CASE SUMMARIES FOR VARIOUS RIGHTS

These brief summaries of cases were prepared to assist with discussing the various rights featured in the Invaders activity as well as other rights-oriented exercises. The cases and topics included in this summary packet are:

First Amendment: Freedom of Speech
Texas v. Johnson (Flag Burning)
Tinker v. Des Moines (Armband Protest)
Schenck v. United States (Anti-draft Protest)

First Amendment: Freedom of Press
New York Times v. Sullivan (Criticism of Public Officials)
Branzburg v. Hayes (News Reporter Privilege)

First Amendment: Freedom of Religion
Engel v. Vitale (School Prayer)
Lee v. Weisman (Graduation Prayer)

First Amendment: Right to Peaceably Assemble
NAACP v. Claiborne Hardware (Boycott)
Board of Directors, Rotary International v. Rotary Club of Duarte (Excluding Women from Club Membership)

Second Amendment: Right to Bear Arms
United States v. Miller (Gun Registration)
District of Columbia v. Heller (Ban on Handguns)

Fourth Amendment: Unreasonable Searches and Seizures
Mapp v. Ohio (Exclusionary Rule)
New Jersey v. T.L.O. (Warrantless School Searches)
Vernonia School Dist. v. Acton (Student Athlete Drug Testing)
Board of Educ. v. Earls (Extracurricular Activities/Student Drug Testing)
California v. Greenwood (Trash Search)

Fifth Amendment: Protection from Self-incrimination
Miranda v. Arizona (Miranda Rights)

Sixth Amendment: Right to a Jury Trial
Duncan v. Louisiana (Right to Jury/State Criminal Proceedings)
Apodaca v. Oregon (Unanimous Convictions)

Sixth Amendment: Right to Legal Counsel
Gideon v. Wainwright (Right to Counsel/State Criminal Proceedings)
Escobedo v. Illinois (Interrogations)

Eighth Amendment: Cruel & Unusual Punishment
Atkins v. Virginia (Death Penalty/Mentally Retarded)
Roper v. Simmons (Death Penalty/Under 18 at Time of Offense)

FIRST AMENDMENT: FREEDOM OF SPEECH

CASE: Texas v. Johnson, 491 U.S. 397 (1989).

Facts: During the 1984 Republican National Convention in Dallas, Texas, Gregory Lee Johnson participated in a protest against then-President Ronald Reagan and a number of Dallas-based corporations. During the protest, Johnson burned an American flag in front of the Dallas City Hall, to a chorus of over 100 protestors saying: "America, the red, white, and blue, we spit on you." No one was injured during the protest and Johnson alone was prosecuted for violating a Texas statute that forbade "the desecration of a venerated object." Johnson was convicted of violating the statute, but the Texas Court of Criminal Appeals reversed, concluding that Johnson's conduct was protected symbolic speech under the First Amendment.

ISSUE: Can a person be convicted of burning the American flag where it is clear that the conduct was carried out as a form of political protest and no threatened or actual disturbance of the peace occurred?

HOLDING & REASONING: No. Publicly burning a flag as a form of political protest is protected expression under the First Amendment which may be restricted only when the goal of such expression is to incite or produce "imminent lawless action" and the expression is likely to do so. In the absence of such danger, the right to burn the flag in political protest trumps the state's interest in preserving the flag as a patriotic symbol and a symbol of national unity. The First Amendment must protect even those forms of expression which society may find offensive. Expressive conduct involving the flag is not exempt from this protection. The court said: "We do not consecrate the flag by punishing its desecration, for in doing so we dilute the freedom that this cherished emblem represents." Johnson, 491 U.S. at 420.

CASE: Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1969).

