

Topic:

Explore and Know the Bill of Rights

Time:

3 class periods

Historical Period:**Core:**

US I 6120 - 0602
US II 6250 - 0102
Gov. 6210 - 0201

Objectives: Students will:

1. Determine through reviewing cases if there is a need for the Bill of Rights.
2. Learn and demonstrate knowledge of Amendments 4, 5, 6, and 14.
3. Understand that the court interprets the meaning of the Bill of Rights by applying the protections to specific cases.

Procedure:

1. Introduce students to the Bill of Rights, giving a brief history as to how and why the Bill of Rights were added to the Constitution.
2. Assign students to cooperative learning groups, four students in each group.
3. In cooperative learning groups, instruct the students to read Handouts 1-3, answer study guide questions, and come to a consensus as to how they believe the Supreme Court ruled in each case.
4. Analyzing one case at a time, each group will present its case to the entire class using the study guide questions.
5. Following the presentation of all cases, conduct a question and answer session. This will allow for different opinions to be presented.
6. At the end of each presentation and discussion, tell the class the decision the Supreme Court rendered in the case, (see TEACHER BACKGROUND: Case Summaries) and any specifics that may clarify the decision for the students.
7. After all cases have been presented, ask students to write an essay entitled: "The Most Important Amendment(s) to me in the Bill of Rights is/are"
8. Have students share their essays.

Handouts/Worksheets:

1. Handout 1: *Gideon v. Wainwright*
2. Handout 2: *Palko v. Connecticut*
3. Handout 3: *Mapp v. Ohio*

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HANDOUT 1

GIDEON v. WAINWRIGHT

Defendant Gideon was charged in a Florida state court with breaking and entering a poolroom with intent to commit a misdemeanor, which is a felony under Florida law. Gideon appeared in court without a lawyer because he couldn't afford to hire one. He asked the Florida state court to provide a lawyer for him, but the court refused saying the only time the state could appoint a lawyer for a defendant was when the defendant was charged with a capital crime.

The Florida court didn't provide a lawyer for Gideon. He stood before the jury and defended himself by presenting his own witnesses and cross examining the state's witnesses. At the end of the trial, Gideon was found guilty by the jury. He was sentenced to serve five years in State Prison.

Gideon finally appealed his conviction to the U. S. Supreme Court saying his constitutional rights had been violated.

??? Study Guide Questions ???

1. What are the facts of this case?
2. Do you believe the verdict decided by the lower courts should remain as first decided? Was it fair? Why? Why not?
3. On what Amendment(s) do you believe the defendant/prosecution is basing the appeal?
4. What is your decision?

HANDOUT 2

PALKO v. CONNECTICUT (1937)

Palko was indicted in Fairfield County Connecticut for the crime of murder in the first degree. A jury found him guilty of murder in the second degree. The sentence was for him to be confined in prison for life. However, the state of Connecticut discovered there had been an error of law during Palko's trial. Evidence had been incorrectly excluded, and the jury had not received correct instructions as to the difference between first and second degree murder.

Therefore, the state of Connecticut, with the permission of the judge who presided over the trial, gave notice to Palko of its intent to appeal. The state could legally appeal this case because of a 1886 law which allowed appeals in all criminal cases with questions of law.

The state appealed the case, and Palko was retried. At the end of the second trial, Palko was found guilty, but this time the verdict was murder in the first degree. The court sentenced Palko to the punishment of death. Palko appealed the sentence claiming his constitutional rights had been violated. His argument was that retrying a defendant for the same crime subjects him to double jeopardy in violation of the Fifth Amendment.

??? Study Guide Questions ???

1. What are the facts of this case?
2. Do you believe the verdict decided by the lower courts should remain as first decided? Was it fair? Why? Why not?
3. On what Amendment(s) do you believe the defendant/prosecution is basing the appeal?
4. What is your decision?

HANDOUT 3

MAPP v. OHIO (May 23, 1957)

In May 1957, three police officers went to Ms. Mapp's apartment because they had information there was a person hiding in her home, and they wanted to question him in connection with a recent bombing. They also believed there was a large amount of gambling equipment in her apartment. The officers arrived at Ms. Mapp's apartment, knocked on the door and demanded that she allow them entrance. Ms. Mapp phoned her attorney, and he advised her not to allow them in without a warrant.

About three hours later, four more officers arrived at Ms. Mapp's apartment. They knocked on the door. When Ms. Mapp didn't immediately open the door, the door was opened by force, and the police entered the apartment. Ms. Mapp's attorney arrived at her apartment, but the policeman refused to let him see her or enter the house. Ms. Mapp demanded the police let her see a warrant which she placed in her bosom. The officer struggled with Ms. Mapp to recover the piece of paper. In the struggle, the police managed to handcuff her.

After being handcuffed, Ms. Mapp was taken upstairs to her bedroom where the policemen searched a dresser, chest of drawers, closet, and suitcase. The second floor and a trunk in the basement were searched. During their search, they discovered obscene materials (nude pictures, etc.).

Ms. Mapp was tried and convicted for having obscene materials and sentenced to serve seven years in prison. She appealed to the Supreme Court her constitutional rights had been violated.

??? Study Guide Questions ???

1. What are the facts of this case?
2. Do you believe the verdict decided by the lower courts should remain as first decided? Was it fair? Why? Why not?
3. On what Amendment(s) do you believe the defendant/prosecution is basing the appeal?
4. What is your decision?

TEACHER BACKGROUND: Case Summaries

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

The Supreme Court agreed with Mr. Gideon, stating that “*any person hauled into our Court, who is too poor to hire a lawyer cannot be assured a fair trial unless counsel is provided for him.*”

***Palko v. Connecticut*, 302 U.S. 319 (1937)**

The Supreme Court affirmed Palko’s first degree murder conviction. Asking the question, Does this violate those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions?, the Supreme Court said no. “*The state is not attempting to wear the accused out by a multitude of cases with accumulated trials. It asks no more than this, that the case against him shall go on until there shall be a trial free from the corrosion of substantial legal error. This is not cruelty at all*”

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

Ms. Mapp’s conviction was overturned. The Supreme Court said that the Fourth Amendment warrant requirements must be complied with by state as well as federal agents. This case applied Fourth Amendment criminal protections to all trial courts in the country.