the reading of a *nondenominational* prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment? Should schools be able to ask students to recite a nondenominational prayer?

**nondenominational* – Not specifically promoting a single religion

Hyde Park School District families photographed following the Engel v. Vitale verdict

School Prayer. Separation of Church and State. Religious freedom.

#4 ENGEL v. VITALE (1962)

Conclusion

Decision: 6 votes for Engel, 1 vote(s) against
Legal provision: Establishment of Religion

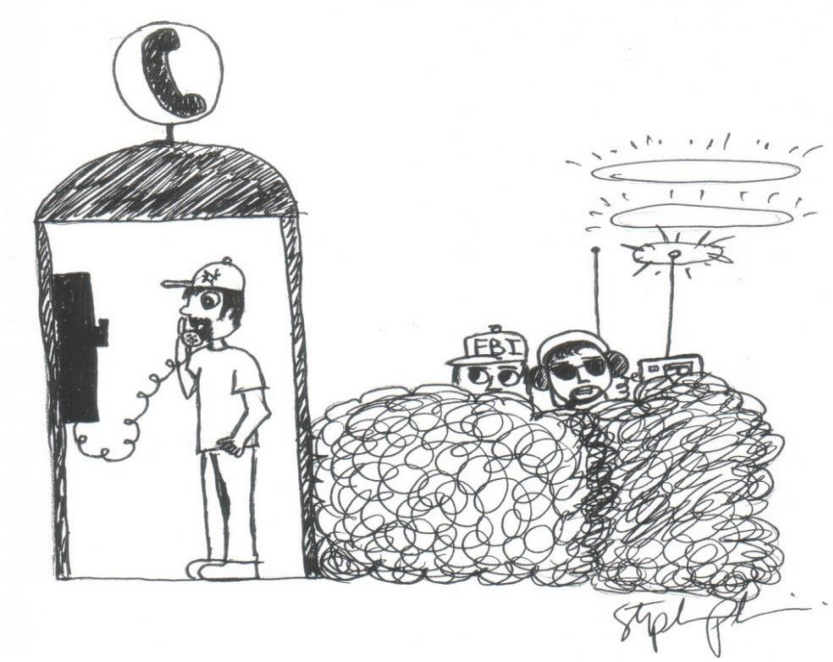
Yes. Neither the prayer's nondenominational character nor its voluntary character saves it from unconstitutionality. By providing the prayer, New York officially approved religion. This was the first in a series of cases in which the Court used the establishment clause to eliminate religious activities of all sorts, which had traditionally been a part of public ceremonies. Despite the passage of time, the decision is still unpopular with a majority of Americans.

#5 KATZ v. UNITED STATES (1967)

Location: Telephone Booth in Los Angeles, CA
Year: 1967

Facts of the Case:
Acting on a suspicion that Katz was transmitting gambling information over the phone to clients in other states, Federal agents attached an eavesdropping device to the outside of a public phone booth used by Katz. Based on recordings of his end of the conversations, Katz was convicted under an eight- count indictment for the illegal transmission of wagering information from Los Angeles to Boston and Miami. On appeal, Katz challenged his conviction arguing that the recordings could not be used as evidence against him. The Court of Appeals rejected this point, noting the absence of a physical intrusion into the phone booth itself. The Court granted certiorari.

Question:
Does the Fourth Amendment protection against unreasonable searches and seizures require the police to obtain a search warrant in order to wiretap a public pay phone?



Acting on a suspicion that Katz was transmitting gambling information over the phone to clients in other states.

Federal agents attached an eavesdropping device to the outside of a public phone booth used by Katz.

#5 KATZ v. UNITED STATES (1967)

Conclusion

Decision: 7 votes for Katz, 1 vote(s) against
Legal provision: Amendment 4: Fourth Amendment

Yes. The Court ruled that Katz was entitled to Fourth Amendment protection for his conversations and that a physical intrusion into the area he occupied was unnecessary to bring the Amendment into play. "The Fourth Amendment protects people, not places," wrote Justice Potter Stewart for the Court. A concurring opinion by John Marshall Harlan introduced the idea of a 'reasonable' expectation of Fourth Amendment protection.

#6 TINKER v. DES MOINES (1969)

Location: Des Moines, Iowa
Year: 1965

Facts of the Case:
A group of students in Des Moines held a meeting in the home of 16-year-old Christopher Eckhardt to plan a public showing of their support for a truce in the Vietnam War. They decided to wear black armbands throughout the holiday season and to fast on December 16 and New Year's Eve. The principals of the Des Moines school learned of the plan and met on December 14 to create a policy that stated that any student wearing an armband would be asked to remove it, with refusal to do so resulting in suspension. On December 16, Mary Beth Tinker and Christopher Eckhardt wore their armbands to school and were sent home. The following day, John Tinker did the same with the same result. The students did not return to school until after New Year's Day, the planned end of the protest.

Question
Does a prohibition against the wearing of armbands in public school, as a form of symbolic protest, violate the students' freedom of speech protections guaranteed by the First Amendment?

Students wearing black armbands.

