

Updated Federal Summary

I. Housing

Jones v. Jones, 234 U.S. 615

Jones v. Jones

Summary of Facts and Issues

The law of inheritance is governed by state law. The Fourteenth Amendment does not prohibit limiting inheritance of land to categories that turn certain statuses, including legitimacy, nationality, or enslavement.

Impact of the Ruling

In this case, a free Black person died without a will, and his widow claimed that she inherited his property. A Tennessee inheritance statute, as interpreted by state courts, provided that only children and not wives could inherit the land of enslaved people who died without making a will. Even though the husband acquired the land after he had been emancipated, the U.S. Supreme Court held that the Tennessee statute did not violate the Equal Protection Clause even if it limited the rights of enslaved people to inherit.

Buchanan v. Warley, 245 U.S. 60

Buchanan v. Warley

Summary of Facts and Issues

A municipal statute preventing Black people from purchasing property on city blocks where the majority of residents are white (and vice versa) violated the U.S. Constitution's Equal Protection Clause because it violated the property rights of the seller to dispose of their property as they choose.

Impact of the Ruling

A Louisville, Kentucky statute required the use of separate city blocks by people of different races. The effect was to limit the ability of Black people to buy houses on majority-white residential blocks. While the Court reiterated that some mandatory segregation of the races was permitted under the Fourteenth Amendment, as interpreted by Plessy v. Ferguson, this Court thought that this ordinance went too far, in part because it impacted the property rights of white sellers.

Corrigan v. Buckley, 271 U.S. 323

Corrigan v. Buckley

Summary of Facts and Issues

Federal courts must decline jurisdiction when the record fails to present a constitutional or federal statutory question. Private individuals may enter into contracts limiting the disposition of their property

using racially restrictive covenants. Doing so does not offend the Fifth, Thirteenth, and Fourteenth Amendments, all of which require state action and do not apply to private action.

Impact of the Ruling

A group of property owners in the Washington, D.C., entered into a contract agreeing not to sell their property to Black people (this sort of contract is called a "restrictive covenant"). A year later, one of the property owners did sell the land to a Black person. The Court held that because restrictive covenants arose from agreements between private individuals, rather than state actors, then the Constitution did not apply and so there was no due process or equal protection violation under the Fifth or Fourteenth Amendments, and no violation of the Thirteenth Amendment's prohibition on slavery. Though the Court did not address the issue, the sale of land by private owners in *Corrigan* is different from that in the earlier case of *Buchanan v. Warley*, where a municipality (a state actor) passed an ordinance prohibiting the sale of land to a Black person.

Hurd v. Hodge, 334 U.S. 24

Hurd v. Hodge

Summary of Facts and Issues The Court declined to hold that restrictive covenants on the sale of property in federal territories, including the District of Columbia, violated the Fifth Amendment to the U.S. Constitution. The Court held the Fourteenth Amendment to the U.S. Constitution only applied to state law, and so distinguished this case from its companion case, *Shelley v. Kraemer* 334 U.S. 1 (1948), which declared restrictive covenants on the sale of property unconstitutional under the Equal Protection Clause. Instead, the Court relied on federal statute to invalidate such covenants as violating section 1 of the Civil Rights Act of 1866, codified in 8 U.S.C. §42, which provided that all citizens have the same right to sell property as white people.

Impact of the Ruling

The Court's decision in *Shelley v. Kraemer* (discussed elsewhere in this bibliography), a companion case decided at the same time as *Hurd v. Hodge*, prohibited "restrictive covenants," which are stipulations in the title of some property that the property may not be sold to certain classes of people. These covenants often precluded the sale of property to Black people. However, the *Shelley* case only applied to restrictive covenants under state law, because the Fourteenth Amendment applies to the states, not to the federal government. Sales of property on federal territories, including the District of Columbia are regulated by the Fifth Amendment, which applies to both state and federal governments, and by federal law. The Court declined to create a precedent under the Fifth Amendment, which would apply even if Congress repealed federal law. Instead, it decided that restrictive covenants were illegal on the narrower and more precarious grounds that such covenants violated a federal statute, the Civil Rights Act of 1866. While the impact of the cases is the same, the source of potential repeal—the Supreme Court changing its mind about the Constitution versus Congress changing its mind about a statute—is not.

334 U.S. 1**Shelley v. Kraemer****Summary of Facts and Issues**

The Court held that racial restrictive covenants between private parties nonetheless involve state action and so violate the 14th Amendment's Equal Protection Clause.

Impact of the Ruling

A core principle of federal constitutional jurisprudence, entrenched the federal Supreme Court's successful attempt in the 1870s to restrict the impact of the Radical Republicans' constitutional revolution of the 1860s, has been the requirement of state action, which means that the federal constitution does not apply to the acts of private individuals but only the acts of government officials or institutions. Another line of cases discussed elsewhere in this bibliography made it illegal for state or local governments to enact racially restrictive covenants—a statement in the title of some property precluding its sale to Black people. In this case, the Court radically expanded the state action doctrine, holding that because racially restrictive covenants were challenged and enforced through judicial proceedings, and judges are government officials, then the federal laws prohibiting racially restrictive covenants under the Fourteenth Amendment could apply to covenants on the sale of private property as well as public, and so private race-based limitations on property ownership was declared unconstitutional. This is the farthest the federal Court has ever gone to overturning the state action doctrine, and this case should be seen as a radical outlier for as far as the legal doctrine goes. The case did not, however, make any impact on the then-developing practice of redlining, which depended upon the granting of mortgages by the federal government rather than the practice of imposing racially restrictive covenants.

Reitman v. Mulkey, 387 U.S. 369 (U.S. 1967).**Reitman v. Mulkey****Summary of Facts and Issues**

Court affirms Cal Supreme Court decision holding that state constitution article preventing state action restricting conduct by private property owners / landlords that would discriminate against potential buyers / renters on the basis of race at the owner's discretion would involve the state in private racial discriminations to an unconstitutional degree.

Impact of the Ruling

See **Mulkey v. Reitman**

This case consolidated with Prendergast v. Snyder (another, similar Cal. Supreme Court case, relating to eviction discrimination on the basis of race).

Reitman appealed Cal Supreme Court decision, asking that SCOTUS find that Cal. Supreme Court misconstrued the Fourteenth Amendment - that ""the repeal of any statute prohibiting racial discrimination, which is constitutionally permissible, may be said to 'authorize' and 'encourage' discrimination because it makes legally permissible that which was formerly proscribed."" (emphasis added).

SCOTUS determined that Cal. Supreme Court properly decided the case, that the state supreme court correctly decided that 1) a state is not required to have a statute outlawing racial discrimination; 2) that the intent of Prop 14 was to actually authorize private discrimination in the housing market and thereby repeal enacted state civil rights law; and 3) that the impact of Proposition 14 would encourage and significantly involve the State in private racial discrimination, contrary to the Fourteenth Amendment. Important to note that, once again, SCOTUS does not set out a test for determining whether a State is engaging in private discrimination, and does not explicitly address the constitutionality of the racial discrimination at the core of the case."

Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968)

Jones v. Alfred H. Mayer Co.

Summary of Facts and Issues

Plaintiff alleged that defendant refused to sell him a home because he was black. Plaintiff relied on 42 U.S.C. § 1982, which grants citizens the right to "inherit, purchase, lease, sell, hold, and convey real and personal property." The court held that section 1982 was a valid exercise of Congressional power to enforce the 13th Amendment's prohibition against all forms of discriminatory conduct of private individuals, including conduct in the housing market.

Impact of the Ruling

Congress can make whatever laws are necessary and proper to enforce the 13th Amendment.

396 U.S. 229

Sullivan v. Little Hunting Park, Inc.

Summary of Facts and Issues

The court held that an individual's right to "lease" is protected against racial discrimination from the lessor and by third parties. Contradicted evidence showed that the company neither operated as a private club nor made membership available to all black residents. It was a discrimination based on race.

Impact of the Ruling

The law protects people from being discriminated against based on their race when they want to lease property. This includes protection from discrimination by the landlord as well as by other people. The law covers a wide range of property-related rights, including the right to inherit, buy, lease, sell, hold, and transfer real and personal property. If a tenant's lease includes a membership share in a

recreational facility, and someone interferes with the tenant's ability to transfer that membership share, it counts as interfering with the lease. The lessee, in this case, paid part of his \$ 129 monthly rental for the assignment but got refused by the board of directors because he was black. Further, the company was not a private social club but rather a public place open to all residents in the county. Therefore, the practice of this company demonstrated that black lessees had always been denied access to the services and facilities of a public place.

429 U.S. 252

Village of Arlington Heights v. Metropolitan Housing Development Corp.

Summary of Facts and Issues

The court held that the village's denial of a zoning reclassification permit for a racially-integrated multi-family dwelling was not motivated by a discriminatory purpose. Although the scheme seemed to have a disproportionate impact on Black people, there was no evidence to suggest that the permit denial was suspicious in any way. The property in question had been zoned for single-family use only for many years, and the Village overwhelmingly consisted of single-family homes. The rezoning request was subject to standard procedures, and the Village even scheduled two additional hearings beyond the usual amount to review the permit denial.

Impact of the Ruling

If a zoning ordinance had a discriminatory impact on a predominantly black neighborhood and it could be proven that the intent of the government was to discriminate, then it would be considered a violation of the Fair Housing Act. However, if the government had a legitimate reason for the ordinance and it was not motivated by discriminatory intent, then it would not be a violation of the law.

441 U.S. 91

Gladstone Realtors v. Village of Bellwood

Summary of Facts and Issues

The court held that the village and individual residents of a neighborhood targeted by local realtors for racial steering were qualified to challenge the legality of the sales practices. These practices impacted the village's racial balance and stability by manipulating the housing market in the "target" area. Similarly, individual residents of the "target" area suffered losses of social and benefits from living in an integrated community due to the actions of the brokerage firms involved.

Impact of the Ruling

The impact on black people would depend on the specific details of the case or situation being referred to. If the case or situation involved discriminatory practices or policies that negatively affected black people, then the legal standing of the Village of Bellwood and individual residents would be relevant insofar as it allows them to challenge and potentially seek redress for these practices. By having legal standing, these parties would be able to argue that the practices or policies in question are illegal and have a negative impact on black people, and potentially seek legal remedies to address this harm.

Lake Country Ests., Inc. v. Tahoe Reg'l Plan. Agency, 440 U.S. 391 (1979)**Lake Country Estates, Inc. v. Tahoe Regional Planning Agency****Summary of Facts and Issues**

"Property owners sued the Tahoe Regional Planning Authority alleging that a land use ordinance deprived them of the beneficial use of their property. The Supreme Court, Mr. Justice Stevens, held that: (1) the Authority's conduct could be found to be "under the color of state law" under the Civil Rights Act of 1871; (2) and the Authority was not immune from liability under the Eleventh Amendment; (3) to the extent the Authority members were acting as "legislators", there were entitled to absolute legislative immunity from federal damages liability "

Impact of the Ruling

"In this case, when property owners could no longer use their land due to an ordinance the defendant was determined to be acting under the color of state law. However, even though the defendants acted under the color of state law in violation of the Civil Rights Act of 1871, if they were making the ordinance as lawmakers then they had absolute immunity (legislative immunity) So, the plaintiffs were closer to succeeding under a civil rights violation claim but defendants need only say they were simply law making and have complete immunity due to legislative immunity."

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On certiorari, the Supreme Court, Mr. Justice Stevens, held that: (1) the requirement of federal approval of the Interstate Compact creating the agency did not foreclose the finding that the Authority's conduct was "under color of state law" within the meaning of the Civil Rights Act of 1871; (2) the Authority was not immune from liability under the Eleventh Amendment, and (3) to the extent that members of the Authority's governing board were acting in a legislative capacity, they were entitled to absolute immunity from federal damages liability."

Impact of the Ruling

"In this case, when property owners could no longer use their land due to an ordinance the defendant was determined to be acting under the color of state law. However, even though the defendants acted under the color of state law in violation of the Civil Rights Act of 1871, if they were making the ordinance as lawmakers then they had absolute immunity (legislative immunity)

So, the plaintiffs were closer to succeeding under a civil rights violation claim but defendants need only say they were simply law making and have complete immunity due to legislative immunity."

451 U.S. 100**City of Memphis v. Greene****Summary of Facts and Issues**

Claims of racial discrimination under 42 U.S.C. §1982, guaranteeing the protection of property rights, along with claims of racial discrimination under the Thirteenth and Fourteenth Amendments to the U.S. Constitution, must allege intentional discrimination and not simply a discriminatory impact.

Impact of the Ruling

The City of Memphis enacted an ordinance closing a street, thereby restricting a Black neighborhood's access to a white neighborhood. The Court held that this action did not violate 42 U.S.C. §1982, which was a statute adopted after the Civil War to protect the property interests of Black people and place those interests on an equal footing with white people. The Court held that both the statute and the Fourteenth Amendment's Equal Protection Clause require proof of an intent to discriminate rather than simply a disproportionate impact on the Black community. The Court also held the road closing did not violate the Thirteenth Amendment, prohibiting slavery or involuntary servitude, because that amendment also requires proof of discriminatory intent. In addition, the Court found no discriminatory impact upon the Black community, because the ordinance favored the City's interests in safety and tranquility. The Black community was burdened, the Court suggested, because of their location, not their race. This holding ignores the fact that racially persistent segregation is a form of disparate treatment that impacts the Black community and elevates the white communities interests—including, perhaps, the interest in being free from having Black people travel through their neighborhood—above those of the Black community's.

Lugar v. Edmondson Oil Co., 457 U.S. 922 (1982)**Lugar v. Edmondson Oil Co.****Summary of Facts and Issues**

"Debtor brought action under **1871 civil rights statute** against corporate creditor and its president, alleging that, in attaching his property before judgment, defendants had acted jointly with state to deprive him of his property without due process of law (**14th Amendment**).

The Supreme Court, Justice White, held that debtor was deprived of his property through state action, corporate creditor and its president having acted under color of state law in participating in that deprivation, and thus debtor presented valid cause of action under 1871 civil rights statute insofar as he challenged constitutionality of Virginia statute, but not insofar as he alleged only misuse or abuse of that statute.

Reversed in part and affirmed in part and case remanded."

Impact of the Ruling

A civil rights violation was found here for property deprivation by state action which was enough to have legal standing under the federal civil rights act. of 1871 law.

This narrows the application of civil rights laws that are supposed to help people when their constitutional rights are violated.

The court also equated "state action" to "under of color of state law," further narrowing civil rights violations to be only legally addressed when a state actor is the perpetrator. This means the 14th amendment is not applicable to private acts of civil rights violations that the Black community were subject no matter how discriminatory or wrongful the violations may be.

II Labor**Strader v. Graham, 51 U.S. 82****Strader v. Graham****Summary of Facts and Issues**

"Taney Court unanimously upheld Kentucky's law making abettors of fugitive slaves liable for damages to slave-owners, even if slaves had been taken into free territory"

Impact of the ruling

Dr. Christopher Graham, a Kentucky slave owner, allowed 3 of his slaves to go visit Ohio and Indiana. But when the slaves later fled to Canada through a steamboat owned by Strader and other man, slaveowner Graham sued them for the monetary value of his lost slaves. They defended that the slaves had become free because of their time in Ohio and Indiana but when the case made it to the U.S. Supreme Court, they ruled that the court " has no jurisdiction over" whether the slaves' visits to Ohio and Indiana changed their slave status in Kentucky...leaving it back to the state court to decide, who sided in favor of Graham.

Butchers' Benevolent Association v. Crescent City Livestock Landing and Slaughterhouse Co., 83 US 36 (1873)

The Slaughterhouse Cases

Summary of Facts and Issues

The Court held that the monopoly violated neither the Thirteenth or Fourteenth Amendments, reasoning that these amendments were passed with the narrow intent to grant full equality to former slaves. Thus, to the Court, the Fourteenth Amendment only banned the states from depriving blacks of equal rights; it did not guarantee that all citizens, regardless of race, should receive equal economic privileges by the state.

Impact of the ruling

SCOTUS made a legal distinction between Black folks being "free" and economic equality, separating the inherent connection between the two. Economic equality was not guaranteed for any "race" under the 14th amendment and only stopped states from depriving Black folks of equal rights. Narrowed the applicability of the 13th, 14th, and 15th amendments

Clyatt v. U.S., 197 U.S. 207

Clyatt v. U.S.

Summary of Facts and Issues

The prohibition against peonage was authorized by provisions of the Thirteenth Amendment forbidding slavery or involuntary servitude. A statute provided that anyone who holds, arrests, or returns a person to a condition of peonage will be held liable. However, conviction cannot be had under an indictment charging defendants with returning certain persons to a condition of peonage unless there is proof that the persons so returned had actually been in such condition prior to the alleged act of returning them thereto.

Impact of the ruling

As mentioned elsewhere in the bibliography, peonage was a form of compulsory service, based on indebtedness. It was used to circumvent the prohibition of slavery and involuntary servitude under the Thirteenth Amendment. Clyatt was one of the first cases in a lengthy federal effort to abolish peonage. However, the Court narrowly interprets a statute that aims to punish those who arrest persons with intent to subject them to a condition of peonage by stating that the statute requires the person to have been in a condition of peonage beforehand.

Hodges v. United States, 203 U.S. 1, 27 S. Ct. 6, 51 L. Ed. 65 (1906), overruled by Jones v. Alfred H. Mayer Co., 392 U.S. 409, 88 S. Ct. 2186, 20 L. Ed. 2d 1189 (1968)

Hodges v. U.S.

Summary of Facts and Issues

The Supreme Court ruled that the federal government did not have the constitutional power to convict defendants for using force and intimidation to prevent Black citizens from performing their employment contracts. The court held that: (1) the **Thirteenth Amendment's** protection extends to all races, not just the African race and that (2) the defendants' violent acts that prevented plaintiffs' from freely exercising their right to contract were not a badge of slavery.

Impact of the ruling

The court reasoned that if the inability to freely contract was a badge of slavery, then any other wrong doings done to an individual would be enforceable by Congress under the Thirteenth Amendment.

New Negro Alliance v. Sanitary Grocery Co., 303 U.S. 552

New Negro Alliance v. Sanitary Grocery Co.

Summary of Facts and Issues

The interpretation of the term "labor dispute" in section 13 of the Norris-LaGuardia Act, which removed federal courts' jurisdiction to issue an injunction prohibiting labor action in cases involving a labor dispute. By its terms, the Act permitted the picketing of company stores by any group with an interest in the dispute, including the terms and conditions of employment, which extended to the activities of an independent corporation demanding that the stores employ Black workers. The Act did not proscribe any particular background or motive for labor action.

Impact of the ruling

A corporation with stores across various states refused to employ Black workers in the District of Columbia. A group called the New Negro Alliance took out advertisements in newspapers and formed a picket line asking people to boycott the corporation's stores until they hired Black people to work there. The Court held that a labor law statute which prohibited courts from preventing picketing during a "labor dispute" applied to this case, because anyone with a sufficient interest in the corporation's working conditions, not merely employees, could dispute the working conditions under the terms of the act. Furthermore, the act applied to any terms and conditions of employment, including race discrimination.

Mitchell v. U.S., 313 U.S. 80

Mitchell v. U.S.

Summary of Facts and Issues

The Interstate Commerce Act, beginning at 49 U.S.C.A. s 1, had, as its purpose to end discrimination in interstate transportation. The Interstate Commerce Commission had jurisdiction to determine whether a railroad carrier engaged in unlawful discrimination in failing to provide unequal sleeping cars to different races, and passenger had standing to bring suit even though they did not show that they intended to take another journey on the same train. The Act requires carriers to provide equally

comfortable accommodations to people of different races and a single instance of discrimination is sufficient to violate the act even if the carriers subsequent actions remedy the issue.

Impact of the ruling

The Interstate Commerce Commission claimed that it lacked the ability to enforce a statute prohibiting discrimination in interstate transportation. Upon entering Arkansas, an employee of a railroad company excluded from a Pullman carriage a Black U.S. Congressperson who was traveling across country. The available car lacked the amenities of the Pullman car, such as air conditioning. The Court held that the point of the statute was to prevent discrimination, including racial discrimination, and that the Commission's purpose was precisely to determine the fairness of the railroad carrier's practices. The Commission's determination that there was no violation of the act because of insufficient volume of Black passengers failed to recognize that the Act prohibited even a single incident in violation of the act. Accordingly, subsequent actions by the railroad carrier to ensure that there would be no repetition of the discrimination was not sufficient to avoid liability under the Interstate Commerce Act.

Taylor v. State of Ga., 315 U.S. 25

Taylor v. State of Ga.

Summary of Facts and Issues

The Court held that a Georgia statute which would in effect require peonage (a form of coerced labor) or threat of penal sanctions, was a form of involuntary servitude and thereby violated the Thirteenth Amendment and the Act of 1867.

Impact of the ruling

The Court in Taylor v. Georgia established that the Thirteenth Amendment prohibits more than slavery. The Supreme Court made it clear that "involuntary servitude" encompasses compelling debtors to work to repay debt, even if the contract was voluntary at the formation, if the consequence of the refusal or inability to work was a threat of penal sanction. Despite earlier cases which acknowledged peonage as involuntary servitude, courts were frequently required to determine whether state legislation or conduct of individuals was prohibited.

323 U.S. 192

Steele v. Louisville & N.R. Co.

Summary of Facts and Issues

Section 2 of the 1934 Railway Labor Act, 48 Stat. 1185, 45 U.S.C. s 151 et seq. the labor union chosen to act on behalf of a craft has a duty to represent all members of that craft regardless of union affiliation, and has at least the same duty to represent the interests of non-union Black people excluded from union membership as does a legislature under the Fourteenth Amendment's equal protection clause.

Impact of the ruling

Section 2 of the 1934 Railway Labor Act empowered the labor union with the largest membership to act as exclusive bargaining representative of the craft of locomotive firemen. In this case, the labor union excluded Black firemen from its membership and bargained with the railroad to limit the number of Black firemen employed in various positions. The Court interpreted the statute to require a union to represent the interests of Black craftspeople and prohibits discrimination by the representative union against non-members on the basis of race.

323 U.S. 210**Tunstall v. Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76****Summary of Facts and Issues**

Companion case to *Steele v. Louisville & N. R. Co* and simply reiterates the holding in that case.

Pollock v. Williams, 322 U.S. 4**Pollock v. Williams****Summary of Facts and Issues**

Florida statute making it a misdemeanor to induce advances with intent to defraud by a promise to perform labor and failing to perform said labor for which money was obtained shall be prima facie evidence of intent to defraud was held violative of the Thirteenth Amendment and the Federal Anti-Peonage Act.

Impact of the ruling

Despite the Anti Peonage Act of 1867, peonage and other forms of coerced labor used to discriminate against and in a way re-enslave African Americans continued to exist in the United States by virtue of state laws like the statute in this case. The Court noted that state statutes that presume intent and enforce peonage have a coercive effect in producing guilty pleas. Therefore, the Court invalidated the state's argument that the procedural presumption of intent section of the statute was not used in this case and thereby the entire statute should not be invalidated. The Court in effect took a holistic approach to the reading of the statute and found that the effect of peonage would invalidate the entire statute.

Steele v. Louisville & N.R. Co., 323 U.S. 192 (U.S. 1944).**Steele v. Louisville & N.R. Co.****Summary of Facts and Issues**

The Court held that labor unions purporting to represent workers of a craft or class must represent every member of that craft or class, regardless of race, under the Railway Labor Act. The union entered into a new contract that established limitations on the number of black workers who maintained seniority in position, and limited all new hires and vacancies of positions to be filled by white men. Plaintiffs allege that the Railroad and the Union conspired to create a monopoly on labor to exclude

black workers. The state courts held that the union was empowered under the Railway Labor Act to act as the exclusive representative of the craft, and had no obligation to protect the rights of black or minority workers. Plaintiffs appealed. SCOTUS holds that this interpretation of the Railway Labor Act is a constitutional violation of the black workers' rights. The Court holds that the Act does not give the Union unlimited rights to exclude black workers, but permits the Union to "enter into contracts which may have unfavorable effects on some of the members of the craft..." Steele, 323 U.S. 192, 202.

Court further holds that, under the Act, and in the context of exclusive bargaining contracts - as the one here - there are no opportunities for black workers to obtain representation - they're required to be members of the union in order to work, but the union won't allow them to join. The Act must be read to protect all workers by representation in the union."

Impact of the ruling

Case brought on behalf of Black railroad fireman employed by the defendant railroad. The (unnamed) defendant - a majority white labor union - had an exclusive contract to represent all members of the "craft or trade" employed by the railroad. The union proposed to amend their constitution to exclude black workers entirely from the craft. The union did not notify the black workers of the amendment or give them a chance to state opposition. At that point, only white workers were eligible to be engineers or for promotions.

338 U.S. 232

Graham v. Brotherhood of Locomotive Firemen and Enginemen

Summary of Facts and Issues

The Court determined that section 2 of the 1934 Railway Labor Act, 48 Stat. 1185, 45 U.S.C. s 151 et seq. prohibited the firemen's union from restricting Black railroad workers' employment opportunities with the railroad through a collective bargaining agreement. In addition, the Court would not interpret the term "labor dispute" in the Norris-LaGuardia Act, 29 U.S.C. s 113(c), to divest the court of jurisdiction.

Impact of the ruling

For the third time in four years, the white-person-dominated railroad firemen's union called upon the Court to determine whether Section 2 of the 1934 Railway Labor Act, 48 Stat. 1185, 45 U.S.C. s 151 et seq. applied permitted them to use their union power to set membership rules and negotiate a collective bargaining agreement to exclude Black people from the union and to and restrict their employment opportunities with the railroad. In addition, the firemen's union sought to narrow the scope of the term "labor dispute" under the Norris-LaGuardia Act, 29 U.S.C. s 113(c), and so divest the court of jurisdiction to determine the lawsuit and so without the power to remedy the union's discriminatory acts. The Court pointed out that both issues had been decided in earlier cases in 1944 and 1937 respectively, and bemoaned the fact that the firemen's union was so aggressively refusing to abide by the Court's prior rulings to exclude or demote Black railroad workers in preference to white ones.

343 U.S. 768**Brotherhood of R. R. Trainmen v. Howard****Summary of Facts and Issues**

An all-white labor union sought to use its sole bargaining position under the National Labor Relations Act to replace Black workers with white workers by "obliterating" the Black workers' jobs. The Court held that the union's power to bargain against members of a different "craft" did not include a power to discriminate on the basis of race; and the Norris-Laguardia Act did not divest the federal courts of jurisdiction to remedy such racial discrimination.

Impact of the ruling

A white railroad union representing people who worked as "brakemen" bargained with a railroad company to replace all Black people worked a job designated as "train porters." The porters union was an historically Black institution that also performed the jobs of brakemen. Under the National Labor Relations Act and the Court's prior cases, discussed elsewhere in this bibliography, unions could bargain with employers to exclude members of other crafts—that is, who performed other jobs—but could not bargain with employers to exclude people from the same craft on the basis of race, even if those people were not union members. Here (the dissent makes clear), the union's claim was that they had the right to replace the Black workers because they were members of a rival craft, not just because they were of a different race. The Court disagreed, holding that unions who bargain on behalf of their members are not entitled to "lawless invasions" of the rights of others, and that the federal courts had jurisdiction to rule on matters of racial discrimination, without referring such matters to the National Mediation and National Railway Adjustment Board. The case is significant because it addresses one of the many ways that unions had tried to engage in racial discrimination using the National Labor Relations Act, which empowered the union with the most members to engage in collective bargaining over job-related matters with the employer, and the Norris-Laguardia Act, which divested courts of jurisdiction and required a labor relations board to mediate disputes between the bargaining union and the employer. It also revealed that there was a significant group of justices on the court that thought that discrimination against Black people by private entities, such as trade unions, was acceptable under the National Labor Relations Act so long as the discrimination was conducted union-to-union. The case also reveals the extent to which the New Deal's attempt to engage in wholesale regulation of labor relations and the Court's the piecemeal regulation of race relations failed to coalesce around rooting racial discrimination out of union practices, but instead required repeated interventions by the federal courts to stem union discrimination.

