



CLASS _____ DATE _____

SUPREME COURT CASE 26

Miranda v. Arizona, 1966

HISTORICAL BACKGROUND

WITH its decisions in the cases of *Mapp*, 1961, *Gideon*, 1962, and *Escobedo*, 1964, the Warren Court handed down the bases of what it called the “fundamentals of fairness” standard. At both the State and federal level, the Court sent a clear signal to law enforcement and criminal justice officials. Convictions not made in conformity with the “fairness” standard would likely be overturned. Constitutional guarantees of due process for the accused had to be upheld.

In 1966, the Warren Court remained unchanged except for the departure of Justice Arthur Goldberg. President Lyndon Johnson appointed Washington attorney Abe Fortas to fill the vacant seat. Having argued the case of Clarence Earl Gideon in *Gideon v. Wainwright* in 1962, Fortas was no stranger to the Court.

The Court heard a number of similar cases at the same time that they heard *Miranda*, but since this case was listed first on the docket, we have come to know the Court’s collective judgment by this name. The *Miranda* decision distilled the several “fundamental fairness” standards into one succinct statement of the due process rights of the accused. Thanks to television police shows, the Miranda warning has become a statement of a citizen’s rights familiar to many Americans.

A kidnapping and sexual assault occurred near Phoenix, Arizona, in March 1963. On March 13, 1963, Ernesto Miranda, 23, a Mexican national, was arrested in his home, taken to the police station, identified by the victim, and taken into an interrogation room. When he found out that he had been charged with several crimes, he repeatedly asked for an attorney but his request was refused. Two hours later, investigators emerged from the room with a written confession signed by Miranda. It included a typed disclaimer, also signed by Miranda, stating that he had “full knowledge of his legal rights, understanding any statement I make may be used against me,” and that he had knowingly waived those rights.

Two weeks later at a preliminary hearing, Miranda again was denied counsel. Finally, at his arraignment, a 73-year-old attorney who had not practiced criminal law in 16 years was appointed to defend him. The lawyer persuaded Miranda to plead guilty by reason of insanity. Miranda was convicted of robbery, and later of kidnapping and sexual assault.

Was a confession an admissible document in a court of law if it was obtained without warnings against self-incrimination and without legal counsel—rights guaranteed to all persons by the 5th and 6th amendments? With whom does the burden of proof rest for determining whether a defendant has legally “waived” his or her rights? What is the standard for judging whether “voluntary confessions” should be deemed admissible? When should an attorney be appointed for a person if he or she cannot afford one?

1. What feelings might a person have when under arrest? How would this affect the ability to think carefully? Does that justify making the Miranda Warning mandatory?
2. At what point in a criminal investigation do you think a person under arrest has the right to counsel?
3. What are the four major elements of the "Miranda Warning"? Briefly explain each part of the warning.
4. Argue both sides of the statement, "Guilty people under arrest should confess and get it over with!" When is a person actually "guilty" under our legal system?

Turning to the standard for a valid waiver of rights, Warren wrote: "[A] valid waiver will not be presumed simply from the silence of the accused after warnings are given or simply taken from the fact that a confession was in fact eventually obtained. . . . Moreover, any evidence that the accused was threatened, tricked or cajoled into a waiver will, of course, show that the defendant did not voluntarily waive his privilege. . . ."

Warren then spelled out the rights of the accused and the responsibilities of the police. Police must warn a suspect "prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires."

The creation of the Miranda Warning put on the shoulders of the police the burden of informing citizens subject to questioning in a criminal investigation of their rights to "due process." Ernesto Miranda, retracting his confession, was tried again by the State of Arizona, found guilty, and sent to prison. His retrial, based on a prisoner's successful appeal, did not constitute "double jeopardy."

Warren then summarized the case, measuring it against the "fundamental fairness" standards the Court had established. "It is clear," he wrote, "that Miranda was not in any way apprised of his right to consult with an attorney and to have one present during the interrogation, nor was his right not to be compelled to incriminate himself effectively protected in any other manner. Without these warnings [his] statements were inadmissible. The mere fact that he signed a statement which contained a typed-in clause stating that he had 'full knowledge' of his 'legal rights' does not approach the knowing and intelligent waiver required to relinquish constitutional rights."

