



The Legal System: SS.7.CG.3.11
**Landmark Supreme Court
Civil Rights Cases
VIDEO SCRIPT**



Civil Rights Cases

1. In this video, we will look at Marbury vs. Madison (1803), Dred Scott v. Sandford (1857), Plessy v. Ferguson (1896), Brown v the Board of Education (1954), and in re Gault (1967).
2. Throughout the history of the United States, our civil rights have been impacted by decisions of the United States Supreme Court. Some decisions have been more impactful than others, and we call these decisions landmarks. A landmark decision is one that is especially significant.
3. In this video, we will explore landmark cases that impacted civil rights, or the basic rights of citizens to be free from unequal treatment based on certain characteristics.
4. After watching, you will be able to:
 - ✓ Use primary sources to assess the significance of landmark U.S. Supreme Court cases.
 - ✓ Evaluate how these cases have had an impact on society, and
 - ✓ Recognize and/or apply constitutional principles and/or rights in relation to relevant U.S. Supreme Court cases.
5. So what does the Supreme Court actually do?. Well, Article 3 of the U.S. Constitution gave the Supreme Court jurisdiction over certain types of cases. It was not until Marbury v. Madison (1803) that the court claimed the power of what we call judicial review. This is the power to decide whether certain laws and government actions are unconstitutional. So how did this case do that?
6. Before he left office, President John Adams appointed a number of federal judges and justices of the peace, but he didn't get all of the paperwork and appointments completed before he left office. The new president, Thomas Jefferson, refused to send out all of the letters that completed the process.
7. Can you imagine if you were offered a lifetime job and because of a paperwork problem you were told that the job was no longer yours? William Marbury was one of the persons whose paperwork was not delivered before Adams left office. He sued James Madison, President Jefferson's secretary of state, because he did not receive his paperwork. It was Madison's responsibility to deliver it but Jefferson told him not to.

8. The Supreme Court ruled that the law that allowed Marbury to sue was unconstitutional, or not in agreement with the US Constitution. This was the first time that the Supreme Court ruled that part of a law was unconstitutional. Let's take a look at what the Court said!

9. "It is...the duty of the Judicial Department to say what the law is. Those who apply the rule to particular cases must, of necessity,...interpret the rule. If two laws conflict with each other, the Court must decide on the operation of each."

10. So what does the principle of judicial review mean and how does it impact society? Basically, the Supreme Court said that SOMEBODY had to interpret the Constitution, and it was the job of the Supreme Court to do so because the judicial branch is not involved in making law unlike the legislative and executive branches. Marbury v. Madison strengthened the system of checks and balances. Don't forget that this system is what makes sure one branch can limit the power of other the branches and help protect our rights!

11. Let's Check In. How did the constitutional principle in the Marbury vs Madison decision impact society?

12. ANSWER TO QUESTION

13. One of the most important factors that impacts our civil rights is the very idea of citizenship. Remember that the Constitution, in the 14th Amendment, defines citizens as anyone that is born or naturalized in the United States and guarantees them the protection of due process and their rights and liberties. However, the 14th Amendment did not become part of our Constitution until 1868. So in 1846, when Dred Scott, an enslaved man who had lived for many years with his enslaver in free states where slavery was illegal, sued for the freedom of his family, the 14th Amendment was nowhere to be found. Scott's lawsuit went on for years.

14. The Supreme Court ruled against Dred Scott in Dred Scott v. Sandford (1857). The Supreme Court decision stated that Mr. Scott was in fact not a citizen so he had no right to sue, or indeed any rights at all. Let's take a look at the majority opinion from Chief Justice Roger Taney.

15. "The question before us is whether the class of persons [slaves, ex-slaves, and free African Americans] described in the plea in abatement compose a portion of this people [American citizen], and are constituent members of this sovereignty [the United States]? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States."

16. In other words, African Americans could not be citizens according to this decision. So how did this constitutional principle, concerning the nature and rights of citizenship, impact society? Well, most significantly, it threatened the rights and freedoms of those African-Americans who had escaped slavery or been born free. If the rights guaranteed by the Constitution and promised by the Declaration did not apply to them simply because who they were, that was a threat to their liberty! It also increased the divide between North and South on the issue of slavery, and contributed to growing tensions in the nation leading up to the Civil War. Fortunately, this decision was overturned by the 14th Amendment and its guarantee that everyone born or naturalized in the United States were citizens without exception, and had all the rights and privileges of citizenship. Still, though, the 14th Amendment didn't always have the impact we would hope, as our next case shows.