FACTS: A group of local parents and students in Des Moines, Iowa, decided to publicly protest the Vietnam War by wearing black armbands and by fasting during the holiday season. The Des Moines school district authorities became aware of the plan and they instituted a policy banning the wearing of the armbands. Christopher Eckhardt, Mary Beth Tinker and her brother John Tinker wore armbands to school. Per the policy, each student was first asked to remove the armband. Each student refused to do so and was sent home. None of the students returned to school until after New Years' Day, the conclusion of the agreed-upon period for wearing the armbands. In federal district court, the petitioners filed suit against the school district seeking an injunction against the school district and seeking nominal damages. The district court denied the injunction and the petitioners appealed to the Eighth Circuit Court of Appeals. The Eighth Circuit affirmed the district court's decision and the U.S. Supreme Court granted certiorari.

ISSUE: Can school authorities ban silent, passive, political student speech that does not threaten to interfere with the school environment?

HOLDING & REASONING: No. To justify the restriction of "pure speech," the school must demonstrate that such speech would materially and substantially interfere with the school environment. Mere fear or apprehension of a disturbance is not enough to justify limiting students' freedom of expression. Students do not abandon their First Amendment rights by virtue of coming to school.

CASE: Schenck v. United States, 249 U.S. 47 (1919).

FACTS: During World War I, Charles Schenck, a member of the Socialist Party, distributed flyers to individuals who were drafted to participate in the War. The flyer encouraged its audience to oppose the draft and it described the act of American citizens traveling to foreign countries to "shoot up the people of other lands," as "cold-blooded ruthlessness." Schenck was charged with conspiracy to obstruct the armed forces' recruiting and enlistment efforts, which was a federal crime.

ISSUE: Is a flyer, sent during wartime, which is designed to discourage people from responding to the draft, a protected form of speech under the First Amendment?

HOLDING & REASONING: No. Under the circumstances of the case, if the words are of a manner that will create a clear and present danger of bringing about the harm that Congress intended to prevent, those words do not receive First Amendment protection. While in the abstract, Schenck's comments may have been protected by the First Amendment, words must be viewed in context. Comments that may be appropriate during peacetime are not appropriate when the nation is at war.

NOTE: This case is particularly well-known for Justice Holmes' discussion of the limits of free speech protection and his quote that the protections of the free speech clause do not extend to "a man falsely shouting fire in a theatre and causing a panic." Schenck, 249 U.S. at 52.

FIRST AMENDMENT: FREEDOM OF PRESS

CASE: New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

FACTS: A city commissioner in Montgomery, Ala., L.B. Sullivan sued The New York Times for libel. Sullivan contended that an advertisement in the Times falsely linked him to actions taken against civil rights activists, including the Rev. Dr. Martin Luther King, Jr. Some of the alleged actions involved Montgomery's police force. Because part of Sullivan's official duties were to supervise the police force, he argued that any allegations made against the police department were imputed to him. Among the alleged actions were: using tear gas against student protesters, locking students out of their dining hall and bombing Dr. King's home. With respect to Sullivan, some of the statements were not wholly accurate. For example, the bombing of Dr. King's home occurred before Sullivan's tenure as a city commissioner. The jury found for Sullivan and the Alabama Supreme Court affirmed.

ISSUE: Under what circumstances can a newspaper be held liable for statements made against a public official acting in his official capacity?

HOLDING & REASONING: In a libel action, in order to award damages to a public official against people who criticized his official conduct, the official must prove "actual malice," meaning that the statement was made with knowledge of its falsity or with reckless disregard of whether it was true or false. This country must maintain an open door for debate, even when it involves pointed criticism of political office-holders. In this case, where such malice could not be proven, damages could not be maintained against the newspaper.

CASE: Branzburg v. Hayes, 408 U.S. 665 (1972).

