



# Supreme Court Cases Report Searches And Seizures

*Investigations and Evidence*

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# Investigations and Evidence

## Searches and Seizures

- **\*Katz v. United States (1967)\*\***
  - **Case Summary:**\* Federal agents attached a listening device to the outside of a telephone booth that Charles Katz was using, without obtaining a warrant. Katz was convicted of transmitting wagering information by telephone. On appeal, he argued that the warrantless eavesdropping violated the Fourth Amendment. The Supreme Court agreed and overturned his conviction.
  - **\*Ruling:\*\*** The Court held that the Fourth Amendment protects people, not just places. It established the “reasonable expectation of privacy” test: Katz’s telephone booth conversation was private, so the government’s electronic surveillance was a “search” requiring a warrant.
  - **\*Significance:\*\*** This case extended Fourth Amendment protection to cover intangible invasions of privacy (like listening devices), not just physical intrusions. Katz created the foundational privacy test (reasonable expectation of privacy) and famously emphasized that “the Fourth Amendment protects people, not places”. It shifted Fourth Amendment law toward balancing modern technology with privacy rights.
- **\*Florida v. Jardines (2013)\*\***
  - **Case Summary:**\* Police received an unverified tip that marijuana was being grown inside Joelis Jardines’s home. Officers brought a drug-sniffing dog onto Jardines’s front porch. The dog “alerted” to the scent of drugs, and police obtained a search warrant. The ensuing search found marijuana plants and led to Jardines’s prosecution. Jardines moved to suppress the evidence, arguing the dog sniff on the

- porch was an unlawful search under the Fourth Amendment.
- **\*Ruling:\*\*** In a 5–4 decision, the Court held that bringing a trained narcotics dog onto the curtilage of a home to conduct a sniff test is a Fourth Amendment search. Without a warrant, the officers’ investigative intrusion onto Jardines’s porch violated the sanctity of the home. Thus the evidence obtained after the dog alert was inadmissible.
- **\*Significance:\*\*** Jardines reaffirmed that the home and its immediate surrounding (curtilage) enjoy special protection. The Court stressed that the front porch is a “classic exemplar” of curtilage, and using a technology (a drug-sniffing dog) not in general public use to investigate it required probable cause. In effect, Jardines limited police use of dogs at the threshold of a home, emphasizing a property-based approach to searches.
- **\*Carpenter v. United States (2018)\*\***
- **Case Summary:** Police investigating a series of robberies obtained a court order under the Stored Communications Act for 127 days of Timothy Carpenter’s cell-site location records from his wireless carriers, without a warrant. Those records showed his movements during that period, which placed him near several robbery sites. Carpenter was convicted and challenged his conviction on Fourth Amendment grounds, arguing that collecting his historical location data was an unlawful search.
- **\*Ruling:\*\*** The Court held (5–4) that the government’s acquisition of Carpenter’s prolonged cell-site location information was a search under the Fourth Amendment. Because cell location data provides an “intimate window” into a person’s life, the government generally must obtain a warrant supported by probable cause before accessing such records.
- **\*Significance:\*\*** Carpenter carved out an important exception to the old third-party doctrine. The Court recognized that modern digital tracking is highly revealing and ruled that individuals have a privacy interest in their cell-phone location history. This decision significantly

- extended Fourth Amendment protection to new technologies, requiring warrants for intensive location surveillance and shaping privacy rights in the digital age.
- **\*Illinois v. Gates (1983)\***
  - **Case Summary:** Police in Illinois received an anonymous letter stating that the Gateses were selling drugs from their home. Officers verified some details and obtained a search warrant. A search found marijuana and other evidence, and the Gateses were arrested. At the probable-cause hearing, the Illinois court applied the strict two-part Aguilar-Spinelli test (requiring both veracity and basis-of-knowledge for an informant). It found the affidavit insufficient, so it suppressed the evidence. The Illinois Supreme Court upheld that suppression under the old test.
  - **\*Ruling:** The U.S. Supreme Court overruled Aguilar-Spinelli's rigid test. In a landmark decision, the Court held that magistrates should assess probable cause by the "totality of the circumstances". The Gates affidavit was found to establish probable cause when viewed holistically (information from the tip plus independent police corroboration). Consequently, the judgment of the Illinois courts was reversed.
  - **\*Significance:** Gates made it easier for law enforcement to obtain search warrants. By replacing the inflexible two-prong test with a flexible totality-of-circumstances approach, the decision allows more leeway in weighing informant tips and other evidence. The ruling remains the standard for probable cause in America, emphasizing a common-sense, practical evaluation rather than formulaic requirements.
- **\*Terry v. Ohio (1968)\***
  - **Case Summary:** A Cleveland police detective observed three men, including John Terry, pacing repeatedly and peering into a store window, in behavior suggesting a planned robbery. The officer identified himself and asked their names. Two gave evasive answers. The officer then performed a quick pat-down ("frisk") of Terry's outer clothing and

