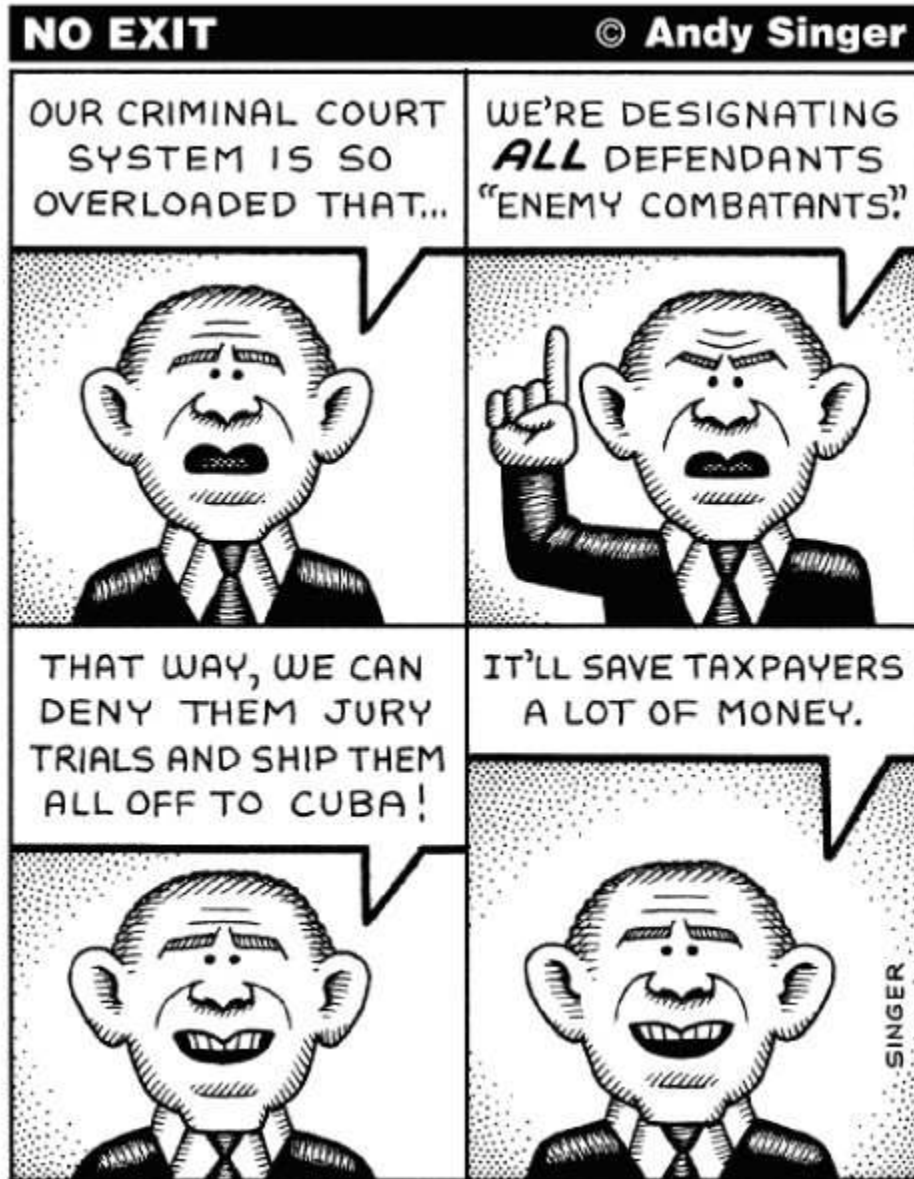


# Rights of the Accused

## Landmark Supreme Court Cases



Herein are all the major Supreme Court cases involving the First Amendment, but you only have to KNOW a few select ones. To see the overall trends established by the Court, the comprehensive list is provided.