FACTS: After observing and interviewing two young people synthesizing and using drugs in a two-county area in Kentucky, Branzburg, a reporter, wrote a story which appeared in a Louisville newspaper. Branzburg promised not to reveal the young people's identities. On two occasions, Branzburg was called to testify before state grand juries which were investigating drug crimes. When he was subpoenaed, he showed up but he refused to testify about who the young people were. A year later, Branzburg wrote another article detailing drug use by dozens of people and describing what he saw and conversations he had. When subpoenaed to testify before the grand jury, he argued that doing so would violate his right to freedom of the press. In Branzburg, the Court also considered two companion cases, In re Pappas and United States v. Caldwell. In those cases, reporters Pappas and Caldwell were called to testify before grand juries and reveal trusted information gathered white covering activity within the Black Panther Party. Like Branzburg, both Pappas and Caldwell refused to appear before their respective grand juries.

ISSUE: Does the requirement that news reporters appear and testify before state or federal grand juries violate the freedom of press guaranteed by the First Amendment?

HOLDING & REASONING: No. Requiring reporters to disclose confidential information to grand juries served a "compelling" and "paramount" state interest and did not violate the First Amendment. The fact that reporters receive information from sources in confidence does not privilege them to withhold that information during a government investigation; the average citizen is often forced to disclose information received in confidence when summoned to testify in court.

FIRST AMENDMENT: FREEDOM OF RELIGION

CASE: Engel v. Vitale, 370 U.S. 421 (1962).

FACTS: The New York State Board of Regents authorized a short, voluntary prayer for recitation at the start of each school day. The Union Free School District instituted the prayer in its classrooms. The prayer read as follows: "Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country." Students were not required to recite the prayer. Parents of ten students filed suit against the school district, arguing that the prayer violated the Establishment Clause.

ISSUE: Does the reading of a nondenominational prayer at the start of the school day violate the First Amendment's Establishment Clause?

HOLDING & REASONING: Yes. Neither the fact that the prayer is of a nondenominational character nor the fact that students are not required to say it keep the prayer from being unconstitutional. By providing the prayer, New York officially approved religion. Government-imposed religious activity was one of the reasons why the colonists left England and came to America, and it cannot stand in this case.

CASE: Lee v. Weisman, 505 U.S. 577 (1992).

FACTS: Mr. Lee, a middle school principal in Rhode Island, invited a rabbi to speak at his school's graduation ceremony. Mr. Weisman, whose daughter was among the graduates, wanted to stop the rabbi from speaking at his daughter's graduation. Weisman sought a temporary restaining order, which was denied. After the ceremony, where prayers were recited, Weisman filed for a permanent injunction barring Lee and other local public school officials from inviting clergy to deliver invocations and benedictions at their schools' ceremonies. The district court ruled against the schools and the circuit court affirmed the decision.

ISSUE: Does the practice of including clergy who offer prayers at an official public school graduation ceremony violate the First Amendment's Establishment Clause?

HOLDING & REASONING: Yes. Government involvement in this case creates "a state-sponsored and state-directed religious exercise in a public school." Such conduct conflicts with settled rules proscribing prayer for students. Because students must stand respectfully and silently, they are put in the position of being coerced into participating in the prayer.

FIRST AMENDMENT: RIGHT TO PEACEABLY ASSEMBLE

CASE: National Association for the Advancement of Colored People v. Claiborne Hardware Co., 458 U.S. 886 (1982).

FACTS: In 1966, a local Mississippi branch of the National Association for the Advancement of Colored People (NAACP) launched a boycott of white merchants in order to get the merchants to agree to a list of demands that would bring about racial equality, such as eliminating the use of offensive names to refer to black people. Speeches were given that encouraged people to join the boycott and to do so peacefully. However, some acts and threats of violence happened. In 1969, the white merchants sued the NAACP and other boycott participants. The trial court found the NAACP liable in tort for malicious interference with business interests, for antitrust violations and for violation of a boycott statute. As a result, the court awarded the merchants damages and a permanent injunction. On appeal, the Mississippi Supreme Court rejected the antitrust and boycott statute violations, but it did uphold liability based on the tort of interference.

ISSUE: Are boycotts, intended as a vehicle to bring about racial justice, protected under the First Amendment?