- discovered a concealed pistol, for which Terry was arrested. Terry was convicted of carrying a concealed weapon.
- **\*Ruling:\*\*** The Supreme Court (8-1) held that the Fourth Amendment permits limited searches on less than probable cause if an officer has reasonable suspicion of criminal activity. This “stop and frisk” can occur when the officer reasonably believes the person may be armed and dangerous. The Court explained that the search in this case was reasonable: the officer had reasonable suspicion from Terry’s furtive movements to justify the stop and the protective frisk.
- **\*Significance:\*\*** Terry established the “reasonable suspicion” standard for stops and frisks, a lower threshold than probable cause. It created the modern doctrine of the “Terry stop,” allowing officers to briefly detain and pat down suspects for weapons during an investigation. This decision balances crime prevention against privacy by authorizing limited intrusions on less than probable cause while still protecting officers’ safety.
- **\*Safford Unified School District #1 v. Redding (2009)\*\***
- **Case Summary:** Thirteen-year-old Savana Redding was strip-searched at school by administrators who suspected she had ibuprofen (a prescription-strength painkiller) hidden in her underwear, based on another student’s tip. The search involved requiring Redding to pull out her bra and underwear for inspection. No contraband was found, and Redding (through her mother) sued, arguing the search violated the Fourth Amendment.
- **\*Ruling:\*\*** The Court (8-1) held that the strip search was unconstitutional. Even assuming the school officials had reasonable suspicion to search Redding, the manner of the search was excessively intrusive. Because the suspicion involved only ordinary ibuprofen (not harmful drugs), the Court found no justification for searching Redding’s undergarments. Thus, the search violated the Fourth Amendment .
- **\*Significance:\*\*** *Safford v. Redding* refined the standard for school searches. It reaffirmed that student searches must be “reasonable at its

- inception” and “in scope” but held that searching a student’s underwear for non-dangerous drugs was grossly out of proportion to the infraction. The decision emphasized protecting students’ privacy and marked that strip searches of students require strong justification. (The Court also recognized the importance of providing a non-disruptive learning environment, but here officials went too far in an ordinary drug search.)
- \*Mapp v. Ohio (1961)\*\*
  - Case Summary:\* Police in Cleveland forcibly entered Dollree Mapp’s home without a valid search warrant, looking for a fugitive. They found obscene books and pictures in a trunk and charged Mapp with possessing pornography. Mapp was convicted based on that evidence and appealed, arguing the search violated the Fourth Amendment.
  - \*Ruling:\*\* The Supreme Court (6–3) ruled that the exclusionary rule – which bars introduction of evidence obtained in violation of the Fourth Amendment – applies to state as well as federal prosecutions. The Court held that evidence seized through an unconstitutional search (like Mapp’s) cannot be used in state court trials. Mapp’s conviction was overturned.
  - \*Significance:\*\* *Mapp* incorporated the exclusionary rule against the states via the Fourteenth Amendment’s Due Process Clause. It overruled earlier cases and made it mandatory for state courts to exclude illegally obtained evidence. This case fundamentally ensured that all levels of government must respect Fourth Amendment protections, deterring unlawful searches by state and local police.
- \*United States v. Leon (1984)\*\*
  - Case Summary:\* In California, officers obtained a warrant to search Leon’s home based on an informant’s tip. They found large quantities of drugs. Leon’s lawyer later discovered the warrant affidavit was deficient (lacking probable cause), and Leon moved to suppress the evidence. The trial court suppressed the evidence and Leon’s conviction was overturned.