393 U.S. 324**Glover v. St. Louis-San Francisco Ry. Co.****Summary of Facts and Issues**

Under the Railway Labor Act, the Railroad Adjustment Board does not have exclusive jurisdiction to interpret the terms of the collective bargaining agreement in this case. It applied only to disputes between an employee(s) and a carrier(s), and this suit is between employees and the union and management. The Railroad Adjustment Board does not have power to end the type of abuses alleged here. Plaintiffs also are not required to exhaust all remedies for grievances, as the circumstances of this case fall under the exception where filing a grievance would be futile.

Impact of the ruling

13 petitioners, eight of which were Black, despite being qualified for higher positions, were classified as "helpers" for years and the railroad refused to promote them. In their explanation as to why, the railroad explicitly said that they were using apprentices for the job and to avoid having to promote any Black employees, they were not promoting any of the petitioners. The Railway Labor Act gives the Railroad Adjustment Board exclusive jurisdiction over suits between employees and carriers, however this case is between employees and the union and management. Additionally, the Railroad Adjustment Board does not have the power to end the type of abuses alleged in this case. Respondents moved to dismiss the case since petitioners had not exhausted other remedies by filing a grievance, however, there are exceptions to the exhaustion requirement. Here, representatives had told respondents nothing would be done and that a formal complaint would be a waste of time, meeting the exception where efforts to proceed would be futile. Forcing them to exhaust all grievance remedies and allowing the Railroad Adjustment Board jurisdiction would only prolong the denial of Black employees rights.

Griggs v. Duke Power Co., 401 U.S. 424 (1971)

Griggs v. Duke Power Co.

Summary of Facts and Issues

Defendant (power company) required passage of two aptitude tests and a high school degree in order for applicants to get placed into a decently waged department. Black employees, who were often undereducated, challenged the policy under the Civil Rights Act. The court held that employers were in violation of the Civil Rights Act if they required standardized intelligence tests or high school education if it was not significantly related to job performance.

Impact of the ruling

Title VII of the Civil Rights Act of 1964 prohibits neutral employment practices that discriminate on the basis of a protected trait, regardless of intent. Here, the aptitude tests were not shown to be related to job performance and it disproportionately disqualified black applicants over white applicants.

Espinoza v. Farah Mfg. Co., 414 U.S. 86 (1973)

Espinoza v. Farah Manufacturing Co,

Summary of Facts and Issues

A Mexican citizen sued a manufacturing company for rejecting her seamstress application, citing its policy against hiring non-United States citizens. Plaintiff alleged defendant violated the Civil Rights Act by discriminating against her on the basis of her national origin. The court held that it is not illegal to discriminate on the basis of citizenship or alienage.

Impact of the ruling

Citizen discrimination is not a form of national-origin discrimination under Title VII.

422 U.S. 405**Albemarle Paper Co. v. Moody****Summary of Facts and Issues**

The court held that an employer could use a test for hiring or promoting employees that was found to discriminate against people based on their race, color, religion, sex, or national origin if the test was necessary for the specific job being considered. The test must be closely related to the skills and abilities required for the job.

Impact of the ruling

In employment, employers could implement various tests for hiring or promoting employees. If the test is found to be discriminatory and unnecessary, then it would be illegal to use it. However, if the test is deemed necessary for the specific job, even if it is discriminatory, it could still be used. This could potentially result in fewer employment opportunities for black people if discriminatory tests are deemed necessary for certain jobs.

421 U.S. 454**Johnson v. Railway Exp. Agency, Inc.****Summary of Facts and Issues**

The court held that (i) if a worker experiences racism in private employment, there are different ways they can seek federal help and take action to resolve the issue: injunctive relief, front pay, back pay, and compensatory and punitive damages. (ii) just because someone filed a discrimination claim with the Equal Employment Opportunity Commission (EEOC) in time, it does not pause or stop the deadline for filing a legal case based on the same facts. In other words, the clock for the legal time limit continues to run regardless of the EEOC filing.

Impact of the ruling

Racial discrimination by a private employer in making hiring decisions is prohibited under the law. The case is significant because it extended protections against discrimination to private employers, not just those in the public sector. By providing Black people with legal protections against employment discrimination by private employers. It ensures that black people, and other individuals who belong to protected classes, cannot be discriminated against on the basis of their race, color, religion, sex, or

national origin during the hiring process. This decision played an important role in advancing civil rights and promoting equal opportunities for black people in the workplace.

425 U.S. 820

Brown v. General Services Administration

Summary of Facts and Issues

The court held that federal employees who complained about a job-related discrimination could take a racial discrimination claim to the court. They were not required to use the organization's own procedures to deal with such claims.

Impact of the ruling

This ruling affects black people, as well as other racial minorities, by ensuring that they have access to legal recourse if they experience discrimination in the workplace. By allowing federal employees to bring discrimination claims directly to court, the ruling makes it easier for individuals to challenge discriminatory practices and seek justice. This can help to protect the rights of black people and other minorities who may be subject to discrimination in the federal workplace. It also serves as a reminder that employers have a responsibility to provide a workplace that is free from discrimination and harassment based on race or any other protected characteristic.

425 U.S. 840

Chandler v. Roudebush

Summary of Facts and Issues

The court held that federal employees have the same right as private sector and state government employees to have a new trial, even if the evidence showed that no discrimination occurred.

Impact of the ruling

The case established the principle that federal employees have the right to a trial by jury in cases of employment discrimination. This ensures that individuals who have experienced discrimination have access to the full range of legal remedies available, and are not limited by internal agency procedures or administrative review processes.

429 U.S. 229

International Union of Elec., Radio and Mach. Workers, AFL-CIO, Local 790 v. Robbins & Myers, Inc.

Summary of Facts and Issues

The court held that the fact that a company has a process for employees to file complaints and grievances through collective bargaining does not pause the deadline for filing a claim of discrimination with the Equal Employment Opportunity Commission (EEOC). An employee was required to file timely a charge of discrimination with the EEOC within 180 days of the alleged discriminatory occurrence.

Impact of the ruling

This case affects the black community by reinforcing the importance of timely filing of discrimination claims with the EEOC. Black employees who believe they have been discriminated against in the workplace must file their charges within the specified time limit to preserve their rights under federal law. This ruling ensures that employees cannot rely solely on the company's internal process for resolving disputes and must also take action to protect their rights under federal law. This decision helps ensure that black employees are not unfairly deprived of the opportunity to pursue legal remedies for discrimination in the workplace.

427 U.S. 273**McDonald v. Santa Fe Trail Transp. Co.****Summary of Facts and Issues**

The court held that a private company was prohibited from firing any person because of that person's race, majority or minority. A private employer could choose not to hire a previous employee because of that employee's illegal activity, but not because of a discriminatory reason.

Impact of the ruling

The ruling makes it illegal for a private employer to terminate or refuse to hire an employee based on their race or any other form of discrimination. However, the ruling is particularly relevant to Black people, who historically have faced widespread employment discrimination. The case provided a legal framework for employees who believed they were fired or not hired because of their race to bring a discrimination claim against their employer. This decision strengthened the protections against employment discrimination and helped Black people in their fight for equal employment opportunities.

426 U.S. 229**Washington v. Davis****Summary of Facts and Issues**

The court held that a police department's hiring practice of verbal skills test did not discriminate on the basis of race. The court had not made a rule that invalidated dofficial conduct just because it affected one particular racial group more than others, without evidence that this was done on purpose to discriminate. Discrimination can be inferred from all the facts, including the fact that a law has a greater impact on one race than another.

Impact of the ruling

This ruling has had a significant impact on black people because it has made it more difficult for them to challenge policies or actions that have a discriminatory impact but may not have been intentionally discriminatory. This is because plaintiffs must now prove discriminatory intent, which can be difficult to demonstrate. As a result, some argue that this ruling has made it harder to address systemic racism and discrimination against black people in the United States.

Fitzpatrick v. Bitzer, 427 U.S. 445 (1976)**Fitzpatrick v. Bitzer****Summary of Facts and Issues**

"Current and retired male state employees brought action alleging that state's retirement benefit plan discriminated against them because of their sex. The Supreme Court, Mr. Justice Rehnquist, held that the Eleventh Amendment and state sovereignty doctrine associated with it are limited by the Fourteenth Amendment, and the plaintiffs recovering back pay and attorney fees under the Civil Rights Act were not precluded by the Eleventh Amendment "

Impact of the ruling

The court decided that though states have state sovereignty, meaning the power to do what they want as mini-countries contained within the , the 14th amendment which contains the equal protection clause beats the 11th amendment when civil right violations under the Civil Rights Act is at issue. Note that the civil rights violation in this case is based on sex not race.

431 U.S. 395**East Texas Motor Freight System Inc. v. Rodriguez****Summary of Facts and Issues**

The court held that the drivers were deemed inadequate representatives of the group who claimed discrimination and were thus denied individual relief. The reason for this was twofold: Firstly, they did not have class membership as they did not suffer the same injury that the rest of the group had and did not have the qualifications for the preferred positions. They also stated that they had not been discriminated against when initially hired. Secondly, the drivers failed to protect the interests of the class as they did not move for class certification before the trial, and in their complaint, they demanded the merger of seniority lists that had previously been rejected by the other members of the group who claimed discrimination.

Impact of the ruling

This case did not specifically address issues related to race or ethnicity, but it did impact the ability of individuals to bring discrimination claims as a group or class. It clarified the requirements for class membership and the responsibilities of representatives to protect the interests of the class. This decision could impact the ability of black people or other racial or ethnic minorities to bring discrimination claims as a group or class in the future.

431 U.S. 324**International Broth. of Teamsters v. U.S.****Summary of Facts and Issues**

The court held that the company engaged in discrimination against Black workers in hiring for line-driver jobs. The decision was based largely on statistic evidence which showed that there was a significant disparity in the number of Black and Hispanic surnames workers.

Impact of the ruling

Black and minority employees faced hiring discrimination when it came to desirable line-driver positions, as they were less likely to be hired for these roles. Additionally, they were often assigned lower-paying and less desirable jobs. Furthermore, these employees were routinely denied promotions, and it was found that the basis for this denial was different from that used for white employees.

Hazelwood Sch. Dist. v. United States, 433 U.S. 299 (1977)

Hazelwood School District v. United States

Summary of Facts and Issues

The U.S Attorney General sued a school district, alleging employment discrimination in violation of the Civil Rights Act. The district was predominately white when less than 2% of the teaching staff were black, while nearby districts had about 15% black teachers. The court held that an employer who makes its employment decisions in a wholly nondiscriminatory way does not violate the Act if it previously maintained an all-white work force.

Impact of the ruling

An employer who excluded applicants based on race prior to the Civil Rights Act of 1964 can rebut a plaintiff's prima facie case of discrimination, by proving that the racial statistics for the current workforce is a product of pre-Title VII hiring.

Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978)

Montell v. Department of Social Services

Summary of Facts and Issues

"Female employees of the Department of Social Services and the Board of Education of the City of New York brought an action challenging the policies of those bodies in requiring pregnant employees to take unpaid leaves of absence before those leaves were required for medical reasons.

The Supreme Court, Mr. Justice Brennan, held that: (1) local government units were "persons" for purposes of § 1983, the **Civil Rights Act of 1871**; (2) local governments could not be held liable under a theory of respondeat superior but rather could be held liable only when the constitutional deprivation arises from a governmental custom; (3) the **Tenth Amendment** did not impose any impediment to liability; (4) the **Eleventh Amendment** did not preclude imposition of liability except with respect to local government units which are part of the state for Eleventh Amendment purposes; (5) local government officials sued in their official capacity are "persons" under § 1983 in those cases in which local

government is suable in its own name, and (6) the deprivation complained of in the instant case arose out of official policy."

Impact of the ruling

"The defendants in this case, the New York Department of Social Services and the Board of Education, were considered ""people/government agents"" (even though an agency is not really a single person) are entitled to section 1983 qualified immunity.

The plaintiffs tried to sue the employer on a legal theory called respondeat superior. The court said that wouldn't work and the only way to sue these defendants was if the constitutional violation plaintiffs suffered was from a governmental custom. This means there has to be an explicit, direct policy that violates the constitution. It is unlikely that an agency would write policy that on its face, explicitly violates rights. The courts always focus in on intent rather than impact, narrowing the scope of what civil rights violation legally addressable.

The plaintiff's won their case, but the court continues to appropriate on a very narrow interpretation of what constitutes a civil rights violation."

United Steelworkers of Am., AFL-CIO-CLC v. Weber 443 U.S. 193 (1979)

United Steelworkers of America v. Weber

Summary of Facts and Issues

The United Steelworkers of America and Kaiser Aluminum and Chemical Corporation (both defendants) entered into a collective bargaining agreement, which contained an affirmative action plan designed to address racial disparities. Kaiser previously only hired craftworkers with prior craft experience, which excluded Black workers because they typically could not meet the requirement. Kaiser established a training program with positions to be filled with at least 50 percent of black trainees. A white production worker (plaintiff), with seniority, filed a class action against defendants alleging discrimination under Title VII. The court held the program did not violate Title VII.

Impact of the ruling

Title VII does not prohibit voluntary, bona fide affirmative action plans designed to eliminate patterns of racial segregation.

United Steelworkers of America v. Weber, 443 US 193 (1979)

Summary of Facts and Issues

How to correct racial imbalance

Impact of the ruling

A plan for 1/2 the trainees in an on-the-job training program to be black, and the plan to remain in effect until the proportion of black workers matched the proportion of AA in the local labor force. SCOTUS: the program was consistent with CRA.

Gen. Bldg. Contractors Ass'n, Inc. v. Pennsylvania, 458 U.S. 375 (1982)

General Building Contractors Association, Inc. v. Pennsylvania

Summary of Facts and Issues

The Commonwealth of Pennsylvania and a racial minority group sued the International Union of Operating Engineers and its employers of a collective bargaining agreement, alleging that the hiring arrangement was racially discriminatory. The court held that there must be proof of intentional discrimination for liability or various liability claims.

Impact of the ruling

Liability cannot be imposed through the Civil Rights Act of 1866 without proof of intentional discrimination.

United Bhd. of Carpenters & Joiners of Am., Loc. 610, AFL-CIO v. Scott, 463 U.S. 825 (1983)

United Brotherhood of Carpenters & Joiners of America v. Scott

Summary of Facts and Issues

A construction company hired union and nonunion workers for a project. The union created several violent protests, warning that the nonunion members had to either join them or quit. The construction company and several of its employees filed suit against the union pursuant to 42 U.S.C. § 1985(3), alleging that the union members engaged in a conspiracy depriving plaintiffs of their constitutionally protected rights because of their nonunion status. The court held that those injured by economically motivated conspiracies do not have a cause of action under 42 U.S.C. § 1985(3). This is because the statute requires a showing of racial or discriminatory animus.

Impact of the ruling

The purpose of the §1985 was to protect black people and their supporters from the KKK's attempts to deprive them of their civil rights.

Local 28 of the Sheet Metal Workers' International Association v. Equal Employment Opportunity Commission, 478 US 421 (1986)

Summary of Facts and Issues

Questions Title VII of the CRA (1964) in establishing quotas. SCOTUS: Title VII did not prohibit lower courts from creating race-based remedies, even if it benefitted individuals who were not victims of discrimination in the past.

Impact of the ruling

A lower court established a quota of 29% "minority" membership goal and ordered the union to meet the goal. Between 1982 - 1983, the Union had not done so, and the court found it in contempt of disobeying a court order. The court then established a quota of 29.23% nonwhite membership with a deadline of Aug. 1987. The case challenges the question of whether lower courts could do this, according to Title VII of the CRA (1964).

Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)

Wards Cove Packing Co. v. Atonio

Summary of Facts and Issues

Defendant owned salmon cannery and placed nonwhite Filipinos and Alaska Natives in its unskilled cannery positions and Whites in its skilled cannery positions. Plaintiffs sued Defendant, alleging racial discrimination. The court held that statistical evidence of a disproportionate race ratio itself did not establish a prima facie case of disparate impact in violation of Title VII.

Impact of the ruling

A statistical imbalance between minority and non-minority employees, by itself, does not amount to a prima facie showing of disparate impact in Violation of Title VII. This was superseded by Texas Dept. of Housing and Community Affairs v. Inclusive Communities Project, Inc.

Northeastern Florida Chapter, Associated General Contractors of America v. City of Jacksonville, Florida, 508 Us 656 (1993)

Summary of Facts and Issues

Who can challenge ordinances that help "minority" businesses?

Impact of the ruling

SCOTUS found that a building contractors' association could challenge a city's Affirmative Action program to help "minority" contractors - they need only say they would have been injured (or lost a bid) for a contract. This would open the doors for anyone to claim that an Affirmative Action program hurt their chances.

Alden v. Maine, 527 U.S. 706 (1999)

Alden v. Maine

Summary of Facts and Issues

"State probation officers brought action against state for violation of overtime provisions of Fair Labor Standards Act (FLSA)

The United States Supreme Court, Justice Kennedy, held that Congress could not subject state to suit in state court without its consent, abrogating Jacoby, 962 S.W.2d 773 (1998)."

Impact of the ruling

The FLSA had a section in the law saying private individuals could sue a state without the state's permission in an effort to protect people's rights. The court ruled this FLSA provision was unconstitutional because it abridged a state's sovereign immunity

Lewis v. City of Chicago, 560 U.S. 205**Lewis v. City of Chicago****Summary of Facts and Issues**

Plaintiff may file his Title VII disparate impact claim within 300 days after the employer executes the allegedly unlawful practice so long so as he alleges each of the elements of a disparate impact claim.

Impact of the ruling

In this case, African-American applicants for firefighter jobs sued the city under Title VII alleging that the written test used to sort qualified and unqualified applicants had a disparate impact on African-Americans. The City argued that the exam was fair in form and there was no intent to discriminate. However, there is no element of intent required for a disparate impact suit in contrast to a disparate treatment suit. When the practice is discriminatory in application, there may be a claim for disparate impact. The Court reasoned that the main inquiry in this case is not when the firefighters' claims accrued, but whether the claims stated a Title VII violation. The Court concluded that the firefighters successfully stated a Title VII violation within the claim-filing period when they alleged that the city caused a disparate impact on African-Americans each time it used its hiring list based on exam score.

Wal-Mart Stores, Inc. v. Dukes, 564 U.S. 338 (2011)**Wal-Mart Stores, Inc.v. Duke****Summary of Facts and Issues**

Plaintiffs sued Wal-Mart, alleging the company discriminated against female employees in violation of Title VII of the Civil Rights Act of 1964. Plaintiffs claimed that Wal-Mart managers disproportionately favored men in pay and promotions. The court held that there was not sufficient evidence of a policy of discrimination.

Impact of the ruling

A class action's evidence must rise to a level of significant proof that the company operated under a discriminatory policy to satisfy commonality requirement and to permit certification of a plaintiff class.

Harlow v. Fitzgerald, 457 U.S. 800 (1982)**Harlow v. Fitzgerald****Summary of Facts and Issues**

"Plaintiff brought suit for damages based on his allegedly unlawful discharge from employment in Department of Air Force

The Supreme Court, Justice Powell, held that: (1) presidential aides generally are entitled only to qualified immunity; (2) aides failed to establish that their official functions required absolute immunity; (3) presidential aides are entitled to application of qualified immunity standard that permits defeat of insubstantial claims without resort to trial; and (4) government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which reasonable person would have known."

Impact of the ruling

SCOTUS affirmed that presidential aids, while they don't have absolute immunity, they have qualified immunity so long as they don't violate a clear constitutional right a reasonable person should have known. This is the loophole that allows for government actors to get away with violating constitutional rights. What's a clear constitutional right? Who is this reasonable person? The courts time and time again rule that the government actor was a "reasonable person" and the right is not "clearly established" if there isn't virtually an exact case in the past that had the same exact circumstances

III. Political Participation

Strauder v. West Virginia, 100 U.S. 303

Strauder v. West Virginia

Summary of Facts and Issues

Court ruled that excluding people from juries on the basis of race violated the Fourteenth Amendment.

Impact of the ruling

Landmark Supreme Court decision regarding the end of racial discrimination in the criminal procedure. That said, women and other classes were still able to be barred from juries by holding. Jury selection processes are also in question here, as legal teams can find alternative ways to ensure the racial make-up of juries.

110 U.S. 651

The Ku Klux Cases

Summary of Facts and Issues

The Court upheld the constitutionality of the anti-Ku Klux Klan Act, 18 U.S.C.A. § 51; held that it had the power to determine whether lower courts had jurisdiction over criminal matters; held that Congress has the power to enact legislation to protect the rights of voters in federal elections; and held the Fifteenth Amendment confers the right to vote upon Black people that state constitutions prohibit from voting.

Impact of the ruling

The court was required to determine the constitutionality of an act of Congress directed against the Ku Klux Klan, a white supremacist terrorist organization, prohibiting conspiracies to deprive citizens of their civil rights or intimidating people from voting. The question arose because the defendants challenged their sentences under the act, which conferred jurisdiction on the federal district court to impose a punishment of imprisonment. The Court held that Congress has the power to protect its elections by enacting criminal laws against those who would seek to undermine those elections. The Court also held that the federal government, and not the states, have the power to regulate the conduct of federal elections; and that the the Fifteenth Amendment to the United Constitution trumps state laws that prohibit Black people from voting.

189 U.S. 475 Giles v. Harris

Myers v. Anderson, 238 U.S. 368

Myers v. Anderson

Summary of Facts and Issues

A municipal statute restricting the vote to white males violates the Fifteenth Amendment of the U.S. Constitution, even though the municipal statute's language does not expressly reference white people or Black people, but rather simply re-sets voter eligibility to that under a prior, racially discriminatory, state constitution.

Impact of the ruling

The State of Maryland historically limited voting to white men. In its Reconstruction-era statute of 1868, the vote was extended to Black men. In 1908 the City of Annapolis amended voting eligibility to impose an annual income requirement, limit the vote to naturalized citizens and their adult children, and limit the vote to those eligible to vote prior to 1868. Though the statute did not expressly reference limiting the vote to white men, nonetheless, the plain effect was to discriminate against Black people, and so the statute violated the Fifteenth Amendment's prohibition on racial restrictions on voting rights. The existence of the other provisions, although lawful, do not prevent the statute having a racial impact.

Nixon v. Herndon, 273 U.S. 536**Nixon v. Herndon****Summary of Facts and Issues**

A Texas statute excluding Black voters from participating in state primary elections of Democratic party federal representatives did not present a political question and violated the Fourteenth Amendment's Equal Protection Clause because race cannot be the reason for excluding people from the franchise.

Impact of the ruling

The State of Texas sought to create a system of all-white primaries to elect federal representatives by writing a statute excluding Black voters who were otherwise eligible. The Court reject the State's argument that the rules for voter qualification were a political matter (what lawyers call a "political question") wholly in the discretion of the political parties and so not within the jurisdiction of the courts. The Court also stated that there was no need to apply the Fifteenth Amendment's protection of voting rights: there was a clear violation of the Fourteenth Amendment's Equal Protection Clause, which the Court stated was primarily designed to protect Black people and ensure that the laws were applied to them in the same manner white voters. Accordingly, the Court ruled that express discrimination on the basis of race violated Equal Protection.

Nixon v. Condon, 286 U.S. 73**Nixon v. Condon****Summary of Facts and Issues**

When the State of Texas used a statutory provision to grant the executive committees of political parties a power to determine voter eligibility for primary elections, those eligibility decisions became a form of state action. Accordingly, the Democratic Party's decision to hold all-white primaries (excluding Black party members from voting) was state action in violation of the Fourteenth Amendment, as decided in the prior case to consider Texas congressional primary elections, Nixon v. Herndon.

Impact of the ruling

In response to *Nixon v. Herndon*, a U.S. Supreme Court decision declaring unconstitutional a state law mandating all-white primary elections for federal congressional representatives of any political party, the State of Texas enacted a statute constituting state parties as the sole authority to determine eligibility to vote in a primary. The Court held that this statutory grant of power in effect converted the party committees into state agencies. When the Democratic Party committee voted to create a whites-only primary system, it engaged in state action in violation of the Fourteenth Amendment Equal Protection Clause's prohibition on racial discrimination.

Grovey v. Townsend, 295 U.S. 45

Grovey v. Townsend

Summary of Facts and Issues

When a political party takes upon itself, in its convention, that it will conduct a whites-only primary to determine its political candidates, then that decision is made by a private political party, and so is not subject to the protections of the United States Constitution, even if the state heavily requires and heavily regulates the primary process in other ways.

Impact of the ruling

So long as the ultimate decision to nominate a party candidate for federal election is governed by the rules of a political party, then those rules are a private matter for the party rather than state action governed by the Constitution. Accordingly, if a political party adopts a rule to prohibit Black people from voting in the primary to nominate that party's candidate for a state or federal election, that rule does not violate the Constitution.

Lane v. Wilson, 307 U.S. 268

Lane v. Wilson

Summary of Facts and Issues

The **Fifteenth Amendment**, which secures the right to vote for Black people, rendered unconstitutional a state statute providing all eligible Black voters in the State of Oklahoma a 12-day window in which to register to vote or otherwise permanently lose their eligibility to vote.

Impact of the ruling

The State of Oklahoma attempted to create a voter eligibility statute that appeared neutral as to race, by permitting only those voters who had registered before 1914 to vote. However, the State had precluded Black people voting during that time period. After that statute was held unconstitutional, Oklahoma provided all eligible Black voters with a 12-day window in which to register to vote or otherwise permanently lose their eligibility. The U.S. Supreme Court held that this scheme violated the Fifteenth Amendment protection against race-based attempts to deny the vote because of its race-based impact.

U.S. v. Classic, 313 U.S. 299**U.S. v. Classic****Summary of Facts and Issues**

The power granted to Congress by Article I sections 4 of the United States Constitution allows Congress to regulate elections and extends to the regulation of the primary election process of choosing representatives to stand in federal elections. Section 8 of Article I allows Congress to enact laws necessary and proper to regulating elections, including criminal laws to preserve the integrity of the electoral process. A criminal statute prohibiting conspiracies to undermine the voting process.

Impact of the ruling

Congress passed a criminal statute making it a crime to conspire against rights ensured by the U.S. Constitution or to wilfully deprive a citizen of their rights. The federal government prosecuted Louisiana election officials who prevented Black people from voting in a state primary election under these statutes. The Court held that primary elections, like general elections, were governed by Congress's constitutional power to regulate the election process. A constitutionally permissible way for the Congress to regulate elections is to make it a criminal offense to interfere with constitutionally protected rights, including voting rights. Since the criminal statute was within Congress's power, so was the federal prosecution of the electors.

Hill v. State of Tex., 316 U.S. 400**Hill v. State of Tex.****Summary of Facts and Issues**

The Supreme Court overturned the denial of a judgment to quash a guilty verdict based on the failure of jury commissioners to place a Black person on the grand jury list. Where Black people comprised a sizeable number and portion of the population the county and were absent from the grand jury over a 16-year period, the commissioners' failure to know or seek to determine whether qualified Black jurors existed amounted to discrimination under the Fourteenth Amendment of the U.S. Constitution.

Impact of the ruling

An all-white grand jury indicted a Black defendant for the crime of rape and he was convicted by an all-white jury at trial. The county commissioners in charge of selecting grand juries discussed the absence of Black jurors on the jury pool, and noted that a Black person had not served on a grand jury for sixteen years, despite the large number of eligible Black people to serve on the grand jury. Given this history of exclusion, against the background of a large number of eligible Black potential jurors, the commissioners' failure to discover or attempt to place any eligible jurors on the grand jury violated the Equal Protection Clause.

Smith v. Allwright, 321 U.S. 649**Smith v. Allwright**

Summary of Facts and Issues

The **Fifteenth Amendment** guarantees right to vote without discrimination by the state, so that when a state makes membership in a political party is essential to selecting nominees for a general election, then state delegation to a party of the power to fix the qualifications for primary elections is delegation of a state power.

Impact of the ruling

This case is the latest in a series of cases in which the Democratic Party and State of Texas sought to exclude Black people from voting in party primary elections. The Court held that a Louisiana case, **U.S. v. Classic**, implicitly overruled one of the previous Texas cases, **Grovey v. Townsend**, which had held that primary elections were not state action. In this case, the Court held that because the State of Texas heavily regulated the primary election process, then the conduct of those elections by party officials amounted to delegated state action which excluded Black voters in violation of the Fifteenth Amendment to the U.S. Constitution.

