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2022 Racial Justice Breakfast

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Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535 (1942)

U.S. Supreme Court
Skinner v. Oklahoma ex rel. Williamson
No. 782
Argued May 6, 1942
Decided June 1, 1942
316 U.S. 535
CERTIORARI TO THE SUPREME COURT OF OKLAHOMA

Annotation
Primary Holding
The right to procreation is a fundamental right, so a state cannot require the sterilization of criminals convicted of certain crimes.

Facts
Oklahoma law provided that defendants who had received two or more convictions of crimes involving moral turpitude could be ordered to be sterilized as habitual offenders who had criminal genetic traits. Crimes that were not covered under the statute included violations of prohibitory laws, embezzlement, tax violations, and political offenses. The attorney general would need to initiate a proceeding to have the defendant sterilized, and the defendant would receive a full trial on the issues of whether he was a habitual offender and whether he should be sterilized. After his third conviction, Skinner was determined to be a habitual offender and ordered to be sterilized. He argued that the law was unconstitutional under the Fourteenth Amendment.

Opinions
Majority
- William Orville Douglas (Author)
- Owen Josephus Roberts
- Hugo Lafayette Black
- Felix Frankfurter
- Frank Murphy
- James Francis Byrnes
- Stanley Forman Reed

While the broader issue of whether any such law could be constitutional does not need to be reached, this law violates the equal protection rights granted by the Fourteenth Amendment. Strict scrutiny is appropriate when the state curtails the exercise of a fundamental right, such as the right to have children. Arbitrary distinctions among the treatment of certain groups generally are impermissible, since even the most lenient standard of review requires a rational basis for the state action. Defendants who are convicted of grand larceny or other crimes of moral turpitude are essentially no different from those convicted of embezzlement or the other offenses that are excluded from the law's coverage. There is no distinction between the gene traits of people who commit these varying types of offenses.

Concurrence

- Harlan Fiske Stone (Author)

The statute is clearly unconstitutional, but the Due Process Clause is a more appropriate source for the decision than the Equal Protection Clause.

Concurrence

- Robert Houghwout Jackson (Author)

Case Commentary

Strict scrutiny applied in this case because there was a fundamental right affected by the decision, although the law might not even have passed the rational basis standard of review because there can be no reason to distinguish so drastically among different versions of theft.

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

U.S. Supreme Court
Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)
Brown v. Board of Education of Topeka
Argued December 9, 1952
Reargued December 8, 1953
Decided May 17, 1954*

Annotation
Primary Holding

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution prohibits states from segregating public school students on the basis of race. This marked a reversal of the "separate but equal" doctrine from Plessy v. Ferguson that had permitted separate schools for white and colored children provided that the facilities were equal.

Facts

Based on an 1879 law, the Board of Education in Topeka, Kansas operated separate elementary schools for white and African-American students in communities with more than 15,000 residents. The NAACP in Topeka sought to challenge this policy of segregation and recruited 13 Topeka parents to challenge the law on behalf of 20 children. In 1951, each of the families attempted to enroll the children in the school closest to them, which were schools designated for whites. Each child was refused admission and directed to the African-American schools, which were much further from where they lived. For example, Linda Brown, the daughter of the named plaintiff, could have attended a white school several blocks from her house but instead was required to walk some distance to a bus stop and then take the bus for a mile to an African-American school.

Once the children had been refused admission to the schools designated for whites, the NAACP brought the lawsuit. They were unsuccessful at the trial court level, where the 1896 Supreme Court precedent in Plessy v. Ferguson was found to be decisive. Even though the trial court agreed that educational segregation had a negative effect on African-American children, it applied the standard of Plessy in finding that the white and African-American schools offered sufficiently equal quality of teachers, curricula, facilities, and transportation. Since the NAACP did not challenge the details of those findings, it essentially cast the appeal as a direct challenge to the system imposed by Plessy.

When the Supreme Court heard the appeal, it combined Brown with four other cases addressing parallel issues in South Carolina, Virginia, Delaware, and Washington, D.C. The NAACP was responsible for bringing each of these lawsuits, and it had lost on each of them at the trial court level except the Delaware case of Gebhart v. Belton. Brown stood apart from the others in the group as the only case that challenged the separate but equal doctrine on its face. The others were based on assertions of gross inequality, which would have violated the standard in Plessy as well.

Opinions
Majority

- Earl Warren (Author)
- Hugo Lafayette Black
- Stanley Forman Reed
- Felix Frankfurter
- William Orville Douglas
- Robert Houghwout Jackson
- Harold Hitz Burton
- Tom C. Clark
- Sherman Minton

Supreme Court opinions are rarely unanimous, and it appears that Justice Frankfurter deliberately argued for a re-hearing to stall the case while the Court built a consensus behind its decision. This was designed to prevent proponents of segregation from using dissents to build future challenges to Brown. Despite the eventual unanimity, the judges had a wide range of views. Reed and Clark were not opposed to segregation per se, while Frankfurter and Jackson were hesitant to issue a bold decision that might be difficult to enforce. (Jackson and Reed initially planned to write a dissent together.) Douglas, Black, Burton, and Minton were relatively ready to overturn Plessy from the outset, however, as was Chief Justice Warren. President Dwight D. Eisenhower's appointment of Warren to replace former Chief Justice Frederick Moore Vinson, who died in September 1953, thus may have played a crucial role in how events unfolded. Warren had supported the integration of Mexican-American children into California schools.

