**MT 3, LT 3 - Civil Rights Cases**

**Case #1** **– *Plessy v. Ferguson***

After the Civil War, three new amendments were added to the Constitution. The 13th Amendment abolished slavery. The 14th Amendment guaranteed equal rights to all citizens of the United States and equal protection for those rights. The 15th Amendment protected the right of African Americans to vote. Despite the 14th Amendment, many southern states passed laws that tried to separate, or segregate, blacks and whites. In 1890, the state of Louisiana passed a law that required separate seating for blacks and whites on railroads. A group of black citizens in New Orleans formed an organization called the Committee of Citizens to try and repeal the law. One member of the group, Homer Plessy, decided to test the law. On June 7, 1892, Plessy boarded a train of the East Louisiana Railroad and took a seat in the whites-only railway car. The conductor of the train asked him to move to the blacks-only car. When Plessy refused, he was arrested immediately and put on trial. He was convicted and sentenced to pay a $25 fine.

Homer Plessy appealed his conviction to the Louisiana Supreme Court. Plessy argued that segregated trains denied him his right to equal treatment under the 14th Amendment. The state of Louisiana, however, argued that they had the right to regulate railroad companies as long as they operated within state boundaries. Plessy next appealed his case to the Supreme Court. The Supreme Court ruled against Plessy in a 7 to 1 decision. The Court ruled that the Louisiana law did not violate Plessy’s 14th Amendment rights since it did not imply any inferiority of blacks. The Court ruled that states could require separate facilities for blacks and whites as long as they were equal. This became known as the “separate but equal” principle.

As a result of this case, many states began passing even more restrictive segregation laws. In many states, there were separate parks, restaurants, and hotels for blacks and whites. Black and white students had to attend separate schools. Many cities had segregated seating on city busses and park benches. Despite what the law said, facilities for blacks and whites were rarely equal. White schools, for example, received far more money and equipment than black schools.

**Case #2 – *Brown v. Board of Education of Topeka Kansas***

After the Court’s ruling in Plessy v. Ferguson, many school districts in the South and other states were segregated. This meant that white children and black children had to attend separate schools. One school district that was segregated like this was in Topeka, Kansas. In many cases, this meant that black parents had to enroll their students in schools that were farther away than the nearest “white” school. It also meant they had to send their children to schools that were of inferior quality. Schools for blacks received less funding, had older textbooks and equipment, and the teachers were paid less. One group that fought against this kind of segregation was the NAACP. In the fall of 1951, the NAACP convinced several African-American parents in Topeka, Kansas to try to enroll their children in the nearest “whites only” schools. One of these parents was Oliver Brown who tried to enroll his daughter Linda at a neighborhood school that was only seven blocks from her house. When the schools refused to admit the black students, the NAACP sued the school district. They believed that segregation laws violated the equal protection guaranteed by the 14th Amendment. Specifically, they believed that black students were being denied an equal education. The case was eventually appealed to the Supreme Court in 1954.

The lawyers for the Topeka Board of Education basically argued that the Plessy decision had already upheld the legality of segregation as long as facilities were equal. The lawyer who argued the case on behalf of the parents and the NAACP was Thurgood Marshall, an African-American lawyer who would later go on to be the first black Supreme Court Justice. Marshall argued that segregated schools were rarely “equal” since black schools were of inferior quality. He also argued that being forced to attend separate schools made black children feel inferior to white children, which affected their education and development. The Supreme Court agreed. The Court voted 9 to 0 in favor of Brown and the other parents. The Chief Justice wrote that “in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

As a result of this case, the decision made in Plessy v. Ferguson was overturned. It was decided that segregation did violate a citizen’s right to equal protection of the law as guaranteed by the 14th Amendment. After this decision, all public schools in the United States had to integrate. Children of all races would attend the same schools together. The case also helped to end segregation in other areas such as public facilities, state colleges, and government jobs.

**Case #3 – *Miranda v. Arizona***

In March 1966, Ernesto Arturo Miranda was arrested on suspicion of kidnapping and raping an 18-year old woman. Police officers interrogated Miranda for two hours. Miranda then signed a confession to the charge of rape. His typed confession included the statement that “I make this statement voluntarily…with no threats against me…and with full knowledge of my legal rights.” However, the police never told Miranda that he had the right to a lawyer. They also never told him he had the right to remain silent or that his statements would be used against him at trial. At the trial, prosecutors offered Miranda’s written confession as evidence. Miranda was convicted of kidnapping and rape and sentenced to 20 to 30 years in prison. Miranda’s trial lawyer later appealed the case to the Supreme Court. Miranda’s lawyer argued that Miranda’s 5th Amendment protection from self-incrimination had been violated by the police. He argued that a suspect needed to be advised of their rights before being questioned or making a confession. He also argued that suspects with poor educations and other limitations might not be aware of all of their rights. Lawyers for the state of Arizona argued that forcing police to advise suspects of their rights would make it more difficult to prosecute dangerous criminals.

The Supreme Court ruled in favor of Miranda. The Court ruled that no confession could be made by a suspect unless they had first been advised of their rights. Specifically, the court said that a suspect had to be clearly informed that: 1) they have the right to remain silent; 2) anything they say will be used against them in court; 3) they have the right to speak to a lawyer and have a lawyer present during questioning; and 4) if they cannot afford a lawyer, one will be appointed for them. The Court also ruled that once an individual says they wish to remain silent, questioning by the police has to stop. Also, once an individual says they want a lawyer, the police have to stop questioning until the lawyer arrives.