364 U.S. 339**Gomillion v. Lightfoot****Summary of Facts and Issues**

Black petitioners brought a complaint to the District Court challenging the constitutionality of an Alabama law that redrew city boundaries to systematically exclude black voters, arguing violation of the **Fourteenth** and **Fifteenth Amendment**. District court and Court of Appeals erred in dismissing the action for failure to state a claim upon which relief could be granted. The State's authority to alter municipal divisions is limited by the Fifteenth Amendment. The State's authority to exercise power within its boundaries is insulated from federal judicial review except when the state power violates a federally protected right.

Impact of the ruling

Alabama legislature passed an act that redefined the boundaries of the City of Tuskegee and removed all of the 400 Black voters in the city except for four or five. Prior to the act, the city was square in shape; afterwards it was a twenty-eight sided figure. Although the trial court and the Court of Appeals dismissed the action, the Supreme Court found that the State's power can be limited by the Fifteenth Amendment which prohibits denying a citizen's right to vote based upon race. The Court held that a legislature cannot single out an isolated segment of a racial minority for discriminatory treatment, and that the reapportionment of the city's boundaries was a deliberate disenfranchisement of black voting rights.

362 U.S. 17**U.S. v. Raines****Summary of Facts and Issues**

The United States brought action in the Middle District of Georgia against members of the Board of Registrars in Georgia on the grounds that the defendants discriminated against Black residents who wanted to register to vote on the basis of their race. The United States sought an injunction to stop the defendants' from engaging in discrimination, as specified by the **Civil Rights Act** and **42 U.S.C. § 1971**. After finding that a subsection was unconstitutional because it could be applied beyond the boundaries of the Fifteenth Amendment and allowed the United States to employ private action designed to deprive citizens the right to vote on the basis of race, the District Court dismissed the complaint. On appeal, the Supreme Court reversed, holding that the application of the statute was constitutional under the **Fifteenth Amendment** and that discrimination by state officials against the voting rights of US citizens is state action that is expressly prohibited by the **Fifteenth Amendment**.

Impact of the ruling

Discrimination by state officials, no matter how high or low-level, against the voting rights of Black residents of Georgia on the basis of their race is a violation of the **Fifteenth Amendment**. The Supreme Court held that the District Court erred in its decision to dismiss the complaint on the grounds that the statute authorizing injunctive relief against members of the Board of Registrars was unconstitutional; Congress has the power to pass statutes that provide for the protection of such core constitutional rights as voting rights. The Court held that Congress authorizing the United States, through **42 U.S.C. §1971**, to restrain certain private rights made sense considering the high public interest in ensuring equal voting rights for Black voters.

362 U.S. 602 U.S. v. State of Ala.

Summary of Facts and Issues

The United States brought action under the **Civil Rights Act** and **42 U.S.C. § 1971** against the Board of Registrars of Macon County, two members of the Board, and subsequently enjoined the State of Alabama as a defendant, for declaratory and injunctive relief to stop discrimination against Black citizens designed to deprive them of their voting rights. The District Court dismissed the complaint in its entirety, holding that the two members had resigned from office and were not state officials and thus not subject to the statute, that the Board of Registrars was not a suable legal entity, and finally that the Civil Rights Act did not authorize action against the state. The Court of Appeals affirmed and the Supreme Court granted certiorari. The Court vacated the prior judgments and remanded to the District Court, holding that the District Court did have jurisdiction over the defendants, including the state of Alabama, because of the Civil Rights Act of 1960.

Impact of the ruling

Although both the District Court and Court of Appeals dismissed the United States complaint against several defendants, including the Board of Registrars, members of the Board, and the state of Alabama, alleging discrimination against Black voters on the basis of race, the Supreme Court held that because the Civil Rights Act of 1960 had been passed and codified as 42 U.S.C. § 1971 prior to the hearing of the

case, the law was valid and applied. Discrimination by state officials and the state against the voting rights of Black residents on the basis of race is prohibited by the Civil Rights Act and subjects both the individuals and the state itself to the jurisdiction of the federal court.

366 U.S. 293

Louisiana ex rel. Gremillion v. National Ass'n for the Advancement of Colored People

Summary of Facts and Issues

Several suits were consolidated into this appeal: the Attorney General of Louisiana sought to enjoin the NAACP from conducting business within the state, which was later removed to federal court, and the NAACP subsequently sought declaratory judgment that two laws of Louisiana were unconstitutional. The Louisiana laws in question prohibited non-trading associations from doing business in the state if it was affiliated with Communist organizations and required each association to file an affidavit with the Secretary of State that no member of the foreign or out of state non-trading association the NAACP in Louisiana was affiliated with was a member of a Communist organization, and it also required each principal officer of a wide breadth of organizations to file with the Secretary of State an annual report of all the names and addresses of the members and officers in Louisiana. On appeal, the court entered a temporary injunction and enjoined the appellants from enforcing the two laws in question. The Supreme Court held that a State has the authority to pass regulations that do not violate the First Amendment, concluding that even if the state has a legitimate and substantial purpose for such law, if it infringes upon the freedom of association and personal liberties, then those laws cannot stand. Therefore, Louisiana does not have the authority to require the NAACP and its members to swear to something they either do not know or are legally entitled to do, or to have the organization face the dangers of criminal penalties for not filing reports to the Secretary of State.

Impact of the ruling

The State of Louisiana cannot enforce its two state statutes that require non-trading associations like the NAACP affiliated with foreign or out-of-state non-trading associations to file an annual affidavit that no member of the out-of-state association is a Communist, and an annual report of the names and addresses of all members of the in-state association. The Supreme Court held that these two statutes infringed upon the right to freedom of association that is protected under the **First Amendment**, and that even if the governmental purpose is legitimate, it cannot be in violation of **First Amendment** rights that protect personal liberties such as those exercised by members of an organization devoted to equality of rights.

Wood v. Georgia, 370 U.S. 375

Wood v. Georgia

Summary of Facts and Issues

The Court held that out-of-court statements of a sheriff questioning the advisability of a grand jury investigation into block voting by Blacks, did not present a clear and present danger to administration of

justice and therefore utilization of contempt power to punish the sheriff for the statements abridged his right of free speech. The lower court had not presented any evidence to indicate clear and present danger of the sheriff's speech.

Impact of the ruling

Petitioner in this case was a sheriff who published a statement to the general public criticizing the grand jury investigation of an alleged Black voters block (Black voters were alleged to have sold their votes), stating that the investigation was race agitation and an attempt to intimidate Black voters. The Georgia court held him in contempt for his statements, alleging that he disrupted the grand jury investigation into the process. This was an attempt to silence his criticism through judicial power of contempt. The Supreme Court found the use of contempt inappropriate, as his speech was protected by the First Amendment and did not pose a clear and present danger. The Court noted that such speech, even deemed an error in judgment should be met with counterargument and education.

Henry v. City of Rock Hill, 376 U.S. 776

Henry v. City of Rock Hill

Summary of Facts and Issues The Court, applying *Edwards v. South Carolina* and *Fields v. South Carolina* which established that the Fourteenth Amendment does not permit a state to make criminal the peaceful expression of unpopular views, overturned the conviction of African American protestors.

Impact of the ruling

The Supreme Court remanded the case to the Supreme Court of South Carolina for reconsideration. The Supreme Court of South Carolina found *Edwards* and *Fields* not controlling in this case and thereby upheld the conviction of African Americans who had peacefully assembled at City Hall to protest segregation. On its second review, the Supreme Court established that *Edwards* and *Fields* did apply here and that the lower court took a narrow view of the rights established in *Edwards* and *Fields* regarding the peaceful, nonviolent protests of "unpopular opinions" (in this case anti-segregations).

Cox v. State of La., 379 U.S. 559, 85 S. Ct. 476, 13 L. Ed. 2d 487 (1965)

Cox v. State of La.

Summary of Facts and Issues

The Supreme Court ruled that Louisiana's statute prohibiting picketing near a courthouse with the intent to obstruct justice or influence a court proceeding violated the First Amendment. The Court reasoned that the statute's vague language could potentially criminalize any form of peaceful protest near a courthouse, regardless of whether it obstructed justice or influenced a court proceeding. The ruling reinforced the protection of First Amendment rights for Black civil rights activists – furthering public demonstrations.

Impact of the ruling

"SCOTUS decision, one of a line of cases at the time, that protected the free speech and free assembly rights of black citizens when it came to protesting segregation and racist voting discrimination.

** Note J. Black's dissent: Agrees with the majority's decision that the LA statute is ""so broad as to be unconstitutionally vague,"" but would have upheld the conviction of Appellant Cox for ""picketing near a courthouse"" - Constitution requires all citizens to be treated fairly/equally, but does not restrain the State from enforcing their own laws to ""keep the peace""; that minority groups are done a ""disservice"" by being encouraged to picket / protest; that such protest is a form of intimidation by protestors of judges, law enforcement, and juries."

Brown v. State of La., 383 U.S. 131, 86 S. Ct. 719, 15 L. Ed. 2d 637 (1966)

Brown v. State of La.

Summary of Facts and Issues

The Supreme Court of Louisiana erred in denying discretionary review by certiorari of five Black defendants' unappealable convictions for violating the Louisiana breach of the peace statute. The Supreme Court of the United States held that congregating quietly in protest of segregation was protected under the First Amendment. The record demonstrated that defendants did not breach the statute because their conduct was (1) not disordered nor was it (2) intended to provoke a breach of peace. Nonetheless, the state statute was unconstitutional under the First and Fourteenth Amendment because it was discriminatory and unequally applied to black people.

Impact of the ruling

The record of the case establishes that Louisiana's public library facilities were unlawfully systematically segregated. Black people were excluded from using most of the libraries' facilities. The five black defendants remained in one of the library's segregated area when asked to leave by a Sheriff. The uncontradicted evidence demonstrated that the defendants were peaceful and had no intention to disrupt the peace of the library. However, the State of Louisiana convicted the defendants for breaching the state's peace statute. The Supreme Court judge noted that defendant's did not violate the statute because because there was no disorder or intent for disorder, nor did the defendant's actions cause circumstances that might disrupt the peace. Thus, the Louisiana judge should have not convicted them for violation of the peace statute. The Supreme Court judge stated that even if the defendants might have violated the peace statute, that statute still had to be evaluated for its constitutionality. In this case, the state statute was unconstitutional because it violated the defendants' freedom of speech and assembly rights. Moreover, since the defendants could not appeal their convictions under Louisiana law, the state statute violated their freedom to remedy their cases. Under this ruling, the State of Louisiana was stopped from discriminating against Black people in their libraries and other public facilities.

387 U.S. 253

Afroyim v. Rusk**Summary of Facts and Issues**

The petitioner was a naturalized citizen of the United States who voted in a foreign election while living abroad. When he applied to renew his passport, respondent refused, claiming that under § 401(e) of the Nationality Act of 1940, he had lost his citizenship by voting in a foreign election. The court ruled that the government cannot strip someone of their citizenship without their consent, as it would violate the Fourteenth Amendment, and noted that the reason for giving permanence and security to citizenship in the Fourteenth Amendment was to protect Black citizens.

Impact of the ruling

Afroyim, originally from Poland, immigrated to the United States and became a citizen. He later spent two years abroad in Israel where he voted in an election. When attempting to renew his U.S. passport before returning, the Department of State (including Rusk) refused. They based this decision on section 401(e) of the Nationality Act of 1940, which says a U.S. citizen will "lose" his citizenship if he votes in a foreign election. The court here ruled that congress does not have any power to take away an American citizen's citizenship without their express consent. Doing so would violate the Fourteenth Amendment, which states "All person's born or naturalized in the United States . . . are citizens of the United States . . ." It does not at all indicate that sad citizenship can be taken by the government. The creation of the Fourteenth Amendment was shortly after the Civil Rights Act, which gave Black people U.S. citizenship. The sponsors expressed fear that Black people's newly acquired citizenship could be taken away, and added a definition and grant of citizenship to the Fourteenth Amendment to prevent that from being possible.

Kilgarlin v. Hill, 386 U.S. 120, 87 S. Ct. 820, 17 L. Ed. 2d 771 (1967)**Kilgarlin v. Hill****Summary of Facts and Issues**

The Supreme Court ruled that Texas state legislature's redistrictign plan violated the Equal Protection Clause of the 14th Amendment, as it had been draw in a way that diluted the voting power of Black and Hispanic voters. The decision aimed to establish that state legislatures must draw districts with roughly equal populations, to ensure that every vote carried the same weight, regardless of race and ethnicity. However, the decision primarily focused on population equality in districting, rather than directly addressing racial gerrymandering. In addition, while this case addressed population disparities in districts, racial gerrymandering has evolved over time. New techniques may not be directly related to population size and, as such, are not directly addressed by Kilgarlin.

Impact of the ruling

In 1965, the Texas legislature adopted a redistricting plan adopted by the Texas legislature. The plan created districts of various population sizes, with some districts containing significantly more people than others. This resulted in Black and Hispanic voters loosing power in cetain districts and thus

minimizing their political influence. The Supreme Court held that Texas's plan was unconstitutional and an issue of racial gerrymandering – the practice of manipulating district boundaries to favor one racial or ethnic group over another. The Court emphasized the importance of "one person, one vote" as a principle of equal representation. It established that state legislatures must draw districts with roughly equal populations to ensure every person's vote counted equally regardless of race or ethnicity. However, Kilgarlin primarily focused on population equality, rather than directly addressing racial gerrymandering. Racial gerrymandering and voter suppression remain significant problems in the United States.

Walker v. City of Birmingham, 388 U.S. 307

Walker v. City of Birmingham

Summary of Facts and Issues

The Supreme Court held that protesters who deliberately violate an injunction without first seeking to have it modified cannot attack its constitutionality during a trial for violating the order.

Impact of the ruling

Supreme Court upheld contempt conviction of protesters for violating court order.

Cameron v. Johnson, 390 U.S. 611 (U.S. 1968).

Cameron v. Johnson

Summary of Facts and Issues

The Court ruled that Mississippi antipicketing law prohibiting picketing which obstructs or unreasonably interferes with free ingress or egress to and from public buildings and property is not void for vagueness

Impact of the ruling

Case for declaratory judgment that a Mississippi anti-picketing law was void on its face for vagueness and "overbreadth," unconstitutional, and disparately enforced against black protestors demanding their right to vote; along with a permanent injunction against enforcement of the law.

Court relies on Cox's finding that "picketing and parading are subject to regulation even though intertwined with expression and association." Opens up the door for further prosecution of protest and picketing using statutes that prohibit barring "ingress/egress" in public spaces."

395 U.S. 285

Gaston County, N. C. v. U.S.

Summary of Facts and Issues

The District Court was not wrong in determining that the county had not met their burden of proving that, in the last five years, no test or device had been used with the purpose of denying the right to vote based on race. Under the **Voting Rights Act of 1965**, the County cannot require a literacy test in order to

register to vote when Black residents of voting age attended unequal, segregated schools - the test cannot be impartial.

Impact of the ruling

The Voting Rights Act of 1965 suspended the use of tests as a prerequisite to registering to vote in any state which required a test and where less than 50% of the voting age were registered to vote. To reinstate the test, they must show that no test has been used in the last five years for the purpose of or with the effect of denying the right to vote based on race. Gaston County North Carolina sought to reinstate their literacy test. As the District Court initially ruled, this court ruled that the County did not meet their burden of proving that the test had not been used to deny the right to vote based on race in the past five years. The County's Black residents that were of voting age had attended segregated schools where the Black teachers made 20-50% of what the white teachers did, and only 5% qualified for regular state teaching certificates (95% of the white teachers qualified). They were deprived of the same educational opportunities as the white residents, so administration of the literacy test cannot be impartial.

Boyle v. Landry, 401 U.S. 77

Boyle v. Landry

Summary of Facts and Issues

The Supreme Court reversed an injunction against the enforcement of two Illinois statutes alleged to violate the constitution and intimidate African Americans from exercising their First Amendment rights. The Court held that absent showing of irreparable injury, federal courts must refrain from interference with the normal course of state criminal prosecutions.

Impact of the ruling

In this case, African-Americans brought class action to challenge laws and statutes that attempted to intimidate them from exercising their First Amendment rights through the enforcement of laws and statutes that were unconstitutional and through use of arrests without probable cause. The Court established that the allegations fell short of showing any irreparable harm and were merely speculative. The federal court here gave deference to pending state criminal proceedings, even when the First Amendment rights were at issue.

403 U.S. 124

Whitcomb v. Chavis

Summary of Facts and Issues

The supreme court held that Multimember districts do not violate equal protection. It is not enough to show that the black voters are not well-represented. They need to show that they are being prevented from participating in elections. This could happen if they were being unfairly kept from voting or were

facing obstacles that prevent them from taking part in politics. Without this evidence, it is normal for certain groups to have less representation.

Impact of the ruling

Even if a district suddenly has more support for one political party, it is still okay if everyone is being treated fairly. While there are issues with the way we run our elections, as long as there is no discrimination, it is legal for certain groups to have less political power.

Gravel v. United States, 408 U.S. 606 (1972)

Gravel v. United States

Summary of Facts and Issues

Motions to quash subpoenas served on publisher and members of senator's staff by grand jury investigating possible crimes relating to release and dissemination of Pentagon Papers. The United States District Court for the District of Massachusetts, 332 F.Supp. 930, entered protective order, and senator, having intervened in proceeding, appealed and Government cross-appealed.

The Supreme Court, Mr. Justice White, held that aide to United States Senator had no nonconstitutional testimonial privilege from being questioned by federal grand jury in connection with its inquiry into whether private publication of classified government documents violated federal law.

Impact of the ruling

Members of Congress have legislative immunity which protects them from being sued to allow them to "legislate without interference." This means when a congress member violates someone's rights they will not be held accountable unless very narrow exception applies. This is similar to "qualified immunity" much of the public as heard about when police officers are sued. Legislative immunity has the same devastating potential but receives less public attention.

In this case, a congressman was trying to use legislative immunity in an effort to share the Pentagon Papers with the public. SCOTUS refused to apply legislative immunity in this circumstance. This means when a congress member violates someone's rights they will not be held accountable unless very narrow exception applies. This is similar to "qualified immunity" much of the public as heard about when police officers are sued. Legislative immunity has the same devastating potential but receives less public attention. In this case, a congressman was trying to use legislative immunity in an effort to share the Pentagon Papers with the public.

SCOTUS refused to apply legislative immunity in this circumstance

White v Regester, 412 U.S. 755

White v. Regester

Summary of Facts and Issues

The Court held that plaintiffs failed to establish a violation of Equal Protection with regards to the validity of the reapportionment plan for the Texas House of Representatives where population variation among state legislative districts between two districts was 9.9% but the average deviation of all House districts was ideally 1.82%. The Court held that the District Court's order requiring disestablishment of the multi-member districts in Dallas and Bexar Counties was warranted in the light of the history of political discrimination against Blacks and Mexican-Americans residing, respectively, in those counties and the residual effects of such discrimination upon those groups.

Impact of the Ruling

Reapportionment/redistricting is the process of dividing and drawing electoral district boundaries. In this case, the redistricting plan in Texas was called into question for diluting the weight of minority votes. The redistricting process often unfairly excluded Black voters from effective political participation. The Court did not invalidate the method of redistricting used by the state of Texas but rather took a narrow approach and only invalidated two multi-member districts in the plan.

Steffel v. Thompson, 415 U.S. 452 (1974)**Steffel v. Thompson****Summary of Facts and Issues**

"Petitioner, who had been threatened by the police with arrest for trespass if he didn't stop hand out anti-Vietnam War handbills outside a shopping center, brought a class action for injunctive and declaratory relief claiming violations of his First and Fourteenth Amendment rights. The Supreme Court, Mr. Justice Brennan, held that this case had an "actual controversy"; the plaintiff is not stopped from trying to get declaratory relief even when they haven't shown "bad-faith enforcement or other special circumstance" or that they haven't demonstrated irreparable injury "

Impact of the ruling

The court ruled overwhelmingly in the plaintiff's favor here in an advance for civil rights because they considered the Georgia's conduct as unconstitutional on its face so the court allowed plaintiff to bring their case to try and get relief even if they couldn't prove how the conduct negatively affected them fully

422 U.S. 358**City of Richmond, Virginia v. U.S.****Summary of Facts and Issues**

The court held that the annexation did not violate black people's right to vote when it was implemented with a ward plan. However, it is not clear if there were valid economic or administrative reasons for the annexation. If it can be proven that the annexation was only done to discriminate against a certain group of people, then it would be considered a violation of the law.

Impact of the ruling

In general, if the annexation was done with the intent to dilute black voting power or otherwise discriminate against black residents, it could have a significant impact on their ability to have a voice in local government and policies that affect their lives. Ultimately, ensuring fair and equal access to voting rights for all individuals, regardless of race, is crucial for promoting racial equity and social justice.

425 U.S. 130**Beer v. U. S.****Summary of Facts and Issues**

The court held that laws and rules related to voting and elections cannot discriminate against people based on their race. This is to protect racial minorities from being treated unfairly. A redistricting plan which was designed to weaken the voting power of a minority group was a violation of the right to vote. However, if a redistricting plan improved the electoral and political opportunities of minority, there would be no violation of the right to vote.

Impact of the ruling

This decision affects black people by protecting their right to vote and preventing discriminatory practices in the redistricting process. It ensures that their voices are heard and their votes are not weakened or diluted by unfair practices. The decision also allows for redistricting plans that improve the political opportunities of minorities, which can help ensure that they have an equal say in the democratic process.

431 U.S. 407**Connor v. Finch****446 U.S. 55****City of Mobile, Ala. v. Bolden****Summary of Facts and Issues**

Superseded by Statute/Rule as Stated in Thornburg v. Gingles, U.S.N.C., June 30, 1986. The Supreme Court held that the Mobile Alabama public officials did not hinder the voting rights of its Black citizens. Black citizens brought a class action suit against officials, alleging that officials elected its officials, using unconstitutional practices. Black citizens requested that rather than electing City Commissioners, the city elected a Mayor and City councilmembers from each district to make legislative decisions. Black citizens argued that this took power away from Black voters, and diluted their voting power. The Court held, given the individual power of the states, the constitution did not require Black elected officials to be voted into office, rather the Fifteenth Amendment protected Black voters from the ability to vote without being hindered from doing so.

Impact of the ruling

The practice of electing City Commissioners in Mobile, Alabama, rather than electing a Mayor and City Councilmembers from each district, was an outdated practice, that began in 1911. Several cases prior, have addressed Mobile's long-history of racially motivated voting practices, but this was the first case where Black citizens claimed that the procedural process of electing officials by Commission was racially motivated. This practice was used to keep marginalized communities from reaching positions of power, or having any real legislative representation, even with the opportunity to cast their ballot at voting polls.

Northwest Austin Municipal Util. District No. One v Holder, 557 US (2009)**Northwest Austin v. Holder****Summary of Facts and Issues**

Political Subdivisions (such as utility districts) can be released from preclearance

Impact of the ruling

The District had no history of racial discrimination, and that the VRA permits all political subdivisions to get out of preclearance. Only a small number of districts covered by the VRA has "bailed out." SCOTUS: found in favor of the district, but did not address the constitutionality of Sec. 5.

Schuette v. Coalition to Defend Affirmative Action, Integration and Immigration Rights and Fight for Equality By Any Means Necessary (BAMN), 572 US 291, 134 S. Ct. 163 (2014)**Schuette****Summary of Facts and Issues**

Who has the power to resolve the debate about racial preferences when the voters have decided to end them? Justice Roberts said no. "There is no authority within the Constitution of the United States or in this court's precedents for the judiciary to set aside Michigan laws that commit this policy determination to the voters".

Impact of the ruling

Affirmative Action programs should be decided by the voters - similar to how CA ended AA in 1997, but also similar to the way the court decided in **Plessy v. Ferguson** - that it would not get involved in matters concerning racial disparities.

IV. Education

Cummings v. Richmond Country Board of Education, 175 US 528 (1899)

Cummings v. Richmond

Summary of Facts and Issues

Upheld a Georgia Court's decision to close black high school to use the buildings for black elementary schools.

Impact of the ruling

SCOTUS said that public schools belonged to the state, and were therefore not under the control of the federal, therefore, states could do as they wished.

Gong Lum v. Rice, 275 U.S. 78

Gong Lum v. Rice

Summary of Facts and Issues

A statute providing that the State of Mississippi would provide separate schools for "children of the white and colored races" did not require the State to provide a separate school Chinese Americans and African Americans. It was sufficient to satisfy the **Fourteenth Amendment's Equal Protection Clause** that the State provide a school for all people of color, whether Chinese, Black, or other, and separate schools for white people, so long as the educational facilities at all the schools are equal.

Impact of the ruling

In 1927, two decades before the NAACP began its legal campaign to desegregate schools, colleges, and universities, Martha Gong attempted to desegregate a whites-only high school in Rosedale Mississippi. The Court applied *Plessy v. Ferguson*, the case (discussed elsewhere in this bibliography) establishing that segregation of people by race was permissible so long as the segregated facilities were "equal." The Court's decision was one in a line of cases discussing what "white" means through claims made by Asian Americans to full citizenship. The Court held that Mississippi had the legislative power to decide both the classification of people into races and the provision and distribution of schools among the races. Accordingly, unlike the Black students, Martha Gong was not only excluded from white schools but not provided an Asian American school. Instead, Mississippi could treat the school system as one simply for all non-white people, indiscriminately despite having previously referred to the "colored" race as primarily for Black people. The impact on the Black community was to emphasize that states possessed what is often referred to as the "police power," which means the powers to make rules for the welfare of the community; that education decisions were within the police power; and that states had a legislative power to create separate public schools for the supposed welfare of the white community and to designate which schools members of other races would attend.

State of Missouri ex rel. Gaines v. Canada, 305 U.S. 337

State of Missouri ex rel. Gaines v. Canada**Summary of Facts and Issues**

Where a state provides a law school for white students within its borders, then the **Fourteenth Amendment's Equal Protection Clause** requires that it also provide a law school for Black students. Providing funding for Black students to attend law schools in adjacent states is insufficient, and that the petitioner, a Black student with the requisite qualifications, was entitled to admission at the State law school.

Impact of the ruling

The Missouri State University had a law school; however, there was no Black law school in the state. Instead, the State required Black students to attend law schools in neighboring states. Petitioner Gaines, a Black graduate of Lincoln University (an historically Black university) applied to attend law school: first to Lincoln University which directed him to Missouri State University. Missouri State denied him admission on the basis of his race. The Court held that the State's provision of a law school for white people but not for Black people violated the "separate but equal" provision of the U.S. Constitution's Fourteenth Amendment Equal Protection Clause, entitled the petitioner to admission to Missouri State law school. The Court required Missouri, under the "separate but equal" doctrine, to either admit Gaines into their university or build a new law school of equal status for Black folks. This was upheld by the Supreme Court and resulted in every state having to either integrate or build new segregated but equal graduate schools.

333 U.S. 147**Fisher v. Hurst****Summary of Facts and Issues**

Following the Court's decision in **Sipuel v. Board of Regents, 332 U.S. 631 (1948)**, the petitioner in that case, Ada Sipuel Fisher, asked for a writ of mandamus to force the district court to act on the Supreme Court's mandate. The Supreme Court refused to issue a writ, holding that the case was still properly before the District Court to resolve the matter.

Impact of the ruling

After the United States Supreme Court's decision in *Sipuel v. Board of Regents* in 1946 (discussed elsewhere in this bibliography), a major education case discussed elsewhere in this bibliography, the Supreme Court remanded (that is, returned) the case back to the District Court that first heard the issue before it was appealed. The District Court should have ordered the State of Oklahoma immediately either to establish a separate law school within the State for Black students or to prevent white students from attending first year law classes. By January 1946 the District Court had done neither, and instead delayed taking action in accordance with the Supreme Court's ruling (called the "mandate"). In January 1948, Sipuel Fisher sought an order (a writ) to compel the District Court to act in accordance with the specific direction of the Supreme Court ("mandamus") and (as discussed elsewhere in this bibliography)

she obtained a writ of mandamus ordering the State of Oklahoma to create a law school. Still the district court refused to act. In February 1948, Sipuel again petitioned the federal but the Supreme Court declined to issue such an order. The effect was to allow the District Court to delay taking action and so delay the creation of a law school for Black law students (or to stop the education of white law students) in Oklahoma, as required by the Equal Protection Clause of the U.S. Constitution.

332 U.S. 631

Sipuel v. Board of Regents of University of Okl.

