



# Plessy v. Ferguson

**After the Civil War, African Americans and some others around the nation asked a question that touched on basic rights. Why, they wondered, do African Americans not receive equal treatment under the law?**

**SS.7.C.3.12** Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *In re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

### Background of the Case

In the late 1800s, many Southern states passed laws that required African Americans and whites to use separate services. The practice of separating people based on their race is called segregation.

In Louisiana, segregation laws required African American train passengers to ride in separate cars from white passengers. A group of African Americans believed this law went against the Constitution. They wanted to challenge it, hoping that the courts would agree with them and strike down the law. In 1892, they asked an African American named Homer Plessy to help them test the law.

Plessy was only one-eighth African American and could pass as a white person. The law, however, applied to all people of African American heritage.

Plessy boarded a train in New Orleans. He sat in a car reserved for whites. When Plessy refused to leave, he was arrested. Judge John Ferguson found Plessy guilty.

Plessy appealed to the Louisiana Supreme Court. That court said his conviction was valid. Plessy then appealed that decision to the United States Supreme Court.

### The Decision

Plessy's lawyer argued that the Constitution guaranteed that all Americans would receive equal treatment under the law. He said that the Louisiana law went against the Constitution by treating Plessy differently.

In a 7-1 vote, the Court ruled that separate facilities for blacks and whites were not



Segregated entryway to a restaurant, 1948

unconstitutional, as long as the facilities were of equal quality.

Justice Henry Brown wrote the Court's decision. He wrote, "A legal distinction [difference] between the white and colored races . . . has no tendency to destroy the legal equality of the two races." Justice John Marshall Harlan disagreed. His dissenting opinion said, "Our Constitution is color-blind. . . . In respect of civil rights, all citizens are equal before the law."

### Why It Matters

The *Plessy* decision said that segregation laws were legal. As a result, these laws continued for many years. In 1954, the ruling in *Brown v. Board of Education* finally helped to end segregation in the United States.

### Analyzing the Case

- Summarizing** What did people hope to gain by challenging the railway-car law?
- Explaining** Why did the Supreme Court rule against Plessy?
- Drawing Conclusions** What effect do you think the *Plessy* decision had on towns and cities across the nation?



## Landmark Supreme Court Cases

### *Brown v. Board of Education of Topeka, Kansas*

***In the 1950s, African Americans challenged the “separate but equal” principle that supported segregation in public schools.***

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#### Background of the Case

In 1950 in Topeka, Kansas, Oliver Brown wanted to send his eight-year-old daughter to a nearby elementary school. Because of segregation laws, Linda Brown could not go to that school. That school was for white students only. Linda was African American. Instead, she had to attend school farther from home. Since the late 1800s, courts had seen segregation as lawful as long as blacks and whites were treated equally. Brown and some other African American parents challenged this idea of “separate but equal.” With the help of the National Association for the Advancement of Colored People (NAACP), a civil rights group, they sued Topeka’s board of education.

#### The Decision

The Supreme Court ruled that school segregation violated the Fourteenth Amendment. That amendment said all people should have equal protection under the law. In its decision, the Court said that segregated schools were not equal. Chief Justice Earl Warren ended the opinion thusly:

*“In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.*

*We come then to the question presented: Does segregation of children in public schools solely on the basis of race . . . deprive [deny] the children of the minority group of equal educational opportunities? We believe that it does.”*

—Chief Justice Earl Warren



Linda Brown

#### Why It Matters

The Supreme Court’s decision in *Brown v. Board of Education of Topeka, Kansas* applied only to segregation in schools. Even so, it struck down the concept at the core of segregation laws that applied in other areas: separate but equal. The road to actual desegregation was long and hard. The *Brown v. Board of Education of Topeka, Kansas* decision, however, is widely seen as the first step along the path to full desegregation.

#### Analyzing the Case

- Identifying the Main Idea** How did school segregation violate the Fourteenth Amendment?
- Explaining** Why is desegregation important to education?



# Gideon v. Wainwright

*Today we take for granted that every defendant, rich or poor, will have a lawyer. But this was not always true. It took an inmate's appeal to the U.S. Supreme Court to ensure this right for all Americans.*

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### Background of the Case

The Sixth Amendment to the Constitution says that a person accused of a crime has the right to “the assistance of counsel [a lawyer] for his defence.” What if a defendant is too poor to afford a lawyer? In 1938, the Supreme Court had ruled that in federal trials, the government had to provide a defense lawyer for those defendants. Just four years later, however, the Supreme Court refused to apply this right to cases in state courts. The Court said each state could make its own rules.

In 1961, Clarence Earl Gideon was arrested for breaking into a pool hall in Florida. Gideon could not afford a lawyer. At his trial, he asked the judge to name one for him. The judge refused. The judge was following Florida law. It required the state to provide lawyers only in death penalty cases. Since Gideon did not face the death penalty, that rule did not apply.