- **\*Ruling:\*\*** The Supreme Court (6–3) created the “good-faith” exception to the exclusionary rule. The Court held that evidence need not be excluded if officers acted in objectively reasonable reliance on a search warrant issued by a neutral magistrate, even if that warrant is later found invalid. Here, because police reasonably relied on the magistrate’s issuance of the warrant, the evidence was admissible.
- **\*Significance:\*\*** *Leon* limited the exclusionary rule to cases that truly involve police misconduct. It emphasized that the rule’s purpose is to deter deliberate wrongdoing, not to punish officers who make a reasonable mistake. The decision allows courts to admit evidence obtained by well-meaning officers following judicial authorization, thereby balancing law enforcement interests against privacy by focusing on officer intent.
- **\*Hudson v. Michigan (2006)\*\***
- **Case Summary:** Police executing a valid search warrant at Hudson’s home failed to knock and announce their presence before forcing entry. They found cocaine, and Hudson moved to suppress the evidence, citing the violation of the “knock-and-announce” rule (which normally requires police to announce their presence before entering). The trial court denied suppression; Hudson appealed.
- **\*Ruling:\*\*** The Supreme Court (5–4) held that violating the knock-and-announce rule does not trigger the exclusionary rule. In other words, evidence found during a search may still be used even if officers improperly failed to knock and announce. The Court reasoned that the interests served by the rule (officer safety, privacy) do not relate to the discovery of evidence, so excluding evidence here would not further the Fourth Amendment’s purposes.
- **\*Significance:\*\*** *Hudson* further narrowed the exclusionary remedy. It confirmed that certain technical violations of police procedure (like failing to knock) do not necessarily require suppression of evidence. The Court held that the exclusionary rule is not a one-size-fits-all remedy and should be applied only when it serves to deter the police misconduct that the Fourth Amendment is meant to prevent.

## The Fifth Amendment and Self-Incrimination

- **\*Escobedo v. Illinois (1964)\*\***
  - **Case Summary:**\* Danny Escobedo was arrested during a homicide investigation and taken to the police station. He repeatedly asked to see his lawyer, who was nearby, but officers denied his requests. After several hours of interrogation (with no Miranda warning), Escobedo confessed to killing his brother-in-law. At trial, the confession was admitted and Escobedo was convicted of murder.
  - **\*Ruling:\*\*** The Supreme Court (5-4) held that Escobedo's Sixth Amendment right to counsel (incorporated by the Fourteenth Amendment) was violated. Because the investigation had focused on Escobedo as the suspect and he had been denied access to counsel during interrogation, his statements were inadmissible. The conviction was reversed.
  - **\*Significance:\*\*** *Escobedo* was the first case to recognize a right to counsel during police interrogation. It established that once police intensify investigation on a suspect who has requested counsel, any statements made cannot be used if counsel has been denied. This case foreshadowed *Miranda* by linking the Sixth Amendment to early interrogation rights, though it applied mainly after formal accusation.
- **\*Miranda v. Arizona (1966)\*\***
  - **Case Summary:**\* Ernesto Miranda was arrested in Arizona and subjected to two hours of police interrogation, during which he was not informed of his rights. He ultimately confessed to kidnapping and rape. Miranda was convicted based on his confession. He appealed, arguing that his confession was not truly voluntary because he had not been informed of his rights.
  - **\*Ruling:\*\*** The Supreme Court unanimously held that the Fifth Amendment requires law enforcement to inform suspects of certain rights before custodial interrogation. Specifically, police must warn a suspect of the right to remain silent, that anything said can be used in



- court, and the right to an attorney (either retained or appointed). Because *Miranda* had not been warned, his confession was inadmissible.
- **\*Significance:\*\*** *Miranda* created the famous “Miranda warnings” and dramatically expanded protections against self-incrimination during custodial interrogations. It established that certain procedural safeguards (clear warnings and an opportunity to exercise rights) are required to protect the Fifth Amendment’s privilege. This ruling made Miranda warnings a routine part of police procedure in America.
- **\*Missouri v. Seibert (2004)\*\***
  - **Case Summary:** Police interrogated Patrice Seibert about her son’s suspected role in a murder. They initially withheld Miranda warnings and obtained a confession. After a brief break, they gave Seibert Miranda warnings and then had her repeat the confession. Seibert argued that this “question-first” tactic violated her Fifth Amendment rights because the mid-stream warning did not sufficiently inform her of the voluntariness of the confession.
  - **\*Ruling:\*\*** In a plurality (5–4) decision, the Court held that when police use an intentional two-step interrogation (asking questions, eliciting a confession, then giving Miranda warnings and eliciting the confession again), the second round statement is inadmissible unless curative measures are taken. Because no such measures were done here, Seibert’s repeated confession could not be used.
  - **\*Significance:\*\*** *Seibert* reaffirmed that Miranda rights cannot be bypassed by clever techniques. It warned that giving warnings only after an unwarned interrogation can undermine the Fifth Amendment if not handled properly. The decision requires courts to scrutinize post-warning statements closely when “Miranda warnings” follow an unwarned interrogation, essentially discouraging the deliberate “question first” strategy.