Summary of Facts and Issues

Granting a writ of mandamus to Ada Sipuel, a Black student, to receive a legal education by the State of Oklahoma.

Impact of the ruling

After the United State's Supreme Court's decision in **Sipuel v. Board of Regents in 1946**, a major education case discussed elsewhere in this bibliography, the Supreme Court remanded (that is, returned) the case back to the District Court that first heard the issue before it was appealed. The District Court should have ordered the State of Oklahoma immediately either to establish a separate law school within the State for Black students or to prevent white students from attending first year law classes. By January 1946 the District Court had done neither, and instead delayed taking action in accordance with the Supreme Court's ruling (called the "mandate"). In January 1948, Sipuel sought an order (a writ) to compel the District Court to act in accordance with the specific direction of the Supreme Court ("mandamus") and she obtained a writ of mandamus ordering the State of Oklahoma to create a law school.

339 U.S. 629

Sweatt v. Painter

Summary of Facts and Issues

The **Fourteenth Amendment's Equal Protection Clause** is a right possessed by each person individually. Where the State runs a flagship law school which has a prominent reputation within that State, the right to equal treatment requires admission of Black law students to that school.

Impact of the ruling

Sweatt was a Black prospective law student denied admission to law school because of a state law that prohibited admitting him. The Court held the State law unconstitutional, and noted that given the reputational and intellectual status of the University of Texas Law School within that state, equal treatment required admission to an institution of equal reputational and academic standing. Since there was no Black law school in the state, and since creating such a law school from scratch would not satisfy the requirement to provide admission to an institution of equal reputational and academic standing, the only legal option was to admit Sweatt (and other qualified Black candidates) to the University of Texas Law School. This case further undermined the "separate" or segregationist side of the **Plessy v. Ferguson**

(1896) doctrine of "separate but equal" that had been used to enforce Jim Crow segregation for the previous half century, but it was still limited to graduate students.

McLaurin v. Oklahoma State Regents, 339 US 637, 1950

McLaurin v. Oklahoma

Summary of Facts and Issues

McLaurin was admitted to OSU for graduate school, and was segregated from the rest of the students. SCOTUS found the treatment unconstitutional

Impact of the ruling

To comply with earlier decisions of the court, the State of Oklahoma admitted McLaurin to Oklahoma State University for graduate school but used a variety of means to segregate McLaurin from the rest of the students. Even though removing the barriers may not end McLaurin's informal segregation by the rest of the student body, nonetheless, the Fourteenth Amendment precluded the state from enforcing segregation in the educational context. This case was a major step towards prohibiting state-sponsored segregation in the context of higher education but the U.S. Supreme Court decided only the very limited issue of whether segregation upon admission to graduate school was unconstitutional. It thus left in place the wider question of other forms of segregation, including in state public schools.

342 U.S. 350

Briggs v. Elliott

Summary of Facts and Issues

Vacating a district court decision providing limited injunctive relief to school Black school children arguing that they were not provided equal educational facilities by the Clarendon, South Carolina school district. The federal Supreme Court remanding the case to the district court to consider a report filed by the school district claiming to have equalized the facilities.

Impact of the ruling

The NAACP, on behalf of a group of Black school children in Clarendon, South Carolina, had sought to challenge the segregated facilities in the school district and request that the schools be integrated. The District court denied the remedy of integration but granted injunctive relief, which is an order requiring the party to do some act: in this case, to provide equal facilities, but then stayed its final judgment while the NAACP appealed the denial of the anti-segregation injunction to the Supreme Court. The Supreme Court's decision effectively refused to take a position on the issue of segregation or equalization, vacated (that is, rendered a nullity) the lower courts injunctions, and asked it to rule on the report. In effect, the Court indicated it was not yet ready to address the issue of desegregation, and continued hearing each challenge on a case-by-case basis, here engaging in delaying tactics to avoid ruling on the question of what constitutes equal facilities in a secondary school.

344 U.S. 1**Brown v. Board of Ed. of Topeka, Shawnee County, Kan.****Summary of Facts and Issues**

Postponing consideration of the school desegregation cases, *Brown v. Board of Education* and *Briggs v. Elliot* until the lower courts have decided the still-pending appeal of *Bolling v. Sharpe*.

Impact of the ruling

Three cases would eventually be consolidated in the 1954 school desegregation decision known as *Brown v. Board of Education*, discussed elsewhere in this bibliography. However, though the federal Supreme Court could have heard the cases in 1952, it decided to delay hearing the cases until the trial and appellate courts had had a chance to decide another case then pending, *Bolling v. Sharpe*. The Court's willingness to delay deciding the cases allowed the school districts to continue violating the rights of Black people, and presaged the "go slow" attitude to school desegregation announced under the rubric of "all deliberate speed" in the remedies version of *Brown v. Board of Education*, decided in 1955.

347 U.S. 497***Bolling v. Sharpe*****Summary of Facts and Issues**

Because the **Equal Protection Clause of Fourteenth Amendment** to the United States Constitution applied only to the states, segregation of public education in the District of Columbia was governed by the **Fifth Amendment's Due Process Clause**; however, the concepts of Due Process and Equal Protection, though not identical, were overlapping. Segregation does not promote any proper governmental objection, and so imposes upon Black children an arbitrary interference with their liberty in violation of the Fifth Amendment.

Impact of the ruling

Bolling is a companion case to *Brown v. Board of Education*. *Bolling* challenged segregation within the District of Columbia, which is a federal territory not a state. The Court noted that the Fourteenth Amendment applies only to the actions of state officials and not to the actions of federal officials. Accordingly, the Court could not decide the case using the Equal Protection Clause of the Fourteenth Amendment and had to find some other constitutional grounds for striking down school desegregation. The Fifth Amendment does prohibit federal officials from depriving people of their liberty without due process of law. The Court held that racial discrimination was not a proper government purpose and so held that the forcing Black children to attend segregated schools was an arbitrary interference with their liberty, and so could not satisfy the requirement of due process or "fairness" in determining who got to attend what schools. The "arbitrary interference" rationale is somewhat different from the "inequality" rationale in *Brown*, and may in some ways be more critical of the practice of segregation than the

conciliatory opinion in *Brown* which focuses mostly on the harm to the children rather than the acts of the government officials.

347 U.S. 483

Brown v. Board of Ed. of Topeka, Shawnee County, Kan.

Summary of facts and Issues

Holding that in the field of public education, schools segregated on the basis of race were "inherently unequal" despite the equality of other "tangible factors," and so violate the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The Court, however, refused to determine the appropriate remedy for this violation of the students' constitutional rights and requested reargument on that issue.

Impact of the ruling

In this landmark Supreme Court case, the United States Supreme Court overruled **Plessy v. Ferguson (1896)** and formally (if not practice) rejected the doctrine of "separate but equal." Plaintiffs argued that "segregated public schools are not 'equal' and cannot be made 'equal.'" The Supreme Court, after a two-year delay to allow for litigation of the companion case, **Bolling v. Sharpe**, decided two cases it had originally postponed (see elsewhere in this bibliography) and decided *Bolling* on separate grounds (see elsewhere in this bibliography). The Court primarily considered what seemed to be an empirical and psychological matter—the effect of segregated education on Black children—as the primary indication of the non-tangible harms that segregation imposed in public school, rather than such factors as school reputation, social networks, and other intangible factors that the Court had considered in its cases integrating graduate schools, discussed elsewhere in this bibliography. This empirical evidence would continue to prove controversial, would perpetuate a version of scientific racism focused on Black student's intellectual abilities and development, and in a novel constitutional move, separated the formulation of a remedy from the recognition of the violation of a right. The Court would consider the remedy during the next Court term, in a case often referred to as *Brown II*, discussed elsewhere in this bibliography. In addition, the Court's decision would later require significant federal enforcement, and caused great backlash / violence against black children and their families attempting to desegregate their schools.

350 U.S. 413

State of Fla. ex rel. Hawkins v. Board of Control

Summary of Facts and Issues

Holding that the problems presented by integrating public school systems are not presented in university and college graduate schools, and issuing a mandate ordering the immediate integration of Florida State University's graduate programs.

Cooper v. Aaron, 358, US 1 (1958)

Cooper v. Aaron**Summary of Facts and Issues**

States cannot refuse SCOTUS rulings re: desegregation

Impact of the ruling

Little Rock, Arkansas - Gov. Faubus directly refused to acknowledge the result of Brown and desegregate Central High School, and enacted the National Guard to prevent black students from entering. A Court of Appeals upheld the district's plan to reverse desegregation, but the Court ruled that the state must come into alignment with the SCOTUS

Board of Ed. Of City School District of City of New Rochelle v. Taylor , 82 S. Ct 10**Board of Ed. Of City School District of City of New Rochelle v. Taylor****Summary of Facts and Issues**

The Court denied Petitioner's stay application pending a filing and determination of their petition for certiorari to review the lower courts affirming a decree in a class action by Black children enjoining the board and superintendents from requiring children to attend racially segregated school. The Court found that Petitioners did not make an "extraordinary showing" required to grant a stay.

Impact of the ruling

Evidence established in the lower court and in the Court of Appeals found that the School Board in Taylor had deliberately created and purposefully maintained a segregated elementary school. Despite the "go-slow" approach to desegregation, the Board was found to impede on the efforts to integrate students. Upon such findings, the Board was required to implement desegregation processes. However, the school applied for a stay (request to suspend a legal proceeding) stating that plaintiffs would suffer no substantial injury should they be compelled to attend the segregated school for another year, while the City would suffer irreparable damage should they be required to proceed with the desegregation process. The Court does not accept the Board's justification and finds it to be a resistance on desegregation efforts.

373 U.S. 683**Goss v. Board of Ed. of City of Knoxville, Tenn.****Summary of Facts and Issues**

In a class action suit brought against the public school systems of Knoxville, Tennessee and Davidson County, Tennessee by black public school students and their parents, plaintiffs challenged the validity of transfer provisions within the school districts' desegregation plans that permitted students to transfer, upon request, from a desegregated school in which he or she was the racial minority, to a segregated school in which he or she was in the majority. The lower court and Court of Appeals approved the desegregation plans until the Supreme Court granted certiorari and reversed the judgment to find the transfer provisions invalid. The Court recognized that the transfer provisions allowed a child to choose

segregation, but not integration and that the right to transfer was based solely on racial classifications. The Court held that racial classifications for the purpose of transfers between public schools violated the Fourteenth Amendment; the inability to choose to transfer to a desegregated school outside of the school zone and the fact that the sole consideration in transfers was race indicated the transfer provisions were discriminatory.

Impact of the ruling

A transfer provision in Tennessee school districts' desegregation plans that allowed students to transfer from desegregated schools in which they were the racial minority to segregated schools in which they were the racial majority was called into question before the Supreme Court. The Court held that using race as the sole criterion for transfers was just as unconstitutional as using race as a criterion for admission or assignment to public schools. The Equal Protection Clause of the Fourteenth Amendment prohibits segregation, so a transfer plan that authorizes segregation must be struck down.

391 U.S. 450

Monroe v. Board of Com'rs of City of Jackson, Tenn.

Summary of Facts and Issues

Students of Jackson, Tennessee filed a complaint to desegregate the schools. After a court order, a desegregation plan was formulated with new school zones drawn, and a free-transfer provision. Petitioners alleged that the provision was being administered in a discriminatory manner - Black children were denied transfer to "white schools", and the desegregation was miniscule. The court held that the free-transfer plan was not adequate to transition to a desegregated system, and that the school board must form a new plan and take additional steps.

Impact of the ruling

In Jackson, Tennessee, one-third of residents were Black, yet only a few Black students were enrolled in "white schools." After a court order, a desegregation plan was formed with new school zones drawn, and a free-transfer provision which allowed students to transfer to a school of their choice as long as there was room. This provision was enforced in a discriminatory manner - white students were allowed to transfer out of "Black schools," and Black students requests were denied. This court held that the free-transfer plan was not adequately desegregating the school system. The board was ordered to form a new plan and take additional steps to ensure adequate desegregation of schools.

391 U.S. 443

Raney v. Board of Ed. of Gould School Dist.

Summary of Facts and Issues

The school board's use of a "freedom of choice" plan for school desegregation was insufficient to meet its obligation of eliminating segregation in the district. The plan perpetuated segregation by allowing

white students to transfer out of predominantly Black schools but denying Black students requests to enroll in the "white schools".

Impact of the ruling

The Gould School District in Arkansas was required to make a plan to desegregate the district, so they implemented a "freedom of choice" system where students chose between the two schools. The court ruled that this was not sufficient to meet their burden of desegregation when, after three years, no white students were enrolled in the "Black schools" and 85% of Black students remained in those schools. White students were allowed to transfer out of the "Black schools," but when Black students requested to transfer to "White schools," they were denied due to lack of space. Rather than desegregating the district themselves as the Court required, the school board placed the burden on children and their parents.

Green v. County School Board of New Kent County, Virginia, et. al., 391 US 430 (1968)

Green v. School Board

Summary of Facts and Issues

School Boards must work on their own plans to end discrimination and provide their own metrics to determine success.

Impact of the ruling

The burden is on a school board to provide a plan that promises realistically to work now, and a plan that, at this late date fails to provide meaningful assurance of prompt and effective disestablishment of a dual system is intolerable.

395 U.S. 225

U.S. v. Montgomery County Bd. of Educ.

Summary of Facts and Issue

The trial court's order was an appropriate step toward faculty and staff desegregation. The courts had a duty to require local school authorities to make prompt and reasonable steps to end racial discrimination in public education. Because evidence showed that the school board had not made adequate progress to the goal, the trial court charged the board with scheduled tasks to make changes to its faculty where the number of black and white people are substantially the same.

Impact of the ruling

The trial court immediately required each school to make the ratio of black to white teachers in the assignment of substitute, student, and night school teachers be substantially equal. With regards to full-time teachers, each school with less than 12 full-time teachers was required to have at least one full-time teacher of the minority race. In addition, school with 12 or more full-time teachers must have at least one teacher of a minority race for every 6 faculty and staff members. This order ensured black

teachers that they would be represented in school's faculty, and could teach both black and white students.

396 U.S. 346

Turner v. Fouche

Summary of Facts and Issues

The trial court erred in approving the grand-jury list without considering the underrepresentation of Black people in the roster of potential jurors. Where there was a highly disproportion between Black and White people on the grand-jury list, the court should have produced a new jury list where Black and White people were equally represented. Undisputed evidence showed that (1) there was a substantial disparity between the percentages of Black residents in the county and of Black members on the newly constituted jury list; and (2) jury commissioners discretely eliminated an overwhelming number of Black people from the list rather than base their decision on the objective criteria.

Impact of the ruling

The evidence showed that the jury commissioners in Georgia were purposefully excluding Black people from the grand-jury selection process. Out of 178 people who were disqualified for not meeting the requirements of the law, 171 of them were Black. The commissioners also removed 225 people without checking if they were eligible. The figures showed that only 37% of the grand-jury members were Black, even though 60% of the county's population was Black. This clearly showed that Black people were not being represented fairly in the jury selection process. The commissioners were using the requirement of having good moral character and intelligence to exclude Black people. They were also removing people without even checking if they were eligible or not.

402 U.S. 33

Davis v. Board of School Com'rs of Mobile County

Summary of Facts and Issues

The United States Supreme Court did not approve of a desegregation plan that separated one part of an area from the rest of the school system. The plan did not consider using buses or split zoning as a solution. The eastern part of the area was divided from the western part by a big road. Almost all of the Black students lived in the eastern section, and their schools were mostly Black. Most Black students attended nine elementary schools in the eastern section, which had more than 90% Black students. Additionally, over half of the Black junior and senior high school students attended schools that were all or almost all Black.

Impact of the ruling

By disapproving this plan, the Supreme Court recognized the harm that segregation can cause and highlighted the importance of providing equal educational opportunities to all students, regardless of their race. When a federal court tries to fix racial segregation in a county's public schools, it should not

only look at schools in Black neighborhoods separately. Instead, it should consider how transportation like buses and splitting up school zones could be used to desegregate Black schools in those areas.

402 U.S. 39

McDaniel v. Barresi

Summary of Facts and Issues

The court held that the student assignment plan was proper. The plan allowed the County Board of Education to decide which students attend which schools on the basis of race. If they did not do this, it would be very difficult for them to do their job properly since schools that used to be separated by race had a responsibility to make changes and eliminate discrimination.

Impact of the ruling

The court's decision suggests that the student assignment plan, which takes into account race, is necessary to address past discrimination and promote equal educational opportunities for all students, including Black students. This means that Black students may have a better chance of being assigned to schools that provide equal educational opportunities, regardless of their race or socioeconomic status.

402 U.S. 43

North Carolina State Bd. of Ed. v. Swann

Summary of Facts and Issues

Federal courts have the authority to order school desegregation plans that include the use of bussing to achieve racial balance and remedy the effects of past discrimination, thus, North Carolina's anti-bussing laws are invalid. Courts may consider a wide range of factors, including the racial makeup of neighborhoods and the history of segregation in the schools.

Impact of the ruling

North Carolina's anti-bussing law forebode the assignment of students based on race, and forebode bussing for such purposes. This court deemed the anti-bussing law invalid on the basis that if a state-imposed limitation obstructs the disestablishing of a segregated school system, the state policy must give way. The anti-bussing laws attempted to establish a color blind system, but just as race must be considered in determining whether constitutional rights have been violated, it must be considered in remedying said violation.

Swann v. Charlotte-Mecklenberg Board of Education, 402 US 1, 91 S. Ct. 1267 (1971)

Swann v. Charlotte Mecklenburg

Summary of Facts and Issues

Where all-black schools existed, it was the result of de jure segregation

Impact of the ruling

SCOTUS upheld court ordered busing as a remedy to intentional segregation, but schools did not have to seek exact racial balance.

Wright v. Council of City of Emporia, 407 U.S. 451

Wright v. Council of City of Emporia

Summary of Facts and Issues

Supreme Court reversed the Court of Appeals and affirmed the District Court in its determination that Emporia's establishment of a separate school system would impede on the process of dismantling the existing dual system which was deemed unconstitutional in Brown v Board of Education.

Impact of the ruling

In 1967, Emporia, Virginia, legally became a "city" and detached from the county school system, two weeks after the entry of a county desegregation order. Emporia would thereby continue to use a system which enabled segregation. Emporia's separation from the county was an attempt to resist desegregation and maintain separate schooling for Black and White students. Using the "dominant purpose" analysis, Emporia argued that the main purpose of maintaining separation was for educational benefits. The Court rejected this analysis and analyzed the proposed system based on the effect of the action and its disruption of desegregation efforts.

Wright v. City Council of Emporia, 407, US, 451 (1972)

Wright

Summary of Facts and Issues

Freedom of Choice issue

Impact of the ruling

A city which had been part of a county board system cannot establish separate schools if it conflicted with current plans to desegregate

Keyes v. School Dist. No. 1, Denver, Colo., 413 U.S. 189 (U.S.Colo. 1973)

Keyes v. School District

Summary of Facts and Issues

The U.S. Supreme court ruled in favor of the plaintiffs, holding that if a school district was found to have intentionally segregated students in a portion of the district it would be presumed that the entire district was segregated by intentional actions, unless the district could prove otherwise. This ruling established the "Keyes presumption" and shifted the burden of proof to the schools districts, making it easier for plaintiff to challenge defacto segregation in courts. The Court also held that proof of discriminatory intent is required to establish a violation of the Equal Protection clause of the Fourteenth Amendment. While Keyes held that a school district can be held liable for intentionally segregating schools by race, court-ordered desegregation often involved busing Black and Hispanic students to

different neighborhood or district to achieve racial balance which lead to increase travel times for students, disrupted communities, and resulted in "white flight."

Impact of the ruling

A group of Black and Hispanic students and their parents sued the Denver School District alleging that the district intentionally segregated its schools by race. The Supreme Court held that intentional segregation by a school is unconstitutional. The Court said that if intentional segregation was found in any part of a school system, the entire system was responsible. This case was significant because the Court addressed racial segregation that arises from factors such as housing patterns, economic circumstances, or private choices, rather explicitly mandated by law. This case also established the "Keyes presumption," requiring the school districts instead of the plaintiffs to prove they were not intentionally segregating their students, making it easier to bring similar lawsuits to court. However, in order to comply with the desegregation orders many school districts resorted to busing Black and Hispanic students to schools outside their neighborhood. This raised concerns of long and exhausting travel times for these students – taking time away from extracurricular activities, homework, and/or family life. Another consequence of court mandated desegregation was white flight, a phenomenon in which white families move out of racially diverse urban areas to predominately white suburbs. White flight further contributed to the re-segregation of schools and neighborhoods, as the departure of white families reduced the racial diversity in the affected areas and made it difficult to maintain integrated schools.

Bob Jones University v. Simon, 416 U.S. 725

Bob Jones University v. Simon

Summary of Facts and Issues

The Supreme Court found that the Court of Appeals did not err in holding that the Anti-Injunction Act deprived the District Court of jurisdiction to issue the injunctive relief Petitioner University sought against the IRS who revoked the University's tax-exempt status on the basis that the University maintained racially discriminatory admission policies. Following the standard from *Enochs v. Williams Packing & Navigation Co.*, pre-enforcement injunctions against tax assessment may be granted only if (1) "it is clear that under no circumstances could the Government ultimately prevail..." and (2) if equity jurisdiction otherwise exists." University here was not able to meet the standards of *Williams Packing*.

Impact of the ruling

Bob Jones University taught fundamentalist religious beliefs, one of which was that God intended people of different races to be separated. Therefore, the University did not admit Black students. Prior to 1970, the IRS had granted tax-exemption status to all private schools, regardless of their admission policies. However, the IRS re-evaluated this policy after the Civil Rights Act of 1964 and announced that private schools with racially discriminatory admission policies would no longer receive tax exemptions. The University filed a suit to block the IRS from revoking its tax-exempt status alleging irreparable harm.

The Court's reading of the tax laws barred pre-enforcement injunctions and allowed the IRS to issue such revocations so long as there was good faith effort to enforce technical requirements of tax law. Following the trial, the IRS clarified its anti-discrimination guidelines for tax-exempt status.

Milliken v. Bradley, 418 U.S. 717 (1974)

Milliken v. Bradley

Summary of Facts and Issues

"Respondents brought this class action, alleging that the Detroit public school system was racially segregated as a result of the official policies and actions of the state and city officials, and wanted to implement a plan to eliminate segregation. The court held that a federal court cannot force a single school district to implement an area-wide remedy to address segregation across many different school districts when there is not a finding that the other districts have committed racial segregation as well. Additionally, the court said those other districts have to have a meaningful opportunity to present evidence or give their thoughts on the idea of multidistrict remedy or on the question of constitutional violations by those districts. "

Impact of the ruling

School district lines cannot be redrawn area-wide for multiple school districts for the purpose of combating segregation unless the segregation was the product of discriminatory acts by all school districts involved.

427 U.S. 160

Runyon v. McCrary

Summary of Facts and Issues

The court held that a private school was not allowed to discriminate against applicants based on their race. This means that they cannot exclude a particular race from any opportunities or contracts that are available to the general public. However, the law did not cover discrimination based on gender or religious affiliation. Therefore, a private religious school would not be violating the law if they had a policy of only admitting students of a particular race based on their religious beliefs.

Impact of the ruling

The court's decision in this case provides protection against race-based discrimination in private schools. They cannot refuse service, contracts, or admissions based on a person's race. The ruling extended to both intentional and unintentional discrimination, and also applied to private schools that received federal funding.

Pasadena City Board of Education v Spangler, 4427 US 424 (1976)*

Pasadena

Summary of Facts and Issues

Attendance zones

Impact of the ruling

Districts do not need to redo attendance zones annually in order to ensure racial balance "in perpetuity"

Regents of the University of California v. Bakke, 438 US 265, 98 S.Ct., 2733 (1978)

Bakke

Summary of Facts and Issues

Affirmative Action - Race-based remedies for previous discrimination

Impact of the ruling

Universities may not use quotas to desegregate student bodies; universities must prove past discrimination in order to create a race-based remedy. Today, eight states have enacted laws banning the consideration of race in university admissions: Arizona, California, Florida, Michigan, Nebraska, New Hampshire, Oklahoma, and Washington.

Se. Cmty. Coll. v. Davis, 442 U.S. 397 (1979)

Southeastern Community College v. Davis

Summary of Facts and Issues

"An action under the **Civil Rights Act of 1871** and the **Rehabilitation Act of 1973** was brought against a college by nurse who, because of hearing disability, was denied admission to college's nursing program. The Supreme Court, Mr. Justice Powell, held that the Rehabilitation Act did not force a college to take "affirmative action" to get rid of the need of effective oral communication in the nursing program so the plaintiff with hearing loss could be included in the program; (2) it was unlikely the plaintiff could benefit from such "affirmative action" since the law requiring reasonable accommodations such as a sign-language interpreters was enough already"

Impact of the ruling

The court ruled that while schools cannot discriminate against individuals with disabilities, the school does not have to change the structure of the program which relied heavily on oral communication for the student with hearing related needs. The court reasons that the student would not likely benefit from a school proactively modifying their program for this particular student because the law already required reasonable accommodations such as a sign-language interpreters. The court viewed things beyond reasonable accommodations would be too much and having a school take affirmative action to change how their program fundamentally functioned qualified as being "too much".

Patsy v. Bd. of Regents of State of Fla., 457 U.S. 496 (1982)

Patsy v. Board of Regents

Summary of Facts and Issues

"Applicant for employment with a state university brought suit under the **Civil Rights Act of 1871** alleging that the employer had denied her employment opportunities solely on the basis of her race and sex. The District Court dismissed for failure to exhaust available state administrative remedies. The Supreme Court, Justice Marshall, held that exhaustion of state administrative remedies was not a prerequisite to an action under the **Civil Rights Act of 1871**."

Impact of the ruling

The plaintiffs in this case were told by lower courts that they had to try to address their civil rights violations under the Civil Rights Act of 1871 by going through bureaucracy and other alternative avenues before coming to courts. The Supreme Court rejected this because there is no prerequisite to coming to the courts to find legal redress for your civil rights

Plyler v. Doe, 457 U.S. 202

Plyler v. Doe

Summary of Facts and Issues

A case in which the Supreme Court struck down both a state statute denying funding for education to undocumented immigrant children in the US.

Impact of the ruling

Protected undocumented students under the **14th Amendment**, denying the ability for public schools to charge undocumented students.

Grove City Coll. v. Bell, 465 U.S. 555 (1984)

Grove City College v. Bell

Summary of Facts and Issues

"Private college and four of its students filed suit seeking an order to declare void the Department of Education's termination of students' financial assistance based on the college's failure to execute assurance of compliance with statute prohibiting sex discrimination in any educational program receiving federal financial assistance. The Supreme Court, Justice White, held that: (1) college was recipient of federal financial assistance and thus subject to the statute prohibiting sex discrimination where some of its students received basic educational opportunity grants even though the college did not receive any direct federal financial assistance, and (2) the receipt of grants by some of the college's students did not trigger institution wide coverage but only coverage for its financial aid program NOTE: Superseded by statute as stated in National Collegiate Athletic Ass'n v. Smith, U.S.Pa., February 23, 1999"

Impact of the ruling

"If a private school receives federal funding, they are required to comply with federal law. The plaintiffs in this case were arguing that the college should no longer receive such federal funding because they

were not following a federal law that prohibited sex discrimination. The court did rule in the plaintiff's favor even though the school was not receiving federal funds directly. The plaintiff's themselves were receiving federal grants and in turn paid the school money for fees, dues, and so-on. The court decided that was enough for the school to be subject to federal laws. However, in a later case in 1999, the court reversed and said essentially that having students who are receiving federal funds to pay school dues is not enough to make the school subject to federal laws."

Bazemore v. Friday, 478 US 385 (1986)

Bazemore

Summary of Facts and Issues

SCOTUS upheld freedom of choice plan for school attendance

Impact of the ruling

NCSU fulfilled its obligation to desegregate by using open enrollment, even though programs/clubs remained white. SCOTUS ruled that college enrollments are voluntary, therefore, students are free to choose whatever school they wish to attend.

Missouri v. Jenkins, 495 U.S. 33 (1990)

Missouri v. Jenkins (II)

Summary of Facts and Issues

The Kansas City School District and a group of students (plaintiffs) sued Missouri (defendant) for maintaining a segregated school system in violation of Brown v. Board of Education. The federal district court found that educational services were substandard for black students. The district court ordered the district to make every school magnet schools for specific topics, like STEM. The district was also ordered capital improvements, like renovations and property tax increases. This was all to encourage more white students to enter the school system.

Impact of the ruling

SCOTUS upheld the authority for a federal judge to order the KC school board to raise taxes for magnet schools - an issue over whether federal courts have the right to do so. This impacted African American students, who attended magnet schools in larger numbers than black students. Allowing federal judges to raise taxes for these schools put them in jeopardy of closing down if the money was not raised. The very least impact was that schools were at a greater risk of going underfunded/underresourced.

Missouri, et. al., Petitioners v. Kalima Jenkins, et. al., 495 US 33, 110 S. Ct. 1651 109 L.Ed. 2nd 31 (1990)

Missouri v. Jenkins

Summary of Facts and Issues

SCOTUS upheld authority of federal judges to order school boards to raise taxes to pay for desegregation.

Impact of the ruling

The Kansas City, Missouri School District's ability to raise taxes was limited to state law. They wanted to do so in order to keep attract white suburban students to the public schools.

Board of Education of Oklahoma City Public Schools v. Dowell, 448 US 237 (1991)

Dowell

Summary of Facts and Issues

Put an end to forced busing for districts required to end segregation

Impact of the ruling

SCOTUS held that if a district was successful in its desegregation plan, it could end the plan. Dissenting Justices warned that a system was needed until integration was fully achieved, which typically never happened. Dowell neglected to reconcile, "whether and how school districts must show that presently racially isolated schools are not related to past intentional discrimination and what other kinds of conditions may be considered 'vestiges' of past de jure segregation."

Freeman v. Pitts, 503 US 467 (1992)

Freeman

Summary of Facts and Issues

Takes lower courts out of supervising school desegregation practices

Impact of the ruling

Once schools show they have complied with desegregation plans, they don't have to wait for the desegregation to occur.

United States v. Fordice, Governor of Mississippi, et. al., 505 US 717 (1992)

United States v. Fordice

Summary of Facts and Issues

The role of desegregating higher education is not based on student choice or racial balance

Impact of the ruling

During the mid-1980s, colleges in Mississippi were still segregated - SCOTUS remanded the case back to the state to determine policies and practices that would guarantee the Equal Protection Clause of the 14th Amendment and rethink how to deal with the issue - race-neutral criteria was not sufficient to solve segregated universities.

Missouri v. Jenkins, 515 U.S. 70 (1995)**Missouri v. Jenkins (III)****Summary of Facts and Issues**

This is a follow-up case from Missouri v. Jenkin II. The U.S. Supreme Court initially concluded in Jenkins II, that the district court should have enjoined state tax laws that interfered with the district's compliance with Brown, rather than order an increase in local property taxes. Subsequently, the U.S. Supreme Court reviewed two remedial issues.

Impact of the ruling

The Supreme Court held that a federal court exceeds the scope of its remedial jurisdiction in ordering a local tax increase and other measures in order to comply with Brown v. Board of Education.

Hopwood v. University of Texas Law School, 1996**Hopwood****Summary of Facts and Issues**

Challenge use of racial preferences in admissions at Universities

Impact of the ruling

SCOTUS let stand a ruling by the 5th court of appeals that diversity was not "recognized as a compelling state interest" that suspended Affirmative Action at UT. Public Universities switched to "race-blind" admissions.

Gratz v. Bollinger and Grutter v. Bollinger (2003) - Gratz et. al. v. Bollinger et. al. (02-516) 539, IS 244 (2003)**Gratz v. Bollinger and Grutter v. Bollinger****Summary of Facts and Issues**

SCOTUS struck down a mechanical points system which granted points (for purposes of diversifying UM) to applicants of a "minority" race (SCOTUS ruled that it violated the 14th Am). SCOTUS upheld a policy the Law School used stating that their practice was "highly individualized" and consistent with Bakke. Grutter decision invalidated the finding of the 5th court of appeals in Hopwood.

Impact of the ruling

Admissions practices at UM and UM Law

Meredith v. Jefferson County, 551 US 701 (2007)**Meredith v. Jefferson County****Summary of Facts and Issues**

Racial Balancing

Impact of the ruling

SCOTUS rejected idea that racial balancing of demographics in public schools was a compelling state interest. Jefferson County Public Schools in KY had been integrated by public order. Families chose schools, and schools were not allowed to fall below 15% of black students or 50% of its population. Since some schools had imbalance where choices were made, schools used race to make admissions decisions. Court upheld use of percentage guidelines for racial diversity - the school system had made a compelling case for diversity - it did stipulate that such policies could be narrowly tailored to provide individualized consideration for applicants.

Parents Involved in Community Schools v. Seattle School District No. 1 and Meredith v. Jefferson, 551 US 701 (2007)**Parents v. Seattle****Summary of Facts and Issues**

School District allowed students to apply to any school they wanted, and used a "tiebreaker" when too many wanted the same school. SCOTUS ruled in the following way: 1. Decisions in Grutter and Gratz do not apply to public HS students; 2. Racial Diversity is not a compelling interest to justify race as an admissions criteria; and 3. It is a violation of the EPC to deny a student admission to their chosen school because of their race in order to achieve racial balance.

Impact of the ruling

A group of parents sued the District, claiming that the racial tiebreaker violated the Equal Protection Clause of the 4th Am. as well as the CRA (1964), and WA State Law. Using Grutter v. Bollinger and Gratz v. Bollinger

Ricci v. DeStefano, 557 US (2009)**Summary of Facts and Issues**

Can a city or municipality invalidate test scores that unintentionally promote the promotion of "minority" candidates? And, does the law allow federal courts to relieve cities from having to comply with strict race-based procedures? SCOTUS ruled that: the city had actually committed discriminatory disparate treatment in violation of Title VII and the Fourteenth Amendment. Disparate impact cases so not require proof of discriminatory motive, but can be difficult to prove. An employee who makes a disparate treatment claim alleges that he or she was treated differently than other employees who were similarly situated, and that the difference was based on a protected characteristic. In other words, the employee alleges that the employer treated the employee worse because of his or her race, gender, age, or other protected trait.

Impact of the ruling

White and (1) Hispanic firefighters sued the mayor of New Haven, CT, John DeStefano because the city decided to throw out a civil service exam that was to be used for promotion. More white firefighters

passed the test compared to firefighters of color. The city was trying to protect itself from "disparate impact" liability - legal theory of discrimination liability that holds employers, housing authorities, and other entities accountable for practices that have discriminatory effects on groups protected under anti-discrimination laws, even when there is no intent to discriminate.

Fisher v. University of Texas, 570 US 297 (2013)

Fisher

Summary of Facts and Issues

Consideration of Race in undergraduate university admissions

Impact of the ruling

The **14th Amendment, Equal Protection Clause** does allow race as part of undergraduate admissions decisions, but only under strict judicial scrutiny.

Safford Unified Sch. Dist. No. 1 v. Redding, 556 U.S. 1163 (2009)

Safford Unified School District #1 v. Redding

Summary of Facts and Issues

"Savana Redding, an eighth grader at Safford Middle School, was strip-searched by school officials on the basis of a tip by another student that Ms. Redding might have ibuprofen on her person in violation of school policy. She alleged her Fourth Amendment right to be free of unreasonable search and seizure was violated.

The Supreme Court held that Savanna's Fourth Amendment rights were violated when school officials searched her underwear for non-prescription painkillers. The Court reiterated that, based on a reasonable suspicion, search measures used by school officials to root out contraband must be "reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction." Here, school officials did not have sufficient suspicion to warrant extending the search of Savanna to her underwear.

The Court also held that the implicated school administrators were not personally liable because "clearly established law [did] not show that the search violated the **Fourth Amendment**." It reasoned that lower court decisions were disparate enough to have warranted doubt about the scope of a student's Fourth Amendment right."

Impact of the ruling

The Court said the school did violate plaintiff's constitutional (4th amendment) rights but also held that the school officials who did the unreasonable search were immune from the suit.

V. (Unjust) Legal System

V. (Unjust) Legal System

15 U.S. 100

Beverly v. Brooke

Summary of Facts and Issues

A shipowner was not liable for the escape of enslaved people at a port which the owners contemplated as a permissible destination, in part because the enslaved people were transferred to the shipowner as mariners, not property, and because the possibility of escape at the destination was a hazard to which the owner knew his property might be exposed.

Impact of the ruling

The case, though perhaps not stating a major proposition of law, illustrates that the federal Supreme Court was willing to take jurisdiction over and rule upon questions of contract and tort law regarding the legal and financial consequences of slavery.

18 U.S. 338

The Josefa Segunda

Summary of Facts and Issues

When a defendant has a significant financial interest in violating the laws of the United States, the defense of necessity should provide a defense only upon clear and convincing proof.

Impact of the ruling

In this case, during the war between Spain and its colonies, a Venezuelan crew captured a slave ship in the Caribbean and sought to sell the enslaved people in New Orleans, Louisiana, in violation of an 1808 federal statute outlawing the international slave trade. The Court held both that the capture of the ship as a spoil of war conferred property in the ship and its cargo to the captors; and the subsequent attempt to sell the cargo of enslaved people violated a federal statute prohibiting such sale. It was no defense to claim that the presence of the slave ship in Louisiana was justified by some emergency, as only clear and convincing evidence (which is a very high standard of proof) was available to prove necessity when there was a significant financial interest in violating the law. The United States took custody of the ship under the Act. The Court does not specify what happened to the enslaved people, although the act does provide for the delivery for the enslaved people to people designated by the State in which the admiralty court has jurisdiction. In practice, the enslaved people would often be sold by the State.

22 U.S. 391

The Merino

Summary of Facts and Issues

Acts of 1794, 1808, and 1818 prohibited transportation of enslaved people between the United States and other countries, not just Africa and divested all parties permitted criminal prosecution of vessels for transportation even absent an intention to enslave the people so transported. Additionally, anyone interested in the property of enslaved people at the time of capture lose their property rights to the enslaved people.

Impact of the ruling

In this case, the owners of a cargo of enslaved people claimed that the various federal statutes prohibiting the international slave trade only applied to transportation of enslaved people from Africa to the United States, not from countries in the Caribbean. The U.S. Supreme Court rejected that argument and held that the transportation of enslaved people was an offense under the statutes. However, the Court interpreted the language of the statute narrowly to require enslaved people to be returned to the seller because one vessel was impounded when already under the jurisdiction of the

United States, and so not captured while engaged in the slave trade. Eighty-four enslaved people were thus returned to slave owners by the U.S. government.

22 U.S. 409

The St. Jago de Cuba

Summary of Facts and Issues

Prohibiting sailors and investors in ship converted for use in the slave trade from obtaining, from proceeds of government sale of forfeited vessel, any wages owed for voyage in violation of the Slave Trade Acts.

Impact of the ruling

The U.S. Supreme Court precluded individuals engaged in the operation of a slave ship, whether as sailors, outfitters, or investors, and who were owed money by the owners of the ship, and who knew the nature of the ship's business, from recovering expenses from the proceeds of sale of the ship after its capture and sale by the federal government.

23 U.S. 66

The Antelope

Summary of Facts and Issues

The Court held that the international slave trade was not prohibited by international law as either against natural law or positive law, but only by the domestic law of nations including the laws of the United States. Accordingly, because the seizure of a slave ship by a U.S. customs official in international waters was unlawful, the enslaved people aboard the ship were to be returned to their various owners. However, because people are generally free, then property in enslaved people must be subject to heightened proof. Because only a portion of the enslaved people's foreign owners had come forward to claim them as property, the Court would presume that the rest of the enslaved people were unclaimed because trafficked by U.S. citizens afraid of discovery for violating the law. Accordingly, only those people who should be designated property of their foreign owners would be returned to them; the rest would be set free under the laws of the United States.

Impact of the ruling

The Antelope declares that the international slave trade does not violate either the principles of international law nor—unless proscribed by some treaty—positive international law. Accordingly, only domestic law regulates the international slave trade in the United States, and that law prohibits seizing property outside of domestic waters. Any property so seized, including enslaved people, must be returned to their owners. However, the Court also adopted a presumption that people were free unless a claimant could prove a property right in them—in other words, that they have been lawfully enslaved by the laws of that country. In this case, three groups of nationals were plausible owners of the people enslaved aboard the Antelope: Spanish, Portuguese, and United States nationals. Under

domestic United States law, it was illegal for United States nationals to enslave foreigners such as the people on the *Antelope*. Because only Spanish nationals had come forward to claim property in the enslaved people, the Court found that the failure of any Portuguese owners to come forward suggested that the portion of enslaved people aboard the ship were actually the unlawful property of United States citizens, and on that basis the statutes prohibiting the international slave trade would apply to free those people. As a result, United States ships could not lawfully attack slave ships outside of United States waters; and the lower court would have to find some way of ascertaining which portion of Black people aboard the *Antelope* were to be categorized as property and conveyed to their Spanish owners. The freed people onboard the *Antelope* were eventually transported to Liberia; those that remained enslaved were delivered to Spanish officials in Florida.

40 U.S. 518 15 Pet. 518

The Amistad

Summary of Facts and Issues

The Court found that documents purported valid according to treaty under the full faith and credit clause could be invalidated by fraud in obtaining or using those documents. The Court then found a group of people from Africa found aboard a Spanish Cuban slave ship salvaged off the coast of the United States were unlawfully kidnapped from the Coast of Africa, and so the United States government had neither a duty nor a power, under an applicable salvage treaty with Spain, to return them to the individuals claiming ownership of them.

Impact of the ruling

The *Amistad* is a famous case in which a group of African people kidnapped by Spanish slave traders and due to be sold in Cuba managed to stage a revolt. The African escapees directed two of the crew to sail to Africa. However, the two white sailors tricked the escapees and sailed the schooner to Connecticut, where it was salvaged off the coast of the United States. The United States laws governing the International slave trade did not apply: the only question was whether U.S. treaties with Spain required the escapees to be re-enslaved and returned to the Spanish who claimed ownership over them. The U.S. government intervened on behalf of the Spanish, arguing that the Court had no power, under the full faith and credit clause of the U.S. Constitution (which requires the Court to treat treaties as binding laws of the United States), to examine the propriety of the Spanish documents asserting the African people were slaves, and so argued for the African escapees' enslavement. However, the Supreme Court held that if the documents were either obtained by fraud or used in a fraudulent manner, then such a showing destroys their validity, and so they could not be used to prove that the African escapees were lawfully enslaved; on the contrary, the Court found that they were kidnapped and enslaved, and so agreed that they were free persons. The Court held that, as free people, they had the same rights as other foreign nationals, including Spanish nationals. The Court further instructed the U.S. government to follow the judgment of the district court and return the African people to Africa.

Prigg v. Pennsylvania, (1842) 41 US 539**Prigg v. Pennsylvania****Summary of Facts and Issues**

The federal government is responsible for enforcing the Fugitive Slave Law

Impact of the ruling

Takes power from the States to enforce the Fugitive Slave Law and gives responsibility to the Federal Government. With Southerners having more representation in enforcing the law of the country, this law also allowed southern slave-holders to continue the expansion of slavery, and maintain control over free back people.

Bennett v. Butterworth, 49 U.S. 124 8 How. 124**Bennett v. Butterworth****Summary of Facts and Issues**

Plaintiff's statement of the value of his property in his pleadings fixes that value for purposes of pleading a writ in error before to obtain appellate review of the judgment of the court below

Impact of the ruling

The Supreme Court considered its ability to determine whether they had jurisdiction to rule on an action filed in a district court seeking the return of four enslaved people. The court decided that the action was properly characterized as one determining whether the plaintiff had properly asserted that the court below had made a mistake in calculating the value of the enslaved people, and held that for purposes of making that calculation, the plaintiff would be held to the amount stated in the complaint.

Randon v. Toby, 52 U.S. 493 11 How. 493**Randon v. Toby****Summary of Facts and Issues**

The fact that enslaved people may have been illegally imported into the United States in criminal violation of the prohibition of the international slave trade does not render a subsequent contract for the buying and selling of those enslaved Black people void, in a slave state where color is sufficient presumptive evidence that the person is a slave. The crime committed by those who introduced the enslaved people into the country does not attach to subsequent purchasers.

Impact of the ruling

The Court notes that this case is complicated by the insolvency of one of the parties and the pleading process adopted by the district court. However, the essential question is a simple one: whether a person may receive good title to enslaved people imported into the United States in violation of the Constitution's prohibition of the international slave trade and various criminal laws enforcing that prohibition. The Court noted that contracts against public policy (in other words, in violation of criminal law) may not be enforced. However, this case concerned not the original contract to import the

enslaved people (which would not have been enforced by the court because it constituted a contract to do a criminal act) but rather a contract to buy an enslaved person, which is legal in Texas, which was a slave state at the time, and because there is a presumption that Black people in Texas have the status of an enslaved person. The Court noted that if the enslaved people had challenged their servitude in court, then the buyer would have a claim against the seller, but under a doctrine by which there is an implied warranty of title: in other words, an implied guarantee that the seller can pass good title on to the buyer. However, because there was no such lawsuit, the buyer acquired good title from the seller as to the enslaved people. This doctrine is significant in light of the Fugitive Slave Act, since free Black people may be kidnapped from Northern states: a third-party buyer in the South would obtain good title even if the Black person was free and the kidnapping a crime.

Dred Scott v. Stanford, (1857) 60 US 19 How. 393

Dred Scott

Summary of Facts and Issues

SCOTUS ruling: "They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race."

Impact of the ruling

Solidifies the federal stance on slavery and African Americans. This law only gets harsher in the early 1860s; in response to Native resistance in far northern California, CA legislators modified the law to allow Native children and adults to be apprenticed as laborers for decades at a time. Here, Justice Taney declares that the black man has no rights the white man is bound to respect, underscoring and motivating decades of violence and terror on black people across the country.

62 U.S. 506 21 How. 506

Ableman v. Booth

Summary of Facts and Issues

The Court reversed a State Court decision declaring the Fugitive Slave Act of 1850 unconstitutional and acquitting a defendant charged with crimes under that statute. The U.S. Supreme Court, relying on the Supremacy Clause of the U.S. Constitution, held that the U.S. Constitution granted the U.S. Supreme Court ultimate authority to interpret and apply federal law. State Courts lacked the power to remove cases from federal jurisdiction to state court.

Impact of the ruling

In this case the federal Supreme Court asserts its ultimate authority to interpret the federal constitution and the constitutionality of federal statutes. At issue in this case was the question of whether the federal

government could enforce the Fugitive Slave Act of 1850, which mandated the return of people who had escaped enslavement back to those people who had enslaved them. In this case, a U.S. Marshall arrested Booth, who was charged in U.S. District Court with aiding the escape of enslaved person. The Wisconsin Supreme Court granted Booth's writ of habeas corpus (an order to produce that person before the state court); the Wisconsin Courts held that the Fugitive Slave Act was unconstitutional and acquitted Booth. The U.S. Supreme Court asserted jurisdiction and reversed the decision of the Wisconsin Court. Justice Taney (author of the Dred Scott decision, discussed elsewhere in this bibliography) held that the U.S. Constitution's Supremacy Clause established that the federal and state governments were supreme in their separate jurisdictions, and that the federal Supreme Court had the power to decide all cases arising under federal law or the federal constitution, as well as controversies among the states, in part as a way to prevent the states to resort to armed conflict when disagreeing over deep-seated political questions. Accordingly, to accept the proposition that federal criminal laws are punishable by federal courts only with the consent of state courts would undermine the federal system established by the U.S. Constitution. This case was one of the major cases supporting Southern slaveowners and leading to the Civil War.

Blyew v. United States, 80 U.S. 581 (1871)

Blyew v. United States

Summary of Facts and Issues

The United States circuit court cannot take jurisdiction of a trial for murder merely because a witness is a negro, and incompetent by the laws of the state to testify, under the provisions of the civil rights act of April 9, 1866, 14 Stat. 27, which gives jurisdiction to the circuit court of all causes, civil and criminal, affecting persons who are denied or cannot enforce, in the courts of the state or locality where they may be, any of the rights given by the act, among which is the right to give evidence. A criminal prosecution is not to be considered as "affecting" mere witnesses in the case.

Impact of the ruling

SCOTUS did not allow civil or criminal cases which involved a Black witness to be decided in federal courts where civil rights are more protected. This left Black individuals involved in court cases at the mercy of state law which was incredibly discriminatory and racist.

U.S. v. Cruikshank, 92 U.S. 542 2 Otto 542

Colfax Massacre case

Summary of Facts and Issues

The Fourteenth Amendment to the U.S. Constitution does not regulate the rights of one citizen against another, but only protects civilians against the actions of government officials. The Fifteenth Amendment only prohibits racial discrimination in creating rules regulating voting and does not otherwise limit the rights of the states to prescribe voting criteria.

Impact of the ruling

Cruikshank establishes the "state action" doctrine, whereby the federal constitution is held to regulate only the actions of state or federal government officials and not the actions of ordinary civilians. The case also limits the operation of the Fifth, Sixth, and Eighth Amendments to apply only to the federal government and not to the states (which means that the major constitutional rules governing criminal procedure and punishment do not apply to the states). The Court also restricted the federal government's ability to enforce state criminal laws or create criminal laws that apply directly to the states just in virtue of the Fourteenth Amendment through an "enforcement" act designed to protect the voting rights of Black people and imposing criminal sanctions on civilians who interfere with them. That prohibition would remain in place until the middle of the 20th Century. Furthermore, the Court held that states had wide discretion to apply facially neutral voting restrictions. These would not violate the Fifteenth Amendment so long as they were not explicitly racially discriminatory.

People of State of New York v. Compagnie Generale Transatlantique, 107 U.S. 59 17 Otto 59**People of State of New York v. Compagnie Generale Transatlantique****Summary of Facts and Issues**

Free human beings are not imports or exports within the meaning of the constitution. States cannot raise money for social welfare by calling a tax on the importation of free people an "inspection law."

Impact of the ruling

The State of New York may not charge a tax on people immigrating to the United States through its ports. Such a tax does not count as a duty on imports payable to the Treasury under the United States Constitution, Art. 1, §10, Cl.2. Furthermore, the taxation of imports and exports to is limited to property, and cannot be imposed upon free people, distinguishing the provision of U.S. Const. Art.1 § 9 regulating importation of enslaved people, which allowed the states to tax people imported as slaves.

U.S. v. Harris, 106 U.S. 629 16 Otto 629**U.S. v. Harris****Summary of Facts and Issues**

Section 5519 of the anti-Ku Klux Klan Act of 1870 is void because it is beyond the powers of Congress to enact, lacking a basis in either the Thirteenth nor the Fourteenth Amendment of the United States Constitution. The Court held that the Fourteenth Amendment applies only to state action, not private action; and that the Thirteenth Amendment is limited to the prohibition of slavery and involuntary servitude, and does not extend to protect the voting rights of those who had never been enslaved.

Impact of the ruling

The Court was required to determine the constitutionality of an act of Congress directed against the Ku Klux Klan, a white supremacist terrorist organization, prohibiting conspiracies to deprive citizens of their civil rights or intimidating people from voting. The Court held that the Fourteenth Amendment applied only to actions by government officials, not private actors. The Thirteenth Amendment did not authorize the Act, as the Thirteenth Amendment was designed only to protect Black people from white people. However, Section 5519 of the Ku Klux Klan Act covered conspiracies against the voting rights of white people by both white and Black people, and so went beyond the provisions of the Thirteenth Amendment.

Pace v. Alabama, 106 US 583, 1883

Pace v. Alabama

Summary of Facts and Issues

Section 4189 of Alabama's state code read: "If any white person and any negro, or the descendant of any negro to the third generation, inclusive, though one ancestor of each generation was a white person, intermarry or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary or sentenced to hard labor for the county for not less than two nor more than seven years. "

Impact of the ruling

SCOTUS ruled that this case did not violate the Equal Protection Clause of the 14th Amendment because both white and black people were punished equally. The Court did not address the interpersonal nature of the case - that black and white people should/could be able to have intimate, romantic relationships with each other, rather only looked at the fact that they could be punished equally for the "crime." The longer term effects of this case, however, was that black and white couples often faced violence and public humiliation that often resulted in their deaths. This case also helped justify vigilante justice and violence against black men who were lynched. Many of those men were accused of sexual interactions with white women.

Yick Wo v. Hopkins, 188 U.S. 356

Yick Wo v. Hopkins

Summary of Facts and Issues

It specifically prohibits all states from denying any person within their jurisdiction the equal protection of the law.

Impact of the ruling

The first case to use the "equal protection" clause of the 14th Amendment. Was a unanimous Supreme Court decision that ruled that any law with discriminatory intent was unconstitutional.

U.S. v. "Old Settlers", 148 U.S. 427

U.S. v. “Old Settlers”**Summary of Facts and Issues**

The Court of Claims had jurisdiction over cases between the United States and the Cherokee Nation to determine the amount owed to members of both the Eastern and Western members of the Cherokee Nation. The Treaty may be treated as a private contract for purposes of reforming the Treaty.

Impact of the ruling

The Western Cherokee Nation sought to recover outstanding monies owed to them from a sale of land to the United States government, as detailed in various treaties. The Western Cherokee Nation claimed that the federal government had miscalculated the amount owed to them under the treaty. The Treaty is notable as excluding 295 enslaved people from the compensatory package, which granted compensation to members of the Eastern Cherokee Nation for their forced removal to Oklahoma. In effect, the Court holds the Western Cherokee to the terms of the treaty, and refuses to treat the treaty like a contract subject to claims that the Western Cherokee's assent to the treaty was induced by fraud or force.

Carter v. State of Texas, 177 U.S. 442 20**Carter v. State of Texas****Summary of Facts and Issues**

Under *Strauder v. Virginia*, a state's systematic exclusion of Black people from a grand jury violates the Fourteenth Amendment of the United States Constitution. Where the grand jury was impanelled before the crime was committed, a motion to quash the indictment is a proper mode of presenting the constitutional objection

Impact of the ruling

States may not discriminate on the basis of race in jury selection. That prohibition extends to grand juries, which are juries which hear evidence to determine whether there is sufficient grounds to return an indictment, which is the charging document used to try felony defendants. In this case, the Court found that the jury commissioners empowered to select the grand jury excluded Black people from the grand jury. The Court then found that the procedural device used to object to the indictment, which is to "quash" or cancel the indictment, which contains the criminal charges, in part because the grand jury was selected before the defendant committed his offense (the grand jury would be selected from the citizenry to serve for a period of time, and then meet regularly to consider any crimes that come up).

Brownfield v. State of S.C., 189 U.S. 426**Brownfield v. State of S.C.****Summary of Facts and Issues**

The Court denied a habeas corpus petition seeking to quash a grand jury indictment because the record did not support the black defendant's allegation that blacks were intentionally excluded from the jury pool.

Impact of the ruling

The Court in this case elevated the process over the substance when they found that the Black petitioner failed to satisfy his burden in providing support of his allegation that Black jurors were excluded from the jury. The Court ignores the racial reality and advocates for judicial restraint and a strict reading of the record and procedural requirements in order to bring discrimination claims.

Rogers v. State of Alabama, 192 U.S. 226

Rogers v. State of Alabama

Summary of Facts and Issues

A state's systematic exclusion of Black people from a grand jury violates the Fourteenth Amendment of the United States Constitution. The State of Alabama should have applied *Carter v. Texas* to quash the grand jury indictment.

Impact of the ruling

In a short opinion, the Court addressed the procedure for challenging the systematic exclusion of Black people from grand jury service, and applied the recently-decided case, *Carter v. Texas* (discussed elsewhere in this bibliography), commenting that the State of Alabama should have done so too. In this case, as in *Carter* (decided four years earlier), the Court held that canceling the operation of a criminal indictment because of racial discrimination could be raised using the procedural device of a motion to quash that indictment.

Battle v. U.S., 209 U.S. 36

Battle v. U.S.

Summary of Facts and Issues

In the interests of the administration of justice, judges may interrupt counsel when their argument makes an appeal to race prejudice.

Impact of the ruling

Courts have a general discretion to regulate trials to ensure justice. Where an attorney expressly denigrates the testimony of witnesses on the basis of their race, using a racist epithet, the trial judge has discretion to admonish the attorney.

