

Now That I Know...Creating an Improvement Plan

The Next Step – What I will do to increase learning in the lower competencies this year

Program Area:		NOCTI Competency Area:
Homeland Security - Thomas		Describe selected landmark cases that illustrates US Constitutional Law
Enhance Teaching Methods <ul style="list-style-type: none"> • Project • Group activity • Research paper • Theory adjustment • Lab adjustment • Literacy activities • Math activities 	<ol style="list-style-type: none"> 1. Google top ten case laws – note taking outline (Guided Notes) 2. Work with History instructor to emphasize case law (schools that have a History teacher) 3. Max strategy for chapter covering text chapter on Constitutional Law 4. Use strategies for memorization 5. Students perform research in Groups on case law – present Powerpoint or some media related activity that covers the Constitutional Law governing the topic (use case law from text) 	
Revise Curriculum <ul style="list-style-type: none"> • Expand time • Reduce time • Change sequence • Add content • Reduce content 	<ol style="list-style-type: none"> 1. 2. 3. 	
Use Outside Resources <ul style="list-style-type: none"> • Guest speakers • Field trips • Work-based experiences • Internet resources 	<ol style="list-style-type: none"> 1. Contact Octorara HS to obtain lessons plans for this area and instructional methods (Curley) 2. 3. 	

Law Enforcement - Case Studies

Case _____

List the Following: Use additional paper if needed

Plaintiff

Defendant

Which Amendment was involved (if any)

Issues

Decision

Significance

Other related issues

Summarize in your own words

SUPREME COURT CASES

Baker V. Carr

- Case deals with Voting districts
- United States Supreme Court case that retreated from the Court's political question doctrine, deciding that redistricting (attempts to change the way voting districts are delineated) issues present justifiable questions, thus enabling federal courts to intervene in and to decide reapportionment cases. The defendants unsuccessfully argued that reapportionment of legislative districts is a "political question", and hence not a question that may be resolved by federal courts.
- The Court split 6 to 2 in ruling which explored the nature of "political questions" and the appropriateness of Court action in them, the Court held that there were no such questions to be answered in this case and that legislative apportionment was a justiciable
- <http://www.nytimes.org/1962/06/12/us/politics/12baker.html>

California v. Hodari

- United States Supreme Court case where the Court held that a fleeing suspect is not "seized" under the terms of the Fourth Amendment unless the pursuing officers apply physical force to the suspect or the suspect submits to officers' demands to halt. Consequently, evidence that is discarded by a fleeing suspect prior to the point in time at which they are seized is not subject to the Fourth Amendment's exclusionary rule.
- <https://www.oyez.org/cases/1990/89-1632>

Chambers v. Maroney

- Case deals with the 4th amendment
- Car was taken to a police station and searched without a warrant.
- Court ruled 7 to 1 the search was illegal
- Court applied the Carroll Doctrine.

• More info http://www.oyez.org/cases/1960-1969/1969/1969_830

Chimel v. California

- Case deals with the 4th amendment
- Local police officers went to Chimel's home with a warrant authorizing his arrest for burglary. Upon serving him with the arrest warrant, the officers conducted a comprehensive search of Chimel's residence. The search uncovered a number of items that were later used to convict Chimel. State courts upheld the conviction
- In a 7-to-2 decision, the Court held that the search of Chimel's house was unreasonable under the Fourth and Fourteenth Amendments. The Court reasoned that searches "incident to arrest" are limited to the area within the immediate control of the suspect.

• <http://www.oyez.org/cases/1960-1969/10681068.htm>

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Clinton V. Jones

- Case deals with Article 1, Section 7, Paragraph 2: Separation of Powers
- Can the President of the United States be sued?
- In a unanimous decision the court ruled that Yes, President of the United States can be sued

• http://www.oyez.org/cases/1990-1999/1006/1006_05_4853

Engel V. Vitale

- 1st amendment
- 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."
- Does the reading of a nondenominational prayer at the start of the school day violate the "establishment of religion" clause of the First Amendment?
- In a 6-1 decision, 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.
- <https://www.oyez.org/cases/3961/468>