## Attorneys, Trials, and Punishment

## Right to Counsel

- **\*Powell v. Alabama (1932)\*\***
  - **Case Summary:**\* Known as the “Scottsboro Boys” case, nine African-American youths were charged with raping two white women in Alabama. They were hurriedly tried and convicted by an all-white jury. The accused had no time or means to hire lawyers, and none were appointed until right before the trial (too late for effective aid). All were sentenced to death.
  - **\*Ruling:\*\*** The Supreme Court (7-2) ruled that in a capital case where the defendant is unable to employ counsel and cannot adequately defend himself (due to ignorance, illiteracy, or mental deficiency), the Fourteenth Amendment’s Due Process Clause requires the court to appoint counsel on its own initiative. Here, failure to appoint counsel until the eve of trial denied the defendants a fair trial.
  - **\*Significance:\*\*** *Powell* was the first case to require appointed counsel for indigent defendants in capital trials under the Fourteenth Amendment. It established that the right to counsel is fundamental to due process in serious cases. This case laid the groundwork for later decisions (like *Gideon*) extending counsel rights beyond federal cases.
- **\*Gideon v. Wainwright (1963)\*\***
  - **Case Summary:**\* Clarence Gideon was charged with felony burglary in Florida state court. Too poor to hire a lawyer, he asked for appointed counsel. The Florida court denied his request (Florida law only appointed counsel for capital offenses). Gideon represented himself and was convicted. He petitioned the Supreme Court from prison.
  - **\*Ruling:\*\*** In a unanimous decision, the Court held that the Sixth Amendment’s guarantee of counsel is a fundamental right applicable to the states through the Fourteenth Amendment. Therefore, states must provide lawyers to indigent defendants in all criminal trials. The Court

- reversed Gideon's conviction and granted him a new trial with counsel.
- \*Significance:\*\* *Gideon* guaranteed the right to appointed counsel in all felony (and potentially any serious) criminal cases nationwide. It explicitly overruled *Betts v. Brady* (1942), requiring that defendants facing serious charges cannot be deprived of a fair trial by lack of legal representation. This case vastly expanded defendants' rights and led to the modern public defender system.

## The Sixth Amendment and Fair Trials

- \*Batson v. Kentucky (1986)\*\*
- Case Summary:\* James Batson, a Black man, was on trial for robbery. During jury selection, the prosecutor used his peremptory strikes to remove all four Black jurors, leaving only white jurors. Batson moved for a new trial, arguing racial discrimination in jury selection. The trial and Kentucky Supreme Court denied relief under the old rule, requiring proof of systematic exclusion.
- \*Ruling:\*\* The Supreme Court (7-2) ruled that the Equal Protection Clause forbids the exclusion of jurors based solely on race. The Court held that prosecutors cannot use peremptory challenges to remove potential jurors because of their race. It reaffirmed *Strauder v. West Virginia*'s principle and established a three-step *Batson* inquiry: if the defendant shows the prosecutor struck jurors of a protected class, the burden shifts to the prosecutor to give a race-neutral reason.
- \*Significance:\*\* *Batson* transformed jury selection by making it unconstitutional to use peremptories to exclude jurors on racial grounds. It protected defendants' and excluded jurors' Equal Protection rights and promoted public confidence in jury fairness. The *Batson* doctrine has since been extended to gender and other protected categories, reflecting its broad impact on juries and anti-discrimination law.
- \*Sheppard v. Maxwell (1966)\*\*