Gideon was not well educated and had no training in the law. He did not do a good job of defending himself at his trial. He was found guilty and sentenced to five years in prison.

From his cell, Gideon handwrote an appeal to the U.S. Supreme Court. In it, he argued that a person's Sixth Amendment right to an attorney should not depend on being able to afford one. The Court agreed to hear the appeal.

### The Decision

In March 1963, the Supreme Court issued its ruling in *Gideon v. Wainwright*. (Louie Wainwright was the head of Florida state prisons.) All nine justices agreed. Justice Hugo Black was the author of the Court's decision.



Clarence Earl Gideon

*“[A]ny person haled [forced] into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.”*

Justice Black went on to explain how important lawyers are:

*“That government hires lawyers to prosecute, and defendants who have money hire lawyers to defend are the strongest indications . . . that lawyers in criminal courts are necessities, not luxuries.”*

The Court ordered that Gideon be tried again, this time with a lawyer appointed to help him. In the second trial, Gideon was acquitted.

### Why It Matters

As a result of *Gideon*, states had to provide poor defendants with a lawyer in all cases. Robert F. Kennedy, who had been attorney general of the United States, once summed up the importance of the case. Because Clarence Earl Gideon wrote his letter to the Supreme Court, Kennedy said, “the whole course of American legal history has been changed.”

### Analyzing the Case

- Identifying** What protection did the *Gideon* case guarantee?
- Evaluating** Do you agree with Robert F. Kennedy's view of the case? Why or why not?



# Miranda v. Arizona

**The *Miranda* decision strengthened the rights of people accused of crimes and dramatically impacted police procedure for dealing with those in their custody.**

### Background of the Case

Starting at a young age, Ernesto Miranda made a career out of car theft, armed robbery, assault, and other serious offenses. In 1963 he was arrested in Arizona on suspicion of armed robbery. While in police custody, he confessed to the robbery, as well as to kidnapping and rape. His written confession included a preprinted statement. The statement indicated that he knew of his right to remain silent. At trial, Miranda's signed confession convinced the jury that he was guilty.

Miranda appealed the decision. His lawyer argued that Miranda was unaware of his right against self-incrimination and his right to have a lawyer present during interrogation. The lawyer also claimed that Miranda was tricked into confession. He asked that the confession obtained while in police custody be inadmissible, or not used as evidence in court.

### The Decision

The Supreme Court ruled in Miranda's favor. The Court based its decision on several factors. It noted that police interrogations by their very nature put severe emotional pressure on a suspect. Without support of counsel and a full understanding of their rights, suspects can be pressured and tricked into making incriminating statements. The Court also held that individuals cannot fully practice their Fifth Amendment rights if they do not understand the consequences of waiving those rights.

The Court outlined a set of procedures police must follow in order to ensure that individuals can exercise their Fifth

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Ernesto Miranda (right) speaks with his attorney.

Amendment rights. It held that unless these procedures are followed, the state cannot prove that a suspect was aware of his or her rights.

### Why It Matters

The *Miranda* decision caused a major change in police procedure. When police question individuals in their custody, they must first fully inform them of their Fifth Amendment rights. This procedure is known as the *Miranda Warnings*. The Court instructed the police to inform individuals in their custody that

1. they have the right to remain silent.
2. anything they say can be used against them in court.
3. they have the right to consult with a lawyer and to have the lawyer present during interrogation.
4. if they cannot afford a lawyer, one will be appointed to represent them.

### Analyzing the Case

1. **Identifying the Main Idea** On what basis did Miranda appeal his conviction?
2. **Inferring** Why do you think it is important for individuals in police custody to have a lawyer present during questioning?



## In re Gault

**In the case in re Gault, the Supreme Court considered whether the way a juvenile defendant was treated violated his constitutional right to due process.**

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### Background of the Case

Over time, states developed a separate court system for juveniles—people under 18 years old. The system did not follow normal procedures in criminal law. Instead, some rules were changed to protect young people. Other rules were designed to move cases involving young people quickly.

Gerald Gault was arrested early in 1964 and put on probation. If a person on probation commits another crime, the punishment is usually harsher. During his probation, Gault, then 15, was arrested again. At two different hearings, he was not given a lawyer. He confessed to the crime, though he was never told of his right not to respond to questioning. The court sentenced him to six years in a state youth detention center. For the same crime, an adult would have been sentenced to no more than a \$50 fine and two months in jail.

Gault's parents appealed to the U.S. Supreme Court. They said that because officials took Gault's confession without telling him of his right to a lawyer, his due process rights, guaranteed by the Fourteenth Amendment, had been violated.