Ex parte Young, 209 U.S. 123 (1908)/ Doctrine

Ex Parte Young [Doctrine]

Summary of Facts and Issues

"Ex parte Young, 209 U.S. 123, is a United States Supreme Court case that allows suits in federal courts for injunctions against officials acting on behalf of states of the union to proceed despite the State's sovereign immunity, when the State acted contrary to any federal law or contrary to the Constitution.

"Ex parte Young doctrine" allows private parties to sue individual state officials for prospective relief to enjoin ongoing violations of federal law because an unconstitutional legislative enactment is void, and a state official who enforces that law comes into conflict with the superior authority of the Constitution, and therefore is stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct."

Impact of the ruling

If government officials attempt to enforce an unconstitutional law, sovereign immunity does not prevent people whom the law harms from suing those officials in their individual capacity for injunctive relief.

Diaz v. U.S., 223 U.S. 442

Diaz v. U.S.

Summary of Facts and Issues

The Court held that a conviction of assault and battery and later homicide on the basis of the same facts were not violative of double jeopardy, as the two charges involved different laws and elements. Moreover, where the offense was not capital, the accused was not in custody and waived his right to be confronted with his witnesses, and insisted that the trial proceed in his absence but with the presence of counsel, the provisions of the Philippine Act, the substantial equivalent of the Sixth Amendment rights, were not violated.

Impact of the ruling

One of a defendant's most important rights is the right to be present at trial and to confront or cross-examine all of the state's witnesses. The Court in Diaz held that these rights can be waived. The Court alleges that defendant waived this right in order to obtain evidence on his own behalf. This raises the issue of whether a criminal defendant is properly advised on the effects of their waiver.

Aldridge v. U.S., 283 U.S. 308

Aldridge v. U.S.

Summary of Facts and Issues

Trial court's refusal to permit examination of prospective jurors as to whether they had any racial prejudice which would prevent their giving impartial verdict, in prosecution of a Black man for murder of white police officer, held error requiring reversal.

Impact of the ruling

Defense counsel in this case asked to voir dire the jurors about possible racial prejudice, but the trial court denied the request. The Court acknowledged that while the trial court has discretion concerning voir dire, that discretion is "subject to the essential demands of fairness." In response to the government's argument that such questioning would be detrimental to the administration of the law in the courts, the Court states that allowing persons with disqualifying prejudice to serve as jurors would be far more injurious.

Powell v. Alabama, 287 U.S. 45

"Scottsboro Boys" Case

Summary of Facts and Issues

Mandates that counsel must be provided to all defendants charged with a capital felony in state court regardless of that defendant's ability to pay as protected under the Sixth Amendment. In a capital case, where the defendant is unable to employ counsel and is incapable of making his own defense adequately because of ignorance, feeble-mindedness, illiteracy or the like, it is the duty of the court, whether requested or not, to assign counsel for him as a necessary requisite of due process of law, and that duty is not discharged by an assignment at such a time and under such circumstances as to preclude the giving of effective aid in the preparation and trial of the case.

Impact of the ruling

In a widely publicized case, involving protests at the national capital over the conviction of nine Black boys accused of raping a white girl and tried before an all-white jury without the assistance of an attorney in Scottsboro, Alabama, the Court holds that the 'Scottsboro Boys' were denied due process and must be given the assistance of counsel" While the Court established that the 14th Amendment includes right to counsel, this case did not guarantee that every citizen has the right to "good" or unbiased counsel. One result of this is that Public Defenders (who are often overworked and underpaid) do not have the capacity to be fully attentive to their clients and therefore, are in the habit of getting them to take plea deals that often result in their incarceration, even if for a short period of time. This, in turn, has lingering effects on personal and home life as well as employment and voting rights.

Brown v. State of Mississippi, 297 U.S. 278

Brown v. State of Mississippi

Summary of Facts and Issues

Convictions that rest solely on confessions extorted by brutality render the trial a mere pretense and violate the Fourteenth Amendment's Due Process Clause.

Impact of the ruling

Defendants were three Black men accused of murder. One defendant was twice hanged by the neck (though not killed) and whipped on different occasions by civilians and state officials to torture a confession out of him. The other two defendants were stripped at the jail and whipped with the buckle end of a leather belt until all three confessed. The State argued that excluding

their confession would not prejudice the trial; the Court held that the trial was mob dominated and that the confessions were determinative of the result. Accordingly, even though a state has wide latitude to determine what sort of procedure should be followed at trial, the State cannot substitute procedures that turn the trial into a sham that fail to manifest the basic process required by the fundamental conditions of justice.

Chambers v. State of Florida, 309 U.S. 227

Chambers v. State of Florida

Summary of Facts and Issues

Convictions of murder obtained in the state courts by use of coerced confessions are void under the Due Process Clause of the Fourteenth Amendment

Impact of the ruling

Chambers v. Florida was the first case in which the Court unequivocally declared that states must follow the Due Process Clause of the Fourteenth Amendment. The states' methods used in obtaining convictions would thereafter be subject to Supreme Court review. The Court in Chambers recognized the historical use of criminal procedure and punishment by the governments to terrorize racial minorities.

Ward v. State of Texas, 316 U.S. 547

Ward v. State of Texas

Summary of Facts and Issues

The Court reversed the conviction of an African-American man based on confessions made after police arrested the accused without authority of law or a warrant, moved accused to various counties, and questioned him continuously. The Court held that the use of confessions obtained under such circumstances is denial of due process.

Impact of the ruling

In a previous case, *Brown v. Mississippi*, the Supreme Court intervened in a state confessions case in an attempt to enforce racial equality on the southern justice system. This was a response to the growing concern of the role played by police and courts to maintain southern white supremacy and the brutality by southern whites against African Americans. The Petitioner in *Ward* was arrested by officers without warrant, in a county where they did not have authority to make an arrest. Moreover, the officers moved Petitioner from county to county, claiming that he was under threat of a mob, which was not substantiated by evidence. The Court's holding attempts to enforce rules of criminal procedure and change officers' behavior by preventing the use of coercive techniques to elicit confessions. However, these coercive techniques continued into the twentieth century.

Haley v. State of Ohio, 332 U.S. 596

Haley v. State of Ohio**Summary of Facts and Issues**

The Supreme Court reversed the lower courts conviction of a 15-year-old black boy who was interrogated for 5 hours, without being advised of his rights or given the opportunity to see counsel or friend, before signing a confession typed by the police. The methods used in obtaining the confession, including excluding the boy's mother and lawyer from the interrogation, violated the Due Process Clause of the Fourteenth Amendment and therefore the conviction cannot be sustained.

Impact of the ruling

A 15 year-old Black boy was arrested and interrogated for five hours by five or six police officers, during which he was not able to communicate with counsel or his mother. A confession was typed in question and answer form by the police and the teen signed the confession which included a written warning of his constitutional rights. Moreover, evidence shows that the boy's lawyer was denied access, but the newspaper photographer was able to see and photograph the boy. At the time this case was decided, Miranda rights had not been established and therefore, uncounseled interrogations were not on their own prohibited. Therefore, courts took a case by case approach to determine if a conviction would be unconstitutional, often on the basis that there was coercion involved in eliciting confessions. This Pre-Miranda approach meant that the burden was on the defendant to show coercion.

Larson v. Domestic & Foreign Com. Corp., 337 U.S. 682 (1949)**Larson v. Domestic & Foreign Commerce Corp.****Summary of Facts and Issues**

"Action by Domestic & Foreign Commerce Corporation against Robert M. Littlejohn, as War Assets Administrator and Surplus Property Administrator, to stop Littlejohn (injunction) from selling certain surplus coal to any person other than the plaintiff and for a declaration that sale to plaintiff was valid and sale to second buyer invalid. Where relief sought in an action is an injunction against an officer of the United States is, in effect, a compulsion against the United States, in the absence of consent, action is barred for want of jurisdiction under doctrine of sovereign immunity as an action, in substance, against the United States."

Impact of the ruling

A person cannot sue a person who works for the United States federal government on the theory to get them to stop doing something wrong (injunction) because of the United States' sovereign immunity.

Monroe v. Pape, 365 U.S. 167 (1961)**Monroe v. Pape****Summary of Facts and Issues**

"Action for violation of Federal Civil Rights act against city police officers and city. The Supreme Court, Mr. Justice Douglas, held that the alleged illegal conduct of the city police officers was actions ""under

the color" of state law, meaning they did deprive the plaintiff of their constitutional rights and were liable. However, the court said that the city, being a "municipal corporation" was not a "person" within the meaning of the statute and was not liable. "

Impact of the ruling

The city of Chicago and police officers were sued under 42 U.S.C. 1983 for violating constitutional rights because they conducted an unreasonable search and seizure as a "person" under the color of law. However, SCOTUS held that the city being a "municipality" is not a person within the statute. This means that if the "city" violates constitutional rights, persons do not have section 1984 standing.

Mapp v Ohio, 367 US 643 (1961)

Mapp v. Ohio

Summary of Facts and Issues

All evidence gathered in a search and seizure

Impact of the ruling

Evidence that turns up in a search that violates the 14th Am cannot be used in court, even if the police were looking for something/someone else. -

Monroe v. Pape, 365 U.S. 167 (1961)

Monroe v. Pape

Summary of Facts and Issues

"Action for violation of Federal Civil Rights act against city police officers and city.

The Supreme Court, Mr. Justice Douglas, held that allegedly illegal actions of city police officers respecting unreasonable search and seizure constituted actions 'under color of' state statute within federal statute making every person who, under color of any state statute, ordinance, etc., deprives any United States citizen of his constitutional rights liable to party injured, but municipal corporation was not a person within meaning of statute."

Impact of the ruling

The city of Chicago and police officers were being sued under Section 1984 for violating constitutional rights because they conducted an unreasonable search in seizure as a "person" under the color of law. However, SCOTUS held that the city being a "municipality" is not a person within the statute. This means that if the "city" violates constitutional rights, persons do not have section 1984 standing.

Bouie v. City of Columbia , 378 U.S. 347

Bouie v. City of Columbia

Summary of Facts and Issues

Due Process requires fair warning of conduct that is a crime, which precludes unforeseeable judicial expansion of statutory language.

Impact of the ruling

Black customers were allowed in drug store, with the exception of the restaurant. Two Black college students entered the restaurant and seated themselves. The Black students were asked to leave but refused to do so, upon police were called. They were charged with criminal trespass in violation of the South Carolina trespass statute. The statutory language made it a crime to enter land after notice was given, but it did not indicate that it was prohibited to remain on premise after being asked to leave. The lower courts upheld the conviction by broadly interpreting the statute to encompass the Black students' remainder on the premises as prohibited. The Supreme Court reversed, stating that the statute should be narrowly construed because defendants should not be held accountable for ambiguous violations.

Davis v. State of N.C., 384 U.S. 737

Davis v. State of N.C.

Summary of Facts and Issues

Petitioner's confessions were the involuntary end product of coercive influences, including 16 day detention during which he was not advised of any rights and subjected to repeated interrogations while isolated from everyone but the police. Although Miranda rights would not apply in this case because it was tried prior to the decision in *Miranda v Arizona*, the involuntary confessions were constitutionally inadmissible under the Due Process Clause of the Fourteenth Amendment.

Impact of the ruling

Because of the nonretroactivity of *Miranda v. Arizona*, the Court relied on the Due Process Clause of the Fourteenth Amendment and its voluntariness standard to find that the interrogation of defendant, who was an impoverished African American with a third or fourth grade education, was unconstitutional. The case established that *Miranda* did not alter these due process concerns of voluntariness. Therefore, common police interrogation tactics, which often relied on minorities and the impoverished not knowing their rights, would continue to be reviewed under the Fourteenth Amendment.

Sibron v. New York, 392 US 40 (1968)

Sibron v New York

Summary of Facts and Issues

Stop and Frisk

Impact of the ruling

All searches and seizures have constitutional limitations - SCOTUS refused to permit the search of a drug suspect who police had no reason to believe was armed and dangerous. "The police officer is not entitled to seize and search every person he sees on the street."

Terry v. Ohio, 392 US 1 1968**Terry v Ohio****Summary of Facts and Issues**

Stop and Frisk

Impact of the ruling

Allowed police without warrant or probable cause to stop and frisk people they deem suspicious. Limited searches to "outer clothing" in an attempt to discover weapons which might be used to assault a police officer.

Evans v. Abney, 396 U.S. 435**Evans v. Abney****Summary of Facts and Issues**

Questions Title VII of the CRA (1964) in establishing quotas

Impact of the ruling

However,..."the heirs of the donors of the park reclaimed the land on the grounds that the donor's will was not honored, because it expressly conditioned use of the land for whites only. The Burger Court upheld a state's court's decision returning the land and found no state action to trigger the Fourteenth Amendment."

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971)**Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics****Summary of Facts and Issues**

"In 1965, six agents of the Federal Bureau of Narcotics forced their way into Webster Bivens' home without a warrant. The agents handcuffed Bivens in front of his wife and children and arrested him on narcotics charges. Later, the agents interrogated Bivens and performed a visual strip search. Bivens sued the agents for each for humiliation and mental suffering. The district court dismissed the complaint for failure to state a claim. The Supreme Court, Mr. Justice Brennan, held that Biven's complaint did in fact state a cause of action under the Fourth Amendment against unreasonable search and seizures and he could receive damages if he could prove his injuries were caused by the defendant's fourth amendment violation."

Impact of the ruling

The Supreme Court held that Bivens does have a cause of action for damages arising from the federal agents Fourth Amendment violations. Bivens must provide proof of his injuries in order to recover.

Younger v. Harris, 401 U.S. 37 (1971)

Younger v. Harris**Summary of Facts and Issues**

"Action challenging the constitutionality of California's Criminal Syndicalism Act. A three-judge United States District Court for the Central District of California, held the act was vague, had too big of a scope, and was unconstitutional ""on its face"". The Supreme Court, Mr. Justice Black, held that even if the Act was unconstitutional, the plaintiff was not entitled to relief from the state prosecutor who brought the case against them. This was because the prosecution bring the charges under this Act which caused the plaintiff the alledged injury was ""solely incidental to every criminal proceeding brought lawfully and in good faith"". "

Impact of the ruling

The court here determined that even when a law that was used to convict plaintiff was unconstitutional, the plaintiff was not entitled to relief by the state prosecutor that charged them with a law that was found unconstitutional. The court ruled this way because they felt that if the prosecutor brought the charge in "good faith", meaning the prosecutor truly believed in their heart of hearts that they were doing a good, constitutional thing, and it was merely incidental (didn't affect a super important part of the case) then the plaintiff can't complain and get relief.

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971)**Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics****Summary of Facts and Issues**

"In 1965, six agents of the Federal Bureau of Narcotics forced their way into Webster Bivens' home without a warrant and searched the premises. The agents handcuffed Bivens in front of his wife and children and arrested him on narcotics charges. Later, the agents interrogated Bivens and subjected him to a visual strip search. Bivens sued the agents for \$15,000 in damages each for humiliation and mental suffering. The district court dismissed the complaint for failure to state a cause of action.

The Supreme Court, Mr. Justice Brennan, held that complaint alleging that agents of Federal Bureau of Narcotics, acting under color of federal authority, made warrantless entry of petitioner's apartment, searched the apartment and arrested him on narcotics charges, all without probable cause, stated federal cause of action under the Fourth Amendment for damages recoverable upon proof of injuries resulting from agents' violation of that Amendment."

Impact of the ruling

The Supreme Court held that Bivens does have a cause of action for damages arising from the federal agents Fourth Amendment violations. Bivens must provide proof of his injuries in order to recover.

Wyman v. James, 400 US 309 (1971)**Wyman v. James**

Summary of Facts and Issues

Other Searches (non-police)

Impact of the ruling

Social workers may make warrantless searches of welfare recipients' homes.

Adams v. Williams, 407 US 590 (1972)**Adams v. Williams****Summary of Facts and Issues**

Stop and Frisk

Impact of the ruling

SCOTUS: it is ok to stop and frisk an individual an officer does not know personally, and received an anonymous tip that the suspect was carrying narcotics & a gun.

Edelman v. Jordan, 415 U.S. 651 (1974)**Edelman v. Jordan****Summary of Facts and Issues**

"Class action for injunctive and declaratory relief was brought against Illinois officials who were administering the federal-state programs of aid to the aged, blind and disabled, and who were charged with violating federal law and denying equal protection of the laws by following state regulations that did not comply with federal time limits within which participating states must process and make grants with respect to AABD applications.

The Supreme Court, Mr. Justice Rehnquist, held that (1) the Eleventh Amendment barred the retroactive payment of benefits found to have been wrongfully withheld, (2) Illinois did not 'constructively consent' to the suit by participating in the AABD program and agreeing to administer federal and state funds in compliance with federal law, and (3) the Eleventh Amendment defense sufficiently partook of the nature of a jurisdictional bar so that it could be considered even though it was not raised in the District Court."

Impact of the ruling

The court held that the sovereign immunity recognized in the Eleventh Amendment prevented a federal court from ordering a state from paying back funds that had been unconstitutionally withheld from parties to whom they had been due

Johnson v. Mississippi, 421 U.S. 213, 95 S. Ct. 1591, 44 L. Ed. 2d 121 (1975)**Johnson v. Mississippi****Summary of Facts and Issues**

The Mississippi Supreme Court erred in using a prior conviction in a subsequent trial to enhance the sentence of the petitioner, a Black man. The U.S. Supreme Court reversed the Mississippi Supreme Court's decision. The Court held that using an unconstitutional prior conviction to enhance a subsequent sentence violates the Fourteenth Amendment's Due Process Clause. The Court emphasized that a conviction obtained in violation of the Sixth Amendment cannot be used to support guilt or enhance a subsequent trial. The case highlights the importance of procedural safeguards, which aim to help Black defendants who are disproportionately targeted by the criminal justice system. However, the case was limited in scope and did not address the potential impact of recidivist statutes themselves.

Impact of the ruling

In 1973, Johnson, a Black man, was sentenced to life in prison. The basis for the enhanced sentence was Johnson's prior conviction. However, that prior conviction has been based on a guilty plea. Johnson claimed his guilty plea was involuntary because he was not informed of his right to have an attorney – a violation of his Sixth Amendment rights. The Court held that using Johnson's prior unconstitutional conviction to support guilt or enhance his sentence violated his rights under the Fourteenth Amendment's Due Process Clause. The decision in *Johnson v. Mississippi* provided relief for Johnson, but did not offer proactive measures to address the broad issues of racial disparities in the criminal justice system that disproportionately affect Black communities.

Ristaino v. Ross, 424 U.S. 589

Ristaino v. Ross

Summary of Facts and Issues

Customary questions directed to general bias or prejudice are sufficient and courts are not constitutionally required to question veniremen specifically about racial prejudice. Moreover, the Court narrowly interpreted a subsequent case, *Ham v. South Carolina*, in which the court had found refusal to question prospective jurors about racial prejudice an impermissible threat to a fair trial, stating that the facts of this case were different and that *Ham* did not announce a requirement of universal application.

Impact of the ruling

The Court's interpretation of *Ham* establishes a case by case determination of when asking questions specifically directed to racial prejudice are required. The Court finds that asking about racial prejudice is not necessary in this case, which involves 3 Black defendants and a white victim. Thereby, the Court refuses to provide a universal safeguard where Black defendants are concerned and ignores the presence of racial prejudice likely to be present amongst jurors.

Francis v. Henderson, 425 U.S. 536

Francis v. Henderson

Summary of Facts and Issues

The Supreme Court affirmed the Court of Appeals holding that the rule of *Davis v. United States* applied when a federal court is asked in a habeas corpus proceeding to overturn a state-court conviction because of an allegedly unconstitutional grand jury indictment. As established in *Davis*, a collateral attack upon a conviction requires not only a showing of "cause" for the defendant's failure to challenge the composition of the grand jury before trial, but also a showing of actual prejudice.

Impact of the ruling

As stated in the dissent of this case, the majority in their decision imposes a restriction on federal habeas jurisdiction which is meant to ensure that federal constitutional rights of personal liberty are afforded the fullest opportunity for review. The court in *Strauder v West Virginia* previously established that a conviction cannot stand under the Equal Protection Clause of the Fourteenth Amendment if it is based on an indictment of a grand jury from which Blacks were deliberately excluded by reason of race. The Court in *Francis* limits and narrows the applicability of rights established in *Strauder* by holding that the waiver standard expressed in Rule 12(b) (2) governs an untimely claim of grand jury discrimination, not only during the criminal proceeding, but also later on collateral review.

United States v. Santana

"Mom" Santana

Summary of Facts and Issues

Police can make arrests of people they aren't investigating if they find evidence on that person.

Impact of the ruling

SCOTUS made it possible for police to arrest people not connected to cases that they are currently working. This case underscores exceptions to search warrants that police may use, allowing them more opportunities to make arrests, especially in communities of color.

432 U.S. 98

Manson v. Brathwaite

Summary of Facts and Issues

The court held that suggestive and unnecessary witness identifications were not automatically excluded from trial if it was found reliable. If the identification was found to be reliable, then it would be admissible as evidence during the trial. In this case, the undercover officer's identification was sufficiently reliable to permit its admission into evidence. First, the officer had ample time and good lighting to view defendant in the doorway. Secondly, as a trained undercover police officer, he knew the importance of later identifying the seller and paid careful attention to Brathwaite's appearance. Thirdly, the officer provided a detailed and accurate description of the seller immediately following the encounter, before identifying defendant. Fourthly, the officer had no doubt that the man in defendant's photo was the seller. Finally, only two days had passed between the crime and the officer's identification of defendant, making the identification more likely to be accurate.

Impact of the ruling

The test set forth in this case seeks to ensure that identification evidence is reliable and not influenced by suggestive procedures, which could lead to wrongful convictions. This is particularly important for black people and other minority groups who have historically been subject to biased and unfair criminal justice practices, including false identifications. The decision in this case helps to ensure that identification evidence is evaluated based on objective criteria, rather than potentially biased or discriminatory factors.

United States v. Chadwick, 433 US 1 (1977)**US v Chadwick****Summary of Facts and Issues****Searches of containers in vehicles****Impact of the ruling**

Police needed a warrant to search closed containers inside of a car.

Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658 (1978)**Monell v. Department of Social Services****Summary of Facts and Issues**

"Female employees of the Department of Social Services and the Board of Education in New York city brought an action challenging the policies of those agencies in requiring pregnant employees to take unpaid leaves of absence before those leaves were required for medical reasons. The Supreme Court, Mr. Justice Brennan, held that: (1) the agencies could not be sued on a theory of respondeat superior; (2) the agencies could be only held liable when the constitutional violation arose out of a governmental custom or policy; (3) the plaintiffs were local government officials and as government officials they can sue "themselves" (the agencies and by extension the city, circumventing governmental immunity); (4) The constitutional rights violations arose out of official policy/custom "

Impact of the ruling

"The defendants in this case, the New York Department of Social Services and the Board of Education, were considered "people/government agents" (even though an agency is not really a single person) are entitled to section 1983 qualified immunity. The plaintiffs tried to sue the employer on a legal theory called respondeat superior in which employers are automatically liable for the actions of their employees. The court said that wouldn't work and the only way to sue these defendants was if the constitutional violation plaintiffs suffered was from a governmental custom. This means there has to be an explicit, direct policy that violates the constitution. It is unlikely that an agency would write policy that on its face, explicitly violates rights. The courts always focus in on intent rather than impact, narrowing the scope of what civil rights violation legally addressable. The plaintiff's won their case, but

the court continues to appropriate on a very narrow interpretation of what constitutes a civil rights violation."

McClelland v. Facteau, 610 F.2d 693 (10th Cir. 1979)

McClelland v. Facteau

Summary of Facts and Issues

"Action was brought under civil rights statute against two police chiefs and subordinate officers for alleged deprivation of plaintiff's constitutional rights during arrest and custody. Circuit Judge, held that: (1) to sue under the legal theory of respondeat superior there must be an "affirmative link" between the misconduct of subordinate police officers and their bosses (police chief); (2) the police chief can be liable if the breach their duty to train subordinates and create department policies to protect constitutional rights and supervisory misconduct he has notice of; (3) showing officers violated plaintiff's constitutional rights on one occasion is not sufficient for purposes of imposing liability on police chief and if they breached their duty; (4) in this case, there was genuine issue of material fact to defeat a motion for summary judgment as to whether the police chief breached their duty to supervise and correct misconduct they had notice of "

Impact of the ruling

"One violation of constitutional rights is not enough to overcome qualified immunity. The plaintiff tried to sue the police officers and the officers employer on a legal theory called doctrine of respondeat superior. The court held that this theory doesn't overcome qualified immunity unless there is a sufficient link between employers and the employees who committed the violation. But a police chief (employer) could be held liable if the plaintiff can show that the policies/training they implemented resulted in the constitutional violation. If you think about it, this would be hard to prove. This reasoning forces you prove that what a specific employer decided to come up with and implement committed the violation but the system of policing is really what's at issue. It boils down acts of institutional civil/constitutional rights violation to individuals when it is a systemic problem"

U.S. v. Mendenhall, 446 U.S. 544

U.S. v. Mendenhall

Summary of Facts and Issues

A person has been seized within the meaning of the Fourth Amendment only if, in view of all of the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave. Moreover the question of whether one's consents to a search is voluntary or a product of duress or coercion is to be determined by the totality of all the circumstances.

Impact of the ruling

Defendant was a Black woman, who was approached by two Drug Enforcement Agency agents after exiting airplane. The agents asked defendant several questions and asked if she would accompany them

to the DEA office for further questioning. She complied with the request. The approach of officers raises questions of racial profiling. The Court found that defendant consented to accompanying the agents and do not find that a reasonable person in her position would not have felt free to deny the request or leave. The Court states that the fact that defendant was black and the agents were white is not irrelevant to the determination of whether the seizure was coercive. However, by adopting the totality of circumstances approach, the Court establishes that race and the experience of speaking to officers as a person of color is not determinative of an invalid seizure.

Allen v. McCurry, 449 U.S. 90 (1980)

Allen v. McCurry

Summary of Facts and Issues

"Plaintiff, who had been convicted of heroin and assault offenses, brought Civil Rights Act suit against the arresting officers and others alleging a Fourth Amendment violation. The Supreme Court, Justice Stewart, held that: (1) collateral estoppel doctrine applied to claims brought under the Civil Rights Act of 1871 and included state court criminal or civil decisions; (2) the plaintiff not allowed to receive federal habeas corpus relief under Stone v. Powell did not make the collateral estoppel doctrine inapplicable. "

Impact of the ruling

"The plaintiff in this case was not able to bring their civil rights violation claim to the Supreme Court because the court decided to place another obstacle on the way of having constitutional rights addressed in courts: collateral estoppel. Collateral estoppel is, briefly, a legal doctrine that says ""if you brought up this issue in a previous case, you can't bring it up again because we've already ""handled"" that issue."" This means that if appealing to the Supreme Court is your last chance of having your case heard after you've exhausted other legal avenues (having your case heard at lower courts but they don't give a good ruling for you), you are not able to bring the case. SCOTUS puts you at the mercy of the lower courts when they themselves (SCOTUS) has the sole power in this country to overturn all court decisions because they are the highest court in the land"

United States v. Ross, 456 US, 798 (1982)

US V. Ross

Summary of Facts and Issues

Searches /Probable Cause

Impact of the ruling

SCOTUS upheld warrantless searches of containers in vehicles if police had probable cause to believe was being used for purposes of dealing drugs.

Haring v. Prosis, 462 U.S. 306 (1983)

Haring v. Prosis**Summary of Facts and Issues**

"Plaintiff, who pled guilty to manufacturing a controlled substance in a Virginia state court, brought damages action under Section 1983 against police officers who participated in a search of his apartment. The Supreme Court, Justice Marshall, held that: (1) under rules of collateral estoppel applied by Virginia courts, judgment of conviction based upon plaintiff's guilty plea to charge of manufacturing a controlled substance did not bar, under federal statute requiring federal courts to give preclusive effect to state-court judgments whenever the courts of the state from which the judgments emerged would do so, subsequent Section 1983 action challenging legality of the search which had produced inculpatory evidence, and (2) plaintiff's guilty plea did not constitute a waiver of antecedent Fourth Amendment claims."