As a result of this decision, police must now inform a suspect they have in custody of these rights before asking them any questions. This is sometimes referred to as issuing the Miranda Warning or simply as “Mirandizing” a suspect. Also, if the police fail to issue a Miranda Warning, any confessions or statements the suspect makes during questioning cannot be used against them at trial. This is known as the “exclusionary rule” because such incriminating statements are excluded at trial.

**Case #4: *Regents of the University of California v. Bakke***

In the 1960s, many organizations established programs, called affirmative action, that were intended to improve opportunities for minority groups. These groups included African-Americans, Hispanic-Americans, Asian-Americans, and other groups that had faced discrimination in the past. Universities and colleges, for example, set aside a certain number of places for minorities when they admitted new students. In 1973, the Medical School of the University of California at Davis admitted 16 minority students through this special admissions process. This group of minority students had much lower college aptitude scores than other students who had been rejected. Alan Bakke, a white student, was among those who were rejected, even though his scores were much higher than those who had been accepted. After being rejected, Bakke sued the Regents (the university’s governing board) for a place at the medical school. He eventually appealed the case to the U.S. Supreme Court, claiming that the university’s affirmative action policies violated the equal protection clause of the 14th Amendment.

In the case, the University of California argued that affirmative action was necessary to give minority students a chance to attend college. They pointed out that until the 1950s, African-Americans had to attend inferior segregated schools and did not receive the same educational opportunities as whites. The special admissions policy was intended to “level the playing field” for all races. Lawyers for Bakke, however, argued that the 14th Amendment was intended to apply to all citizens regardless of color. Although minorities had been discriminated against, it was not fair to punish non-minority students for what had happened in the past. His lawyers described affirmative action as “reverse discrimination.”

In its ruling, the Court decided that the university’s special admissions program for minorities did violate the equal protection clause of the 14th Amendment. The Court ruled that schools could not set up a separate admissions system just for minorities. However, the Court did decide that a university could consider race in admitting students in order to correct past discrimination and achieve a more diverse student body. However, race could not be the only factor when deciding who was admitted. As a result of this decision, schools could not reserve a quota, or fixed number of admissions slots, for minority students.

**Case #5 – *Adarand Constructors, Inc. v. Pena***

The Department of Transportation is the part of the federal government responsible for building new roads. In the 1990s, the Department of Transportation had an affirmative action program that awarded contracts to build new roads to businesses owned by “socially and economically disadvantaged individuals”. In other words, the policy would award contracts to build new roads to companies owned by African Americans, Hispanic Americans, Native Americans, and other minority groups that had been discriminated against in the past. In 1995, a company called Adarand Constructors put in a bid to build a new federal highway in Colorado. Even though Adarand Constructors put in the lowest bid, the contract was awarded to Gonzalez Construction Company. Gonzalez Construction was a minority owned business while Adarand was not minority owned. The contract was awarded to Gonzalez Construction because of the Department of Transportation’s affirmative action policy.

Adarand sued Secretary of Transportation Federico Pena and the Department of Transportation claiming that his 5th Amendment rights to due process and equal protection were being violated by the affirmative action policy. Adarand argued that using race as a factor in awarding federal contracts violated the guarantee of equal treatment under the law. The Department of Transportation argued that racial discrimination had limited some groups’ access to federal construction contracts. Affirmative action policies tried to remedy that past discrimination.

In a close 5-4 decision, the Supreme Court ruled that the DOTs affirmative action program did violate the 5th Amendment guarantees of due process and equal treatment. The court decided that affirmative action programs must meet certain criteria: 1) It must be based on proven discrimination in the past; and 2) It must be “narrowly tailored” to remedy such discrimination. As a result of this decision, the DOT had to change its affirmative action policies. It could not award contracts to a company just because that company was owned by a minority group.

**Case #6 – *U.S. v. Virginia***

In 1990, a female Virginia high school senior applied to the Virginia Military Institute. The Virginia Military Institute was an all-male, state funded military academy that used a rigorous and difficult training program to prepare young men to be soldiers. When VMI rejected the young woman’s application because she was female, she sued the academy in state court. Virginia then decided to create a military training academy for women called the Virginia Institute for Leadership (VWIL), rather than admit women to VMI. Still not satisfied, the young woman appealed the decision to the U.S. Supreme Court. She based her appeal on the 14th Amendment’s guarantee of equal protection of the laws. This included protection from discrimination based on sex.

Lawyers for the young woman argued that VMI’s admissions policy violated the Equal Protection Clause because it was based on gender stereotypes, not real differences between men and women. They also argued that the VWIL was not an adequate alternative since the court had already ruled against “separate but equal” facilities. The state of Virginia argued that VMI would have to change its rigorous training methods if it was forced to admit women.

In a 7-1 decision, the court ruled that excluding women from VMI violated the Equal Protection Clause of the 14th Amendment. The court decided that Virginia had to provide the same educational opportunities for both men and women. They also rejected the claim that the Virginia Women’s Institute for Leadership could substitute for VMI. This would be similar to providing separate schools for students based on race. There was no way that VWIL could ever be considered the equal of VMI. Finally, the court noted all branches of the military, as well as federal military academies, accepted women. This did not necessarily mean that they had to change their training methods or make them less difficult to accommodate females. As a result of this decision, state funded military academies could not discriminate based on sex: they had to admit qualified female students.