### The Decision

In an 8–1 decision, the Court ruled that the procedures the state used violated Gault's due process rights. The justices said that officials failed to follow due process by not telling Gault's parents of his hearing and not telling Gault he had the right to a lawyer. Another due process failure was not telling Gault of his right to remain silent. That right protects a person accused of a crime from



A juvenile defendant and his attorney

making statements that could be used against him in a court of law. The Court said that the state cannot ignore the rights of juveniles. Justice Abe Fortas wrote:

*“[T]he question is whether . . . an admission by the juvenile may be used against him in the absence of clear . . . evidence that the admission was made with knowledge that he was not obliged to speak and would not be penalized for remaining silent. . . . We conclude that the constitutional privilege against self-incrimination is applicable in the case of juveniles as it is with respect to adults.”*

—Justice Abe Fortas, *In re Gault*, 1967

### Why It Matters

The decision extended due process protection to juveniles. Juvenile courts still struggle to balance juveniles' rights with the desire to treat them differently from adults in order to protect them.

### Analyzing the Case

- Comparing** Explain the differences in how the police would have treated Gault if he were an adult and not a juvenile offender.
- Evaluating** Does the Court's decision make it impossible to treat juvenile and adult cases differently? Why or why not?



# Tinker v. Des Moines School District

**Public school officials set standards of behavior that students are expected to follow. Does this arrangement leave students with any rights? Sometimes the Supreme Court must decide.**

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### Background of the Case

One night in December 1965, a group of public school students, led by high school sophomores Christopher Eckhardt and John Tinker and eighth-grader Mary Beth Tinker, wore black armbands to protest the Vietnam War. As other students joined the armband protest, principals and members of the school board met the growing protest with a ban on armbands—to prevent “disturbing influences” at school.

On December 16, 1965, Christopher, John, and Mary Beth were suspended for wearing their armbands to school. Their parents protested the suspensions in federal court. They contended that the students’ First Amendment right of free speech had been violated.

### The Decision

On February 24, 1969, the United States Supreme Court in a 7–2 decision declared the school suspensions unconstitutional. Justice Abe Fortas, who wrote the majority opinion, first established that the students’ action was “akin [similar] to pure speech.” Even though their protest involved no speaking, he argued, it deserved “protection under the First Amendment.” In the key passage of the opinion, Justice Fortas wrote:

*“It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”*



Mary Beth and John Tinker

PHOTO BY AP/WIDEWORLD

### Why It Matters

Supporters of the young protesters saluted the Court decision that “students are entitled to freedom of expression of their views.” Critics who opposed the wearing of the armbands predicted harmful consequences.

Justice Hugo Black dissented from the majority opinion. He suggested that the Court’s decision was “the beginning of a new revolutionary era of permissiveness in this country fostered by the judiciary.” He argued that no one has a complete right to freedom of speech and expression.

Later decisions, such as *Bethel School District v. Fraser* (1986) and *Hazelwood School District v. Kuhlmeier* (1988), narrowed students’ First Amendment rights. These rulings by their nature also expanded the authority of school officials.

### Analyzing the Case

- Explaining** Why did the students’ lawyers argue that wearing the armbands was protected by the First Amendment?
- Inferring** How did Justice Fortas’s concept of “pure speech” extend First Amendment free-speech rights?



# Hazelwood School District v. Kuhlmeier

**The Supreme Court's 1969 ruling in *Tinker v. Des Moines* found that public school students had a First Amendment right to freedom of speech in the school. Did those rights extend to freedom of the press?**

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### Background of the Case

Hazelwood East High School, near St. Louis, Missouri, had a school newspaper for students in its journalism classes. Before each issue, Principal Robert Reynolds reviewed the pages. While looking over an issue, Reynolds objected to two articles. One article was about three students who were pregnant. The other talked about one student's experience with parents who were getting a divorce. No students' names were used in the articles. Nevertheless, Reynolds felt readers could easily identify who the students were. For that reason, he canceled the two pages on which those articles appeared.

Kathy Kuhlmeier and two other students who worked on the newspaper did not like this decision. They sued the school. They claimed that their First Amendment rights to freedom of the press had been denied.

### The Decision

Relying on the Supreme Court's decision in *Tinker v. Des Moines*, a lower court ruled in favor of the students. The school appealed the case to the Supreme Court. On January 8, 1988, the Supreme Court reversed this ruling. The Court drew a sharp line between individual expression—which it supported in *Tinker*—and the content of a school newspaper. Justice Byron R. White wrote:

“A school must be able to set high standards for the student speech that is disseminated [distributed] under its [sponsorship] . . . and may refuse to disseminate student speech that does not meet those standards.”



Teachers serve as advisers to the students who work on school newspapers.

### Why It Matters

The *Hazelwood* decision did not, of course, take away all First Amendment rights from school newspapers. Nevertheless, supporters of free speech and student interest groups said that the *Hazelwood* decision meant censorship. The Student Press Law Center reports that a number of schools, fearing lawsuits, have done away with student newspapers. Following this decision, some schools have even blocked the publication of student yearbooks. Others have moved to stop stage performances or to censor the content of student-based Web pages.

### Analyzing the Case

- Analyzing** Why did the students writing for the school newspaper sue the school?
- Concluding** How do you think the *Hazelwood* decision could affect a school's responsibility to educate?