HOLDING & REASONING: Nonviolent boycotts are entitled to First Amendment protection. Damages such as loss of income, sustained as a result of peaceful, constitutionally-protected activity may not be compensated. Moreover, without proof of an organization's unlawful goals, an individual cannot be held liable for exercising his First Amendment right to assemble with other people, even if some of the other people committed violent acts. Thus, guilt by association is not automatic. Those who participate in unlawful acts may be held responsible for their individual actions.

CASE: Board of Directors, Rotary International v. Rotary Club of Duarte, 481 U.S. 537 (1987).

FACTS: Rotary International is a nonprofit service organization composed of local Rotary clubs. At the time, the Rotary constitution excluded women from membership. In the mid-to-late 1970s, the Duarte, Calif. club admitted women to active membership. When it did, the international organization terminated the club's membership. The club and two of its women members filed a suit alleging that the termination violated California's Unruh Act, which entitled all persons, regardless of sex, to full and equal accommodations, advantages, facilities, privileges and services in all business establishments in the state. The California State Trial Court entered judgment for Rotary International, concluding that neither it nor the Duarte Club was a "business establishment" within the meaning of the Act. However, California's Court of Appeal reversed on this point. The court rejected the argument that Rotary's policy of excluding women is protected by the First Amendment. The court ordered the Duarte club's reinstatement and it permanently enjoined the enforcement of the gender requirements against the Duarte Rotary club.

ISSUE: Does a state law that requires the Rotary to admit women violate the organization's right to assemble?

HOLDING & REASONING: No. It does not appear that admitting women to the Rotary will harm the organization's purpose or its activities. Allowing women to join will allow the club to have a more diverse membership. That membership will be even more equipped to serve. Even if the law does infringe on members' rights to some degree by requiring that women be allowed to join, getting rid of discrimination against women is a compelling state interest that justifies such an infringement.

NOTE: Women are now allowed to join the Rotary and make up about 12% of its membership.

SECOND AMENDMENT: RIGHT TO BEAR ARMS

CASE: United States v. Miller, 307 U.S. 174 (1939).

FACTS: Jack Miller and Frank Layton were tried for violating the National Firearms Act by transporting an unregistered sawed-off shotgun across state lines. The National Firearms Act required that such firearms be registered and be subject to a $200 tax. The trial court concluded that the National Firearms Act violated the Second Amendment because it infringed on the right of the people to keep and bear arms.

ISSUE: Does the National Firearms Act's regulation of sawed-off shotguns infringe on the Second Amendment?

HOLDING & REASONING: No. The right of the people to keep and bear arms is inextricably linked to the preservation or efficiency of a well-regulated militia. Because the sawed-off shotgun does not have any relationship to that purpose, it does not fall within the Second Amendment's protection. There is no proof that such a firearm is a part of the ordinary military equipment or that it is useful for common defense.

SECOND AMENDMENT: RIGHT TO BEAR ARMS

CASE: District of Columbia v. Heller, 128 S. Ct. 2783 (2008).

FACTS: The District of Columbia (DC or District) passed legislation that generally prohibited the possession of handguns. Under DC statutes, it was a crime to carry an unregistered handgun, and the registration of handguns was prohibited. DC statutes also required residents to keep lawfully-owned firearms (such as registered rifles and shotguns) "unloaded and dissembled or bound by a trigger lock or similar device" unless they were located in a business or were being used for lawful recreational purposes. Dick Heller applied for a registration certificate to keep a handgun in his home, but the District denied his request. Heller filed a lawsuit in federal court asking that the District be enjoined (prohibited) from enforcing (1) the bar on the registration of handguns, and (2) the trigger-lock requirement to the extent that it prohibited the use of functional firearms within the home.

ISSUE: Does the District of Columbia's general ban on handguns violate the Second Amendment?

HOLDING & REASONING: Yes. The Second Amendment protects an individual right to possess a firearm, not just a collective right with regard to a militia. The right to keep and bear arms may be limited, as are other rights. However, an absolute ban on handguns within one's home, or a requirement that legally-registered firearms within the home be rendered inoperable, impermissibly infringes upon the inherent right of self-defense which is central to the Second Amendment.