Escobedo V. Illinois

- Case deals with 6th amendment
- Danny Escobedo was arrested and taken to a police station for questioning. Over several hours, the police refused his repeated requests to see his lawyer. Escobedo's lawyer sought unsuccessfully to consult with his client. Escobedo subsequently confessed to murder..
- In a 5-4 decision the Court ruled that Escobedo had not been adequately informed of his constitutional right to remain silent rather than to be forced to incriminate himself. The case has lost authority as precedent as the arguments in police interrogation and confession cases have shifted from the Sixth Amendment to the Fifth Amendment, emphasizing whether the appropriate warnings have been given and given correctly, and whether the right to remain silent has been waived.
- <http://www.oyez.org/cases/359/360/361/362/363/364>

Gregg v Georgia

- A jury found Gregg guilty of armed robbery and murder and sentenced him to death. On appeal, the Georgia Supreme Court affirmed the death sentence except as to its imposition for the robbery conviction. Gregg challenged his remaining death sentence for murder, claiming that his capital sentence was a "cruel and unusual" punishment that violated the Eighth and Fourteenth Amendments.
- Is the imposition of the death sentence prohibited under the Eighth and Fourteenth Amendments as "cruel and unusual" punishment?
- No. In a 7-to-2 decision, the Court held that a punishment of death did not violate the Eighth and Fourteenth Amendments under all circumstances. In extreme criminal cases, such as when a defendant has been convicted of deliberately killing another, the careful and judicious use of the death penalty may be appropriate if carefully employed.

Griswold V. Connecticut

- Case deals with 1st, 3rd, 4th, 9th amendment
- Griswold was the Executive Director of the Planned Parenthood League of Connecticut. Both she and the Medical Director for the League gave information, instruction, and other medical advice to married couples concerning birth control. Griswold and her colleague were convicted under a Connecticut law which criminalized the provision of counseling, and other medical treatment, to married persons for purposes of preventing conception.
- In a 7-2 decision the court ruled that though the Constitution does not explicitly protect a general right to privacy, the various guarantees within the Bill of Rights create penumbras, or zones, that establish a right to privacy. Together, the First, Third, Fourth, and Ninth Amendments, create a new constitutional right, the right to privacy in marital relations. The Connecticut statute conflicts with the exercise of this right and is therefore null and void.
- <http://www.nytimes.org/1965/06/16/us/politics/16gri.html>

Furman v Georgia

- Furman was burglarizing a private home when a family member discovered him. He attempted to flee, and in doing so tripped and fell. The gun that he was carrying went off and killed a resident of the home. He was convicted of murder and sentenced to death (Two other death penalty cases were decided along with Furman: Jackson v. Georgia and Branch v. Texas. These cases concern the constitutionality of the death sentence for rape and murder convictions, respectively).
- Does the imposition and carrying out of the death penalty in these cases constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments?
- Yes. The Court held that the imposition of the death penalty in these cases constituted cruel and unusual punishment and violated the Constitution.

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Gideon V. Wainwright

- Case deals with the 6th and 14th amendments
- Gideon was charged in a Florida state court with a felony for breaking and entering. He lacked funds and was unable to hire a lawyer to prepare his defense. When he requested the court to appoint an attorney for him, the court refused, stating that it was only obligated to appoint counsel to indigent defendants in capital cases. Gideon defended himself in the trial; he was convicted by a jury and the court sentenced him to five years in a state prison.
- In a unanimous opinion, the Court held that Gideon had a right to be represented by a court-appointed attorney and, in doing so, overruled its 1942 decision of *Betts v. Brady*. In this case the Court found that the Sixth Amendment's guarantee of counsel was a fundamental right, essential to a fair trial, which should be made applicable to the states through the Due Process Clause of the Fourteenth Amendment.
- http://www.court.gov/constitution/amendments/6th/6th_115