Impact of the ruling

"This case is distinct from *Allen v. McCurry*. Collateral estoppel (a legal doctrine that says you can't bring up the same issue heard in a prior case) did not apply here because under Virginia state law, collateral estoppel did not bar the plaintiff's claim here at the federal level because there is federal law that says: "if the state court would bar the claim, we do that too. Here, the state court (Virginia) would not have barred the claim according to their state law so the federal court did not bar 1983 civil rights claim. The court also said that just because the plaintiff plead guilty to the crime does not mean they waived their right against unreasonable search and seizures. You have constitutional rights even if you did do the crime or rather plead guilty to a crime."

466 U.S. 429**Palmore v. Sidoti****Summary of Facts and Issues**

Father sought custody of his child because the mother was living with (and married to) a Black man. The trial court granted the father custody, claiming that it was in the child's best interest. The Court claimed that even though this may be an arguable relevant basis, it cannot be decided as a matter of law under the Equal Protection clause. The court did not negate the father's claim that there may be possible injury because the child was living in a mixed race household; however, they simply claimed that they could not enforce an action that was outside of the scope of the law.

Impact of the ruling

In writing its decision, the implications that the court held, indicate that they agree to some level that mixed-race households, can have negative effects on children, solely on the basis that the household is mixed race. The court simply holds that they cannot make a legal justification to prohibit the matter.

Hudson v Palmer, 468 US 517 (1984)**Hudson v Palmer**

Summary of Facts and Issues

Other Searches (non-police)

Impact of the ruling

Prison inmates have no reasonable expectation of privacy in prison cells from searches by guards.

Pulliam v. Allen, 466 U.S. 522 (1984)**Pulliam v. Allen****Summary of Facts and Issues**

Individuals who were arrested for non-jailable misdemeanors and were committed to jail when they were unable to meet bail imposed by state magistrate brought suit under section 1983, claiming that magistrate's practice was unconstitutional.

The Supreme Court, Justice Blackmun, held that: (1) judicial immunity is not a bar to prospective injunctive relief against judicial officer acting in her judicial capacity, and (2) judicial immunity is no bar to award of attorney fees under section 1988."

Impact of the ruling

SCOTUS ruled that judges can be forced to stop the conduct that violates someones constitutional rights which is called injunctive relief. However, a judge invoking judicial immunity makes it very unlikely that the person bringing the civil rights suit would win to even ask for injunctive relief so not as helpful as it may sound.

The Court's ruling on attorney fees is similar. You have to win the case after the judge invokes judicial immunity for you to recover attorney fees. This isn't the most helpful if its an uneven playing field to begin with.

Alexander v. Choate, 469 U.S. 287 (1985)**Alexander v. Choate****Summary of Facts and Issues**

"Respondent handicapped Medicaid recipients sued petitioner governor in a class action for declaratory and injunctive relief, claiming that a proposed 14-day limitation on in-patient coverage had a discriminatory effect on the handicapped and claimed violations of the Rehabilitation Act of 1973 § 504, 29 U.S.C.S. § 794. The court reversed finding that respondents made prima facie case of violation of the statute because the rule was neutral on its face, was not alleged to rest on a discriminatory motive, and did not deny the handicapped access to or exclude them from the state's package of Medicaid services."

Impact of the ruling

"While the court said the plaintiff had enough legal grounds to bring their case to court but ultimately ruled against them. The plaintiff sued Medicaid because of a policy of theirs which had a negative effect on handicapped insureds. The plaintiff argued the policy was discriminatory and constituted a civil rights violation. The court ruled against the plaintiff, reasoning that the Medicaid policy on its fact was ""neutral"" and thus the policy did not have a discriminatory intent and that the plaintiff still had access to Medicaid services. A policy will rarely explicitly state it has a discriminatory intent and sometimes, in discrimination cases, the only evidence of a violation is that the plaintiff is injured. The court and the law provide a very narrow interpretation of what discrimination looks like."

Murray v. Carrier, 477 U.S. 478 (1986)

Murray v. Carrier

Summary of Facts and Issues

"Clifford Carrier was arrested on charges of rape and abduction in 1977. Before his trial, Carrier's attorney filed a motion asking the court to give him access to the victim's statements about her assailants, their vehicle, and the location of the rape. The court rejected the motion. Carrier eventually appealed all the way to the SCOTUS. The court held in a decision authored by Justice Sandra Day O'Connor, the Supreme Court ruled that merely proving that an omission resulted from an attorney's mistake rather than from a tactical decision does not exempt a defendant from state court procedural rules. Mere fact that counsel failed to recognize factual or legal basis for claim, or failed to raise claim despite recognizing it, does not constitute cause for procedural default."

Impact of the ruling

"The petitioner here was arguing that their attorney was ineffective but the court said the mistake was minor and did not amount to ""cause"" under procedural rules so they dismissed the claim. This means that your attorney needs to essentially mess up big time for you to have ""cause"" to complain about it to the courts. Even though SCOTUS said this was a minor mistake, it still had a huge effect on Carrier nonetheless"

Batson v. Kentucky, 476 U.S. 79

Batson v. Kentucky

Summary of Facts and Issues

Ruling that a prosecutor's use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race.

Impact of the ruling

While this ruling was an attempt to maintain defendants are tried in front of a jury of their peers (which is their right), the case did not result in the change of the make-up of most juries who are white (and

middle class) whereas the a large number of defendants accused, charged, and tried for crimes are black (and brown). This case did not establish that "peers" should have similar backgrounds as defendants.

California v. Ciraolo, 476 US 207 (1986)

California v. Ciraolo

Summary of Facts and Issues

Aerial observations by police

Impact of the ruling

An aerial observation of illegal marijuana growing in one's backyard does not violate the constitution. SCOTUS: "On this record, we readily conclude that respondent's expectation that his garden was protected from such observation is unreasonable and is not an expectation that society is prepared to honor." (police helicopters). Ciraolo authorized and expanded police activity to engage in intrusive surveillance as apt of the war on drugs.

Daniels v. Williams, 474 U.S. 327 (1986)

Daniels v. Williams

Summary of Facts and Issues

"Inmate brought civil rights actions against deputy sheriff to recover for injuries allegedly sustained when he slipped and fell on a pillow left on jail stairs by deputy sheriff.

After granting certiorari, the Supreme Court, Justice Rehnquist, held that due process clause is not implicated by a state official's negligent act causing unintended loss of or injury to life, liberty, or property."

Impact of the ruling

"Negligence" or when a person does something they should have known not to do by a state actor is not considered a civil rights.

This means that "due process of law", a right guranteed under the 14th amendment which is to ensure anyone in the legal system has enough protection of government's abuse of power, does NOT include when a state agent fails to reasonably conduct themselves as they should given their position. The prisoner being injured by a pillow sheriff left on stairs does not amount to a governmental abuse.

The court says tort law, which deals with negligence and reasonable conduct should handle these types of cases. This closes the door to greater protection civil rights violation claim may give to those at the mercy of state agents. A tort violation poses less of a risk to a state agent rather than a civil rights violation"

Anderson v. Creighton, 483 U.S. 635 (1987)**Anderson v. Creighton****Summary of Facts and Issues**

"Suit was brought against FBI agent seeking damages resulting from warrantless search of residents' home.

The Supreme Court, Justice Scalia, held that: (1) in determining whether agent was protected by qualified immunity from civil liability for conducting warrantless search of residence for fugitive, relevant question was whether reasonable officer could have believed warrantless search to be lawful, in light of clearly established law and information agent possessed, and (2) no exception to general rule of qualified immunity from civil liability exists in cases involving allegedly unlawful warrantless searches of innocent third parties' homes for fugitives."

Impact of the ruling

SCOTUS lowered the bar for government agent to be qualified for qualified immunity at the same time the court says if it is determined to be an unlawful warrantless searches qualified immunity protects those government agents.

Griffin v. Wisconsin, 868 US 483 (1987)**Griffin v Wisconsin****Summary of Facts and Issues**

Other Searches (non-police)

Impact of the ruling

SCOTUS upheld search of probationer's home on "reasonable grounds," rather than probable cause, for search.

Felder v. Casey, 487 U.S. 131 (1988)**Felder v. Casey****Summary of Facts and Issues**

"Wisconsin arrestee brought action against police officers, police chief, and city for violations of federal civil rights arising out of his arrest. The trial court denied motion to dismiss federal civil rights claim because of arrestee's failure to comply with that state's notice-of-claim statute and the Wisconsin Court of Appeals affirmed. The Supreme Court, Justice Brennan, held that Wisconsin notice-of-claim statute was preempted with respect to federal civil rights actions brought in state court. Wisconsin notice-of-claim statute, providing that no action may be brought or maintained against any state governmental subdivision, agency, or officer unless claimant either provides written notice of claim within 120 days of alleged injury or demonstrates that relevant defendant had actual notice of claim and was not prejudiced by lack of written notice, is preempted when federal civil rights action is brought in state

court; state statute conflicts in its purpose and effects with remedial objectives of federal civil rights law, and its enforcement would produce different outcomes in § 1983 litigation based solely on whether claim was asserted in state or federal court."

Impact of the ruling

"The plaintiff used a federal civil rights law claim in state court. A state law said that they could not bring a civil rights claim but the supreme court determined that the federal civil rights law overcame the state law which was going to kill the claim. The reasoning behind the court's ruling is that the state law conflicts with the goal of the federal law and the enforcement of the state law created vastly different results based solely whether the plaintiff brought their legal claim in state or federal court. The decision to bring it to state or federal court shouldn't be the sole reason a plaintiff cannot bring a claim."

City of St. Louis v. Praprotnik, 485 U.S. 112 (1988)

City of St. Louis v. Praprotnik

Summary of Facts and Issues

"City employee who was transferred and laid off filed suit alleging he had been penalized for exercising his First Amendment rights and deprived of due process.

The Supreme Court, Justice O'Connor, held that: (1) city's failure to timely object to jury instruction on municipalities' liability for their employees' unconstitutional acts did not deprive court of jurisdiction to determine proper legal standard for imposing such liability; (2) city employee failed to establish existence of unconstitutional municipal policies required to impose liability against city; and (3) findings that decisions of supervisors were not individually reviewed for substantive propriety by higher supervisory officials and that civil service commission decided appeals from such decisions in some circumscribed manner that gave substantial deference to original decision maker were insufficient to support conclusion that supervisors were authorized to establish employment policy for city with respect to transfers and layoffs."

Impact of the ruling

"The plaintiff lost their case here because they were not able to overcome the high bar of municipal immunity.

The court reasoned that the higher-ups reviewing supervisors decisions with substantial deference to the supervisors who made the decision, even if it was a bad decision, wasn't enough evidence to support the plaintiff's claim that they were deprived of their civil rights. Again, the court makes it incredibly hard for individuals to overcome civil liability. "

United States v. Sokolow, 490 US 1 (1989)

US v Sokolow

Summary of Facts and Issues

Probably Cause/Stop and Frisk

Impact of the ruling

The Court in *Sokolow* established that the police could use a "profile," that is a checklist of characteristics applicable to a whole group of people, rather than one specific individual, to establish reasonable suspicion to stop and search. The Court's authorization for police to use profiles became a central feature of modern policing, and particularly police racial profiling as part of the war on drugs.

California v. Hodari D., 499 U.S. 621**California v. Hodari D.****Summary of Facts and Issues**

The Court defined Fourth Amendment "seizures" as constituted by either the application of force to restrain movement or submission to a display of authority, but not to a show of authority where the suspect does not submit.

Impact of the ruling

In this case, the Court permitted a group of police officers who lacked any legal basis to arrest a group of juveniles they saw on the street, to use a sudden and overwhelming display of force to panick those juveniles into fleeing. This practice is often referred to as "hot spots" policing, or more colloquially as a "jump out" and is disproportionately used to target people in Black neighborhoods, in this case, Oakland California. The government did not dispute that the police giving chase constituted a "display of authority"; however, because the police did not physically grab the juveniles, that flight was not a Fourth Amendment seizure, and so the juveniles had no Fourth Amendment right to exclude any evidence they discarded during the chase. The Court's decision incentivizes the police to try to scare people into fleeing and abandoning evidence by a sudden and overwhelming show of force in their neighborhood. Given the terrorizing nature of this type of policing, law enforcement generally limit the practice of "jump outs" to marginalized neighborhoods in which the community lacks the political and social capital to protest this practice.

Hernandez v. New York, 500 U.S. 352**Hernandez v. N.Y.****Summary of Facts and Issues**

The Court gave great deference to the trial court's findings on a Batson challenge. So long as the prosecutor can satisfy prong 2 of Batson by providing a race-neutral basis for a peremptory challenge, the court's burden to show purposeful discrimination will be higher.

Impact of the ruling

The Court upheld as racially neutral the exclusion of two bilingual Latino jurors based the prosecutor's claim that the exclusion was on the basis of their Spanish-speaking ability. Because of the deference to prosecutors and a justification that appears race neutral on its face, the Court did not further inquire into whether the reasoning provided was a pretext. The Court continued that their decision does not imply that exclusion of bilingual people from jury service is recommended, or even constitutional. However, by refusing to resolve the question of how race could be inseverable linked to language, the Court gave broad discretion to prosecutors to make peremptory challenges.

California v. Acevedo, 500 US 565 (1991)

California v. Acevedo

Summary of Facts and Issues

Searches of containers in vehicles

Impact of the ruling

Police may conduct a search of container in a vehicle without a warrant if they have probable cause to believe the container holds evidence.

Florida v. Bostick, 111 S. Ct. 2382 (1991)

Florida v. Bostick

Summary of Facts and Issues

Legal to randomly question bus and train passengers

Impact of the ruling

Case originated from the "war on drugs." Police can board trains and busses and randomly single out passengers and question them. "...so long as a reasonable person would understand that he or she could refuse to cooperate."

Minnesota v. Dickerson, 508 US 366 (1993)

Minnesota v. Dickerson

Summary of Facts and Issues

Stop and Frisk

Impact of the ruling

Court expanded Terry's Stop and Frisk rule to include nonthreatening contraband and weapons that are identifiable during a pat-down.

Williams v. Taylor, 529 U.S. 362 (2000)

Williams v. Taylor

Summary of Facts and Issues

"Terry Williams argued that he had been provided with ineffective assistance of counsel during the penalty phase of his capital trial because his attorney failed to produce mitigating evidence. He raised this argument at a post-conviction proceeding after he already had been sentenced to death. He succeeded in the state trial court, which reversed the conviction under the standard imposed by *Strickland v. Washington* (1984). The state Supreme Court reversed this decision, and Williams sought a writ of habeas corpus from a federal court, which agreed that he had received ineffective assistance of counsel. On appeal, the federal Circuit Court disagreed and found that habeas relief could not be granted under Section 2254(d)(1) because the state court had not interpreted the law or precedents in a way that reasonable jurors would unanimously agree to be unreasonable."

Impact of the ruling

"The court in this case protected a criminal defendant's right to effective counsel. The attorney representing the criminal defendant did not do a good enough job to show that essentially the defendant was not as bad as they may seem (mitigating evidence). The court said the lack of mitigating evidence unfairly affected defendant's sentencing and should have been brought in by the defendant's attorney."

Illinois. *Wardlow*, 528 US, 119, 120 S. Ct. 673 (2000)

Wardlow

Summary of Facts and Issues

If a person in a high crime area flees when they see a police officer, is that a reason for search? SCOTUS ruled police have reasonable enough suspicion to make a stop/search if a person behave in such a manner to look suspicious.

Impact of the ruling

This meant that Police could suspect anyone who did not want to interact with them, or could be intimidated or afraid of them. The case also brought on the phrase, "running while black," meaning that they could pull a person over simply because they were black, and use their "suspicious behavior" as a justification. *We saw this during the Freddie Gray arrest in 2015.

Barnes v. Gorman, 536 U.S. 181 (2002)

Barnes v. Gorman

Summary of Facts and Issues

"Wheelchair-bound arrestee who was injured while being transported in a police van which was not equipped with wheelchair restraints brought action against members of city board of police commissioners, city police chief, and officer who drove the van, alleging violation of the Americans with Disabilities Act (ADA) and the Rehabilitation Act. The Supreme Court, Justice Scalia, held that punitive damages may not be awarded in private suits brought under the ADA and the Rehabilitation Act."

Impact of the Ruling

"When you win a civil case your compensation usually takes the form of money called "damages." There are different types of monetary damages and one of the types is called "punitive damages" the purpose of which is to punish the defendant for their conduct. Punitive damages are rare in certain types of civil suits and are really saved for sending a strong message to defendant and society that this conduct is not okay. A recent example of the rare use of punitive damages in a civil suit is the Alex Jones defamation case where he owed almost a billion dollars in punitive damages to the Sandy Hook families. The high punitive damage amount sends a message that Jones' conduct was viscerally unacceptable. In this case, the plaintiff won their case, showing the Missouri police violated the Americans with Disabilities Act (ADA) and the Rehabilitation Act constituting a civil rights violation. However, SCOTUS ruled that the plaintiff cannot receive punitive damages under the ADA and Rehabilitation Act, basing their reasoning partly on the fact the 1964 Civil Rights Act also does not allow punitive damages. Regardless, the court the court declined to use this opportunity to send a message that the police's conduct in this case was abhorrent and unacceptable. And this ruling again narrows not only the type of recovery plaintiffs can receive for civil rights violation but also that such violations do not warrant a symbolic, monetary, punishment."

Los Angeles Cnty., Ca. v. Rettele, 550 U.S. 609**Los Angeles Cnty., Ca. v. Rettele****Summary of Facts and Issues**

Officers acted reasonably and did not violate the Fourth Amendment right to be free from unreasonable searches and seizures while executing a search warrant at a residence where they ordered naked residents out of their bed and held them at gunpoint for one to two minutes. Despite the fact that the officers knew that the criminal suspects were African-American and the residents found in the home were Caucasian, the orders to the occupants were permissible while officers performed a search.

Impact of the ruling

The Court ensures that the burden on police officers to justify searches and sweeps, especially when targeting low-resource communities, is easily satisfied. In stating that this search was not unreasonable, the Court illustrates that minorities may enjoy fewer Fourth Amendment protections.

Van de Kamp v. Goldstein, 555 U.S. 335 (2009)**Van De Kamp v. Goldstein****SUMmary of Facts and Issues**

Following state murder conviction, imprisonment, and successful federal habeas corpus petition, former prisoner brought § 1983 due process action against, inter alia, former district attorney and former chief deputy district attorney, alleging failure to institute system of information-sharing among deputy district attorneys regarding jailhouse informants, and failure to adequately train or supervise sharing of information concerning informants, resulting in Giglio violation at his trial.

The Supreme Court, Justice Breyer, held that district attorney and chief deputy district attorney were entitled to absolute prosecutorial immunity.

Impact of the ruling

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Magwood v. Patterson, 561 U.S. 320 (2010)

Magwood v. Patterson

Summary of Facts and Issues

"An Alabama state court convicted Billy Joe Magwood of murder and sentenced him to death. Mr. Magwood filed a second petition for federal habeas corpus relief with the federal district court arguing that a judicial rule was retroactively applied in his case and that he lacked effective counsel at sentencing. The district court granted the petition and vacated Mr. Magwood's death sentence. On appeal, the U.S. Court of Appeals for the Eleventh circuit reversed, holding that prisoners may not raise challenges to an original sentence that could have been raised in an earlier petition. The court also held that Mr. Magwood's counsel was not ineffective because he failed to raise an argument that had already been decided by the state's highest court adverse to his client's position. The Supreme Court held that because Mr. Magwood's habeas application challenges new judgments for the first time, it is not "second or successive"" under the Antiterrorism and Effective Death Penalty Act ("AEDPA") With Justice Clarence Thomas writing for the majority, the Court determined that the text of the AEDPA counseled in favor of the Court's conclusion."

Impact of the ruling

Criminal defendant who was sentenced to death did not have his petition for habeas corpus relief rejected because he was raising new arguments so it was not a second try at habeas corpus for the same reason.

Skinner v. Switzer, 562 U.S. 521 (2011)

Skinner v. Switzer

Summary of Facts and Issues

"State prisoner, who had been convicted of capital murder and sentenced to death, filed § 1983 action, alleging that district attorney's refusal to allow him access to biological evidence for purposes of forensic DNA testing violated his right to due process. The Supreme Court, Justice Ginsburg, held that: 1 Rooker–Feldman doctrine did not bar claim, and 2 convicted state prisoner may seek DNA testing of crime-scene evidence in § 1983 action; abrogating *Harvey v. Horan*, 278 F.3d 370, *Kutzner v. Montgomery County*, 303 F.3d 339."

Impact of the ruling

The Court allowed the defendant access to their DNA for forensic testing because the procurement of such evidence does not mean it'll be a slam dunk win for the defendant in regards to their appeal/claim. The court decided to leave the ""door" open for the prisoner to pursue their constitutional rights but does not guarantee a ruling in the prisoner's favor.

Brown v. Plata 131 S. Ct. 1910 (2011)

Brown v. Plata

Summary of Facts and Issues

Plaintiffs filed class actions regarding severe overcrowding of California's prisons, as well as deficient mental health and medical care and lack of state resources. The second case, *Brown v. Plata*, prisoners with serious medical conditions. In that case, the State's prison violated the Eighth Amendment's prohibition against cruel and unusual punishments. The class action plaintiffs moved their rdistrict courts to convene a three-judge court empowered under the Prison Litigation Reform Act of 1995 (PRLA) to reduce the prison population. The judges submitted a plan to reduce its prison population within two years which would result in the release thousands of inmates. California appealed.

Impact of the ruling

The Supreme Court held that a court may impose limits on the overcrowding of prisons to remedy a violation of prisoners' Eighth Amendment rights.

Connick v. Thompson, 563 U.S. 51 (2011)

Connick v. Thompson

Summary of Facts and Issues

"Former state prisoner brought action against county prosecutors and prosecutor's office, asserting claims under § 1983 and various state law claims.

The Supreme Court, Justice Thomas, held that:

1 prior, unrelated Brady violations by attorneys in his office was insufficient to put district attorney on notice of need for further training, and 2 need for training was not so obvious that district attorney's office was liable on failure-to-train theory when nondisclosure of blood-test evidence had resulted in defendant's wrongful conviction and in his spending 18 years in prison."

Impact of the ruling

"The key to winning a section 1983 claim is to show that the government agent that the right violated was clearly established. The court makes this extremely hard to show. If there wasn't a prior incident with virtually the same facts, the court will say the government agent wasn't on notice that what they were doing was a constitutional rights violation, even if what they did any reasonable person knows its not okay.

In this case, the court said that the prior violations defendants did to plaintiff was not enough to put the defendant on notice of a constitutional right being violated. Even when the defendant's prior violations caused the planitiff to be in prison for 18 years for a crime he did not do. "

Minneci v. Pollard, 565 U.S. 118 (2012)**Minneci v. Pollard****Summary of Facts and Issues**

"Prisoner at a federal facility operated by a private company filed a pro se complaint against several employees of the facility, alleging the employees deprived him of adequate medical care, in violation of the Eighth Amendment's prohibition against cruel and unusual punishment, and caused him injury.

The Supreme Court, Justice Breyer, held that prisoner could not assert an Eighth Amendment Bivens claim for damages against private prison employees."

Impact of the ruling

A private state actor is not covered by a federal civil rights violation claim. Again, this limits civil rights legal redress to the states despite a government agent, acting under the color of law, causes a violation.

Chaidez v. United States, 568 U.S. 342 (2013)**Chaidez v. United States****Summary of Facts and Issues**

"Defendant who was subject to deportation upon her conviction of mail fraud sought writ of coram nobis, alleging counsel was ineffective for failing to inform her that her guilty plea carried the risk of deportation. The Supreme Court, Justice Kagan, held that Padilla v. Kentucky, requiring defense counsel to advise defendant about the risk of deportation arising from a guilty plea, did not apply retroactively, abrogating United States v. Orocio, 645 F.3d 630, Commonwealth v. Clarke, 460 Mass. 30, 949 N.E.2d 892."

Impact of the ruling

While the attorney did not tell their client something important about the consequences of pleading guilty to mail fraud, the court held that the defendant (the client) cannot argue that their attorney was

ineffective. Even though there was a court case (*Padilla v. Kentucky*) that said attorneys have to let their clients know of a risk of deportation with guilty pleas. The court reasoned that saying your attorney was bad after everything went down won't fly because the defendant was sentenced before *Padilla*. Essentially the court would not let the defendant in this case be grandfathered in.

McQuiggin v. Perkins, 569 U.S. 383 (2013)

McQuiggin v. Perkins

Summary of Facts and Issues

"After his state first-degree murder conviction under the Antiterrorism and Effective Death Penalty Act (AEDPA) was affirmed on direct appeal, petitioner sought federal habeas relief, asserting ineffective assistance of counsel. Holdings: The Supreme Court, Justice Ginsburg, held that: 1 plea of actual innocence can overcome habeas statute of limitations, abrogating *Escamilla v. Jungwirth*, 426 F.3d 868, but 2 timing is factor relevant in evaluating reliability of a petitioner's proof of innocence. The miscarriage of justice exception that allows petitioners to pursue cases that would otherwise be dismissed as untimely demonstrates clear congressional intent to allow petitioners arguing actual innocence to do the same. To prove the actual innocence claim, the petitioner must prove that it is more likely than not that a reasonable juror would not convict in light of the new evidence. Under this burden of proof, unexplained delay may impact the petitioner's credibility but does not necessarily defeat the claim."

Impact of the ruling

This court ruling was in the favor of the petitioner. They were trying to introduce new evidence under the legal theory of habeas relief to overturn their first-degree murder conviction. While the court allowed the petitioner to pursue this legal claim to introduce new evidence to prove their innocence, the court also says that if there is "an "unexplained" delay in obtaining such evidence, it will make the petitioner look not trustworthy and will likely have a negative effect of the trier of fact (jury). While the court leaves this door open to try to prove your innocence, they also start the clock for you to reach said door.

Martin v. State of Tex., 200 U.S. 316

Martin v. State of Tex.

Summary of Facts and Issues

The Fourteenth Amendment prohibits state officials, including court administrators, from excluding Black people from petit, that is, trial juries. However, in order to succeed on such a claim there must be specific evidence of discriminatory exclusion. Evidence that there were no Black jurors on the jury is not sufficient evidence of affirmative exclusion.

Impact of the ruling

Jutstice Harlan, writing for the Court, holds that evidence of discriminatory impact—the absence of Black people on the jury—is not enough to violate the Fourteenth Amendment. The Court rejects the idea that there is a right to have people of the same race of the defendant on a trial jury. Furthermore, where the State provides evidence rebutting the inference of affirmative exclusion, then the defendant must provide evidence, including witnesses, establishing a state practice of excluding Black jurors.

Thomas v. State of Texas, 212 U.S. 278

Thomas v. State of Texas

Summary of Facts and Issues

Whether Texas jury commissioners excluded of jurors from grand and petit juries on the basis of their race is a question of fact and not subject to appellate review by the United States Supreme Court.

Impact of the ruling

The court reaffirmed that there is no right to a grand or petit jury that includes people of the defendant's race, and that there must be some evidence that the commissioners engaged in affirmative discriminatory acts. It is not enough to show a Fourteenth Amendment violation that, in the criminal trial of a Black person, the trial jury ends up with no Black jurors.

Franklin v. State of South Carolina, 218 U.S. 161

Franklin v. State of South Carolina

Summary of Facts and Issues

The Court held that a state's action to revise its constitution to create new criteria for impaneling grand and petit jurors does not violate the Fourteenth Amendment, even if the effect is to render different groups of people eligible for jury service under the different constitutions. The Fourteenth Amendment requires showing of racial discrimination, not just different group participation. In addition, using moral character as a criterion, absent a showing of racial discrimination, does not violate the Fourteenth Amendment prohibition on racial discrimination.

Impact of the ruling

The State of South Carolina extended broad suffrage under its 1868 Constitution, enacted during the post-slavery-era Reconstruction period. The State then changed its Constitution in 1895, at the beginning of the Segregation era. That change excluded people who were previously eligible to serve on grand juries, disproportionately impacting Black people. The Court decided that, because the 1895 Constitution was facially neutral, it did not violate the Fourteenth Amendment. Furthermore, a requirement that a juror have good moral character did not discriminate on the basis of race.

Moore v. Dempsey, 261 U.S. 86

Elaine, Arkansas Massacre murder case

Summary of Facts and Issues

A state violates the Fourteenth Amendment's Due Process Clause if a trial is so dominated by a mob that the whole process conducted by its officers, including prosecutor and judge, is a sham and so absolutely void.