FOURTH AMENDMENT: UNREASONABLE SEARCHES AND SEIZURES

CASE: Mapp v. Ohio, 367 U.S. 643 (1961).

FACTS: Cleveland, Ohio police forced their way into Ms. Dollree Mapp's house searching for someone who was allegedly connected to a recent bombing and for "policy paraphernalia." The police conducted their search without a warrant. During the search, the police discovered obscene material. Mapp was arrested for violating an Ohio law that prohibited possession of obscene materials. No search warrant was ever produced; however, the evidence found during the search of Mapp's house was still admitted at trial. Mapp was convicted of possession of obscene material. The Ohio Supreme Court upheld Mapp's conviction and she appealed to the U.S. Supreme Court.

ISSUE: Can evidence that is obtained in violation of the Fourth Amendment be used against a defendant in a state court proceeding? (Are state courts exempt from the application of the exclusionary rule?)

HOLDING & REASONING: No. The exclusionary rule forbids the use of illegally obtained evidence against a defendant; this rule also applies to the states. Although the Fourth Amendment was applied to the states via the Fourteenth Amendment in Wolf v. Colorado, the exclusionary rule is a necessary extension of that application, and it serves as a "specific guarantee" against unlawful conduct by the police. Federal and state courts should not be in tension with one another.

CASE: New Jersey v. T.L.O., 469 U.S. 325 (1985).

FACTS: T.L.O. was a fourteen-year-old high school freshman. One day, she and another girl were found smoking at school in the girls' bathroom. T.L.O. was taken to the principal's office and the assistant vice principal questioned her about the smoking. T.L.O. denied any wrongdoing. The assistant vice principal demanded to see T.L.O.'s purse and he searched it. When he first opened the purse, the assistant vice principal found a pack of cigarettes and a pack of rolling papers which are known to be associated with marijuana use. A further search of T.L.O.'s purse revealed marijuana and other drug paraphernalia, such as a pipe, plastic bags, money, a list of people who owed T.L.O. money and two incriminating letters. T.L.O. was charged as a delinquent. On appeal, the New Jersey Supreme Court held that the search of her purse was unconstitutional and that the evidence seized during the search could not be used against her. The state appealed.

ISSUE: Does the Fourth Amendment apply in the school setting and if so, what standard applies to searches? With respect to T.L.O., did the warrantless search of T.L.O.'s purse violate the Fourth Amendment's provision against unreasonable searches and seizures?

HOLDING & REASONING: The Fourth Amendment does apply in the school setting. However, because the school is a unique environment, probable cause that someone has broken the law is not required to conduct searches at school. Instead, school officials must have a reasonable suspicion of wrongdoing. The first search was justified because a teacher reported seeing T.L.O. smoking in the bathroom. That report provided a reasonable suspicion that T.L.O. was breaking a school rule--- smoking in the bathroom. The presence of rolling papers in the purse gave rise to a reasonable suspicion in the principal's mind that T.L.O. may have been carrying drugs; thus, a more thorough, second search of the purse was justified.

CASE: Vernonia School District v. Acton, 515 U.S. 646 (1995).

FACTS: After an investigation, school officials became aware that large numbers of student athletes in the Vernonia School District were using illegal drugs. School officials were concerned that drug use increases the risk of sports-related injury. The district tried a number of approaches to the problem such as classes and speakers, but the problem did not get any better. As a result, the school district adopted the Student Athlete Drug Policy which authorizes random urinalysis drug testing of its student athletes. When he and his parents refused to consent to the drug testing, James Acton, a student, was told that he could not participate in the school's football program.

ISSUE: Does random drug testing of high school athletes violate the Fourth Amendment's reasonable search and seizure clause?