By a 6-3 margin, the Court voted to overturn Miranda's conviction. Writing for the majority, Chief Justice Warren declared that the "burden is upon the State to insure that all procedural safeguards necessary to 'secure the privilege against self-incrimination' are followed. The current practice of 'incommunicado' [unable to communicate with the world] interrogations is at odds with one of our Nation's most cherished principles—that the individual may not be compelled to incriminate himself."

Ernesto Miranda was arrested on suspicion of kidnapping and murder in Phoenix, Arizona, in 1963. He was taken to a police station and interrogated for several hours. He confessed to the crimes and signed a statement. He was later convicted and sentenced to 30 years in prison.

For Arizona: Ernesto Miranda was no stranger to police procedures. He negotiated with police officers with intelligence and understanding. He signed the confession willingly. The prosecution was proper, his conviction was based on Arizona law, and his imprisonment was just. The Supreme Court should uphold his conviction and should not further cripple the work of police.

For Miranda: The police clearly violated Miranda's 5th Amendment right to remain silent, and his 6th Amendment right to legal counsel. Arizona ignored both the Escobedo rule and the Gideon rule in prosecuting Miranda, so his confession was illegally obtained and should be thrown out. His conviction was faulty, and he deserved a new trial.

RESTATEMENT



THE OYEZ PROJECT NORTHWESTERN UNIVERSITY

Gideon v. Wainwright

Docket

Abstract

Voting

Facts of the Case

Gideon was charged in a Florida state court with a felony for breaking and entering. He lacked funds and was unable to hire a lawyer to prepare his defense. When he requested the court to appoint an attorney for him, the court refused, stating that it was only obligated to appoint counsel to indigent defendants in capital cases. Gideon defended himself in the trial; he was convicted by a jury and the court sentenced him to five years in a state prison.



Oral Argument

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of the Court



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Question Presented

Did the state court's failure to appoint counsel for Gideon violate his right to a fair trial and due process of law as protected by the Sixth and Fourteenth Amendments?

Conclusion

In a unanimous opinion, the Court held that Gideon had a right to be represented by a court-appointed attorney and, in doing so, overruled its 1942 decision of *Betts v. Brady*. In this case the Court found that the Sixth Amendment's guarantee of counsel was a fundamental right, essential to a fair trial, which should be made applicable to the states through the Due Process Clause of the Fourteenth Amendment. Justice Black called it an "obvious truth" that a fair trial for a poor defendant could not be guaranteed without the assistance of counsel. Those familiar with the American system of justice, commented Black, recognized that "lawyers in criminal courts are necessities, not luxuries."



COURT CASE 19 *Mapp v. Ohio, 1962*

HISTORICAL BACKGROUND

THE Warren Court left an unprecedented legacy of judicial activism—not only in the area of civil rights law, as noted in the case of *Brown v. Board of Education*—but also in the area of civil liberties, specifically, the rights of the accused as addressed in Amendments 4 through 8. In the period from 1961 to 1969, the Warren Court examined almost every aspect of the criminal justice system in the United States, using the 14th Amendment to extend constitutional protections to all courts in every State. This process became known as the “nationalization” of the Bill of Rights. During those years, cases concerning the right to legal counsel, confessions, searches, and the treatment of juvenile criminals all appeared on the Court’s docket.

The Court-inspired revolution in the criminal justice system began with the case of *Mapp v. Ohio*, the first of several significant cases in which the Court re-evaluated the role of the 14th Amendment as it applied to State judicial systems.

Membership on the Court included Chief Justice Warren; veterans Hugo Black, Felix Frankfurter, William O. Douglas, and Tom Clark; and Eisenhower appointees John M. Harlan, William J. Brennan, Jr., Charles E. Whittaker, and Potter Stewart.

CIRCUMSTANCES OF THE CASE

On May 23, 1957, police officers in a Cleveland suburb received information that a suspect in a bombing case, as well as some illegal betting equipment, might be found in the home of Dollree Mapp. Three officers went to the home and asked for permission to enter, but Mapp refused to admit them without a search warrant. Two officers left, and one remained. Three hours later, the two returned with several other officers. Brandishing a piece of paper, they broke in the door. Mapp asked to see the warrant and took it from an officer, putting it in her dress. The officers struggled with Mapp and took the piece of paper away from her. They handcuffed her for being “belligerent.”