Annotate each case as follows:

1. Highlight issue & ruling.
2. Determine whether the Court ruled the action in question to be constitutional or unconstitutional.
3. Note whether or not the case established a "test" or "doctrine" that the Court would apply to similar cases, e.g., the Lemon test.
4. Categorize by type of liberty, e.g., establishment clause.
5. Categorize by type of case, e.g., school prayer.
6. Label the incorporation cases.
7. Mark the "must know" cases as announced in class.

## CITIZEN JURIES

### ***Rex v. Zenger (1735)***

The colony of New York tried John Peter Zenger, a newspaper publisher, for seditious libel against the colonial governor. At that time, truth was not a defense in a libel case. Zenger's attorney, Andrew Hamilton, told the jury of their power and duty to judge the law as well as the facts, and the jury acquitted Mr. Zenger. While not a Supreme Court case, this is a landmark example of jury nullification.

### ***Strauder v. West Virginia (1880)***

A law barring non-whites from serving on juries was an unconstitutional violation of the Fourteenth Amendment's equal protection clause.

### ***Sparf et al. v. United States (1895)***

Federal judges were not obligated to inform jurors of their full rights and powers to judge both the facts as well as the law.

### ***Smith v. State of Texas (1941)***

Racial discrimination in jury selection violated the Fourteenth Amendment.

### ***Hernandez v. Texas (1954)***

Excluding people from serving on a jury because of their national origin violated the Fourteenth Amendment; a conviction was overturned because the accused had been tried before a jury from which members of his ethnicity had been excluded.

### ***Duncan v. Louisiana (1968)***

The Sixth Amendment's guarantee of jury trials was fundamental to the American system of justice, and states were required to provide them under the Fourteenth Amendment.

### ***Taylor v. Louisiana (1975)***

The Sixth Amendment requires that jurors represent a "fair cross-section of the community." No citizen could be excluded from a jury pool because of sex.

### ***Batson v. Kentucky (1986)***

The Sixth and Fourteenth Amendments prohibited attorneys from using peremptory challenges to strike prospective jurors solely on the basis of race. Racial discrimination in juror selection damaged the community by "undermining public confidence" in the justice system.

### ***Powers v. Ohio (1991)***

The Equal Protection clause of the Fourteenth Amendment prohibited attorneys from using peremptory challenges to strike prospective jurors solely on the basis of race, whether or not the accused was of the same race/ethnicity as the excluded jurors.

### ***J.E.B. v. Alabama (1994)***

The Equal Protection clause of the Fourteenth Amendment prohibited attorneys from using peremptory challenges to strike prospective jurors solely on the basis of sex.

***Powell v. Alabama (1932)***

The Court ruled that indigent members of society (in this case, the Scottsboro Boys), when charged with a capital crime, must be given competent counsel at the expense of the public.

***Betts v. Brady (1942)***

The Court refused to grant the right to an attorney to all indicted or accused individuals; they believed the courts must hear each non-capital situation and decide on a case-by-case basis.

***Bartkus v. Illinois (1959)***

The Court ruled that prosecutions in state and federal courts for the same act are not violations of due process and double jeopardy protections; persons may be tried twice for the same crimes, once in federal court and once in state court.

***Mapp v. Ohio (1961)***

All evidence obtained by searches and seizures in violation of the Constitution is inadmissible in court; this is the "exclusionary rule."

***Robinson v. California (1962)***

A California law imprisoning those with "illness" of drug addiction was a cruel and unusual punishment in violation of the Eighth Amendment. The law punished people because of their "status" of addiction and was not aimed at the purchase, sale, or possession of illegal drugs.

***Gideon v. Wainwright (1963)***

The Supreme Court overturned *Betts v. Brady* and required that any indigent person accused of a felony must be given an attorney at the public's expense.

***Escobedo v. Illinois (1964)***

The Court extended the "exclusionary rule" to include any confessions obtained by unconstitutional means. Once questioning reaches past a stage of "general inquiry," the suspect has the right to have an attorney present.

***Miranda v. Arizona (1966)***

Since the police had not informed Mr. Miranda of his constitutional right to keep silent, his rights were violated and conviction was set aside.