- **Case Summary:**\* Dr. Sam Sheppard was accused of murdering his wife. The trial received intense national media coverage: reporters crowded the courtroom, and prejudicial publicity about Sheppard's guilt was widespread. Sheppard claimed that this pervasive publicity and the trial judge's failure to control the press denied him a fair trial.
- **\*Ruling:\*\*** The Court (6-3) agreed that Sheppard did not receive a fair trial. The massive and prejudicial press coverage during his prosecution violated due process. The Court held that when the courtroom becomes a media circus, the defendant's right to a trial by impartial jury (under the Due Process Clause) is compromised. Sheppard's conviction was overturned and a new trial was granted.
- **\*Significance:\*\*** *Sheppard v. Maxwell* underscored the Sixth Amendment's promise of a fair trial and the court's duty to protect that right from prejudicial publicity. It set standards for balancing free press with fair trials, stressing that trial courts must take active measures (gag orders, juror sequestration, venue changes, etc.) to prevent media from undermining justice. This case is often cited in high-profile cases regarding press restraints.
- **\*Richmond Newspapers, Inc. v. Virginia (1980)\*\***
- **Case Summary:**\* After three mistrials in a murder case, the trial judge closed the courtroom to the public and press during the fourth trial at the defense's request (citing an imminent threat to the defendant's fair trial). Newspapers challenged the closure, arguing that a public trial is a fundamental right. The case eventually reached the Supreme Court.
- **\*Ruling:\*\*** In a 7-1 decision, the Court held that the First Amendment implicitly guarantees the public and the press a right to attend criminal trials. Chief Justice Burger wrote that criminal trials have historically been open, ensuring fairness and accountability. Absent an overriding interest (articulated in specific findings), a criminal trial must be open. The judge's closure order, issued without sufficient justification, was unconstitutional.

- **\*Significance:\*\*** *Richmond Newspapers* established that the right to a public trial is not merely implicit in due process, but is grounded in the First Amendment's guarantee of a free press and public. It made open criminal trials the default, subject only to narrowly tailored closures. This case ensures transparency in the justice system by recognizing openness as an independent constitutional principle.

## The Eighth Amendment

- **\*Gregg v. Georgia (1976)\*\***
  - **Case Summary:** *After the 1972 Furman\** decision invalidated existing death penalty laws for being arbitrary, several states (including Georgia) enacted new capital sentencing schemes with guided discretion and bifurcation (separate guilt and penalty phases). Troy Gregg was convicted of murder in Georgia and sentenced to death under the new law. He challenged the sentence as cruel and unusual under the Eighth Amendment.
  - **\*Ruling:\*\*** In a 7-2 decision, the Court upheld Georgia's revised death penalty system and Gregg's death sentence. The Court held that capital punishment itself is not per se unconstitutional for murder; Georgia's scheme had sufficient safeguards (aggravating/mitigating factors, appellate review) to prevent arbitrary sentencing. Thus, the death penalty was permissible under the Eighth Amendment if applied judiciously.
  - **\*Significance:\*\*** *Gregg* reinstated the death penalty in the United States under regulated procedures. It marked the end of the de facto moratorium caused by *Furman*, approving guided capital statutes and clear standards. The decision held that the death penalty, when carefully administered, does not violate the "evolving standards of decency". It remains a key case defining when the death penalty is constitutionally acceptable.
- **\*Atkins v. Virginia (2002)\*\***

- **Case Summary:** Daryl Atkins, who has an intellectual disability (IQ ~59), was convicted of murder in Virginia and sentenced to death. During sentencing, experts testified to his disability, but he was executed. His attorneys argued that executing the mentally disabled violates the Eighth Amendment's ban on cruel and unusual punishment.
- **\*Ruling:** The Supreme Court (6-3) held that executing individuals with intellectual disability (formerly "mental retardation") is unconstitutional. The Court found a national consensus against such executions and reasoned that diminished culpability makes the death penalty excessive punishment for the mentally disabled. Atkins's death sentence was vacated.
- **\*Significance:** *Atkins* established that the Eighth Amendment forbids the execution of intellectually disabled offenders. The Court invoked "evolving standards of decency," noting that most states had rejected this practice. This decision placed a substantive limit on the death penalty, requiring courts to consider disability and culpability under proportionality analysis.