Police found neither the fugitive nor the betting equipment during their search, but they did discover some pornographic material in a suitcase in a closet. Mapp said that she had loaned the suitcase to a boarder at one time and that the contents were not her property. She was arrested, prosecuted, found guilty, and sentenced for possession of pornographic material. No search warrant was introduced as evidence at her trial.

CONSTITUTIONAL ISSUES

The question before the Court involved 4th Amendment protection against “unreasonable searches and seizures” and the “nationalization” of the Bill of Rights under the 14th Amendment. Was the search of Mapp’s home legal and the evidence admissible under State law and criminal procedure? If the State criminal procedure code did not exclude the evidence as having been illegally gained, did Ohio law fail to provide Mapp her 4th Amendment protection against “unreasonable searches and seizures”? The *Weeks* case, 1914, established the exclusionary rule barring the admission of illegally gained evidence in federal courts. Should that rule be extended, making evidence gained by an illegal search inadmissible in State courts as well?

SUPREME COURT CASE 19

(continued)

**ARGUMENTS**

For Mapp: The police, who possessed no warrant to search Mapp's property, had acted improperly by doing so. Any incriminating evidence found during the search should, therefore, be thrown out of court and her conviction overturned. If the 4th Amendment did not limit the prerogatives of police on the local and State level, local law enforcement would have a mandate to search wherever, whenever, and whomever they pleased. The exclusionary rule that applied in federal courts should also be applied to State court proceedings.

For the State of Ohio: Even if the search was made without proper authority, the State was not prevented from using the evidence seized because "the Fourteenth Amendment does not forbid the admission of evidence obtained by an unreasonable search and seizure." In other words, Ohio argued, the 14th Amendment does not guarantee 4th Amendment protections in the State courts. Furthermore, under the 10th Amendment, the States retain their right to operate a separate court system. The Bill of Rights only restricts and limits the actions of the National Government.

DECISION AND RATIONALE

In a 6-3 decision, the Court overturned the conviction, finding that the States were bound by the "search and seizure" provisions spelled out in the 4th Amendment. In the majority opinion, Justice Tom Clark declared: "We hold that all evidence obtained by searches and seizures in violation of the Constitution [to be] inadmissible in a State court. . . . Were it otherwise, the assurance against unreasonable searches would be meaningless."

Clark explained that "Only last year (*Elkins v. United States*, 1960) the Court held that the purpose of the exclusionary rule 'is to deter—to compel respect for the constitutional guarantee in the only effective available way—by removing the incentive to disregard it.' The Court thus insures that ' . . . in either sphere [State or federal]. . . no man is to be convicted on unconstitutional evi-

dence.'" The 4th Amendment sets the standards for searches and seizures by law enforcement officials in the United States, the Court noted, and the 14th Amendment requires judges to uphold those standards in every State.

Evidence gained by an illegal search became inadmissible in State courts as a result of the decision. The 50-year development of the exclusionary rule for illegal evidence, begun in the *Weeks* case, 1914, and continued in *Elkins*, 1960, culminated with the decision reached in *Mapp*, 1962.

The "Mapp Rule" has since been modified by decisions of the Burger Court, including *Nix v. Williams*, 1984 (inevitable discovery rule), and *Massachusetts v. Sheppard*, 1984 ("good faith" exception), so the exclusionary rule is no longer as absolute as when first handed down in *Mapp*. Critics of the Warren Court charged that it "had gone too far in interfering with police work."

QUESTIONS FOR DISCUSSION

1. Justice Harlan dissented from the majority decision in *Mapp*, urging that the Court use "judicial restraint" rather than "judicial activism." What do you think these terms mean in regard to the role the Court should play in determining government's role in society? Which do you believe to be the better judicial philosophy?
2. What wording in the 14th Amendment gave the Court a basis for applying the 4th Amendment to a State court proceeding?
3. Should criminals be released from custody because of an error of procedure made by police officers? Why or why not? Explain the rationale for either case.
4. The British system of justice provides for punishment for a police officer who violates the rules for searches and seizures, but allows illegally gained evidence to be admitted in court. What is your opinion of this arrangement? Would it effectively deter police from violating civil liberties? What benefits does it provide?



SUPREME COURT CASE 24

Escobedo v. Illinois, 1964

HISTORICAL BACKGROUND

BETWEEN 1961 and 1969, the Supreme Court handed down a series of rulings that extended constitutional standards of due process to all States, and forced the American criminal justice system to apply stricter standards regarding the rights of the accused. Beginning with *Mapp*, 1961 (search and seizure restrictions), and *Gideon*, 1963 (the right to legal counsel), the Court began to eliminate State court and police practices that it viewed as violations of the due process guarantees in the Constitution. By the end of the 1960s, the Court had established a "minimum standard of fairness" which all courts, whether federal or State, would be required to meet. The case of *Escobedo v. Illinois* provided another block upon which the Court's standard was evolving.

FACTS

Danny Escobedo was taken into custody by Chicago Police at 2:30 A.M. on January 20 in connection with the shooting of one of his relatives the night before. After an 18-hour interrogation, and without an attorney to represent him, Escobedo was released, having made no self-incriminating statements. When police later arrested Benedict DiGerlando, a friend of Escobedo, DiGerlando told police that Escobedo had fired the fatal shots, and Escobedo was arrested once again. Police told him that, "although not formally charged, he was in custody and couldn't walk out the door."

Escobedo's lawyer arrived shortly after his client had been taken into custody the second time. The attorney was repeatedly denied permission to talk to Escobedo, who was interrogated all night, from nine o'clock at night until five o'clock in the morning. Escobedo asked to speak with his lawyer "repeatedly," but the police kept telling him that his lawyer did not want to see him. Throughout the interrogation, the suspect was kept standing, hands cuffed behind his back. He was told that DiGerlando had accused him of the murder. Allowed to confront his accuser, Escobedo told DiGerlando, "I didn't kill Manuel, you did it." Becoming more emotional, Escobedo made statements concerning his connection with the crime, which were later used to convict him of murder in an Illinois court.

CONSTITUTIONAL ISSUES

The case centered on the 5th Amendment protection against self-incrimination and the 6th Amendment right to legal counsel. At what point must an accused person be afforded counsel in a State prosecution? Was a confession gained without the aid of legal counsel admissible in a State court? Should Escobedo be given a second trial? Did the police act properly, or were their actions a violation of Escobedo's rights against self-incrimination? Did the State Due Process Clause of the 14th Amendment have a bearing on this case?

ARGUMENTS

For Escobedo: Denying Escobedo the right to consult with an attorney was a clear violation of his right to due process. His confession had been coerced, and was thus inadmissible. His conviction was faulty, and the resulting verdict should be overturned. Escobedo should have a new trial.

For Illinois: The criminal procedures used in the courts of the State of Illinois rest upon the sovereignty of that State, and are part of the powers reserved to Illinois by the 10th Amendment. The authority to specify the criminal procedures to



be used in State courts is clearly not vested in the Supreme Court. A decision in favor of Escobedo would therefore violate the basic plan of federalism.

DECISION AND REASONING

By a 5-4 margin, the Court deemed Escobedo's confession inadmissible, overturned his conviction, and ordered that he be given another trial. Speaking for the majority, Justice Arthur Goldberg wrote: "When [Escobedo] requested and was denied an opportunity to consult with his lawyer, the investigation had ceased to be a general investigation of 'an unsolved crime.' . . . [Escobedo] had become the accused. . . ." and was thus entitled to counsel. Goldberg also declared that Escobedo, being "undoubtedly unaware that under Illinois law an admission of 'mere complicity' in the murder plot was legally as damaging as an admission of firing the fatal shots . . . [t]he 'guiding hand of counsel' was essential to advise [him] of his rights in this . . . situation."

Reflecting on past cases, Goldberg wrote: "This Court has also recognized that 'history amply shows that confessions have often been extorted to save law enforcement officials the trouble and effort of obtaining valid and independent evidence.' . . . No system worth preserving should have to fear that if an accused is permitted to consult with a lawyer, he will become aware of, and exercise, these rights."

Goldberg then moved on to write a carefully generalized statement of what would become "the Escobedo Rule"—an application of the "exclusionary rule" that bars from court evidence gained from a confession made without an attorney present. The Court's ruling in this case, however, was somewhat limited. It applied only to cases where certain specific conditions were present. First, a police investigation must have proceeded beyond the point of "a general inquiry into an unsolved crime," and must have "begun to focus on a particular suspect. . . ."

Secondly, the suspect had to have "been taken into police custody" and been subject to "a process

of interrogations that lends itself to eliciting incriminating statements. . . ." Third, the suspect must have "requested and been denied an opportunity to consult with his lawyer," while the police must "not have effectively warned him of his absolute constitutional right to remain silent. . . ." Provided that all of the above conditions existed, the Court would find that "the accused has been denied the 'Assistance of Counsel' in violation of the Sixth Amendment as 'made obligatory upon the States by the Fourteenth Amendment,' . . . and [as such] no statement elicited by the police during the interrogation may be used against him at a criminal trial."

DISCUSSION QUESTIONS

1. According to the Court's decision as written by Justice Goldberg, when does a citizen under arrest need the advice of a lawyer?
2. Why should we worry about the "rights" of people who are under arrest for a crime?
3. How would the "presumption of innocence," a basic element of due process, be used as an argument in this case?
4. What arguments would you have presented to persuade the Court not to interfere with Illinois court procedure?
5. Do you think the close supervision of State courts by the Supreme Court has a tendency to undermine the authority of the States? What rule would you propose to limit Supreme Court intervention in the operation of State courts, or State prisons, or State mental hospitals? Would such a rule be constitutional?

California v. Acevedo (1991)

Background

On October 28, 1987, Officer Coleman of the Santa Ana, California, Police Department received a call from a federal drug enforcement agent in Hawaii. The agent told Coleman that he had seized a Federal Express package containing marijuana that had been addressed to a man named Acevedo, who lived in Santa Ana. The agent sent the package to Coleman instead, instructing him to take it to the Federal Express office and arrest the person who came to claim it.

On October 30, Coleman observed as a man arrived to claim the package. Police officers continued to observe as he drove to his apartment and took the package inside. A brief time later a different man left the apartment carrying a knapsack that appeared to be half full. Police officers stopped the man as he was driving off, searched the knapsack, and found 1½ pounds of marijuana. About an hour later Acevedo arrived and went into the apartment. He reappeared carrying a full brown paper bag, which he deposited in the trunk of his car. Police officers stopped Acevedo, opened the trunk and the bag, and found the marijuana.

Acevedo was charged in state court with possession of marijuana for sale. He moved that the marijuana found in his car trunk should be suppressed, that is, not allowed as admissible evidence against him. The motion was denied. He pled guilty but appealed the denial of the suppression motion. The case then went to the California Court of Appeals, which ruled in Acevedo's favor that the marijuana found in the bag in his trunk should have been suppressed. This ruling was based on an earlier case—*United States v. Chadwick* (1977).

According to the ruling in that case, if there is probable cause to search only a container in a car, and not the entire car itself, police need a warrant for that purpose. Thus police officers could have seized the bag and held it, but could not open it without first obtaining a warrant to do so. In *United States v. Ross* (1982), however, it was ruled that if there is probable cause to search a car, then the entire car, including any closed container in it, can be searched without a warrant.

The Supreme Court of California denied the petition for review, and the case then went to the United States Supreme Court.

CONSTITUTIONAL ISSUE

The Fourth Amendment protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Is a police search of a suspect container in a car without a warrant in violation of those Fourth Amendment rights?

THE COURT'S DECISION

Justice Harry A. Blackmun delivered the opinion of the Court, which decided that police may search a container in an automobile without a warrant as long as there is probable cause to search that container. There does not have to be probable cause to search the entire automobile.

Blackmun wrote for the Court, “The line between probable cause to search a vehicle and probable cause to search a package in that vehicle is not always clear. . . .” Here he referred to the confusion created between the rulings in *Chadwick* and *Ross*.

Scalia wrote, “The Fourth Amendment does not by its terms require a prior warrant for searches and seizures; it merely prohibits searches and

seizures that are 'unreasonable.' . . . In my view, the path out of this confusion should be sought by returning to the principle that the 'reasonableness' requirement of the Fourth Amendment affords the protection that the common law afforded."