Warren based much of his opinion on information from social science studies rather than court precedent. This was understandable because few decisions existed on which the Court could rely, yet it would draw criticism for its non-traditional approach. The decision also used language that was relatively accessible to non-lawyers because Warren felt that it was necessary for all Americans to understand its logic.

Case Commentary
This decision ranks among the most dramatic issued by the Supreme Court, in part due to Warren's insistence that the Fourteenth Amendment gave the Court the power to end segregation even without Congressional authority. Like the use of non-legal sources to justify his reasoning, Warren's "activist" view of the Court's role remains controversial to the current day. The illegality of segregation does not, however, and a series of later decisions were implemented to try to force states to comply with Brown. Unfortunately, the reality is that this decision's vision of complete desegregation has not been achieved in many areas of the U.S., and the problems of enforcement that Jackson identified have proven difficult to solve.

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

U.S. Supreme Court
Loving v. Virginia
No. 395
Argued April 10, 1967
Decided June 12, 1967
388 U.S. 1
APPEAL FROM THE SUPREME COURT OF APPEALS OF VIRGINIA

Annotation
Primary Holding
A unanimous Court struck down state laws banning marriage between individuals of different races, holding that these anti-miscegenation statutes violated both the Due Process and the Equal Protection Clauses of the Fourteenth Amendment.

Facts
Like 16 other Southern states, Virginia enforced a law that banned marriage between whites and African-Americans. Richard and Mildred Loving, a white man and an African-American woman, married in Washington, D.C. to avoid the application of Virginia's anti-miscegenation law, known as the Racial Integrity Act of 1924. They returned to Virginia, however, where police found them in the same bed in their home at night. During the raid, the police found the couple's marriage certificate in their bedroom.

This document became the basis for criminal charges against the Lovings under the anti-miscegenation law and a related statute. There was no trial, since they pleaded guilty and received a choice between spending one year in prison or leaving the state for the next 25 years. The Lovings moved back to the District of Columbia but soon found themselves wishing to return to Virginia. In 1964, five years after their conviction, Mrs. Loving contacted the ACLU via Attorney General Robert F. Kennedy. This case arose when the ACLU sought to vacate the judgment and set aside the sentence, while the Lovings also filed an action in federal court. Their claims were heard in the Virginia Supreme Court, which modified the sentence but affirmed the convictions.

Opinions
Majority

- Earl Warren (Author)
- Hugo Lafayette Black
- William Orville Douglas
- Tom C. Clark
- John Marshall Harlan II
- William Joseph Brennan, Jr.
- Byron Raymond White
- Abe Fortas

Justice Warren did not accept Virginia's argument that placing equal penalties on spouses of each race made the law non-discriminatory. He pointed out that the law did not criminalize marriage between persons of two non-white races, which suggested that it had a white supremacist motivation. There was no other legitimate purpose that could justify this law or any others like it, Warren held, since it infringed upon the fundamental right of marriage.

Concurrence

- Potter Stewart (Author)

Largely echoing Warren's reasoning, Stewart simply wrote an additional opinion as a reminder that he had advocated striking down anti-miscegenation laws in an earlier opnion from the case of McLaughlin v. Florida.

Case Commentary

This is the prime example of a statute that is discriminatory on its face because it turns race, a protected classification, into one of the elements of a crime. Most discriminatory laws are now framed more subtly. The decision is also notable because it classifies marriage as one of the fundamental rights that are protected by the Fourteenth Amendment.

Links to Articles from our Speaker:

• Jessica P. Cerdeña, Marie V. Plaisime & Jennifer Tsai, From Race-based to Race-conscious Medicine: How Anti-racist Uprisings Call Us to Act, The Lancet 396:1125-1128 (2020), https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)32076-6/fulltext

• Christina Amutah, Kaliya Greenidge, Adjoa Mante, et al., Misrepresenting Race—The Role of Medical Schools in Propagating Physician Bias, New England Journal of Medicine 384: 872-878 (2021), https://www.nejm.org/doi/full/10.1056/NEJMms2025768

• Jonathan M. Metzl & Dorothy E. Roberts, Structural Competency Meets Structural Racism: Race, Politics, and the Structure of Medical Knowledge, AMA Journal of Ethics 16: 674-690

(2014), https://journalofethics.ama-assn.org/article/structural-competency-meets-structural-racism-race-politics-and-structure-medical-knowledge/2014-09

- Dorothy E. Roberts, Debating the Cause of Health Disparities: Implications for Bioethics and Racial Equality, Cambridge Quarterly of Health Care Ethics 21: 332-341 (2012), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1572&context=faculty_scholarship