HOLDING & REASONING: No. To determine the reasonableness of a search, the intrusion on the individual's Fourth Amendment interests will be balanced against the promotion of legitimate governmental interests. Student athletes who are under state supervision during school hours are subject to greater control than free adults. The search is justified because the school has an interest in protecting student safety. Moreover, intrusion on the students' privacy is not that great because the conditions of collection are similar to public restrooms, and the results are viewed only by limited authorities.

CASE: Board of Education v. Earls, 536 U.S. 822 (2002).

FACTS: The Student Activities Drug Testing Policy adopted by the Tecumseh, Okla. school district required all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. Two high school students and their parents brought suit, alleging that the policy violates the Fourth Amendment. The district court granted the school board summary judgment. In reversing, the Tenth Circuit held that the policy violated the Fourth Amendment.

ISSUE: Does the Student Activities Drug Testing Policy, which requires all students who participate in competitive extracurricular activities to submit to drug testing, violate the Fourth Amendment?

HOLDING & REASONING: No. The policy is constitutional because it reasonably serves the school district's important interest in detecting and preventing drug use among its students. Because the school board regulates the school's extracurricular activities, students have a reduced expectation of privacy. Moreover, the school board's method of getting urine samples and maintaining test results amounted to a small and acceptable invasion of student privacy. The court did not say whether it thought that drug testing students was a good idea, only that it was constitutional.

CASE: California v. Greenwood, 486 U.S. 35 (1988).

FACTS: Police became aware that Billy Greenwood might be involved in drug trafficking. Acting on information it got from an informant and a neighbor, the police conducted surveillance of Greenwood's home. One day, the police asked the trash collector to pick up Greenwood's trash and give it to the police without mixing it with anyone else's trash. The trash collector picked up the trash left on the curb of Greenwood's home and gave it to the police, who searched the bags. Because the items inside the garbage bags showed possible drug use, the police got a search warrant to search Greenwood's home. The search of Greenwood's home showed that

Greenwood possessed controlled substances. The trash collector provided the police with Greenwood's trash a second time and the contents of that trash were used to get a search warrant. The second search of Greenwood's home also produced drugs and evidence of drug trafficking. The trial court ruled that the probable cause utilized to search Greenwood's home was obtained through a warrantless search of his garbage that violated Greenwood's Fourth Amendment rights. Therefore, the trial court dismissed the charges against Greenwood. The state of California appealed the issue to the state's Court of Appeals. The Court of Appeals affirmed the trial court's decision.

ISSUE: Does searching through someone's trash without a warrant, once it has been placed out on the street for pickup, violate the Fourth Amendment?

HOLDING & REASONING: No. Only if Greenwood had a reasonable expectation of privacy in his garbage would a warrant be required to search it. Once Greenwood left his bags out for pickup, anyone could get the bags. Plastic garbage bags left on the street are accessible to animals and all sorts of people. Therefore, Greenwood had no reasonable expectation of privacy in the trash he discarded. The warrantless search of Greenwood's garbage was legal.

FIFTH AMENDMENT: PROTECTION FROM SELF-INCRIMINATION

CASE: Miranda v. Arizona, 384 U.S. 436 (1966).

FACTS: In Miranda, the Court ruled on four separate cases in which defendants were interrogated in custody by police officers, detectives, or a prosecutor without being advised of their constitutional rights against self-incrimination. Defendant Miranda was taken to a special interrogation room where he provided a confession. Defendant Vignera was interrogated by police and gave oral admissions in the afternoon; later that day he signed an inculpatory statement. Defendant Westover was interrogated by local officials over the period of an evening and the following morning and was then turned over to the FBI. After two hours with the FBI, he signed written statements. Lastly, defendant Stewart was held for five days and interrogated nine different times before providing an inculpatory statement to the local police.

ISSUE: Does the police practice of interrogating individuals without notifying them of their rights to counsel and their protections against self-incrimination violate the Fifth Amendment?