Students protesting against the Vietnam War, meaning of the armband.

#6 TINKER v. DES MOINES (1969)

Conclusion

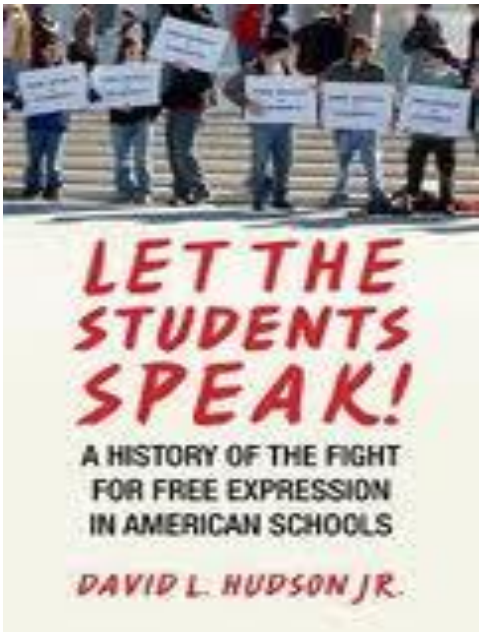
Decision: 7 votes for Tinker, 2 vote(s) against
Legal provision: Amendment 1: Speech, Press, and Assembly

Yes. Justice Abe Fortas delivered the opinion of the 7-2 majority. The Supreme Court held that the armbands represented pure speech that is entirely separate from the actions or conduct of those participating in it. The Court also held that the students did not lose their First Amendment rights to freedom of speech when they stepped onto school property. In order to justify the suppression of speech, the school officials must be able to prove that the conduct in question would "materially and substantially interfere" with the operation of the school. In this case, the school district's actions evidently stemmed from a fear of possible disruption rather than any actual interference.

In his concurring opinion, Justice Potter Stewart wrote that children are not necessarily guaranteed the full extent of First Amendment rights. Justice Byron R. White wrote a separate concurring opinion in which he noted that the majority's opinion relies on a distinction between communication through words and communication through action.

Justice Hugo L. Black wrote a dissenting opinion in which he argued that the First Amendment does not provide the right to express any opinion at any time. Because the appearance of the armbands distracted students from their work, they detracted from the ability of the school officials to perform their duties, so the school district was well within its rights to discipline the students. In his separate dissent, Justice John M. Harlan argued that school officials should be afforded wide authority to maintain order unless their actions can be proven to stem from a motivation other than a legitimate school interest.

#7 BETHEL SCHOOL DISTRICT v. FRASER (1986)



Location: Bethel High School in Pierce County, WA
Year: 1986

Facts of the Case:
At a school assembly of approximately 600 high school students, Matthew Fraser made a speech nominating a fellow student for elective office. In his speech, Fraser used what some observers believed was a graphic sexual metaphor to promote the candidacy of his friend. As part of its disciplinary code, Bethel High School does not allow conduct which "substantially interferes with the educational process . . . including the use of obscene, profane language or gestures." Fraser was suspended from school for two days.

Question:
Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd or graphic speech at a high school assembly?

Matthew Fraser in front of Bethel Senior High School (Source: Glogster)

#7 BETHEL SCHOOL DISTRICT v. FRASER (1986)

Conclusion

Decision: 7 votes for Bethel School District No. 403, 2 vote(s) against
Legal provision: Amendment 1: Speech, Press, and Assembly

No. The Court found that it was appropriate for the school to prohibit the use of vulgar and offensive language. Chief Justice Burger distinguished between political speech which the Court previously had protected in Tinker v. Des Moines Independent Community School District (1969) and the supposed sexual content of Fraser's message at the assembly. Burger concluded that the First Amendment did not prohibit schools from prohibiting vulgar and lewd speech since such discourse was inconsistent with the "fundamental values of public school education."

#8 HAZELWOOD SCHOOL DISTRICT v. KUHLMEIER (1988)

Location: Hazelwood East High School in Missouri
Year: 1987

Facts of the Case:
The Spectrum, the school-sponsored newspaper of Hazelwood East High School, was written and edited by students. In May 1983, Robert E. Reynolds, the school principal, received the pages proofs for the May 13 issue. Reynolds found two of the articles in the issue to be inappropriate, and ordered that the pages on which the articles appeared be withheld from publication. Cathy Kuhlmeier and two other former Hazelwood East students brought the case to court.

Question:
Did the principal's deletion of the articles violate the students' rights under the First Amendment?

Students enrolled in the Journalism II class at Hazelwood East High School were responsible for writing and editing the school's paper The Spectrum.

The school principal felt that the subjects of these two articles were inappropriate. There was no time to edit the articles so they were eliminated.

#8 HAZELWOOD SCHOOL DISTRICT v. KUHLMEIER (1988)

Conclusion

Decision: 5 votes for Hazelwood School District, 3 vote(s) against
Legal provision: Amendment 1: Speech, Press, and Assembly

No. In a 5-to-3 decision, the Court held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that schools must be able to set high standards for student speech disseminated under their auspices, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test.