A DISSENTING OPINION

Justice John Paul Stevens argued for the stricter interpretation of the Fourth Amendment and the need for a warrant in circumstances such as found in the *Acevedo* case. He wrote: "Our decisions have always acknowledged that the warrant requirement imposes a burden on law enforcement. And our cases have not questioned that trained professionals normally make reliable assessments of the existence of probable cause to conduct a search. We have repeatedly held, however, that these factors are outweighed by the individual interest in privacy. . . . The Fourth Amendment dictates that the privacy interest is paramount, no matter how marginal the risk of error might be if the legality of warrantless searches were judged only after the fact."

Stevens continued to express grave concern about the Court's decision: "It is too early to know how much freedom America has lost today. The magnitude of the loss is, however, not nearly as significant as the Court's willingness to inflict it without even a colorable [reasonable] basis for its rejection of prior law. I respectfully dissent."

Analyzing the Case

- 1 What was the constitutional basis of this case?

- 2 Explain the difference in the position of Justice Blackmun and the position of Justice Stevens.

Critical Thinking

- 3 **Demonstrating Reasoned Judgment** Do you think your right to privacy has been compromised by this ruling? Explain your answer.

GEORGIA V. RANDOLPH

Term: 2000-2009 2005

Facts of the Case

Scott Randolph was arrested for drug possession after police found cocaine in his home. The police did not have a warrant to search the home, but Randolph's wife consented to the search. Randolph was also present at the time of the search, however, and objected to the police request. At trial, his attorney argued that the search was unconstitutional because of Randolph's objection, while the prosecution argued that the consent of his wife was sufficient. The trial court ruled for the prosecution, but the appellate court and Georgia Supreme Court both sided with Randolph, finding that a search is unconstitutional if one resident objects, even if another resident consents.

Question

Can police search a home when one, physically present resident consents and the other physically present resident objects?

Conclusion

Decision: 5 votes for Randolph, 3 vote(s) against **Legal provision:** Amendment 4: Fourth Amendment

No. In a 5 to 3 decision, the Supreme Court held that when two co-occupants are present and one consents to a search while the other refuses, the search is not constitutional. Justice David Souter, in the majority opinion, compared the reasonableness of such a search to a more casual interaction. Souter wrote, "it is fair to say that a caller standing at the door of shared premises would have no confidence that one occupant's invitation was a sufficiently good reason to enter when a fellow tenant stood there saying, 'stay out.' Without some very good reason, no sensible person would go inside under those conditions." A police search in such circumstances, Souter wrote, would therefore not meet the reasonableness requirement of the Fourth Amendment

BRIGHAM CITY, UTAH V. STUART

Term: 2000-2009 2005

Facts of the Case

Responding to a complaint about a loud party, police arrived at a house where they saw minors drinking alcohol outside and heard shouting inside. As they approached the house, they saw a fight through the window involving a juvenile and four adults, one of whom was punched hard enough to make him spit blood. The officers announced their presence, but the people fighting did not hear them so they entered the home. They arrested the men for contributing to the delinquency of a minor and other related offenses. The trial court judge, however, refused to allow the evidence collected after the police entered the home because it was a warrantless search in violation of the Fourth Amendment. On appeal, the government argued that the search was covered by the "emergency aid doctrine" because the officers were responding to seeing the man be punched. The Supreme Court of Utah disagreed, however, ruling that the doctrine only applies when there is an unconscious, semiconscious, or missing person who is feared injured or dead. The Court also gave weight to the fact that the officers acted exclusively in a law enforcement capacity, not to assist the injured man.

Question

What objectively reasonable level of concern is necessary to trigger the emergency aid exception to the Fourth Amendment's warrant requirement?

Conclusion

Decision: 8 votes for Brigham City, Utah, 0 vote(s) against **Legal provision:** Amendment 4: Fourth Amendment

In a unanimous decision, the Supreme Court held that police may enter a building without a warrant when they have an objectively reasonable basis to believe that an occupant is "seriously injured or threatened with such injury." Quoting from *Mincey v. Arizona*, Chief Justice John Roberts wrote that "[t]he need to protect or preserve life or avoid serious injury is justification for what would be otherwise illegal absent an exigency or emergency."

Case

Background

Arguments

Supreme Court Decision &
your opinion

Case	Background	Arguments	Supreme Court Decision & your opinion

use

Background

Arguments

Supreme Court Decision &
your opinion