HOLDING & REASONING: Yes. An interrogation setting is inherently intimidating. Unless prosecutors can show the use of procedural safeguards that protect an individual's right against self-incrimination, they cannot use inculpatory statements that flow from interrogations. Before interrogating a person, police must warn the individual of the right to remain silent and that any statement can and will be used against the individual in court. Moreover, individuals must be advised of their right to have counsel present during interrogations.

SIXTH AMENDMENT: RIGHT TO A JURY TRIAL

CASE: Duncan v. Louisiana, 391 U.S. 145 (1968).

FACTS: Duncan was arrested and charged with simple battery, a misdemeanor under Louisiana law. Simple battery was punishable by a maximum of two years' imprisonment and a $300 fine. Duncan requested a jury trial, but was denied one because Louisiana law only provided a jury trial in cases where the punishment was capital punishment or imprisonment at hard labor. Duncan was convicted and sentenced to 60 days in prison and a fine of $150. The Louisiana Supreme Court denied review. Duncan appealed to the U.S. Supreme Court.

ISSUE: Is a criminal defendant in a state court proceeding entitled to a jury trial in a case where the maximum punishment is two years in prison and a $300 fine, if the defendant would be entitled to one in a federal court proceeding?

HOLDING & REASONING: Yes. The current laws and practices in the country guide the Courts' determination whether a jury trial is required in a given case. In some instances, jury trials are required if a crime is punishable by more than six months in jail and in other instances, more than one year. Clearly, a crime that is punishable by up to two years in prison qualifies as one that carries with it a defendant's right to a jury trial.

CASE: Apodaca v. Oregon, 406 U.S. 404 (1972).

FACTS: In separate trials, three petitioners were found guilty of committing noncapital felonies. The juries that convicted them were less than unanimous. Two juries convicted with an 11-1 vote and the other jury convicted with a 10-2 vote. The petitioners argued that their less-than-unanimous convictions constituted a violation of their rights to a jury trial.

ISSUE: Does the Sixth Amendment require a unanimous conviction in all criminal proceedings?

HOLDING & REASONING: No. The purpose of having a jury is to ensure that the deck is not stacked by having the arsenal of the government against the defendant. The interposition of the jury in the process ensures that an unbiased cross section of laypeople have the opportunity to hear the evidence and determine whether a defendant is guilty. A 11-1 vote or a 10-2 vote, versus a unanimous 12-0 vote, does not interfere with that purpose.

SIXTH AMENDMENT: RIGHT TO LEGAL COUNSEL

CASE: Gideon v. Wainwright, 372 U.S. 335 (1963).

FACTS: Clarence Earl Gideon was charged in a Florida state court with the felony crime of having broken and entered a poolroom with intent to commit a misdemeanor. Because he did not have the money to hire a lawyer, he asked the court to appoint one for him. The court refused to appoint Gideon a lawyer because he was not charged with committing a capital offense. Gideon represented himself at trial. He was convicted by a jury and sentenced to five years in state prison. Gideon filed a writ of habeas corpus in the Florida Supreme Court, which was denied without a written opinion. Next, Gideon appealed to the U.S. Supreme Court.

ISSUE: Does the Sixth Amendment guarantee of counsel in all criminal proceedings apply to proceedings in state court?

HOLDING & REASONING: Yes. The guarantee of counsel is a fundamental right that must inure to all defendants in criminal proceedings in state courts. The assistance of counsel is fundamental to the concept of a fair trial. The fact that the government employs law-trained specialists to prosecute defendants places at a disadvantage defendants who lack their own counsel. It is unfair to deny a defendant counsel because he or she is poor. The ideal of a fair and impartial system cannot be realized if defendants can be distinguished by the presence or absence of legal counsel.

CASE: Escobedo v. Illinois, 378 U.S. 478 (1964).

FACTS: Escobedo was arrested and taken to police headquarters for interrogation in connection with the fatal shooting of his brother-in-law. Escobedo was arrested shortly after the shooting, but he made no statement and was released after his lawyer obtained a writ of habeas corpus from a state court. Almost two weeks later, Escobedo was arrested again based on information gathered from another suspect's interrogation. Escobedo asked several times to see his lawyer and was denied his request. His lawyer also requested to see Escobedo and was not allowed to see him. The police did not tell Escobedo that he had a right to remain silent and, after persistent questioning by the police, Escobedo made an incriminating statement to a state attorney. The statement was admitted at Escobedo's trial. After Escobedo was convicted of murder, he appealed to the Illinois Supreme Court, which affirmed Escobedo's conviction.

ISSUE: Does denying a suspect the right to see his lawyer, after the police have begun to focus on that suspect in the investigation, violate the suspect's right to counsel?

HOLDING & REASONING: Yes. The police investigation was no longer investigatory; rather than being a general inquiry into an unsolved crime, the investigation began to focus on Escobedo. Escobedo was placed in an interrogation situation that was likely to produce incriminating statements, was denied an opportunity to consult with his lawyer and was not told that he had a constitutional right to keep silent. Under those circumstances, Escobedo was denied the assistance of counsel in violation of the Sixth Amendment. As a result, no statement that the police obtained from Escobedo during the interrogation could be used against him at a trial.

EIGHTH AMENDMENT: PROTECTION AGAINST CRUEL & UNUSUAL PUNISHMENT

CASE: Atkins v. Virginia, 536 U.S. 304 (2002).

FACTS: Atkins was convicted of capital murder and related crimes by a Virginia jury and sentenced to death. On appeal, Atkins argued that applying the death penalty to him was unconstitutional because he is mentally retarded. The Virginia Supreme Court rejected Atkins' argument that he could not be sentenced to death because he is mentally retarded and Atkins appealed to the U.S. Supreme Court.

ISSUE: Does the imposition and carrying out of the death penalty against a mentally retarded defendant constitute cruel and unusual punishment in violation of the Eighth Amendment?

HOLDING & REASONING: Yes. Executions of mentally retarded criminals are "cruel and unusual punishments" which are prohibited by the Eighth Amendment. A punishment must be proportionate to the offense. Putting someone to death for a crime for which that person is not fully culpable runs afoul of currently prevailing standards of decency.

CASE: Roper v. Simmons, 543 U.S. 551 (2005).

FACTS: When Christopher Simmons was seventeen years old, he planned and committed a murder. Simmons talked with his friends about the crime in advance and believed that he could get away with the crime because he was a minor. Nine months later, when Simmons was eighteen, he was sentenced to death. Simmons commenced his postconviction process; no relief was granted. However, after Atkins was decided, Simmons filed another postconviction motion, arguing that in light of Atkins' holding that putting a mentally retarded person to death is unconstitutional, so is putting someone to death who was not yet eighteen when he committed capital murder. The Missouri Supreme Court agreed with Simmons. The state petitioned for and was granted certiorari.

ISSUE: Does the imposition and carrying out of the death penalty against a person who was a minor at the time a crime was committed constitute cruel and unusual punishment in violation of the Eighth Amendment?

HOLDING & REASONING: Yes. The death penalty must be reserved for the worst offenders. For a number of reasons, minors do not fit in the category of worst offenders. Relative to adults, people under the age of eighteen are more immature and are more susceptible to impulse-driven actions. Moreover, they are more likely to be impacted by negative influences such as peer pressure. Additionally, minors' character is not completely intact; thus, their conduct cannot be subject to the same moral standard as that of an adult. It would be unfair to hold a minor to the same standard as an adult because there is still a chance that the minor could be rehabilitated. These considerations in mind, the death penalty cannot be imposed on juvenile offenders.

NOTE: Despite its holding, the court did note the trouble with a bright-line rule that relies on the age of eighteen to distinguish between death penalty and non-death penalty sentences. However, it concluded that because society relies on age eighteen for the line between childhood and adulthood in many contexts, it is appropriate in the death penalty context as well.