

Landmark Supreme Court Cases of the 1960s & 1970s

GIDEON V. WAINWRIGHT (1963)

Between midnight and 8:00 am on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in Panama City, Florida. Someone broke a window, smashed the cigarette machine and jukebox, and stole money from both. Later that day, a witness reported that he had seen Clarence Earl Gideon in the poolroom at around 5:30 that morning. When Gideon was found nearby with a pint of wine and some change in his pockets, the police arrested him and charged him with breaking and entering.

Gideon was a semi-literate drifter who could not afford a lawyer, so at the trial, he asked the judge to appoint one for him. Gideon argued that the Court should do so because the Sixth Amendment says that everyone is entitled to a lawyer. The judge denied his request, ruling that the state did not have to pay a poor person's legal defense unless he was charged with a capital crime or "special circumstances" existed. Gideon was left to represent himself. Gideon did a poor job of defending himself. He had done no preparation work before his trial; his choice of witnesses was unusual, and he had no experience in cross-examining a witness, so his line of questioning was not as productive as a lawyer's would have been. Gideon was found guilty of breaking and entering and petty larceny, which was a felony. He was sentenced to five years in a Florida prison, partly because of his prior criminal record. While in prison, he began studying law in the prison library, believing that his Sixth Amendment rights had been violated when he was denied a defense lawyer paid for by the State. His study of the law led him to file an appeal to the U.S. Supreme Court.

This was not merely a question of whether Gideon had been treated fairly; the Court's ruling would affect many other people who faced similar circumstances. In a previous decision, *Betts v. Brady* (1942), the Court had held that in state criminal trials, a poor defendant must be supplied with an attorney only in special circumstances, which included complex charges and incompetence or illiteracy on the part of the defendant. Since Gideon had not claimed special circumstances, the Court would have to overturn *Betts* in order to rule in Gideon's favor.

1. What were the accusations against Clarence Gideon?
2. Did Gideon seem capable of defending himself? How could a lawyer have helped him?
3. Did the state court's failure to appoint counsel for Gideon violate his right to a fair trial as protected by the Sixth and Fourteenth Amendments?

The outcome of the *Gideon v. Wainwright* case:

MIRANDA V. ARIZONA (1966)

Ernesto Miranda was a poor Mexican immigrant living in Phoenix, Arizona. In 1963, Miranda was arrested on charges that he brutally raped and kidnapped an 18 year old woman. Miranda was interrogated for two hours while in police custody. The police officers questioning him did not inform him of his Fifth Amendment right against self-incrimination, or of his Sixth Amendment right to the assistance of an attorney. As a result of the interrogation, Miranda confessed to the crimes. His written statement also included an acknowledgement that he was aware of his right against self-incrimination. During his trial, this confession was a critical part of the jury's conviction and Miranda was sentenced to 20 to 30 years in prison on each count.

Miranda's defense attorney appealed to the Supreme Court. His attorney argued that his confession should have been excluded from trial because he had not been informed of his rights, nor had an attorney been present during his interrogation. The police officers involved admitted that they had not given Miranda any explanation of his rights. They argued, however, that because Miranda had been convicted of a crime in the past, he must have been aware of his rights.

The case comes down to this fundamental question: What is the role of the police in protecting the rights of the accused, as guaranteed by the Fifth and Sixth Amendments to the Constitution? The Fifth Amendment states that no person "shall be compelled in any criminal case to be a witness against himself..." The Sixth Amendment states that, "In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense." If an accused person is denied the right to consult with his attorney, is his or her Sixth Amendment right to counsel being violated? But do the police have an obligation to ensure that the accused person is aware of these rights? If so, at what point in the criminal justice process must the defendant learn of these rights?

1. What rights of the accused does the Fifth Amendment protect? The Sixth Amendment?
2. How might knowledge of these rights have changed what Ernesto Miranda did when the police questioned him?
3. Does the police practice of interrogating individuals without notifying them of their right to counsel and their protection against self-incrimination violate the Fifth Amendment?

The outcome of the *Miranda v. Arizona* case:

ROE V WADE (1973)

As the sexual revolution took hold in the 1960s, women faced great difficulty getting abortions. At the time, many states had outlawed abortion except in cases where the mother's life was in danger. Illegal abortions were often unsanitary and dangerous. As people's ideas about sexual freedom changed, women gained greater access to birth control measures and public pressure to change abortion laws also increased. A number of states relaxed their abortion laws so that women living in states that outlawed abortion could travel to another state for an abortion. However, poor women often could not afford to travel outside their state to receive treatment. Laws were often vague, so that doctors did not know whether they were breaking the law by providing an abortion. In addition, some people began to question whether the government should be able to interfere with people's decisions in sexual matters. They believed that laws banning birth control and abortion were an invasion of privacy.

