



The Legal System: SS.7.CG.3.11
**Landmark Supreme Court
Civil Liberties Cases**
VIDEO #1 of 2 SCRIPT



Landmark Supreme Court Civil Liberties Cases: Gideon, Miranda, Tinker, Wainwright

1. What do you think of when you hear the term "landmark"? In many cases, we think of something like Lake Okeechobee or the Statue of Liberty, which are significant things in our history. We also have landmark court cases. So if a landmark is something that is significant in some way, then what do we mean by a landmark case?
2. Exactly! It means it is a case that has had a big impact on us as a nation! In this video, we will explore four landmark cases that impacted civil liberties, or the rights and protections guaranteed by the U.S. Constitution including the Bill of Rights.
3. After watching, you will be able to:
 - ✓ Use primary sources to assess the significance of landmark U.S. Supreme Court cases.
 - ✓ Evaluate how landmark U.S. Supreme Court cases have had an impact on society.
 - ✓ Recognize or apply constitutional liberties in relation to U.S. court cases.
4. Don't forget that because of a case from 1803, *Marbury v Madison*, the US Supreme Court has assumed the authority to determine the constitutionality of laws, or whether something actually agrees with the Constitution. So let's go ahead and take a look at Supreme Court cases that have had a significant impact on civil liberties in the United States.
5. Do you think having a lawyer is pretty important when you go to court? Clarence Gideon thought so. He had been convicted of a crime, after having to defend himself without a lawyer. He requested an attorney to represent him at his trial but was denied.
6. He believed that being denied an attorney violated his 6th Amendment right to legal counsel and the 14th Amendment right to Equal Protection. In the case *Gideon V. Wainwright* (1963), the Supreme Court agreed with him. Let's see what they said.
7. **"Lawyers in criminal courts are necessities, not luxuries."**
8. So what does the principle here mean and how does it impact society? Well, it is pretty clear that to the Supreme Court, having a lawyer is vital. The rights of the accused are a significant part of the Bill of Rights, because we want to make sure that everyone has the same liberties under the rule of law.

9. The 4th Amendment protects against unreasonable search and seizure. The 5th Amendment protects against double jeopardy, self-incrimination, and ensures due process. The 6th Amendment makes certain that individuals accused of crimes have the right to a speedy and public trial, to be informed of charges against them, to question witnesses against them, and to have legal counsel during a trial.

10. Based on those three amendments, which of our civil liberties do you think the Supreme Court drew on?

11. If you said that Gideon v. Wainwright (1963) strengthened the rights of the accused based on the 6th Amendment guarantee of the right to counsel, you are right! Good job!

12. The next case that impacts our civil liberties is one with which many of us are probably pretty familiar. That case is Miranda v. Arizona from 1966. If you have ever seen a police show on TV, then you likely heard the police tell someone that they arrested that they had a number of rights. This comes out of the Miranda case!

13. Miranda was arrested, tried, and found guilty of kidnapping, but when he was arrested, the police never told him about his right to remain silent or to have an attorney present. He appealed his conviction to the US Supreme Court, claiming his Fifth Amendment right to not incriminate himself (that is, give the police or the government information that could help them prosecute him) was violated.

14. He won! So what did the Court say? **“The prosecution may not use statements ...from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the Fifth Amendment's privilege against self-incrimination.”**

15. So what does this principle here mean and how does it impact society? Basically, the Supreme Court said that suspects cannot be forced to give up their Fifth Amendment protection against self-incrimination.

16. Because of this ruling, law enforcement officers are now required to read people their “Miranda Rights” when they are arrested for a crime. The “Miranda Rights” let suspects know that they have the right to remain silent and have the right to an attorney. So when you are arrested, you know you have protections!

17. Let’s check in, and see what you’ve learned about civil liberties.

18. How did both Gideon v. Wainwright (1963) and Miranda v. Arizona (1966) impact civil liberties in the United States?

19. ANSWER TO QUESTION

20. So let’s talk some now about the civil liberties of you, the student. Our first case, Tinker v. Des Moines, from 1969, has to do with students’ First Amendment right to free speech.

21. Two students from Des Moines, Iowa, John Tinker and his sister Mary Beth Tinker, wore black armbands to school to protest the Vietnam War and refused to remove them. They were suspended from school. They took it to court, arguing that their First Amendment right to freedom of speech had been violated.

22. The Supreme Court agreed! So what did they say? Let's have a look. **“In wearing armbands, the petitioners were quiet and passive. They were not disruptive, and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth.”**

23. So what does this statement mean and how does it impact society? In announcing its decision the US Supreme Court declared that the constitutional rights of students do not stop at the door of the school, and that students do have some constitutional rights to freedom of expression in school, including symbolic speech, as long as it does not cause problems in school.

24. This was a huge step forward for students in school, because before this case, everybody said that kids like you had NO constitutional rights in school. Tinker v. Des Moines is not the only case that considered the civil liberties of students in school. Let's take a look at another case that is just as significant.

25. School newspapers might not be around much anymore, but back in the 1980's, a group of student journalists took their school district to court over what they could and could not print in the school-sponsored newspaper. When the principal of the school removed two articles from the newspaper he believed were not appropriate to publish, the students took the district to court.

26. In Hazelwood School District v. Kuhlmeier in 1987, the students argued that their First Amendment freedom of the press had been violated. But in this case, the US Supreme Court disagreed! So what did the Court say? Let's think about their words.

27. **“First Amendment rights of students in the public schools are not automatically coextensive with the rights of adults in other settings, and must be applied in light of the special characteristics of the school environment. A school need not tolerate student speech that is inconsistent with its basic educational mission, even though the government could not censor similar speech outside the school.”**

28. So what does this principle mean and how does it impact society? Well, in this case, the opinion focused on students' First Amendment rights, specifically freedom of the press. The Court ruled that a school could prevent the publication of articles in the school newspaper or limit the speech of students if it disrupted the learning environment of the school.

29. That is a big exception to student liberties, isn't it? But we saw in the Tinker case that the US Supreme Court implied that the symbolic speech around the armbands was protected in part because it was **not** disruptive to the school learning environment. While students DO have constitutionally protected civil liberties, these protections are limited by the requirements and needs of teaching and learning.

30. Let's recap. Pause the video as you answer each question.

31. How did the constitutional principle argued in the Gideon v. Wainwright (1963) decision impact society?

32. ANSWER TO QUESTION

33. How did the constitutional principle argued in Miranda v. Arizona impact society?

34. ANSWER TO QUESTION

35. How did the constitutional principle argued in Tinker v. Des Moines impact society?

36. ANSWER TO QUESTION

37. In Tinker v Des Moines, the US Supreme Court said the following:

“In wearing armbands, the petitioners were quiet and passive. They were not disruptive, and did not impinge upon the rights of others. In these circumstances, their conduct was within the protection of the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth.”

How might the language here have influenced the decision the Supreme Court reached in the later student First Amendment case of Hazelwood School District v. Kuhlmeier?

38. ANSWER TO QUESTION

39. Did you get them all? Good job! Be sure to check out the companion videos on cases relating to civil liberties and civil rights if you haven't watched them already!