**Supreme Court Civil Rights Cases**

**Swann v. Charlotte-Mecklenburg Board of Education**

The Swann v. Charlotte-Mecklenburg Board of Education case dealt with the desegregation of schools from 1970 to 1971. In 1954, after the Brown v. Board of Education case, the court ruled that school segregation was unconstitutional. But little was being done to get rid of the racial segregation. After the Brown case in 1954, North Carolina assigned schools according to geographical location instead of race or color. The problem was that after the reassignments, African Americans still ended up in African American schools in central Charlotte as opposed to the majority white schools further outside the city.

 The NAACP sued the Charlotte Mecklenburg Board of Education on behalf of James E. Swann and other black students in Mecklenburg County. They believed the school system had violated their rights of citizenship by not allowing them to attend any public school or have public busing to the local school of their choice. The NAACP argued the changes made by the school district to desegregate did not go far enough in ending segregation as 2/3 of Africans-American students still went to schools that were 99% black.

 The Charlotte-Mecklenburg school system had previously made desegregation efforts in 1965, when they redrew school attendance zones and allowed students to choose which school they would attend. As well, the school district was already busing 30,000 students between schools. The defendants argued that desegregation was already happening in their schools and government intervention was not necessary to further it along.

**Regents of the University of California v. Bakke**

Although public universities were integrated by court decree, selective colleges and graduate programs, and the professions which stemmed from them, remained almost all white. Many African-Americans had attended inferior schools and were ill-prepared to compete in the admissions process. This was unsatisfactory to many activists of the late 1960s, who protested that given the African-American's history of discrimination and poverty, some preference should be given to minorities. Large numbers of public and private universities began [affirmative action](https://en.wikipedia.org/wiki/Affirmative_action) programs. Among these were the [University of California, Davis School of Medicine](https://en.wikipedia.org/wiki/University_of_California%2C_Davis_School_of_Medicine). The application form contained a question asking if the student wished to be considered disadvantaged, and, if so, these candidates were screened by a special committee, on which more than half the members were from minority groups. Initially, the entering class was 50 students, and eight seats were put aside for minorities; when the class size doubled in 1971, there were 16 seats which were to be filled by candidates recommended by the special committee.

Allan Bakke, a 33 year old white male, wanted to attend medical school. He had been rejected previously due to his age, but had met every other requirement. Bakke was rejected twice, in 1973 and again in 1974. However, minorities were admitted in both years with significantly lower academic scores through the special program.

Allan Bakke filed suit after learning that minority candidates with lower qualifications had been admitted to medical school under a program that reserved spaces for “disadvantaged” applicants. Bakke’s attorney argued the special programs were illegal and a violation of the [Equal Protection Clause](https://en.wikipedia.org/wiki/Equal_Protection_Clause) of the [Fourteenth Amendment to the United States Constitution](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution). The California Supreme Court ordered the school, the State-run University of California, to admit Bakke stating no applicant may be rejected because of his race, in favor of another who is less qualified, as measured by standards applied without regard to race. The university then appealed to the United States Supreme Court.

**Roe vs. Wade**

In June 1969, [Norma L. McCorvey](https://en.wikipedia.org/wiki/Norma_McCorvey) discovered she was pregnant with her third child. She returned to [Dallas, Texas](https://en.wikipedia.org/wiki/Dallas%2C_Texas), where friends advised her to assert falsely that she had been raped in order to obtain a legal abortion (with the understanding that Texas law allowed abortion in cases of rape and incest). However, this scheme failed because there was no police report documenting the alleged rape. She attempted to obtain an [illegal abortion](https://en.wikipedia.org/wiki/Unsafe_abortion#Illegal_abortion), but found that the unauthorized facility had been closed down by the police. Eventually, she was referred to attorneys [Linda Coffee](https://en.wikipedia.org/wiki/Linda_Coffee) and [Sarah Weddington](https://en.wikipedia.org/wiki/Sarah_Weddington). (McCorvey would give birth before the case was decided.)

In 1970, Coffee and Weddington filed suit in the [United States District Court for the Northern District of Texas](https://en.wikipedia.org/wiki/United_States_District_Court_for_the_Northern_District_of_Texas) on behalf of McCorvey (under the alias [Jane Roe](https://en.wikipedia.org/wiki/John_Doe)). The defendant in the case was [Dallas County District Attorney](https://en.wikipedia.org/wiki/Dallas_County_District_Attorney) [Henry Wade](https://en.wikipedia.org/wiki/Henry_Wade), who represented the State of Texas. McCorvey was no longer claiming her pregnancy was a result of rape, and later acknowledged that she had lied about having been raped. "Rape" is not mentioned in the judicial opinions in the case.