# Racial Equality

## Initial Approaches to the Fourteenth Amendment

- **\*Plessy v. Ferguson (1896)\***
- **Case Summary:** Homer Plessy, who was seven-eighths white and one-eighth black, deliberately violated Louisiana's Separate Car Act by sitting in a whites-only railroad car. He was arrested and convicted. Plessy argued this law denied blacks equal protection under the Fourteenth Amendment.
- **\*Ruling:** The Supreme Court (7-1) upheld state laws mandating racial segregation. It held that such separate accommodations for blacks and whites did not in themselves violate equal protection, as

- long as the facilities were purportedly “equal”. The majority insisted that segregation did not imply the inferiority of African Americans.
- \*Significance:\*\* *Plessy* entrenched the “separate but equal” doctrine, constitutionalizing racial segregation for over half a century. It gave legal sanction to Jim Crow laws across the South. (This doctrine would stand until it was explicitly overturned by *Brown v. Board of Education* in 1954.) *Plessy*’s sanction of segregation was the starting point for the civil rights struggles of the 20th century.
- \*Sweatt v. Painter (1950)\*\*
- Case Summary:\* Herman Sweatt, a Black man, applied to the University of Texas Law School. Texas law barred blacks from the white law school, so a separate “colored” law school was quickly created. Sweatt refused enrollment at the hastily established school and sued, arguing it was grossly inferior.
- \*Ruling:\*\* The Supreme Court unanimously agreed that the separate law school was not equal. It noted the many qualitative differences (faculty, library, alumni, reputation) between the schools. The Court held that Equal Protection required Sweatt’s admission to the University of Texas Law School.
- \*Significance:\*\* *Sweatt* was one of the first cracks in *Plessy*’s armor. It recognized that intangible factors (prestige, networking, full curriculum) matter in education equality. The decision implied that separate segregated schools are inherently unequal when segregation prevents access to such advantages. It set an important precedent that “separate” is not truly equal, paving the way for *Brown v. Board*.
- \*Brown v. Board of Education (I) (1954)\*\*
- Case Summary:\* Oliver Brown and other plaintiffs sued to challenge state laws that segregated public school children by race. At issue was whether the Constitution permits separate public schools for black and white children.

- **\*Ruling: In a unanimous decision, the Court held that** “separate educational facilities are inherently unequal,”\*\* violating the Equal Protection Clause. The Court overruled *Plessy* in the education context, declaring that racial segregation of children in public schools deprives them of equal protection of the laws.
- **\*Significance:\*\*** *Brown I* is a landmark watershed case. It ended lawful racial segregation in public schools and repudiated the *Plessy* “separate but equal” doctrine in education. This unanimous holding galvanized the Civil Rights Movement. It recognized that segregation instills a sense of inferiority in minority children and that true equality requires integration.
- **\*Brown v. Board of Education (II) (1955)\*\***
- **Case Summary:** *Following Brown I\**, the Court returned one year later to determine how to implement desegregation. The cases were remanded to lower courts for implementation plans.
- **\*Ruling:\*\*** The Court held that the Brown remedy must go forward “*with all deliberate speed.*” It directed states and school districts to begin desegregating their schools promptly, under supervision of federal district courts. Each community was to submit plans for integration and pursue them without unnecessary delay.
- **\*Significance:\*\*** *Brown II* established the “all deliberate speed” standard for desegregation. Although criticized for vagueness, it signaled that Brown was not merely symbolic; schools had to take concrete steps toward integration. This directive eventually led to the desegregation of most public schools, albeit often gradually, and set an important precedent for judicial oversight of civil rights enforcement.
- **\*Parents Involved in Community Schools v. Seattle School District No. 1 (2007)\*\***
- **Case Summary:** Seattle’s voluntary student assignment plan allowed race as a tie-breaker: if oversubscribed, school spots were allocated to maintain a school’s overall “racial balance” of white/nonwhite students. A similar plan in Jefferson County, KY, classified students as “white” or



- “other” to achieve racial diversity. Parents in both districts sued, arguing that using race in school assignments violated the Fourteenth Amendment.
- **\*Ruling:\*\*** In a 5–4 decision, the Supreme Court struck down both plans. Applying strict scrutiny, the Court found that the districts’ interests in diversity and avoiding racial isolation were not compelling as applied here, and the race-based tiebreakers were not narrowly tailored. Seattle’s schools had never been legally segregated, and Jefferson County’s de jure segregation had long since been eliminated. The use of race in assignments thus violated equal protection.
- **\*Significance:\*\*** *Parents Involved* limited the use of race in K–12 schooling. It held that except to remedy past legal segregation, race-conscious school policies must meet the highest scrutiny and generally fail. The Court made clear that demographic balancing or “diversity” alone is not a compelling state interest in primary and secondary education, reinforcing that any racial classification demands a truly narrow remedy.
- **\*Meredith v. Jefferson County Board of Education (2007)\*\***
- **Case Summary:** Jefferson County, KY, implemented a student assignment plan requiring each school to have between 15% and 50% African-American students. Crystal Meredith sued after her son’s application was denied because she was white and adding him would exceed that range. The question was whether this percentage-based use of race in assigning students violated equal protection.
- **\*Ruling:\*\*** The Supreme Court, deciding the case the same day as *Parents Involved*, also struck down Jefferson County’s plan (in another 5–4 decision). It held that maintaining a certain racial balance by fixed quotas was not a compelling interest for student assignment. Any use of race must be narrowly tailored, and the court found this policy was rigid and not justified by any past de jure segregation that needed remedying. The plan violated the Fourteenth Amendment.