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Kent v. Dulles

- Rockwell Kent applied for and was refused a passport to visit England. In addition to informing him that his application refusal rested on his Communist Party affiliations, the Passport Office Director told Kent that in order for a passport to be issued a hearing would be necessary. The Director instructed Kent to submit an affidavit as to whether he was a current or past Communist. Upon the advice of counsel, Kent refused to sign the affidavit but did participate in a hearing at which he was once more asked to sign an affidavit concerning his Communist affiliations. When he refused the affidavit, the Passport Department advised Kent that no further action would be taken on his passport request until he satisfied the affidavit requirement. On appeal from consecutive adverse rulings in both district and appellate court, the Supreme Court granted Kent certiorari.
- Could the Executive's Passport Department defer or refuse the issuance of passports to individuals suspected of being Communists or of traveling abroad to further Communist causes?
- No. In a 5-to-4 decision, the Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.
- <https://www.oyez.org/cases/1957/481>

Mapp V. Ohio

- Case deals with 4th amendment
- Mapp was convicted of possessing obscene materials after an admittedly illegal police search of her home for a fugitive.
- In a 6-3 decision the Court declared that "all evidence obtained by searches and seizures in violation of the Constitution is, by [the Fourth Amendment], inadmissible in a state court."

http://www.oyez.org/cases/1960-69/560/560_1.pdf

Henry V. United States

- Case deals with 4th amendment
- Without a warrant for search or arrest, federal officers who were investigating a theft from an interstate shipment of whiskey twice observed cartons being placed in a motor car in a residential district, followed and stopped the car, arrested petitioner and another man who were in it, searched the car, and found and seized cartons containing radios stolen from an interstate shipment. At petitioner's trial for unlawfully possessing radios stolen from an interstate shipment, his timely motion to suppress the evidence so seized was overruled, and he was convicted.
- In 7-2 decision the court ruled that at the time of his arrest the FBI did not have probable cause to search .
- http://www.oyez.org/cases/1950-1959/henry1959_37

Katz V. United States

- Case deals with 4th amendment
- 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.
- In a 7-2 decision 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"
- http://www.oyez.org/cases/1960-1969/katz1967_35

NATIONAL SOCIALIST PARTY v. SKOKIE cont.

- The district court of Cook County conducted a hearing on a motion by the Village of Skokie for a preliminary injunction. The court considered Collin's letter as an affidavit and took the testimony of a number of Skokie residents. One resident testified that a number of Jewish organizations planned a counterdemonstration for the same day with an expected attendance of 12,000 to 15,000 persons, and that the appearance of Nazi demonstrators could well lead to violence. The mayor of Skokie also testified that the demonstration could lead to uncontrollable violence. The court entered an order enjoining defendants from marching, walking, or parading or otherwise displaying the swastika on or off their person on May 1, 1977. The Nazi Party applied to the Illinois appellate court for a stay of the district court's injunction; the appellate court denied their application. On appeal, the Illinois Supreme Court also denied the petition for a stay. The Nazi Party then filed an application for a stay with Justice John Paul Stevens, who referred the matter to the Court.
- In a 5-4 decision the Court held that Illinois must provide strict procedural safeguards, including appellate review, to deny a stay for an injunction depriving the Nazi Party of protected First Amendment rights. The Court treated the Illinois Supreme Court's denial of a stay as a final judgment for the purposes of Supreme Court jurisdiction because it involved a right separable from and collateral to the merits of the Nazi Party's case. Hence, the Court also treated the Nazi Party's application for a stay as a petition for certiorari. The Court reversed and remanded the case for further proceedings.
- http://www.oyez.org/cases/1970-1979/1976/1976_76_1786

Tennessee V. Garner

- Case deals with 4th amendment
- The officers in question shot an unarmed suspected felon. This case was instituted by the victim's family alleging that the victim's constitutional rights were violated by the officers.
- In a 6-3 decision the Court held that under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, he or she may use deadly force only to prevent escape if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.

