

**People's Rights Change With the Decisions of the Courts**  
by Dennis Roisum

Students will be asked to analyze the Bill of Rights (4th, 5th, 6th and 14th Amendments) and to look at historic and recent court decisions to see if individual rights have been expanded or limited by the courts decisions. This will be done by class discussion and small group activities involving case handouts of historic cases and cases from recent rulings as printed in newspapers.

**Students will:**

1. Understand the purpose of the 4th, 5th, 6th and 14th Amendments.
2. Understand what is meant by *conservative* decision and how it limits peoples rights (and expand power of government).
3. Understand what is meant by a *liberal* decision and how it expands rights of people (and limits power of the government).
4. Be able to read a court decision and analysis to determine if rights of people are expanded or limited.

**Materials needed:**

Copies of: **4th, 5th, 6th, and 14th Amendments**

(See Appended Materials)

**Student Handout: COURT DECISIONS**

**Student Handout: CASE ANALYSIS WORKSHEET**

**Time needed:**

1 - 2 class periods

**Grade level:**

9th grade

**Procedure:**

1. Review Amendments 4, 5, 6, and 14th.
2. Discuss Supreme Court decision as to how they are made.
3. Introduce the phrases (a) *conservative court* and (b) *liberal court* and discuss.
4. Distribute **Student Handout: COURT DECISIONS** for students to read.

## **RIGHTS OF THE ACCUSED**

### **PEOPLE'S RIGHTS CHANGE WITH THE DECISIONS OF THE COURTS**

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#### **Procedure cont.**

- 5.** Small Group Activity: Distribute **Student Handout: CASE ANALYSIS WORKSHEET**
- 6.** Once small group work is concluded, discuss as a class.

#### **SUGGESTED ADDITIONAL WORK:**

Find and cut out articles from the newspaper on court rulings or have students bring these to class. Analyze these and compare to past ruling in regard to conservative or liberal courts.

## **Student Handout: COURT DECISIONS**

### **Case #1: *Miranda v. Arizona* (1966)**

In Phoenix, Arizona in the 1960's an 18 year-old-girl was kidnapped and raped. Ernesto Miranda was accused of the crime. Ten days after the rape Miranda was arrested and identified by the 18 year old girl in a lineup. Following this, the police interrogated and questioned Miranda for 2 hours. The two police obtained a written confession that was used as evidence in a trial which found Miranda guilty.

Miranda and his attorney appealed the verdict, and the case ended up in the Supreme Court. Miranda argued that he did not have counsel (lawyer) before interrogation and that he had not been warned that he had the right to remain silent and not answer questions that were put to him.

The court ruled in favor of Ernesto Miranda.

### **Case #2: *Duncan v. Louisiana* (1968)**

Duncan was convicted of simple assault in the state of Louisiana. This was considered a misdemeanor in Louisiana. The maximum punishment in this state for that crime was two years in prison and a \$300 fine. Duncan was sentenced to 60 days in jail and fined \$150. The verdict was determined by a judge although Duncan asked for a jury trial.

Duncan later appealed the verdict and the case reached the Supreme Court. Duncan felt that he was unjustly found guilty because he was denied the right to a trial by jury.

Forty-nine of the 50 states allow a person to have a jury trial when punishment could involve 2 years and \$300. In the Federal Court system, minor offenses are considered those punishable by no more than 6 months and \$500.

The Supreme Court ruled that Duncan should have been allowed to have a jury trial.

### **Case #3: *Boyd v. U.S.* (1886)**

The first important case involving rights came in the year 1886. George and Edward Boyd, who were merchants in New York, had agreed to sell the United States government plate glass of a certain quality. The glass was to be used in construction of a Federal Court House and a post office in the city of Philadelphia. Because it was to be used for construction of Federal government buildings, the government agreed to allow the Boyds not to pay the importation tax they would regularly pay. The Boyds, however, imported far more plate glass than needed for construction of the government buildings and did not pay the importation tax on any of the extra plate glass. The government brought action to have the Boyds pay tax on the plate glass not used in government construction. A New York court ordered that they turn over any papers dealing with the importation of plate glass. The Boyds objected to turning

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**Student Handout: COURT DECISIONS cont.**

**Case #3: *Boyd v. U.S.* (1886) cont.**

papers over to the government for the purposes of determining the amount of the tax. The state of New York, however, seized the papers.