- **\*Significance:\*\*** *Meredith* reinforced *Parents Involved*. It made clear that K-12 schools may not use race simply to achieve integration or diversity absent a history of legal segregation needing remedy. This case, together with *Parents Involved*, effectively ended most race-based policies in public school assignments, requiring strict scrutiny with a high bar for any racial classification.

## State Action Requirement

- **\*Shelley v. Kraemer (1948)\*\***
  - **Case Summary:**\* The Shelley family (black) purchased a home in Missouri. White neighbors sued to enforce a racially restrictive covenant in the subdivision's deeds that barred sale to African Americans. The Missouri courts initially refused to enforce the covenant, but on rehearing the state supreme court ordered enforcement of the covenant against the Shelleys.
  - **\*Ruling:\*\*** The U.S. Supreme Court unanimously held that private racially restrictive covenants themselves are not unconstitutional, but judicial enforcement of such covenants is "state action" and thus violates equal protection. In other words, courts cannot constitutionally enforce a private agreement that discriminates on race. Enforcement of the Shelley covenant was therefore forbidden.
  - **\*Significance:\*\*** *Shelley* established that the Fourteenth Amendment prohibits courts from enforcing private racial discrimination. This meant that private racist agreements (like housing covenants) could still exist privately, but state judicial participation in enforcing them was unconstitutional. It was an important step in limiting state-sponsored segregation and expanding civil rights.
- **\*Burton v. Wilmington Parking Authority (1961)\*\***
  - **Case Summary:**\* A Black diner named Joseph Burton was refused service at the all-white restaurant in a building owned by a public parking authority in Wilmington, Delaware. The restaurant was privately operated but leased space in a publicly owned garage. Burton sued

- under the Equal Protection Clause.
- **\*Ruling:\*\*** The Court held (9–0) that the restaurant’s discriminatory policy could be attributed to the state because of the “symbiotic relationship” between the restaurant and the public parking authority. Since the restaurant was in a building owned and maintained by the state agency (which benefited economically from the rent), enforcing segregation there amounted to state action. The restaurant could not lawfully discriminate.
- **\*Significance:\*\*** *Burton* broadened the state-action doctrine. It found that when a private business is entwined with a government entity (here, leasing space in a public facility), private discrimination can violate the Fourteenth Amendment□*Burton*□. This “entanglement” test allowed courts to strike down discriminatory practices even by nominally private actors in certain contexts.
- **\*Moose Lodge No. 107 v. Irvis (1973)\*\***
- **Case Summary:** Carlton Irvis, a Black state legislator, was denied service at a private social club (Moose Lodge) because of his race. The club held a state liquor license and operated under state regulations. Irvis argued that denying him service violated equal protection.
- **\*Ruling:\*\*** The Supreme Court (8–1) found no state action. It held that Moose Lodge’s discriminatory membership policy and refusal to serve Irvis were purely private conduct. Even though the club had a state-issued liquor license, the state’s involvement (regulation and licensing) was too remote to make the club’s racial discrimination a constitutional violation.
- **\*Significance:\*\*** *Moose Lodge* limited the scope of the state-action doctrine. It explained that not all government contacts with private entities turn private discrimination into state action. Unless the state’s involvement is significant (coercion, incentives, entwining), private discriminatory practices remain beyond the Fourteenth Amendment’s reach□*Moose Lodge*□.