***Terry v. Ohio (1968)***

The Court found that a "stop and frisk" is a "search and seizure" under the Fourth Amendment and, under certain circumstances, is a reasonable crime prevention practice. Seized evidence may be admissible.

***Furman v. Georgia (1972)***

The imposition and carrying out of the death penalty was held to constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments because it was done in "an arbitrary, discriminatory, and capricious manner."

***Gregg v. Georgia (1976)***

Georgia's law imposing the death penalty under very specific circumstances and guidelines is held constitutional. The death penalty "does not invariably violate the Constitution." The judicious and careful use of the penalty was justified in that it met contemporary standards of society, served a deterrent or retributive purpose, and was not arbitrarily applied.

***Ingraham v. Wright (1977)***

Corporal punishment in schools is not prohibited under the Eighth Amendment as cruel and unusual.

***Nix v. Williams (1984)***

The Court found that if police learn of evidence by unconstitutional means, they may still introduce it at trial if they can prove that they would have found the evidence anyway through constitutional means. There is an "inevitable discovery" exception to the Exclusionary Rule.

***New Jersey v. T.L.O. (1985)***

The Fourth Amendment ban on unreasonable searches applies to those conducted by public school officials as well as by law enforcement personnel; however, the Court used a less strict standard of “reasonable suspicion” to conclude that the search of a student’s purse by public school officials did not violate the Fourth and Fourteenth Amendments.

***Vernonia v. Acton (1995)***

Students must submit to random drug testing in order to participate in interscholastic athletics; the policy is “reasonable and hence constitutional.” Students in a school environment “have a lesser expectation of privacy than members of the population generally.” The reasonableness was determined by “balancing the intrusion” against the “promotion of legitimate government interests.”

***Chandler v. Miller (1997)***

Georgia’s requirement of drug tests for candidates for designated state offices does not fit “within the closely guarded category of constitutionally permitted suspicionless searches.” This test “diminishes personal privacy for a symbol’s sake. The Fourth Amendment shields society against that state action.”

***Knowles v. Iowa (1998)***

Police searches of vehicles on routine traffic stops are an “unreasonable search and seizure.”

***Wyoming v. Houghton (1999)***

Police may search the belongings of all passengers in a car when lawfully seeking evidence against the driver.

***Bond v. United States (2000)***

The Fourth Amendment is violated when officials squeeze a carry-on bag in a bus overhead compartment and discover illicit drugs.

***Dickerson v. United States (2000)***

The Supreme Court ruled that Congress could not pass a law that would contradict a Supreme Court ruling. They cited *Marbury v. Madison* (1803) as the source of their power. Judicial Review gave the Court the final say on an act’s constitutionality. Justices writing in dissent called the ruling the “Pyramid of judicial arrogance.”

***Indianapolis v. James (2001)***

The Court invalidated the city’s roadblock program because it was “indistinguishable from the general interest of crime control” and did not fit into the established exceptions to individualized suspicion.

***Kyllo v. United States (2001)***

Warrantless use of thermal-imaging devices to monitor heat emissions from a private residence violates the Fourth Amendment protection against unreasonable searches.

***Ferguson v. City of Charleston (2001)***

Public hospital testing of pregnant women for cocaine use and reporting the results to police officials is an unconstitutional search in violation of the Fourth Amendment.

***Board of Education of Pottawatomie County v. Earls (2002)***

School district requirements of drug tests for all students participating in any extra-curricular activities were upheld by the Court. The testing is a “reasonable means of furthering the School District’s important interest in preventing and deterring drug use among its schoolchildren.”

***Hiibel v. Sixth Judicial District of Nevada (2004)***

The Court ruled that requiring citizens to identify themselves to police does not violate their Fourth or Fifth Amendment rights if police have a “reasonable suspicion” that someone was involved in or has knowledge of a crime.

***Groh v. Ramirez (2004)***

An incorrectly written search warrant could result in any evidence obtained being excluded from trial.

***Hamdi v. Rumsfeld (2004)***

The Court held that the executive could not label a US citizen captured in Afghanistan an “enemy combatant” and detain him indefinitely without access to a lawyer or the court system.