Chronology of Supreme Court Decisions Through the Struggle for Civil Rights

 The Civil Rights Movement relied on demonstrations, marches, protests, and sit-ins as well as legislation, mostly pushed through Congress by President Johnson. Often overlooked is the large role of the federal judiciary, especially the Supreme Court and some federal district judges, such as Frank Johnson in Montgomery, Alabama in striking down segregation..

 I have been intrigued by the breath and depth of the Supreme Court decisions advancing the rights of minorities, especially African Americans during the decades of breaking down the Jim Crow laws and state sponsored and supported discrimination.

 The ingenuity of states in trying to avoid desegregation and judicial mandates as well as the diverse areas where the issues arose met a roadblock in the Supreme Court, which consistently advanced the equal rights of minorities.

 This list of Supreme Court cases does not include the extensive threatds of voting rights and school integration cases.

The Antelope, 23 U.S. 66 (1825)

 The Slave Trade may be against the law of nature, but it is not against the law of nations; it may still be carried out by the subjects of nations which have not outlawed it.

The Amistad, 40 U.S. 518 (1841)

 Slaves who rebelled on the Amistad were ordered free by the Supreme Court

Dred Scott v. Sanford, 60 U.S. 393 (1857)

 Slaves were the master’s property

 African Americans are not citizens

 Missouri Compromise unconstitutional

United States v. Harris (Ku Klux Case/Civil Rights Cases), 106 U.S. 629 (1883)

 Civil Right Act of 1875 unconstitutional

 Congress lacked constitutional power to enact criminal laws, such as murder and assault

 Narrow construction of 14th Amendment

 Private discrimination allowed

Plessey v. Ferguson, 163 U.S. 537 (1896)

 Separate but Equal Doctrine

Yick Wo v. Hopkins, 118 U.S. 356 (1886)

Court strikes down under the Equal Protection Clause a San Francisco zoning ordinance that banned Chinese laundries

Missouri ex rel Gaines v. Canada, 305. U.S. 337 (1938)

Ordered integration of University of Missouri Law School since separate but equal standard was not satisfied by sending in-state law students to out of state institution

Powell v. Alabama, 287 U.S. 45 (1932)

 Overturned Scottsboro Boys conviction

 Right to counsel in federal and state death penalty cases

Korematsu v. United States, 323 U.S. 214 (1944)

 Upheld internment of Japanese Americans in concentration camps in WWII

Sipuel v. University of Oklahoma, 332 U.S. 631 (1948)

State must provide instruction for Black law students equal to Whites; therefore admissions to state law school

Shelly v. Kraemer, 334 U.S. 1 (1948)

 Barred states from enforcing racially restrictive covenants in deeds

McLaurin v. Oklahoma Board of Regents, 339 U.S. 637 (1950)

 State must provide equal facilities within the institution

Sweatt v. Painter, 39 U.S. 629 (1951)

 New law school created for Blacks was not equal

 McLaurin and Sweatt desegregated graduate and professional schools

Board of Education, 347 U.S. 483 (1954)

 Struck down separate but equal in public schools

Bolling v. Sharpe, 347 U.S. 497 (1954)

 District of Columbia school segregation unconstitutional

Browder v. Gayle, 363 U.S. 903 (1956)

3 judge panel held local public bus discrimination was illegal under Equal Protection Clause, 142 F. Supp. 707 (1956), affirmed by the Supreme Court, 352 U.S. 903, 950 (1956) (The Montgomery Bus Boycott

Mayor and City Council of Baltimore City v. Dawson, 350 U.S. 877 (1955)

Per curium affirmation of court of appeals decision enjoining racial segregation of public beaches and bath houses

Holmes v. City of Atlanta, 350 U.S. 879 (1955)

 Per curium decision barring racial discrimination on golf courses

NAACP v. Alabama, 357 U.S. 449 (1958)