17. Let's check in. How did the constitutional principle in Dred Scott vs Sandford impact society?

ANSWER TO QUESTION

18. Our next important case to discuss that impacted civil rights was Plessy v. Ferguson, decided in 1896.

19. In Louisiana, the law said that African-Americans and whites had to ride in equal but separate train cars. One day, a man named Homer Plessy decided he wanted to take a train ride in Louisiana, so he bought a ticket and got on the train.

20. But there was a problem: Mr. Plessy was 1/8th African-American, and he insisted on riding in the car that was meant for only white people. He said it wasn't fair that people of different races had to ride in different train cars, because they were not always equal, and that this type of segregation violated the 14th Amendment's Equal Protection Clause.

21. This clause says that the law must apply to everyone equally and cannot discriminate against citizens or groups of citizens. Unfortunately for Mr. Plessy, the US Supreme Court disagreed and ended up limiting civil rights. Let's take a look at what the Court said!

22. “We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it...If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them on the same plane....”

23. So what does this principle mean and how does it impact society? Basically, the Supreme Court declared that 'separate but equal' did not violate the 14th Amendment's Equal Protection clause, as long as the separate African-American facilities were 'equal' to those of white people.

24. In other words, segregation based on race was legal as long as everything else was equal. In this case, since riders regardless of race were allowed to travel on the train and get to their destination they were being treated equally.

25. Of course, as we know now, in many cases African-Americans did not have 'equal' facilities as those of whites. And we'll talk about this in our next case.

26. Let's Check In. How did the constitutional principle in Plessy v Ferguson impact society?

27. ANSWER TO QUESTION

28. The next case that we will discuss is Brown v Board of Education (1954), which may be one of the most important civil rights cases in the history of this country.

29. After the Plessy decision, African-American students in many states were not allowed to attend the same schools as white students because the law allowed or required racial segregation. Do you remember, though, what allowed that segregation?

30. That's right, everything still had to be equal! By 1954 it was pretty evident that students from different races were NOT receiving an equal education. The Brown family sued the Topeka, Kansas School Board for discrimination. Just like Plessy, the Browns claimed that this racial separation violated the Equal Protection Clause of the 14th Amendment because students were required to attend school in an unequal learning environment. And they won!

31. Let's take a look at what the Supreme Court said. **“We conclude in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”**

32. So what does this principle mean and how does it impact society? In Brown v. Board of Education the Supreme Court declared that the Equal Protection clause, when applied to education, meant that separate schools were NOT equal schools.

33. Eventually, this principle would apply to all public facilities and segregation through the Civil Rights Act of 1964

34. Let's Check In. How did the constitutional principle in Brown vs Board impact society?

35. ANSWER TO QUESTION

36. Let's take a look at one more civil rights case that had a big impact on society, especially for young people, In re Gault (1967).

37. When he was 15, a young man named Gerald Gault was arrested for making a naughty phone call. He was denied due process, or his right to fair treatment by the law, because he was a juvenile, someone who is younger than 18.

38. Gault was tried in juvenile court and sentenced to six years in reform school. He appealed to his state's Supreme Court, but that court ruled that he did not have the right to due process because he was a juvenile. Gault appealed to the US Supreme Court, and the Court agreed that his due process rights were violated. The Supreme Court said in In re Gault in 1967 that juvenile rights included many of the same rights that adults had when accused of crimes.

39. Let's take a look at what the Supreme Court said. **“...neither the Fourteenth Amendment nor the Bill of Rights is for adults alone.”**

40. So what does this principle mean and how does it impact society? This upholds the idea that in many cases, juveniles have legal equality with adults, and minors accused of crimes have the same due process rights as adults. So all criminal cases involving juveniles must guarantee due process.

41. Let's check in. How did the constitutional principle in in re Gault impact society?

ANSWER TO QUESTION

42. So let's recap what we learned. Marbury v. Madison (1803) established the principle of judicial review. Dred Scott v. Sandford (1857) determined who and who could not be a citizen and limited the rights of African Americans. Plessy v. Ferguson (1896) established the concept

of 'separate but equal' under the 14th Amendment. *Brown v. Board* (1954) overturned *Plessy v. Ferguson* on the basis on the Equal Protection Clause of the 14th Amendment. *In re Gault* (1967) extended the protections of due process rights to juvenile defendants.