The case reached the Supreme Court and was overturned. The ruling was in favor of the Boyd's.

**Case #4: *Mapp v. Ohio* (1961)**

Three policemen in Cleveland, Ohio were looking to question a certain person regarding a bombing that had taken place. On May 23, 1957 they went to the home of Ms. Mapp because they had word that this person had been seen in that place. Without a search warrant the policemen forced their way in. Upon entering and searching the house, they found obscene materials that were used to convict Ms. Mapp of "*having in her possession certain lewd and lascivious books, pictures, and photographs.*"

The case was later overturned by the Supreme Court.

**Case #5: *U.S. v. Wade* (1967)**

In 1964 in Eustace, Texas, a man entered a bank while wearing a small strip of tape on each side of his face to cover his identity. He pointed a pistol at the cashier and the vice president who were the only 2 people in the bank at the time. He asked the cashier to fill a paper bag with money, which she did. He then left the bank and drove off with a person who was waiting in a car.

Mr. Wade was arrested for this bank robbery. F.B.I. agents, without notifying Wade's lawyer, placed Wade in a lineup with six other people. The two bank employees were asked to pick out the robber as the suspects lined up with tape on their faces and were asked to say, "*Put the money in the bag.*"

Both picked out Wade as the robber. He was found guilty but later appealed the case to the Supreme Court on the basis that he was asked to incriminate himself. The Supreme Court found that neither appearing in a lineup nor being asked to speak violated the right against self-incrimination.

**Case #6: *Sheppard v. Maxwell* (1966)**

In the early 1960's, Mrs. Sheppard was murdered. Her husband, a well known medical doctor, was the leading suspect. Mr. Sheppard was brought to trial. The case received a great deal of publicity before and during the trial because of the prominent family involved. The media seemed to go against Mr. Sheppard because of his lack of cooperation: he refused

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**Student Handout: COURT DECISIONS cont.**

**Case #6: *Sheppard v. Maxwell* (1966) cont.**

to take a lie detector test, and generally refused to do anything to help the media report the case.

During the trial, the judge failed to conduct the proceedings in a solemn fashion. Rather, the media caused a "*carnival atmosphere*". After the testimony ended, the jury left the court room and deliberated for 5 days. The jurors were not allowed to receive incoming calls but they could make calls out and talk with almost anyone. No records were kept of the calls. The jurors agreed that they could have obtained information that was not presented at the trial.

The jury returned a verdict against Mr. Sheppard.

The case was appealed to the Supreme Court because of the way the jury trial was conducted. The Supreme Court reversed the decision of the lower court and ruled in favor of Mr. Sheppard. The Supreme Court said that the lower court judge had not done his job to ensure a fair trial.

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**Student Handout: CASE ANALYSIS WORKSHEET**

**STUDENT NAME:**

(Students are to discuss in groups but **each** must complete a written case analysis.)

**NAME OF CASE:** \_\_\_\_\_

AMENDMENT(S) INVOLVED: \_\_\_\_\_

SUPREME COURT'S DECISION (IN YOUR WORDS):

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THIS DECISION (*LIMITED, EXPANDED*) THE RIGHTS OF INDIVIDUALS WHILE IT (*LIMITED, EXPANDED*) THE POWER OF THE GOVERNMENT. EXPLAIN WHY YOU SAY THE DECISION IS *CONSERVATIVE* OR *LIBERAL*.

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AMENDMENT(S) INVOLVED: \_\_\_\_\_

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