 Immunity from disclosure of membership lists to state

Gomillon v. Lightfoot, 364 U.S. 339 (1960)

 Struck down racial redistricting in Tuskegee, Alabama

Boynton v. Virginia, 364 U.S. 455 (1961)

Interstate Commerce Act which forbad segregation in interstate commerce extended to bus terminals and restaurants in the terminals

Garner v. Louisiana, 368 U.S. 157 (1961)

Peaceful sit-ins are akin to free expression and do not violate state disturbing the peace statutes

Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961)

 Lessee of state owned building cannot discriminate on the basis of race

Bailey v. Paterson, 369 U.S. 31 (1962)

Reaffirmed that states cannot segregate interstate or intrastate transportation facilities

Turner v. City of Memphis, 369 U.S. 350 (1962)

 Unlawful to discriminate at airport restaurant

Johnson v. Virginia, 373 U.S. 61 (1963)

 Desegregated courtrooms

Peterson c. City of Greenville, 373 U.S. 244 (1963)

State is responsible for private discriminatory acts (restaurant) when it has compelled the discrimination

Watson v. City of Memphis, 373 U.S. 526 (1963)

 Desegregation of parks and recreation

Anderson v. Martin, 375 U.S. 399 (1964)

 Struck down state law mandating disclosure of race on nominating papers

Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (19640

 UNCONSTITUTIONAL TO CLOSE ALL PUBLIC SCHOOLS, ACCOMPANIED BY PROVIDING VOUCHER STO PRIVATE SCHOOLS

Reynolds v. Sims, 377 U.S. 533 (1964)

14th Amendment requires legislative districts to be apportioned by population

Griffin v. County School Board of Prince Edward County, 377 U.S. 218 (1964)

Ruled unconstitutional state closure of all schools in a county coupled with vouchers to attend private schools. No private schools existed for Blacks

Bell v. Maryland, 378 U.S. 226 (1964)

Vacating and remanding trespass convictions for sit-in when underlying state law was changed to no longer criminalize the acts for which plaintiffs were convicted

Bouie v. City of Columbia, 378 U.S. 347 (1964)

Retroactive interpretation by state Supreme Court of trespass statute in sit-in was unconstitutional ex post facto law

New York Times v. Sullivan (1964)

Barred states from restricting coverage of civil rights movement through state defamation law

 Introduced New York Times v. Sullivan actual malice test in defamation

Heart of Atlanta Motel, Inc. v. United States (1964) and United States & Katzenberg v. McClung (1964)

Upheld application of Civil Rights Act of 1964 to even small public accommodations engaged in commerce

Brown v. Board of Education, 347 U.S. 483(1955)

 States must desegregate schools with all deliberate speed

Brown v. Board of Education II, 349 U.S. 295 (1955)

 States must desegregate schools with all deliberate speed

Holmes v. City of Atlanta, 350 U.S. 879 (per curium 1955)

 Extended Brown v. Board of Education to municipal golf courses

Mayor and City Council of Baltimore City v. Dawson, 350 U.S. 877 (per curium 1955)

 Extended Brown v. Board of Educa\tion to public beaches and bathhouses

New Orleans City Park Improvement Ass’n. v. Detiege, 358 U.S. 54 (per curium 1958)

 Extended Brown v. Board of education to parks

Boynton v. Virginia, 364 U.S. 454 (1960)

 Cannot discriminate on interstate busses and facilities

Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961)

 Private lessee of public property cannot discriminate on the basis of race

New York Times v. Sullivan, 376 U.S. 254 (1964)

Adopted the “reckless disregard” standard in defamation suits and barred the use of libel suits to muzzle the press

Reynolds v. Sims, 377 U.S. 533 (1964)

14th Amendment requires legislative districts to be apportioned by population

McLaughlin v. Florida, 379 U.S. 184 (1964)

Struck down Florida cohabitation law, overturning Pace v. Alabama, 106 U.S. 583(1883)