On the night of September 30, 1919, a group of white men attacked and fired upon some Black people in a church, likely for engaging in attempts to form a farmers trade union; when the Black people shot back, a white person was killed. This even triggered one of the worst race massacres of the 20th Century, which the Court refers to as "the hunting down and shooting of many negroes," along with the murder of a white man. The Arkansas Governor appointed a committee to investigate the incident; they identified and indicted five Black men. In return for staving off a lynch mob at the trial, the Governor's committee permitted the trial to proceed on condition that it return a guilty verdict; when Black witnesses proposed to testify as to the innocence of the defendants, they were whipped and forced to provide the testimony sought by the prosecution.

Impact of the ruling

The court held that, if the facts were true, then the trial was dominated by the mob so that the "the whole proceeding is a mask—that counsel, jury and judge were swept to the fatal end by an irresistible wave of public passion." Because the trial was a sham, it violated the Fifth Amendment's Due Process Clause, which ensures that the procedure used to convict the defendant satisfies the demands of justice. The Court stated that the State Court's and federal district court's failure to provide a remedy was unlawful.

Hollins v. State of Okl., 295 U.S. 394

Hollins v. State of Okl.

Summary of Facts and Issues

Where a county had excluded Black people from jury service over a long period of time, then that exclusion violates the Fourteenth Amendment of the Constitution.

Impact of the ruling

The Court's very short opinion reversed the lower courts' decisions upholding the conviction of a Black person charged with rape by an all-white jury in a county that had excluded Black people from jury service for many years. The Court stated that the lower courts were overruled based on the Court's decision in *Norris v. Alabama*, decided the prior month.

Norris v. State of Alabama, 294 U.S. 587

Scottsboro Boys Case

Summary of Facts and Issues

Excluding Black people from jury service solely on the basis of their race violates the Fourteenth Amendment of the Constitution (citing *Strauder v. West Virginia*). Uncontradicted testimony from

witnesses and officials that no Black person had served on a trial jury in living memory, along with other evidence of the jury commission's practice, was sufficient to establish a prima facie case for exclusion and merely general testimony from three commissioners that they properly performed their duties was insufficient to rebut the prima facie of longstanding discrimination.

Impact of the ruling

After the Court decided *Powell v. Alabama*, the trial of seven Black youths for rape was remanded to a trial court, where an all-white jury again convicted the defendants. Excluding Black people from jury service to create whites-only juries violates the Fourteenth Amendment of the Constitution. At a hearing to determine whether the jury commissioners had excluded Black jurors from being placed on the list of people eligible to be called for service (the jury roll) and from the pool of people from which trial jurors are selected (the "venire") as well as the trial jury (the "petit" jury), lay witnesses and court officials testified that no Black person had served on a trial jury in living memory. Testimony showed that there were qualified Black jurors in the County and that federal trials selected Black jurors. Further evidence showed that the jury roll usually failed to include any Black people, and had been tampered with to include six Black jurors in advance of the trial court's hearing on the issue. All of this evidence was sufficient to create a rebuttable presumption (a "prima facie case") that the practice of the jury commission was to exclude Black jurors from jury service at trial. The generalized testimony of the jury commissioners that they had properly performed their duties was insufficient to rebut this presumption, and neither was a generalized attempt to disparage the moral character of the Black residents of the County in the face of particularized testimony to the contrary.

Hale v. Commonwealth of Kentucky, 303 U.S. 613

Hale v. Commonwealth of Kentucky

Summary of Facts and Issues

Uncontroverted affidavits showing history of exclusion of Black jurors, solely on the basis of their race, from petit jury service were sufficient to establish a violation of the Fourteenth Amendment Equal Protection Clause.

Impact of the ruling

An all-white jury imposed the death penalty on a Black defendant charged with murder. In an unsigned decision of the whole court ("per curiam") this brief decision identified a Fourteenth Amendment Equal Protection violation based on evidence that no Black person had been appointed to a trial jury in 30 years, despite a sizeable presence of Black people in the county, some of whom served on federal trial juries.

Pierre v. State of La., 306 U.S. 354

Pierre v. State of La.

Summary of Facts and Issues

Trial court erred in failing to quash the conviction of criminal defendant charged with murder due to discrimination in the selection of the grand jury. Where the same general venire furnished both grand and petit juries and the trial court quashed the petit jury on grounds of racial discrimination in jury selection, then the grand jury that indicted defendant ought to have been quashed as well under the Fourteenth Amendment Equal Protection Clause. Uncontradicted evidence demonstrating (1) that the process by which commissioners selected the venire discriminated against Black people, and (2) no Black person had served on the grand jury in living memory was sufficient to establish Fourteenth Amendment violation.

Impact of the ruling

Uncontradicted evidence established that Louisiana parish jury commissioners systematically excluded Black people from the group of jurors (the venire) from which both grand and trial (petit) jurors were selected. Accordingly, when a trial judge rejected ("quashed") a criminal defendant's trial jury because the venire group of jurors was selected in a racially discriminatory manner, then that judge should also have granted defendant's motion to quash the grand jury which returned the criminal indictment charging him of a crime. The commissioners had also engaged in a process whereby, even when there were Black jurors in the venire, they produced an additional roll of all-white jurors, put them at the top of the list, and then selected the "first" jurors from this new list. The selection process, backed by uncontradicted testimony from other witnesses, demonstrated that the parish commissioners had engaged in longstanding systemic exclusion of Black people from the jury.

Smith v. State of Texas, 311 U.S. 128

Smith v. State of Texas

Summary of Facts and Issues

Reversing the conviction for rape of a criminal defendant because the process by which county commissioners selecting the grand jury overwhelmingly excluded Black people over a seven year period. Whether the process of exclusion was "ingenious or ingenuous," that is, deliberate or accidental, any process resulting in systematic discrimination on the basis of race violates the Fourteenth Amendment.

Impact of the ruling

An all-white grand jury indicted a Black defendant for the crime of rape and he was convicted by an all-white jury at trial. The county commissioners charged with selecting the jury pool adopted a process that produced only three Black jurors in the pool over a seven year period from a potential pool of 3,000-6,000. The process of selection was potentially neutral; however it depended upon the commissioners personally knowing the jurors. One commissioner testified he knew no Black people at all; another than he knew none who were qualified. The Court held that even though this process could potentially be applied in a race-neutral manner, where "discrimination...[is] accomplished ingeniously or ingenuously, the conviction cannot stand." In other words, whether the commissioners discriminated

intentionally or unintentionally, they could not not systematically exclude Black people from the jury in violation of the Fourteenth Amendment's Equal Protection Clause.

325 U.S. 398

Akins v. State of Tex.

Summary of Facts and Issues

The Fourteenth Amendment's prohibition against racial discrimination in the government's selection of a grand jury does not require proportionate representation of the races and requires a plaintiff to prove purposeful discrimination through systematic exclusion of people of color or intentional discrimination.

Impact of the ruling

In this case, the State of Texas used a process whereby grand jury selectors interviewed candidates for the grand jury not known to them. Three commissioners admitted that they planned to seat only one Black grand juror out of twelve. The Supreme Court held that seating one grand juror without clear evidence of systematic or intentional discrimination was sufficient to dispel any implication of racial discrimination. However, the Court's claim that the evidence was contradictory seems unsupported by the Courts discussion; in dissent, Justice Murphy notes that the evidence of an intention to discrimination "could not be clearer." The result is to provide a process by which jury selectors can insulate grand juries from charges of racial discrimination by ensuring the jury has a disproportionate minority of Black grand jurors.

332 U.S. 463

Patton v. State of Miss.

Summary of Facts and Issues

When a criminal defendant alleged a violation of the **Fourteenth Amendment's Equal Protection Clause** by showing that no Black person had served on a criminal court grand or petit jury for 30 years, the burden shifted to the government to show that Black people were not systematically excluded from the jury. In this case, the State of Mississippi failed to meet that burden.

Impact of the ruling

The State of Mississippi employed a jury selection process that among other things tied jury eligibility to voting requirements that included payment of a poll tax and satisfaction of a literacy requirement. That selection process resulted in the State excluding Black people from the county grand jury (which determines whether to bring criminal charges) and petit jury (which is the name of the jury that presides over a criminal trial) for 30 years. The Court held that the uncontradicted evidence that the jury selection process failed to seat a Black juror in over 30 years was strong evidence that the selection process violated the Fourteenth Amendment to the U.S. Constitution's Equal Protection Clause, which prohibits racial discrimination by the state. The case is on in a long line of cases alleging discrimination in the jury selection process. However, the piecemeal litigation of each case suggests that the process of

discrimination is ongoing and remedied only episodically and in individual cases by the Court under its equal protection jurisprudence.

333 U.S. 565

Moore v. People of State of N.Y.

Summary of Facts and Issues

The United States Supreme Court held that the absence of any qualified Black jurors on a county's criminal trial jury using New York State's "blue ribbon" jury panel selection method did not result from systematic or intentional discrimination in violation of the Fourteenth Amendment's Equal Protection Clause.

Impact of the ruling

This case presented a similar issue to *Fay v. People of State of N.Y.*, 332 U.S. 261 (1947) (discussed elsewhere in this bibliography) in which New York State used what it called a "blue ribbon" jury selection process for people to serve as jurors for criminal trials. That process required jury commissioners to select the "best" citizens to serve on the jury from a wider panel. However, that process excluded qualified Black people from the jury over at least a nine year period. Nonetheless, the Court refused to find that this process resulted from intentional discrimination nor that it violated the Fourteenth Amendment's prohibition on systematically excluding jurors from the grand jury. A spirited dissent noted that the panel had a racially disparate impact and made suspect the sentences rendered by these exclusively white juries, especially against Black defendants.

339 U.S. 282

Cassell v. State of Tex.

Summary of Facts and Issues

Declaring the proportional limitation of Black people to jury service invalid under section 4 of the **Civil Rights Act of 1875**, codified in 18 USC §243.

Impact of the ruling

The state of Texas sought to respond to the Supreme Court's decision in *Akins v. State of Texas*, 325 U.S. 398 (1945) discussed elsewhere in this bibliography, by limiting the proportion of Black people on trial juries to 1 person per jury. This limitation was a way of undermining the random selection of juries on the basis of race, while complying with the Court's prohibition on racial discrimination in jury selection. The result was to ensure white domination of juries by capping the number of Black people that could serve.

341 U.S. 50

Shepherd v. State of Florida

Summary of Facts and Issues

In a one-sentence decision, the federal Supreme Court reversed the judgment of the District Court imposing the death penalty, citing only to **Cassell v. State of Texas (1950)**.

Impact of the ruling

Sometimes where the Court hears a case that covers the same issues as another one decided at roughly the same time, the Court simply refers to that other case. Here, the issue in *Shepherd* was the same as in *Cassell*, discussed elsewhere in this bibliography: discrimination in jury selection. However, a concurrence by Justice Jackson emphasized that the Court in gesturing to the denial of due process through grand jury selection (the issue in *Cassell*) ignores the facts of the case: that *Shepherd* was charged with rape and that in response a lynch mob incited by the local press burned down his mother's house and so affected the trial process—including the prosecutor referring jurors to newspaper accounts instead of presenting evidence in court—that *Shepherd* was denied due process in the manner of *Moore v. Dempsey*, 261 U.S. 86 (1923) a notorious case in which a lynch mob dominated the trial process in violation of the Fifth and Fourteenth Amendment rights to due process of law. In sweeping the mob-dominated process in Florida under the carpet, the Court was able to ignore the ways in which the criminal process remains subject to outside influence from communities determined to inflict racial violence upon Black defendants.

345 U.S. 559

Avery v. State of Ga.

Summary of Facts and Issues

The federal Supreme Court held that it was up to the State to fill the "factual vacuum" when a criminal defendant had raised a plausible 14th Amendment Equal Protection claim to racial discrimination in the jury selection process, based upon the non-selection of Black jurors for a jury panel and the use of a suspect selection practice.

Impact of the ruling

The Court held that the process of jury selection practiced by the Court to select a jury panel violated the Fourteenth Amendment's prohibition against racial discrimination. Despite the presiding judge's testimony that he did not intend to discriminate, the use of color-coded strips of paper to differentiate between Black and white prospective jurors, drawn from a box where the color was visible, along with the fact that none among the available Black jurors were selected for a 60 person panel, raised a presumption that the selection process was racially biased, and it was up to the state to dispel that inference. The case demonstrates the extent to which the practices of discrimination in jury selection persisted, in part because in none of its cases did the Court attempt to create an affirmative jurisprudence of jury selection that would mandate easily determinable non-discriminatory practices for the states to follow.

344 U.S. 443

Brown v. Allen**Summary of Facts and Issues**

In considering a petition of habeas corpus from state court, a federal district court should give no weight to a prior federal Supreme Court denial of the writ of certiorari in the same case; and that the federal district court had the power to engage in further factual enquiries to determine issues of federal law independently of the state courts' decisions.

Impact of the ruling

The writ of habeas corpus enables federal courts to take jurisdiction over state courts in criminal cases where there is a claim that the state appellate system missed some issue of federal constitutional significance rendering a conviction unsound. (The "writ" is an order by the court; and "habeas corpus" is the taking over of jurisdiction.) The nature of federal habeas jurisdiction is—and has for a long time—been controversial. *Brown v. Allen* consolidated four cases in which Black men were convicted of various capital offenses, and asserted a range of claims as to the exclusion of Black people from the jury and the extortion of confessions from the accused. The Court, however, decided a narrow issue: that when an appeal is taken from the State Supreme Court and the federal Supreme Court declines to consider the matter (in legal terms, denies a petition of certiorari), then that denial should not be given any weight by the district court in granting or denying the writ of habeas corpus. In addition, the district court has the power to hold such factual hearings as necessary to fill in any gaps in the record (developed by the state court during its trial and appellate procedure) so as to determine the constitutional issue. However, the Court rather summarily dismissed the claims presented by the four defendants in their capital cases. The case indicated the Supreme Court's willingness to grant federal jurisdiction to hear constitutional challenges to state court criminal judgments, but the opinions were so many, so long, and so convoluted that the opinion caused a fair amount of confusion.

347 U.S. 475**Hernandez v. State of Tex.****Summary of Facts and Issues**

The Court held that the State of Texas violated the Fourteenth Amendment Equal Protection Clause when its jury commissioners excluded Mexican Americans, people who formed a distinctive racial or ethnic "class," separate from the class of "white" people, and defined the relevant class as constituted by "community prejudices," which the Court recognize were changing and must be established as a matter of fact. The Court found that the process of jury selection, which excluded Mexican Americans but counted them as "white" for purposes of jury service, constituted the unconstitutional systemic exclusion of a distinctive class of people.

Impact of the ruling

Texas categorized Mexican Americans as "white" and then adopted a jury selection process that systematically excluded Mexican Americans from jury service. The State could then claim that it did not

discriminate against Mexican Americans on the basis of race because they were "white." Yet no Mexican Americans were ever seated in the jury. Hernandez is an important case recognizing that racial categories may be socially constructed by community norms, and that those norms may change over time. It reveals one of the ways in which government officials use the concept of "whiteness" to discriminate against other racial groups. However, rather than continuing to emphasize racial discrimination as characterized by community norms, the Court would continue to adopt more-or-less biological understandings of race, reprising the discussion of whiteness and race that the Court had a generation earlier in immigration and naturalization cases discussed elsewhere in this bibliography.

350 U.S. 85

Reece v. State of Ga.

Summary of Facts and Issues

Reaffirming that the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution prohibits the states from systematically excluding Black people from a grand jury, and holding that providing counsel after arraignment in a capital case violated the Fifth Amendment's Due Process Clause.

Impact of the ruling

A mentally disabled Black person charged with rape in Georgia and sentenced to death challenged the systematic exclusion of Black people from the grand jury, as well as the Court's failure to provide him with a lawyer until after his arraignment (the legal process of entering a plea in a criminal trial). The U.S. Supreme Court noted a long line of cases holding that systematic exclusion of Black people was an Equal Protection violation, and noted that the failure to provide a lawyer in a timely fashion in a capital case violated the defendant's due process rights, citing to *Powell v. Alabama*, the *Scottboro Boys Case*, discussed elsewhere in this bibliography. However, the Court's jurisprudence continued to require criminal defendants to challenge grand jury and access to counsel issues on a case-by-case, piecemeal manner, with the impact that many criminal defendants may not have the resources to raise these issues. At the very least, the Court's failure to require that the states provide a well-funded public defender system or other ombudsperson ensured that there was no systematic ability to scrutinize the state's criminal process.

389 U.S. 22

Coleman v. Alabama

Summary of Facts and Issues

Petitioner was indicted and convicted in Alabama by juries that no Black people served on. Up to the time of his trial, no Black person had ever served on a grand jury and few, if any, had served on petit juries. Based on this, there was a prima facie case for denial of equal protection under the Fourteenth Amendment. With no evidence to rebut, he was entitled to have his conviction reversed.

Impact of the ruling

Coleman was indicted and convicted in Alabama by juries that no Black people served on. Evidence showed that no Black person had ever served on a grand jury, and few, if any, had ever served on petit (trial) juries. This evidence was sufficient to prove denial of equal protection unless Alabama was able to rebut, which they provided no evidence for. Equal protection under the Fourteenth Amendment prevents the government from denying any person equal protection under the laws - in this case, this relates to being tried by a jury of ones peers. With no Black people on the juries and no evidence to rebut, Coleman was entitled to have his conviction reversed.

389 U.S. 404**Sims v. Georgia****Summary of Facts and Issues**

The trial court erred by admitting the petitioners confession. Police had detained him for over eight hours, deprived him of food, and did not allow him access to counsel. The state did not adequately rebut the claim that the confession was coerced. Confessions produced by violence or threats of violence are involuntary and cannot be used against the person giving it. Additionally, members of his own race had been excluded from the jury lists. They were drawn from the county tax digests which separate taxpayers by race, but the percentage of Black people on the tax digests were much higher than the jury lists. Underrepresentation of Black people on the jury lists violates the equal protection clause of the Fourteenth Amendment.

Impact of the ruling

Police in this case detained Sims for over eight hours without feeding him, and did not allow him access to his attorney, and obtained his confession under these conditions. Confessions produced by violence or threats of violence are involuntary and cannot be used against the person giving it. When given the opportunity, the state did not adequately rebut the claim that the confession was coerced. Additionally, Black people, members of Sims own race had been excluded from the jury lists. The lists were taken from the county tax digests, however the percentage of Black people listed on the tax digests was much higher than on the jury lists. Given the right to trial by jury of ones peers, underrepresentation of Black people on jury lists violated the equal protection clause of the Fourteenth Amendment.

385 U.S. 545**Whitus v. State of Ga.****Summary of Facts and Issues**

By Georgia law, the grand and petit jury lists were pulled from their county tax digests, which were segregated by race and chosen by court employees. Statutory evidence demonstrating sufficient impact in the black community was sufficient to show systematic exclusion from juries. The use of race in jury selection violated the equal protection clause of Fourteenth Amendment.

Impact of the ruling

Following Georgia law, grand and petit (trial) jury lists were pulled from county tax digests. They were segregated by race, and six people employed by the court were to create the jury lists with instructions to select "upright and intelligent citizens" to serve as jurors. They admitted to choosing people they knew but denied racial discrimination. Despite 27.1% of people on the tax digest being Black, only 9.1% of grand and 7.8% of petit jurists were Black. Under the equal protection clause of the Fourteenth Amendment, a conviction cannot stand if it was indicted by a grand jury or decided by a petit (trial) jury where Black people were excluded because of their race.

396 U.S. 320**Carter v. Jury Commission of Greene County****Summary of Facts and Issues**

The trial court was correct to enjoin Alabama officials from discriminatory exclusion of black people from the jury roll. The court would not be willing to enjoin the enforcement of a statute if it is not unconstitutional on its face. Instead, it may provide a relief to correct racial discrimination in a jury-selection process. Undisputed evidence demonstrated that (1) the jury rolls process discriminated against Black people; and (2) People who prepared and administered the system were white and had limited contact with the Black community.

Impact of the ruling

The numbers showed that Black people were not being selected for jury duty because of their race. Even though the majority of the county's population was Black, only 7 percent of the people on the jury list were Black. States can set requirements for jurors, like education and good judgment, but Black people who met those qualifications were not being considered for jury duty. White people in charge of selecting jurors were purposefully leaving out Black people. They did not make an effort to reach out to the Black community and instead only asked white people for names. Sometimes they got names from white public officials.

405 U.S. 625**Alexander v. Louisiana****Summary of Facts and Issues**

The court held that there was an unfair racial discrimination in the grand jury process. Of those selected to serve the grand jury, there were significantly less Black people. One Black person was included in the group of 20 people selected for the grand jury, but none of the 12 people who actually served on the jury and indicted the petitioner were Black. In addition, the state failed to adequately explained the elimination of black people during the process of selecting the grand jury.

Impact of the ruling

The commissioners collected around 5,000 questionnaires from potential grand jury members, claiming that many of them were not qualified or exempted from service. They then randomly selected 400 people from the remaining 2,000 questionnaires to serve on the grand jury. Of those selected, only 27 were Black, which was only 6.75% of the total. One Black person was included in the group of 20 people selected for the grand jury, but none of the 12 people who actually served on the jury and indicted the petitioner were Black.

407 U.S. 493

Peters v. Kiff

Summary of Facts and Issues

The court ruled that a white prisoner could challenge the state's practice of not including Black people on juries. If the prisoner's claims were found to be true, then his conviction and indictment would not be valid.

Impact of the ruling

The court's decision to allow the white prisoner to challenge the exclusion of Black people from juries is a positive development for Black people because it opens the door for a more diverse jury pool. When Black people are excluded from juries, it can lead to biases and unfair treatment in the criminal justice system. Allowing the prisoner to challenge this practice could lead to more inclusive juries that better reflect the community and reduce the potential for discrimination.

Davis v. U.S., 411 U.S. 233

Davis v. U.S.

Summary of Facts and Issues

The waiver standard set forth in Federal Rule of Criminal Procedure 12(b)(2) governs an untimely claim of grand jury discrimination, not only during the criminal proceeding, but also later on collateral review. A federal prisoner who failed to make a timely challenge to alleged unconstitutional composition of grand jury could not thereafter attack the composition of the grand jury under a federal habeas corpus proceeding. Therefore, the District Court did not abuse its discretion in denying petitioner relief from the application of the waiver provision.

Impact of the ruling

The Court found that a motion to dismiss on the basis of exclusion of qualified Black jurymen, brought three years after conviction, was rightfully denied. The Court relied on the waiver provision in Federal Rule of Criminal Procedure 12(b)(2) to conclude that a petitioner has waived their right to make such an objection because such a contention is waived unless raised by motion prior to trial. The Court in effect warrants a restrictive view and attempts to foreclose the opportunity to raise claims of unconstitutional discrimination.

409 U.S. 524**Ham v. South Carolina****Summary of Facts and Issues**

The court held that defendant's constitutional rights were violated when the judge refused to ask potential jurors if they have any racial biases against the defendant during the jury selection process.

Impact of the ruling

The court recognized the importance of addressing racial biases during the jury selection process. When potential jurors hold racial biases against a defendant, it can affect the outcome of the trial and lead to unfair treatment. Allowing the judge to inquire about potential jurors' racial biases can help ensure a fair trial for defendants, including Black defendants who are disproportionately affected by racial biases in the criminal justice system. This ruling helps to protect the constitutional rights of defendants, including Black defendants, to a fair and impartial trial.

411 U.S. 258**Tollett v. Henderson****Summary of Facts and Issues**

The court held that state prisoners cannot make a separate claim of discrimination about how the grand jury was chosen when they had already pleaded guilty with their lawyers' advices. However, they could challenge their guilty plea if they could prove that the counsels gave them bad advice before accepting the plea.

Impact of the ruling

This ruling could potentially affect black people who are state prisoners and have entered guilty pleas based on the advice of their counsel. If they believe that their counsel gave them bad advice regarding their guilty plea, they could challenge it in court. This could be relevant to black people if they believe that their counsel's advice was influenced by racial biases or if they believe that they were coerced into entering a guilty plea due to systemic discrimination in the criminal justice system.

443 U.S. 545**Rose v. Mitchell****Summary of Facts and Issues**

The court held that if someone is convicted of a crime, but it is found that the grand jury was selected based on race, then the conviction can be overturned. This is even if the trial was fair and the person was found guilty by a regular jury. People can make these claims in court, but they need to prove that there was discrimination. In this case, the people who made the claim did not provide enough evidence to prove that there was discrimination in the grand jury selection process.

Impact of the ruling

This decision affects black people in a positive way by recognizing that racial discrimination in the selection of grand juries is a valid ground for setting aside a criminal conviction, even if the defendant has already been found guilty beyond a reasonable doubt by a properly constituted petit jury. This decision affirms the importance of fair and unbiased grand juries, which are responsible for determining whether there is enough evidence to indict a person for a crime. By ensuring that grand juries are not tainted by racial discrimination, this decision helps protect the rights of black people and all other individuals who may be subject to discrimination in the criminal justice system.

Hobby v. U.S., 468 U.S. 339

Hobby v. U.S.

Summary of Facts and Issues

Discrimination in the selection of federal grand jury foremen, as distinguished from discrimination in the selection of the grand jury itself, does not warrant the reversal of the conviction of, and dismissal of the indictment against, a white male bringing a claim under the Due Process Clause.

Impact of the ruling

The majority established that the discriminatory selection of federal grand jury foremen does not have a significant impact on the due process interests of a criminal defendant, since the foreman's role is strictly ministerial and a mere formality. However, as mentioned in the dissent, the majority's decision takes a narrow view on the kinds of harm that can flow from such discrimination in the criminal justice system. By focusing exclusively on the role of the grand jury foreman, the Court limits the scope of discrimination that they will provide remedies for. Moreover, by limiting the analysis of injury to the defendant at hand, the Court fails to appreciate the effect on the community at large, especially minorities, and the jury system.

499 U.S. 400

Powers v. Ohio

Summary of Facts and Issues

Using a peremptory challenge to eliminate a prospective juror based on race violates the Equal Protection Clause, even if the defendant is not the same race as the prospective juror. The exclusion of jurors based on race undermines the integrity of the judicial system and erodes public confidence in the impartiality of the courts.

Defendants may claim a violation of the **14th Amendment's** equal protection when objecting to a prosecutor's race-based exclusion of jurors through the use of peremptory challenges during jury selection.

Impact of the ruling

Powers, a white man on trial for murder, objected when the state used peremptory challenges to remove seven Black potential jurors. Previously, courts have ruled that the State cannot exclude members of a defendant race from the jury because of their race. The question here was whether Powers, as a white man, could object to the prosecutions peremptory challenges of Black jurors. Based on the Equal Protection Clause of the Fourteenth Amendment, the court determined that a person has a right to be trial by a jury which was selected by nondiscriminatory criteria. Jurors cannot be stricken solely because of their race. Given that the jury acts as a check against wrongful exercise of power, racial discrimination in its selection process damages the public's trust in it.

Prosecution is prohibited from excluding an unbiased and qualified juror based on the person's race regardless of the race of the defendant. This was aimed at helping remove race prejudice from juries, but it the ruling failed to allow defendents the same opportunities. The impact is an imbalanced racial ratio between jurors and black or brown defendants who are charged and tried in much larger numbers than white people; therefore, this ruling did little to nothing to ensure juries for defendants of color are made up of people with the same racial background.

Browner v. Irvin, 169 F. 964 (C.C.N.D. Ga. 1909)

Browner v. Irvin

Summary of Facts and Issues

"Persons of African descent have the same, but no greater, rights than other citizens in the state where they make their home; the rights and privileges protected from infringement by Rev.St. § 1979 (U.S.Comp.St.1901, p. 1262), and the infringement of which creates a cause of action for damages, being common to all citizens. Federal courts have no jurisdiction of a suit for damages by a citizen of African descent against an Anglo-Saxon of the same state for unlawful assault under color of executive authority."

Impact of the ruling

Black people only have "equal" rights with white people means that there is no equity to allow Black folks to be on the same social terrain as whites. Help to Black folks (equity) is legally understood as an unfair advantage.

Limits when Black folks can get help from federal courts due to greater civil rights protection but leaves rights protection to states.

VI. The Civil Rights Cases

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