DOGMA OR DICTA?

DOGMA:

The parts of a Supreme Court majority opinion that articulate a rule that becomes binding precedent

Ex: *Palko v. Connecticut* (1937): Immunity from double jeopardy is not made binding on the states through the due process clause of the 14th Amendment. (Overruled in *Benton v. Maryland* (1969)

DICTA:

(From the Latin *dicere*, “to speak;” formally, “obiter dictum”)

The parts of a majority opinion that are illustrations or expansions of an argument and do not set binding precedent

Ex: *Palko’s* statement that immunity from self-incrimination “could be lost, and justice still be done.”