Heart of Atlanta Motel v. United States, 379 U.S. 241 (1964) and Katzenbach v. McClung, 379 U.S. 294 (1964)

Upheld constitutionality of the Civil Rights Act of 1964 and its application to public accommodations

Evans v. Newton, 382 U.S. 296 (1966)

City cannot serve as trustee of park land deeded with condition requiring segregation

South Carolina v. Katzenbach, 383 U.S. 301 (1966)

 Upheld constitutionality of the Voting Rights Act of 1965

Harper v. Virginia State Board of Elections, 383 U.S. 663 (1966)

 Virginia poll tax unconstitutional

United States v. Guest, 383 U.S. 745 (1966)

14th Amendment protects citizens from private conspiracies with minimal state involvement to deprive citizens of their rights

United States v. Price, 383 U.S. 787 (1966)

 Upheld indictment of Deputy Sheriff Cecil Price in the Mississippi kidnaping murder of three civil rights working (Is Mississippi Burning?)

Bond v. Floyd, 385 U.S. 116 (1966)

Georgia Legislature ordered to sit Civil Rights Leader Julian Bond who spoke out against the Vietnam War

Kilgarlin v. Hill, 386 U.S. 120 (1967)

Texas reapportionment statute created substantially unequal districts was invalid

Reitman v. Mulkey, 387 U.S. 389 (1967)

Struck down state constitutional amendment allowing any seller of real estate to sell to whomever in absolute discretion

Loving v. Virginia, 388 U.S. 1 (1967)

 Struck down anti-miscegenation laws

Avery v. Midland County, Texas, 390 U.S. 474 (1968)

 Local legislative districts must be roughly equal in population

United States v. Johnson, 390 U.S. 563 (1968)

Criminal prosecutions available against private parties under the Civil Rights Act of 1964 for conspiring to assault African Americans exercising their rights to equality in public accommodations

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

Civil Rights Act of 1866 bans racial discrimination in housing by private and government housing programs

Hunter v. Erickson, 393 U.S. 385 (1969)

Struck down Akron, Ohio charter amendment requiring any fair housing ordinance to be approved by a majority of the voters

Adickes v. S.H. Kress & Co, 396 U.S. 144 (1970)

Private party can be liable under 42 U.S.C. §1983, the Civil Rights Act of 1871, when it has acted under color of state law

Griffin v. Breckenridge, 403 U.S. 88 (1971)

 Purely private conspiracy can be liable under 42 U.S.C. §1983(3)

Palmer v. Thompson, 403 U.S. 217 (1971)

 Upheld closure of all public swimming pools

Moose Lodge No. 107 v. Irvis, 407 U.S. 163 (1972)

 Private club not acting under color of state law can discriminate

NAACP v. Claiborne Hardware Co., 458 U.S. 886 (1982)

States cannot prohibit (through the antitrust laws) peaceful political activity protected by the 1st Amendment

Killen V. Epps, 134 Sup. Ct. 528 (2013), 134 Sup. Ct. 996 (2014)

Denied appeal and rehearing for state conviction 4 decades later for the death of the three Civil Rights workers in Mississippi)

 In addition, the Court reversed several state criminal convictions, often on technicalities, for what would normally be low level crimes, such as breach of the peace, loitering, trespass, and vagrancy, but were racially motivated to harass civil right leaders, demonstrators, and protestors. These cases meant states could not use various criminal theories of law directly or indirectly to perpetrate racial discrimination.

Lombard v. Louisiana, 373 U.S. 267 (1963)

Wright v. Georgia, 373 U.S. 284 (1963)

Shuttlesworth v. City of Birmingham, 373 U.S. 282 (1963)

Robinson v. Florida, 378 U.S. 153 (1964)

City of Greenwood, Mississippi v. Peacock, 383 U.S. 808 (1966)

Georgia v. Rachel, 383 U.S. 780 (1966)