

CASES THAT CHANGED AMERICAN SOCIETY

BRANDENBURG V. OHIO (1969)

“Clarence Brandenburg, a leader of the Ku Klux Klan... was convicted of violating Ohio’s Criminal Syndicalism Act. This state law outlawed speech that advocated violence as a means of achieving social or political reform. Brandenburg had urged violence against black people during a televised KKK rally. The Ohio statute used to convict Brandenburg was identical to a California law upheld in *Whitney v. California* (1927). Brandenburg, however, claimed that his conviction violated his 1st Amendment free speech rights. The Court decided in favor of Brandenburg and struck down as unconstitutional the Ohio Criminal Syndicalism Act. This decision overturned *Whitney v. California*. The Court held that the constitutional guarantees of free speech do not permit a state to forbid people from speaking in favor of the use of force or other illegal actions unless it was likely to result in immediate violations of the law. The right to free speech can be limited only when the speech can be directly and immediately connected to specific actions that could result in lawless behavior. This decision greatly expanded the scope of political speech. The “clear and present danger test” ...allowed restrictions on speech if it had a “bad tendency” – that is, if it appeared to encourage or cause illegal actions. However, the Brandenburg test allows virtually all political speech, unless it is demonstrably linked to immediate lawless behavior.”

REGENTS OF THE UNIVERSITY OF CALIFORNIA V. BAKKE (1978)

At age 32 in 1972, Allan Bakke was older than other applicants to a University of California medical school. He guessed this was why, in spite of good test scores, he was rejected. Later, he learned that lower-scoring minority applicants had been accepted. Bakke sued, charging that the school’s affirmative action program, designed to bring minorities into medicine, resulted in reverse discrimination. “Bakke argued that the medical school’s admissions program violated the “equal protection of the laws” guarantee of the 14th Amendment. Bakke also claimed that the affirmative action program conflicted with Title VI of the Civil Rights Act of 1964, which forbids discrimination based on race or ethnicity in programs supported by federal funds. The University of California defended its special admissions program as necessary to compensate for past injustices suffered by members of certain disadvantaged groups. The special admissions program...was one way to open new opportunities for individual members of groups that in the past had not enjoyed these opportunities to the same degree as other members of society. The Supreme Court was sharply divided in its response”. The majority decided that Bakke must be admitted. “The Court held that a university may use admissions standards involving race or ethnicity as one part of a complex admissions process. But “fixed quotas” – guaranteeing a certain number of positions for students of a particular race or ethnicity—cannot be used. (Race & ethnicity) cannot be the sole factor in determining whether to admit or reject someone.” The court decided that affirmative action programs are constitutional, but discrimination against whites is against the law.

On back

ROE V. WADE (1973)

Jane Roe was the name used in court by a divorced Dallas waitress who gave up her illegitimate son for adoption in 1970. She had been denied an abortion by Texas law. In *Roe v. Wade*, this unknown woman wound up making history. "Roe's lawyers claimed that the Texas abortion laws violated her rights under the due process clause of the 14th Amendment which prohibited states from depriving their citizens of life, liberty or property without due process of law. The Court ruled that the Texas statutes on abortion were unconstitutional and that a woman did have a right to terminate her pregnancy. "The right of privacy...whether it is to be found in the 14th Amendment's concept of personal liberty...or...in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."

SAN ANTONIO INDEPENDENT SCHOOL DISTRICT V. RODRIGUEZ (1973)

"Demetrio Rodriguez was a Mexican-American living in San Antonio, Texas. His children...attended the Edgewood Independent Schools. Rodriguez and others were upset about the poor educational facilities and programs provided in their school district. They believed that public funds for schools were administered unfairly in Texas. It seemed to them that school districts with higher-income families received more resources than those with mostly Mexican-American students or students of lower economic status... The suit charged that the Texas system for financing school was unconstitutional because it violated the "equal protection of the laws" provision of the 14th Amendment. They argued that a high-quality education is a fundamental constitutional right of individuals. The right to an education, the Court decided, is not a fundamental right guaranteed by the Constitution. "At least where wealth is concerned the Equal Protection Clause does not require absolute equality of precisely equal advantages. So, the Texas system for financing public schools does not violate the Fourteenth Amendment."

Name _____

Hour 1 2 3 4 5 6 7

CASES THAT CHANGED AMERICAN SOCIETY

I. BRANDENBURG V. OHIO

A. What was at issue in this case?

B. What was the Court's ruling?

C. *What is the importance of this case to you?*

II. REGENTS OF THE UNIVERSITY OF CALIFORNIA V. BAKKE

A. What was at issue in this case?

B. What was the Court's ruling?

C. *What is the importance of this case to you?*

on back

III. ROE V. WADE

A. What was at issue in this case?

B. What was the Court's ruling?

C. *What is the importance of this case to you?*

IV. SAN ANTONIO INDEPENDENT SCHOOL DISTRICT V. RODRIGUEZ

A. What was at issue in this case?

B. What was the Court's ruling?

C. *What is the importance of this case to you?*

Name: _____ Date: 12-4-07

Define:

1. Asset: _____
- 144 2. Element: _____
3. Intent: _____
- 297 4. Moral: _____
5. Omission: _____
- 360 6. Presume: _____
7. Trespass: _____
- 71 8. Chaos: _____
9. Ethical: _____
- 240 10. Interpret: _____
11. Norm: _____
- 328 12. Packet: _____
13. Severe: _____
- 525 14. ^{Violate!} Violation: _____
15. Defendant: _____
- 181 16. Function: _____
17. Justice: _____
- 313 18. Nuisance: _____
19. Penalty: _____
- 449 20. ^{stability} ~~Stable~~: _____

Write two sentences using at least 5 words.

1. _____
2. _____