## Contemporary Approaches to Equal Protection

- **\*Cleburne v. Cleburne Living Center (1985)\*\***
- **Case Summary:**\* The city of Cleburne, Texas, denied a special use permit for a group home for the intellectually disabled, invoking a zoning ordinance requiring permits for “hospitals for the feebleminded.” Cleburne Living Center sued, arguing that denying the permit violated the Equal Protection Clause because it discriminated against the mentally retarded.
- **\*Ruling:\*\*** The Court held that classifications based on intellectual disability are not “suspect” or “quasi-suspect,” so only rational-basis review applies. Under that lenient standard, the Court nonetheless found the city’s ordinance irrational. It agreed that the ordinance treated the disabled differently but concluded there was no legitimate justification for denying the permit. Thus, the ordinance was struck down on rational-basis grounds as applied to CLC.
- **\*Significance:\*\*** *Cleburne* is key for rational-basis scrutiny. It explicitly refused to treat mental disability as a suspect class and reaffirmed that such classifications normally only require a rational basis. Still, the Court showed willingness to invalidate irrational laws even under rational review. Cleburne thus stands for the proposition that some disabilities-based laws can fail under the least exacting test, but it did not elevate disabled persons to a protected class.

### #### Strict Scrutiny and Claims of Race Discrimination

- **\*Loving v. Virginia (1967)\*\***
- **Case Summary:**\* Richard Loving (white) and Mildred Loving (Black) were married in Washington, D.C., and returned to Virginia. Under Virginia law (and many other states’ laws), interracial marriage was a crime. The Lovings were convicted, given a choice of prison or exile, and chose exile. They challenged the law’s constitutionality.
- **\*Ruling:\*\*** The Supreme Court (9-0) struck down all state bans on interracial marriage. The Court held that laws prohibiting marriage

- between races violated both the Equal Protection and Due Process Clauses of the Fourteenth Amendment. Such racial classifications were “odious to a free people” and were subject to the “most rigid scrutiny”. Because the law only punished those who married interracially (not vice versa) and had no legitimate purpose other than invidious racial discrimination, it could not stand.
- \*Significance:\*\* *Loving* is a foundational race-equality case. It made clear that any law drawn according to race is presumptively unconstitutional. By invalidating anti-miscegenation statutes, it affirmed that marriage is a fundamental right and that racial classifications must meet strict scrutiny. The case is often cited for the proposition that the Equal Protection Clause strikes down state-sponsored racism at its core.
- \*Regents of the University of California v. Bakke (1978)\*\*
- Case Summary:\* Allan Bakke, a white applicant, was twice rejected from UC Davis Medical School. The school had reserved 16 of 100 seats for minority students. Bakke’s academic credentials exceeded those of the minority students admitted. He sued, claiming reverse discrimination under the Fourteenth Amendment and Title VI.
- \*Ruling:\*\* The Court’s fractured opinion (6-2) struck down the medical school’s strict racial quotas. A narrow majority (Justice Powell) held that setting aside a fixed number of seats solely on race was unconstitutional. However, the Court also held that race could be considered as one factor among others in admissions to achieve diversity. Bakke’s admission was ordered, but race-based affirmative action was not entirely outlawed.
- \*Significance:\*\* *Bakke* was a landmark affirmative action case. It invalidated rigid racial quotas in education but validated the idea that achieving diversity can be a legitimate, compelling interest. The decision created the framework that race can be one of many admission criteria (the “plus factor” approach) but cautioned that any race-conscious program must be narrowly tailored.
- \*Students for Fair Admissions, Inc. v. Harvard (2023)\*\*

- **Case Summary:**\* Students for Fair Admissions (SFFA) sued Harvard College (and UNC, by companion case) alleging that their race-conscious admissions programs discriminated against Asian-American and white applicants, violating the Fourteenth Amendment (and Title VI). SFFA argued the programs treated applicants of certain races better or worse, amounting to unconstitutional racial classifications.
- **\*Ruling:\*\*** In a 6–2 decision, the Supreme Court ruled that Harvard’s (and UNC’s) use of race in admissions violated the Equal Protection Clause. The majority held that affirmative action in college admissions is unconstitutional. It effectively overruled *Grutter v. Bollinger* and *Bakke*, concluding that achieving racial diversity in higher education is not a permissible compelling interest in this context. The Court ordered that such programs must cease.
- **\*Significance:\*\*** This landmark 2023 ruling ended race-based affirmative action in most college admissions across the United States. It decreed a “new era” of strict colorblindness in education, requiring that admissions policies treat all races equally. The decision has profound impact on university admissions, requiring institutions to find race-neutral ways to promote diversity. (The narrow exception of narrowly tailored admissions at military academies was noted but left unresolved.)