• http://www.mssc.org/civildisob/1981/1981_81_4719/4719_81_4719

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Miranda V. Arizona

- Case deals with 5th amendment
- The Court was called upon to consider the constitutionality of a number of instances, ruled on jointly, in which defendants were questioned "while in custody or otherwise deprived of [their] freedom in any significant way."
- In a 5-4 decision the Court held that prosecutors could not use statements stemming from custodial interrogation of defendants unless they demonstrated the use of procedural safeguards "effective to secure the privilege against self-incrimination." The Court noted that "the modern practice of in-custody interrogation is psychologically rather than physically oriented" and that "the blood of the accused is not the only hallmark of an unconstitutional inquisition." 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.
- Lead to the creation of the Miranda warning
- http://www.avalon.law.yale.edu/18th_century/miranda.htm

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NATIONAL SOCIALIST PARTY v. SKOKIE

- Case deals with 1st amendment
- The village of Skokie, Illinois had a population of approximately 70,000 persons, of whom approximately 40,500 were Jewish. Included within this population were thousands who survived detention in Nazi concentration camps. On March 20, 1977, Frank Collin, the leader of the National Socialist ("Nazi") Party of America, informed Skokie's police chief that the National Socialists intended to march on the village's sidewalk on May 1. As a result of media attention and a number of phone calls allegedly made by Nazi Party members to residents with "Jewish names", this planned demonstration became common knowledge among Skokie's Jewish community
- http://www.oyez.org/cases/1970-1979/1975/1975_76_1786

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• http://www.oyez.org/cases/1980-1989/1984/1984_83_0005

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Terry V. Ohio

- Case deals with 4th amendment
- Terry and two other men were observed by a plain clothes policeman in what the officer believed to be "casing a job, a stick-up." The officer stopped and frisked the three men, and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail.
- In an 8-to-1 decision, the Court held that the search undertaken by the officer was reasonable under the Fourth Amendment and that the weapons seized could be introduced into evidence against Terry. The Court found that the searches undertaken were limited in scope and designed to protect the officer's safety incident to the investigation
- http://www.oyez.org/cases/1960-1969/1968/1968_67

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Tinker V. Des Moines

- Case deals with 1st amendment
- John Tinker, 15 years old, his sister Mary Beth Tinker, 13 years old, and Christopher Echardt, 16 years old, decided along with their parents to protest the Vietnam War by wearing black armbands to their Des Moines schools during the Christmas holiday season. Upon learning of their intentions, and fearing that the armbands would provoke disturbances, the principals of the Des Moines school district resolved that all students wearing armbands be asked to remove them or face suspension. When the Tinker siblings and Christopher wore their armbands to school, they were asked to remove them. When they refused, they were suspended until after New Year's Day.
- In a 7-2 decision the court stated The wearing of armbands was "closely akin to 'pure speech'" and protected by the First Amendment. School environments imply limitations on free expression, but here the principals lacked justification for imposing any such limits. The principals had failed to show that the forbidden conduct would substantially interfere with appropriate school discipline.
- http://www.oyez.org/cases/1960-1969/1969/1969_20

United States V. Leon

- The exclusionary rule requires that evidence illegally seized must be excluded from criminal trials. Leon was the target of police surveillance based on an anonymous informant's tip. The police applied to a judge for a search warrant of Leon's home based on the evidence from their surveillance. A judge issued the warrant and the police recovered large quantities of illegal drugs. Leon was indicted for violating federal drug laws. A judge concluded that the affidavit for the search warrant was insufficient; it did not establish the probable cause necessary to issue the warrant. Thus, the evidence obtained under the warrant could not be introduced at Leon's trial.
- Is there a "good faith" exception to the exclusionary rule?
- <https://www.oyez.org/cases/1983/82-1771>

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Weeks V. United States

- Case deals with 4th amendment
- Police entered the home of Fremont Weeks and seized papers which were used to convict him of transporting lottery tickets through the mail. This was done without a search warrant.
- In a unanimous decision, the Court held that the seizure of items from Weeks' residence directly violated his constitutional rights. The Court also held that the government's refusal to return Weeks' possessions violated the Fourth Amendment. To allow private documents to be seized and then held as evidence against citizens would have meant that the protection of the Fourth Amendment declaring the right to be secure against such searches and seizures would be of no value whatsoever. This was the first application of what eventually became known as the "exclusionary rule."
- http://www.oyez.org/cases/1901-1939/1913/1913_451