



LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

LANDMARK 14TH AMENDMENT CASES

MONDAY, FEBRUARY 27, 2006

OVERVIEW

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During the month of February, Black History Month, we spotlight two landmark cases involving racial discrimination in jury selection: *Strauder v. West Virginia* (1879) and *Smith v. State of Texas* (1941). These landmark cases declared that racial discrimination in jury selection, whether by law or by systematic exclusion, violated the Equal Protection Clause of the Fourteenth Amendment.

RESOURCES

- http://www.abanet.org/publiced/resources/jury_cases.html
- <http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=311&invol=128>
- <http://www.oyez.org/oyez/resource/case/372/>

ACTIVITY

The African American defendant was a former slave. He was charged with murder and was convicted by an all-white jury. Though slavery had been declared unconstitutional about 15 years earlier, African Americans were not allowed to serve on juries. Believing his conviction to be unjust, he appealed his case to the Supreme Court.

In *Strauder v. West Virginia* (1879), the Court ruled that excluding people from juries on the basis of race violated the Fourteenth Amendment. The Court held that the Fourteenth Amendment “ordains that no State shall...deny to any person within its jurisdiction the equal protection of the laws. What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States...” The Court held that excluding jurors on the basis of race violated the defendant’s right to a fair trial. The Court reasoned that a fair trial was impossible if the accused were tried by a jury from which people of his own ethnicity had been barred.

Significantly, the Court did not rule that racial discrimination was a violation of the potential jurors’ rights; it also did not hold that defendants have a right to a jury composed of persons of their own race/ethnicity.

The Court heard a similar case about racial discrimination almost a century later. This case, *Smith v. State of Texas* (1941), concerned discrimination in grand juries. In this case, grand jury service was open to all races by law. Closer inspection, however, revealed that African Americans were rarely called to serve though they made up 20% of the eligible population. When African Americans’ names did appear lists of potential jurors, they were almost always near the end of the list (so they almost never actually served.)

The Court held that African Americans had been “intentionally and systematically excluded.” The Court overturned the conviction of an African American man, saying that the Fourteenth Amendment prohibits racial discrimination in the selection of grand juries. Further, “it is part of the established tradition in the use of juries as instruments of public justice that the jury be a body truly representative of the community.” The Court also argued that racial discrimination in jury selection is “at war with our basic concepts of a democratic society and a representative government.”



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QUESTIONS

1. Why did a former slave believe his conviction was unconstitutional in *Strauder v. West Virginia* (1879)?
2. How did the Court rule in *Strauder v. West Virginia* (1879)?
3. In *Smith v. State of Texas* (1941), no law was being challenged. Why did this case go to the Supreme Court?
4. What three reasons did the Court give for overturning an African American man's conviction in *Smith v. State of Texas* (1941)?
5. Which case do you believe is more significant: *Strauder v. West Virginia* (1879) or *Smith v. State of Texas* (1941)? Explain your answer.
6. The Court has ruled that barring certain members of the community from jury service violates the Constitution. The Court has not held, however, that defendants have a right to a trial by a jury made up of people who share their race/ethnicity. Why do you believe the Court has ruled this way?



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ANSWERS

1. He had been convicted by a jury from which members of his own race/ethnicity had been excluded by law.
2. The Court overturned his conviction. The Court held that excluding jurors on the basis of race violated the defendant's right to a fair trial. The Court reasoned that a fair trial was impossible if the accused were tried by a jury from which people of his own ethnicity had been barred. The Fourteenth Amendment meant that "all persons, whether colored or white, shall stand equal before the laws of the States...."
3. The case went to the Supreme Court because even though the law was fair on its face, the petitioner charged that it had been applied in a discriminatory way, thus violating the principle of procedural due process. African Americans were legally eligible to serve, but did so only very rarely.
4. The Fourteenth Amendment prohibits racial discrimination in the selection of grand juries. Juries have traditionally been representative of the community, and racial discrimination in juries is "at war" with the principles of a democratic republic.
5. Answers will vary.
6. Answers will vary.