The lawyers for Roe argued Under the Bill of Rights, a woman has the right to terminate her pregnancy. It is improper for a State to deny individuals the personal, marital, familial, and sexual right to privacy. Moreover, in no case in its history has the Court declared that a fetus—a developing infant in the womb—is a person. Therefore, the fetus cannot be said to have any legal "right to life." Because it is unduly intrusive, the Texas law is unconstitutional and should be overturned.

The Lawyers for the State argued The State has a duty to protect prenatal life. Life is present at the moment of conception. The unborn are people, and as such are entitled to protection under the Constitution. The Texas law is a valid exercise of police powers reserved to the States in order to protect the health and safety of citizens, including the unborn. The law is constitutional and should be upheld.

On June 17, 1970, a three-judge panel of the District Court, consisting of Northern District of Texas Judges [Sarah T. Hughes](https://en.wikipedia.org/wiki/Sarah_T._Hughes), [William McLaughlin Taylor, Jr.](https://en.wikipedia.org/wiki/William_McLaughlin_Taylor%2C_Jr.) and [Fifth Circuit Court of Appeals](https://en.wikipedia.org/wiki/United_States_Court_of_Appeals_for_the_Fifth_Circuit) Judge [Irving Loeb Goldberg](https://en.wikipedia.org/wiki/Irving_Loeb_Goldberg), unanimously declared the Texas law unconstitutional, finding that it violated the right to privacy found in the [Ninth Amendment](https://en.wikipedia.org/wiki/Ninth_Amendment_to_the_United_States_Constitution). In addition, the court relied on Justice [Arthur Goldberg](https://en.wikipedia.org/wiki/Arthur_Goldberg)'s concurrence in [Griswold v. Connecticut](https://en.wikipedia.org/wiki/Griswold_v._Connecticut). The court, however, declined to grant an [injunction](https://en.wikipedia.org/wiki/Injunction) against enforcement of the law. The State of Texas then appealed the ruling to the Supreme Court.

**Miranda V. Arizona**

**Facts of the case**

On March 13, 1963, [Ernesto Miranda](https://en.wikipedia.org/wiki/Ernesto_Miranda) was arrested, by the [Phoenix Police Department](https://en.wikipedia.org/wiki/Phoenix_Police_Department), based on [circumstantial evidence](https://en.wikipedia.org/wiki/Circumstantial_evidence) linking him to the kidnapping and rape of an eighteen-year-old woman ten days earlier. After two hours of interrogation by police officers, Miranda signed a confession to the rape charge on forms that included the typed statement: "I do hereby swear that I make this statement voluntarily and of my own free will, with no threats, coercion, or promises of immunity, and with full knowledge of my legal rights, understanding any statement I make may be used against me.”

However, at no time was Miranda told of his right to counsel. Prior to being presented with the form on which he was asked to write out the confession he had already given orally, he was not advised of his right to remain silent, nor was he informed that his statements during the interrogation would be used against him. At trial, when prosecutors offered Miranda's written confession as evidence, his [court-appointed lawyer](https://en.wikipedia.org/wiki/Public_defender), Alvin Moore, objected that because of these facts, the confession was not truly voluntary and should be excluded. Moore's objection was overruled and based on this confession and other evidence, Miranda was convicted of rape and kidnapping. He was sentenced to 20–30 years of imprisonment on each charge, with sentences to run concurrently. Moore filed Miranda's appeal to the Arizona Supreme Court, claiming that Miranda's confession was not fully voluntary and should not have been admitted into the court proceedings. The Arizona Supreme Court affirmed the trial court's decision to admit the confession in State v. Miranda, 401 P.2d 721 (Ariz. 1965). In affirmation, the Arizona Supreme Court emphasized heavily the fact that Miranda did not specifically request an attorney.

**Gideon V. Wainwright**

**Facts of the case**

Between midnight and 8:00 a.m. on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in [Panama City](https://en.wikipedia.org/wiki/Panama_City%2C_Florida), [Florida](https://en.wikipedia.org/wiki/Florida). An unknown person broke a door, smashed a cigarette machine and a record player, and stole money from a cash register. Later that day, a witness reported that he had seen [Clarence Earl Gideon](https://en.wikipedia.org/wiki/Clarence_Earl_Gideon) in the poolroom at around 5:30 that morning, leaving with a wine bottle and money in his pockets. Based on this accusation alone, the police arrested Gideon and charged him with breaking and entering with intent to commit petty [larceny](https://en.wikipedia.org/wiki/Larceny).

Gideon appeared in court alone as he was too poor to afford counsel, whereupon the following conversation took place:

**The COURT:** Mr. Gideon, I am sorry, but I cannot appoint counsel to represent you in this case. Under the laws of the State of Florida, the only time the court can appoint counsel to represent a defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint counsel to defend you in this case.

**GIDEON:** The United States Supreme Court says I am entitled to be represented by counsel.

The Florida court declined to appoint counsel for Gideon. As a result, he was forced to act as his own counsel and conduct his own defense in court, emphasizing his innocence in the case. At the conclusion of the trial the jury returned a guilty verdict. The court sentenced Gideon to serve five years in the state prison.

From the prison cell at [Florida State Prison](https://en.wikipedia.org/wiki/Florida_State_Prison), making use of the prison library and writing in pencil on prison stationery, Gideon appealed to the United States Supreme Court in a suit against the Secretary of the [Florida Department of Corrections](https://en.wikipedia.org/wiki/Florida_Department_of_Corrections), H.G. Cochran. Cochran later retired and was replaced with [Louie L. Wainwright](https://en.wikipedia.org/wiki/Louie_L._Wainwright) before the case was heard by the Supreme Court. Gideon argued in his appeal that he had been denied counsel and, therefore, his Sixth Amendment rights, as applied to the states by the [Fourteenth Amendment](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution), had been violated.

The Supreme Court assigned Gideon a prominent [Washington, D.C.](https://en.wikipedia.org/wiki/Washington%2C_D.C.), attorney, future Supreme Court justice [Abe Fortas](https://en.wikipedia.org/wiki/Abe_Fortas) of the law firm [Arnold Fortas & Porter](https://en.wikipedia.org/wiki/Arnold_%26_Porter). Opposing, [Bruce Jacob](https://en.wikipedia.org/wiki/Bruce_Jacob), who later became Dean of the [Mercer University School of Law](https://en.wikipedia.org/wiki/Walter_F._George_School_of_Law) and Dean of [Stetson University College of Law](https://en.wikipedia.org/wiki/Stetson_University_College_of_Law), argued the case for the State of Florida.[[2]](https://en.wikipedia.org/wiki/Gideon_v._Wainwright#cite_note-WDL-2) Fortas was assisted by longtime Arnold Fortas & Porter partner Abe Krash and famed legal scholar [John Hart Ely](https://en.wikipedia.org/wiki/John_Hart_Ely), then a third-year student at [Yale Law School](https://en.wikipedia.org/wiki/Yale_Law_School).

**Mapp v. Ohio**

**Facts of the case**

Dollree Mapp, was an employee in the illegal gambling rackets dominated by Cleveland rackets kingpin [Shon Birns](https://en.wikipedia.org/wiki/Alex_Birns). On May 23rd, 1957, police officers in [Cleveland, Ohio](https://en.wikipedia.org/wiki/Cleveland%2C_Ohio), received an anonymous tip by phone that Virgil Ogletree, a numbers operator who was wanted for questioning in the bombing of rival numbers racketeer and future boxing promoter [Don King](https://en.wikipedia.org/wiki/Don_King_%28boxing_promoter%29)'s home three days earlier, might be found at Mapp's house, as well as illegal betting slips and equipment employed in the "California Gold" [numbers operation](https://en.wikipedia.org/wiki/Numbers_game) set up by Mapp's boyfriend Edward Keeling. Three officers went to the home and asked for permission to enter, but Mapp, after consulting her lawyer by telephone, refused to admit them without a search warrant. Two officers left, and one remained, watching the house from across the street.

Three hours later, four cars full of police arrived and knocked on the door but when she didn't answer, they stormed the house. Mapp asked to see the alleged warrant and snatched it from an officer, putting it in her clothes. The officers struggled with Mapp and eventually recovered the piece of paper which was not seen by her or her lawyers again, and was not introduced as evidence in any of the ensuing court proceedings. When asked about the warrant during oral argument at the Supreme Court, the Cleveland prosecutor arguing the case cautiously deflected the question, which the court did not press.

As the search of Mapp's second-floor, 2-bedroom apartment began, police handcuffed her for being belligerent. The police searched the house thoroughly, and discovered Ogletree, who was subsequently cleared on the bombing charge, hiding in the apartment of the downstairs tenant, Minerva Tate. In the search of Mapp's apartment and in a footlocker in the basement of the house police found a quantity of "California Gold" betting slips and paraphernalia. They also found a pistol and a small quantity of pornographic books and pictures which Mapp stated a previous tenant named Morris Jones had left behind.

