



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



Landmark Supreme Court Civil Liberties Cases: US v. Nixon, Bush v. Gore, DC v. Heller

1. Have you ever had to give someone directions somewhere, and told them to do something like ‘turn at the big statue on the left, and then take a right at the old tree?’ When we give directions like that, we are using landmarks to help people find their way. We also have landmarks in civic life that help us understand our liberties. These landmark cases decided by the US Supreme Court have a significant impact on the lives of citizens and non-citizens alike.
2. In this video, we will explore three landmark cases that impacted civil liberties, or the rights guaranteed by the laws of the country, such as the rights and protections included in 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 and/or apply constitutional principles and/or rights in relation to relevant U.S. Supreme Court cases.
4. Don’t forget that because of an early case, *Marbury v Madison* (1803), 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 three Supreme Court cases that have had a significant impact on civil liberties and the law in the United States.
5. The first case that we will look at is *United States v. Nixon* (1974). This case deals with one of the most important ideas of our Constitution: that everyone is equal in the eyes of the law. This means that even the President has to follow the same laws as every person living in this country. But it took a US Supreme Court decision to make this clear.
6. Back in the 1970’s, five men broke into the headquarters of the Democratic National Committee in Washington, DC. These men were working for President Nixon’s campaign for re-election. When it was discovered during the investigation, Nixon was ordered to turn over any audio tapes where he might have discussed what happened with his aides.
7. President Nixon said the tapes were protected by executive privilege, or the belief that conversations between the president and his aides were private and he did not have to turn them over because he was president. The US government took Nixon to court, arguing that he had the same responsibility to follow the law as all citizens did. The US Supreme Court agreed. Let’s take a look at what they said.

8. **“Neither the doctrine of separation of powers nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances.”**

9. So what does the principle here mean and how does it impact society? Well, United States v. Nixon is a pretty important case, because it makes clear that everyone is equal before the law, and that the rule of law applies to even the President of the United States of America!

10. Let’s check in. How did the case United States v. Nixon demonstrate that all citizens are equal in the eyes of the law?

11. ANSWER TO QUESTION

11. There is another case involving two presidential candidates that had a significant impact on the nation. Back in 2000, Republican George W. Bush was in a very close election with Democrat Al Gore, and the election came down to who would be declared the popular vote winner in the state of Florida, claiming all of Florida’s electoral votes. Unfortunately, there were some problems with ballots in some Florida counties, so the state’s Supreme Court ordered a hand recount of the votes in the counties that had the problems.

12. Ahead in the race, Bush asked the US Supreme Court to stop the recount, arguing that it violated the Equal Protection Clause of the 14th Amendment. Because that clause says states must apply the law equally to everyone, Bush argued state election officials could not do a recount of just **some** votes; state election officials had to recount all of the votes, or some citizens would be discriminated against. In Bush v. Gore (2000), the US Supreme Court agreed and ordered an end to the recount. So let’s see what the court said in its decision.

13. **“The [Equal Protection] Clause’s requirements apply to the manner in which the voting franchise is exercised. Having once granted the right to vote on equal terms, Florida may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.”**

14. So what does this principle here mean and how does it impact society? Well, the judicial opinion in Bush v. Gore set a precedent for similar cases to follow. Elections rules are made by each state, and states have many different ways of counting votes. But in this case, the Supreme Court said that the Florida Supreme Court acted unconstitutionally and violated the Fourteenth Amendment’s Equal Protection Clause when it decided that only certain votes would be recounted.

15. We could also say that it reinforced the idea of the Supremacy Clause. After all, by ordering an end to the recount, it overrode the decision of Florida’s Supreme Court

16. Let’s check in! Why did the partial recount in Florida, ordered by the state’s Supreme Court, violate the Equal Protection Clause of the U.S. Constitution?

17. ANSWER TO QUESTION

18. We have one more case to talk about in our video, and it is a recent case that has greatly impacted our civil liberties, and that’s District of Columbia v. Heller (2008).

19. Back in the early 2000's, the District of Columbia, also known as Washington, DC, passed an ordinance that limited the rights of gun owners. A group of private gun owners, including Mr. Heller, filed a suit in federal court, claiming the ordinance violated their Second Amendment right to bear arms. The federal court said the Second Amendment only protected ownership for guns for militias, groups of people who are not part of the military but are trained like soldiers for emergencies, such as the National Guard. Heller appealed to the Supreme Court. And he won! Let's take a look at the words of the Supreme Court.

20. "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home."

21. So what does this principle here mean and how does it impact society? Well, in DC v Heller, the judicial opinion focused on the meaning of the 2nd Amendment right to bear arms. The Supreme Court's interpretation of the 2nd Amendment is that individuals, not just militias, have the right to own or carry a weapon. This could make it even more difficult for cities and states to put restrictions on the right to bear arms, an important liberty within our Bill of Rights.

22. Let's check in. How did the Supreme Court interpret the 2nd Amendment in the DC v. Heller case?

23. ANSWER TO QUESTION

24. Let's recap what we learned. US v Nixon reinforced the idea that the rule of law applies to everyone. Bush v Gore reinforced the Supremacy Clause and applied the 14th Amendment's Equal Protection Clause to counting votes. DC v Heller reinforced that the 2nd Amendment applied to the individual right to bear arms.