#9 TEXAS v. JOHNSON (1989)

Location: Dallas City Hall
Year: 1989

Facts of the Case:
In 1984, in front of the Dallas City Hall, Gregory Lee Johnson burned an American flag as a means of protest against Reagan administration policies. Johnson was tried and convicted under a Texas law outlawing flag desecration. He was sentenced to one year in jail and assessed a $2,000 fine. After the Texas Court of Criminal Appeals reversed the conviction, the case went to the Supreme Court.

Question:
Is the desecration of an American flag, by burning or otherwise, a form of speech that is protected under the First Amendment?

Johnson (to right) with attorney Kunstler, c. 1989

Johnson holding the flag he burned.

#9 TEXAS v. JOHNSON (1989)

Conclusion

Decision: 5 votes for Johnson, 4 vote(s) against
Legal provision: Amendment 1: Speech, Press, and Assembly

In a 5-to-4 decision, the Court held that Johnson's burning of a flag was protected expression under the First Amendment. The Court found that Johnson's actions fell into the category of expressive conduct and had a distinctively political nature. The fact that an audience takes offense to certain ideas or expression, the Court found, does not justify prohibitions of speech. The Court also held that state officials did not have the authority to designate symbols to be used to communicate only limited sets of messages, noting that "[i]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

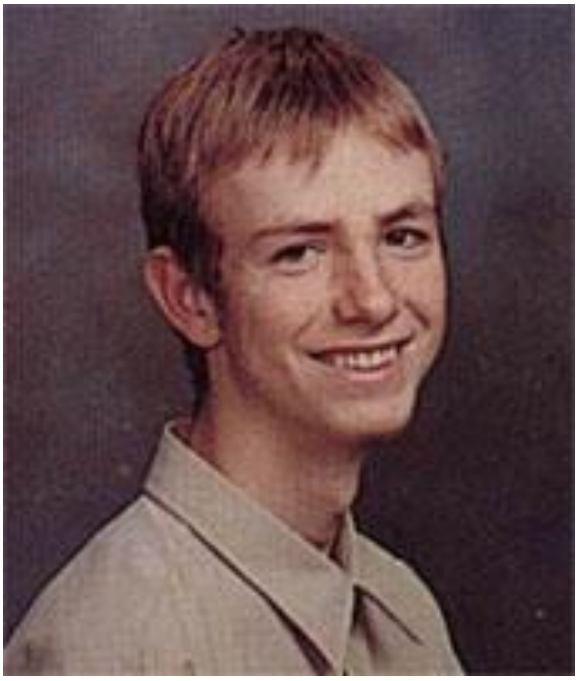
#10 MORSE v. FREDERICK (2007)

Location: Juneau, Alaska
Year: 2007

Facts of the Case:
At a school-supervised event, Joseph Frederick held up a banner with the message "Bong Hits 4 Jesus." Principal Deborah Morse took away the banner and suspended Frederick for ten days. Frederick sued alleging a violation of his First Amendment right to freedom of speech. The District Court found no constitutional violation and ruled in favor of Morse. The court held that even if there were a violation, the principal had qualified immunity from lawsuit. The U.S. Court of Appeals for the Ninth Circuit reversed. The Ninth Circuit cited *Tinker v. Des Moines,* which extended First Amendment protection to student speech except where the speech would cause a disturbance. Because Frederick was punished for his message rather than for any disturbance, the Circuit Court ruled, the punishment was unconstitutional.

Question:
1) Does the First Amendment allow public schools to prohibit students from displaying messages promoting the use of illegal drugs at school-supervised events?

2) Does a school official have qualified immunity from a damages lawsuit when, in accordance with school policy, she disciplines a student for displaying a banner with a drug reference at a school-supervised event?



Joseph Fredrick

Students protesting free speech for students for the MORSE v. FREDERICK case.

#10 MORSE v. FREDERICK (2007)

Conclusion

Decision: 5 votes for Morse, 4 vote(s) against
Legal provision: Amendment 1: Speech, Press, and Assembly

Yes and not reached. The Court reversed the Ninth Circuit by a 5-4 vote, ruling that school officials can prohibit students from displaying messages that promote illegal drug use. Chief Justice John Roberts's majority opinion held that although students do have some right to political speech even while in school, this right does not extend to pro-drug messages that may undermine the school's important mission to discourage drug use. The majority held that Frederick's message, though "cryptic," was reasonably interpreted as promoting marijuana use - equivalent to "[Take] bong hits" or "bong hits [are a good thing]." In ruling for Morse, the Court affirmed that the speech rights of public school students are not as extensive as those adults normally enjoy, and that the highly protective standard set by *Tinker* would not always be applied. In concurring opinions, Justice Thomas expressed his view that the right to free speech does not apply to students and his wish to see *Tinker* overturned altogether, while Justice Alito stressed that the decision applied only to pro-drug messages and not to broader political speech. The dissent conceded that the principal should have had immunity from the lawsuit, but argued that the majority opinion was "[...] deaf to the constitutional imperative to permit unfettered debate, even among high-school students [...]."