Mapp was arrested, charged, and cleared on a misdemeanor charge of possessing numbers paraphernalia; but several months later, after she refused to testify against Shon Birns, Edward Keeling and their associates at their trial that October for the attempted shakedown of Don King, she was prosecuted for possession of the books, found guilty at a 1958 trial of "knowingly having had in her possession and under her control certain lewd and lascivious books, pictures, and photographs in violation of 2905.34 of Ohio's Revised Code", and sentenced to one to seven years in prison. She immediately filed an appeal while out on bail and never served a day of the sentence

**Supreme Court Case Decisions**

**Swann v. Charlotte-Mecklenburg Board of Education**

The [Supreme Court of the United States](http://www.britannica.com/topic/Supreme-Court-of-the-United-States) unanimously upheld [busing](http://www.britannica.com/topic/busing) programs that aimed to speed up the [racial integration](http://www.britannica.com/topic/racial-integration) of public schools in the United States. In a unanimous decision, the Court held that once violations of previous mandates directed at desegregating schools had occurred, the scope of district courts' equitable powers to remedy past wrongs were broad and flexible. The Court ruled that 1) remedial plans were to be judged by their effectiveness, and the use of mathematical ratios or quotas were legitimate "starting points" for solutions; 2) predominantly or exclusively black schools required close scrutiny by courts; 3) non-contiguous attendance zones, as interim corrective measures, were within the courts' remedial powers; and 4) no rigid guidelines could be established concerning busing of students to particular schools.

**Regents of the University of California v. Bakke**

The case fractured the court; the nine justices issued a total of six opinions. The judgment of the court was written by Justice [Lewis F. Powell, Jr.](https://en.wikipedia.org/wiki/Lewis_F._Powell%2C_Jr.) Finding diversity in the classroom to be a [compelling state interest](https://en.wikipedia.org/wiki/Compelling_state_interest), It upheld [affirmative action](https://en.wikipedia.org/wiki/Affirmative_action_in_the_United_States), allowing race to be one of several factors in [college admission policy](https://en.wikipedia.org/wiki/College_admissions_in_the_United_States#Race_and_ethnicity). However, the court ruled that specific [racial quotas](https://en.wikipedia.org/wiki/Racial_quota), such as the 16 out of 100 seats set aside for minority students by the [University of California, Davis School of Medicine](https://en.wikipedia.org/wiki/University_of_California%2C_Davis_School_of_Medicine), were impermissible and it was struck down and Bakke admitted. The practical effect of Bakke was that most affirmative action programs continued without change.

**Roe vs. Wade**

The Court ruled 7–2 that a right to [privacy](https://en.wikipedia.org/wiki/Privacy#Privacy_law) under the [Due Process Clause](https://en.wikipedia.org/wiki/Due_Process_Clause) of the [14th Amendment](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution) extended to a woman's decision to have an abortion, but that this right must be balanced against the state's two legitimate interests in regulating abortions: protecting women's health and protecting the potentiality of human life. Arguing that these state interests became stronger over the course of a pregnancy, the Court resolved this [balancing test](https://en.wikipedia.org/wiki/Balancing_test) by tying state regulation of abortion to the third [trimester of pregnancy](https://en.wikipedia.org/wiki/Trimester_%28pregnancy%29#Physiology).

**Miranda V. Arizona Ruling**

The court ruled that due to the coercive nature of the custodial interrogation by police (Warren cited several police training manuals which had not been provided in the arguments), no confession could be admissible under the [Fifth Amendment](https://en.wikipedia.org/wiki/Fifth_Amendment_to_the_United_States_Constitution) self-incrimination clause and [Sixth Amendment](https://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution) right to an attorney unless a suspect had been made aware of his rights and the suspect had then waived them. The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him.

**Gideon V. Wainwright ruling**

Justice Hugo L. Black delivered the opinion of the 9-0 majority. The Supreme Court held that the framers of the Constitution placed a high value on the right of the accused to have the means to put up a proper defense, and the state as well as federal courts must respect that right. The Court held that it was consistent with the Constitution to require state courts to appoint attorneys for defendants who could not afford to retain counsel on their own.

**Mapp v. Ohio**

The Court brushed aside the First Amendment issue and declared that "all evidence obtained by searches and seizures in violation of the Constitution is, by [the Fourth Amendment], inadmissible in a state court." Mapp had been convicted on the basis of illegally obtained evidence. This was an historic -- and controversial -- decision. It placed the requirement of excluding illegally obtained evidence from court at all levels of the government. The decision launched the Court on a troubled course of determining how and when to apply the exclusionary rule.