There is no right to privacy specifically guaranteed in the Constitution. However, the Supreme Court has long acknowledged some right to privacy. In the case of *Griswold v. Connecticut* (1965), the Supreme Court ruled that a Connecticut law outlawing access to contraception violated the U.S. Constitution because it invaded the privacy of married couples to make decisions about their families. In that ruling, the Court identified privacy as a fundamental value for the American way of life, and for the other basic rights outlined in the Bill of Rights.

Jane Roe, (not her real name), was an unmarried and pregnant Texas resident in 1970. She wanted to have an abortion, but Texas abortion law made it a felony to abort a fetus unless "on medical advice for the purpose of saving the life of the mother." Roe filed suit against Wade, the district attorney of Dallas County, Texas to challenge the law outlawing abortion.

Roe said that the law violated the 14th Amendment, which provides equal protection of the laws and a guarantee of personal liberty, and a woman's right to privacy implicitly guaranteed in the First, Fourth, Fifth, Ninth, and 14th Amendments. The state argued that "the right to life of the unborn child is superior to the right to privacy of the mother." The state argued that this is a policy matter best left to the legislature to decide. A three-judge federal district court ruled the Texas abortion law unconstitutional, and the case was then appealed directly to the U.S. Supreme Court.

1. What were two problems with abortion laws?
2. Where does the constitution state that you have a right to privacy?
3. Should a woman's decision to have an abortion be protected under the Constitution as a matter of privacy?

The outcome of the *Miranda v Arizona* case:

REGENTS OF THE UNIVERSITY OF CALIFORNIA V. BAKKE (1978)

Beginning in the early 1970s, the medical school of the University of California at Davis used a two-part admissions program for the 100 students entering each year: a regular admissions program and a special admissions program. The special admission program was an affirmative action program designed to increase the number of minority and disadvantaged students in the medical school. Under the regular admissions, if a candidate had an overall undergraduate grade point average below 2.5 on a scale of 4.0, he/she was automatically rejected. Candidates who were not automatically rejected were evaluated using other criteria such as math and science grades, MCAT scores, letters of recommendation, and an interview. On the application form, candidates could indicate that they wanted to be considered as minorities or as economically disadvantaged. These affirmative action applications were sent to the special admissions program where a separate committee, composed mainly of members of minority groups, evaluated them. The "special program" applicants did not have to meet the same standards as the regular candidates, including the 2.5 grade point average cut off.

From 1971 to 1974 the special program resulted in the admission of 21 black students, 30 Mexican Americans, and 12 Asians, for a total of 63 minority students. During the same period, the regular admissions program admitted 1 black student, 6 Mexican Americans, and 37 Asians, for a total of 44 minority students. No disadvantaged white candidates received admission through the special program. Allan Bakke was a white male who applied to and was rejected from the regular admissions program in 1973 and 1974. During those years, applicants with lower scores were admitted under the special program. After his second rejection, Bakke filed suit claiming that the special admissions program violated the Equal Protection Clause of the 14th Amendment and Title VI of the Civil Rights Act of 1964 because it excluded him on the basis of race. He wanted the California court to force the university to admit him to the medical school.

The Superior Court of Yolo County, California and the Supreme Court of California both found that the affirmative action admissions program violated the federal and state constitutions, as well as Title VI, and was therefore illegal. The Superior Court declared that race could not be taken into account when making admissions decisions but also ruled that Bakke should not be admitted to the medical school because he failed to show that he would have been admitted even without the special admissions program. The Supreme Court of California, however, determined that Bakke should be admitted to the school. The Regents of the University of California then appealed the case to the Supreme Court of the United States.

1. Why would a university want to consider race as a factor in the admissions process?
2. Both the California Superior and California Supreme Courts agreed on what two facts in their Bakke rulings?
3. Did the university violate the 14th Amendment and Civil Rights Act by using an affirmative action policy that resulted in the repeated rejection of Bakke's admission to the medical school?

The outcome of the *Regents of the University of California at Davis v Bakke* case: