

**Richard T.
Fields
Bar Assoc.**



MILL

ALL HEROES HAVE ORIGIN STORIES

ATTORNEY THURGOOD MARSHALL

- Argued 32 cases in the Supreme Court
- Win record 29-3





ASSOC. JUSTICE THURGOOD MARSHALL

“The great majority of Supreme Court Justices are almost always remembered for their contributions to constitutional law as a member of this Court. Justice Marshall, however, is unique because of his contributions to constitutional law before becoming a member of the Court were so significant.

Inscribed above the front entrance to this Court building are the words, ‘Equal Justice Under Law.’ Surely no individual did more to make these words a reality than Thurgood Marshall.”

Chief Justice William Rehnquist.



ATTORNEY THURGOOD MARSHALL

Murray v. Pearson (1936):

A Maryland Court of Appeals ruled that the University of Maryland School of Law could not exclude black applicants due to race, because it was the only law school in the state.

- Marshall and Howard Law Dean Charles Hamilton Houston's 1st case for NAACP.
- Equal Protection Clause argument.





ATTORNEY THURGOOD MARSHALL

Smith v. Allwright (1944):

U.S. Supreme Court held Texas violated the Equal Protection Clause by allowing the Texas Democratic party to restrict voting in its primary elections to whites-only.

Anti-Negro Realty Pacts Held Unenforceable

Windstorm's Damage To A St. Louis House Stassen Claims



340 Votes On First Ballot

Stassen Predicts As Missouri Backs Averse Majority

By [unreadable]

St. Louis, May 2.—(AP)—Missouri voters today rejected a proposal to amend the state constitution to prohibit racial covenants in real estate contracts.

The amendment, which would have prohibited such covenants, was defeated by a vote of 340 to 1,000.

Stassen, who is leading the drive to amend the constitution, said the vote was a "great victory" for the "people of Missouri."

The amendment would have prohibited the use of racial covenants in real estate contracts, which are agreements between property owners that restrict the sale or rental of property to certain racial groups.

Stassen said he was "glad to see the people of Missouri stand up for their rights."

LATE NEWS BULLETIN

CARDS LEAD OVER

Date: 5 00 00

Outside: 5 03 00

ST. LOUIS, Mo. (AP)—The Supreme Court today held that racial covenants in real estate contracts are unenforceable.

The court's decision in *Shelley v. Kraemer* was a landmark ruling that struck down the enforcement of such covenants, which had been used to keep African Americans out of white neighborhoods.

The court held that the enforcement of such covenants violated the equal protection clause of the 14th Amendment.

The decision was a major victory for the civil rights movement and helped to desegregate housing in many parts of the country.



Shelley v. Kraemer (1948):

The Supreme Court struck down government enforcement of racially restrictive housing covenants.

- <https://youtu.be/QyxFpPTUi5A>

Sweatt v. Painter (1950)

Successfully challenged the “separate but equal” doctrine 4 years before *Brown v. Board of Education*.

- Heman Sweatt was denied admission to the University of Texas School of Law (Austin) because of race. After suing, Texas built a law school for blacks at Texas Southern (Houston) for Sweatt to attend.
- The Supreme Court found that the newly built school was not equal in quality, and that the Equal Protection clause required Sweatt’s admission to UT Law.



**ATTORNEY
THURGOOD MARSHALL**



The culminating victory in a line of cases argued and won by Marshall that strengthened the Equal Protection Clause in education.

- A group of Black parents whose children were required to attend segregated schools filed a class-action lawsuit.
- The Supreme Court unanimously ruled that “separate educational facilities are inherently unequal.”

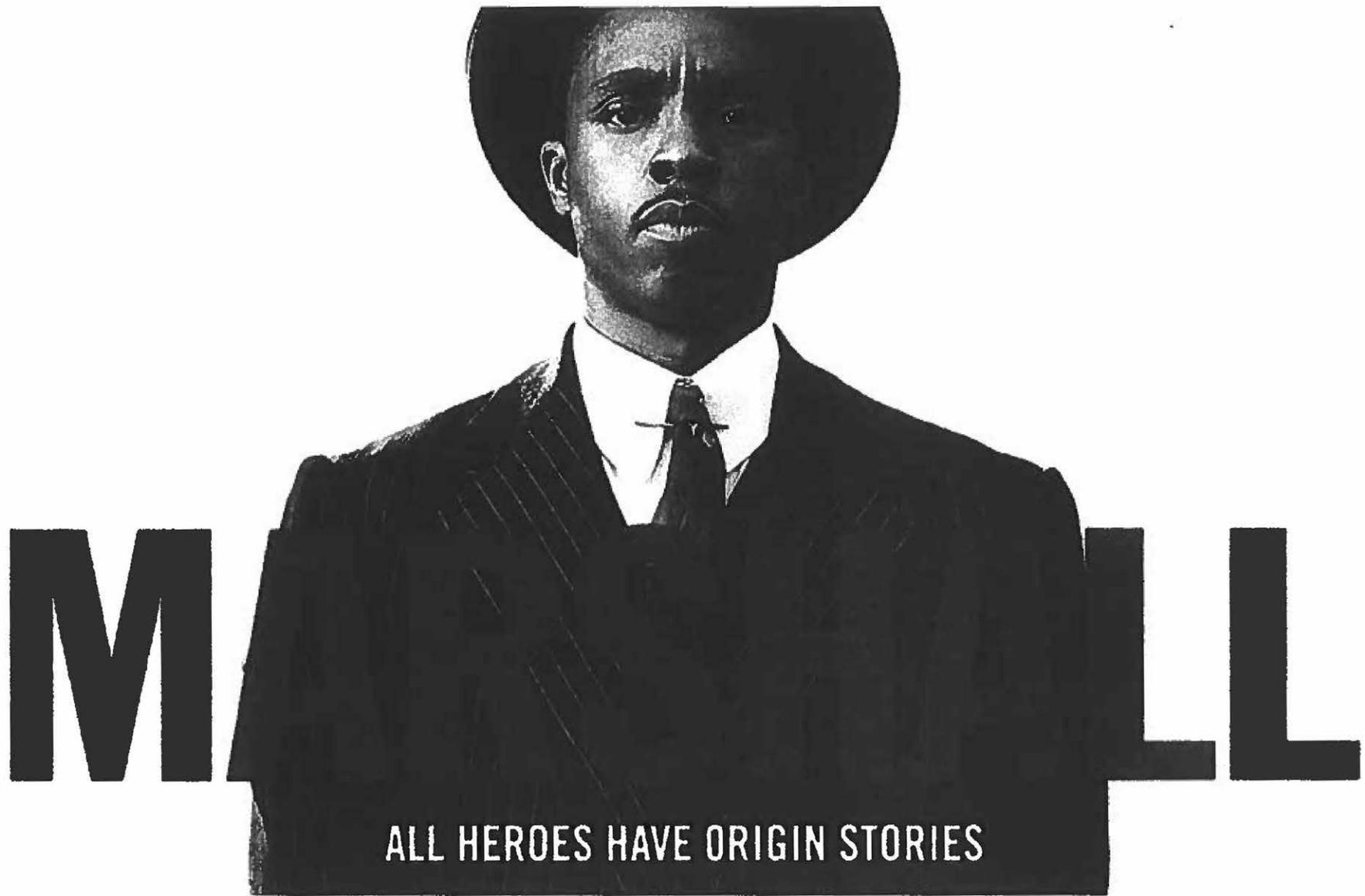


Brown v. Board of Education Topeka (1954)



JUSTICE THURGOOD MARSHALL

- Criminal Procedure
 - Urged Court to adopt bright-line Miranda like rule for 4th amendment rights (search/seizure): Require police to directly advise suspects of right to refuse contact and search. (See dissents in *Florida v. Bostick* and *Shneckcloth v. Bustamonte*)
- Opposed Death Penalty
- Roe v. Wade



ALL HEROES HAVE ORIGIN STORIES

Insert Film clips



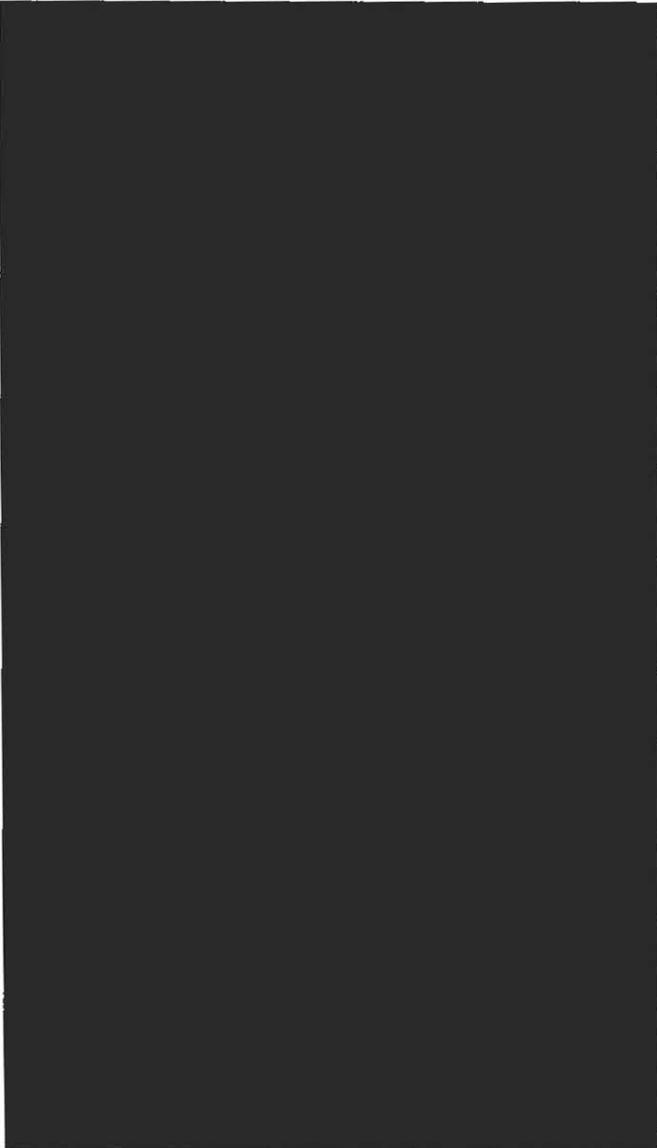
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Current Civil
Rights
Legislation

Advocating for
Equal
Protection in
Fact

- California Racial Justice Act
- California Bill on Racial Discrimination in Jury Selection (AB3070)
- The Crown Act



- The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin.”

- Preponderance of the evidence standard

CALIFORNIA
RACIAL
JUSTICE ACT

A.B. 2542

Penal Code
section 745(a)

Regulates the Conduct of Persons Specifically
Involved In the Case:

- Judge
- Attorneys in the case
- Law enforcement officer involved in the case
- An expert witness
- Juror

CALIFORNIA
RACIAL
JUSTICE ACT

A.B. 2542

Penal Code
section 745(a)

Prohibits and provides remedies for:

- **Exhibition of bias or animus** towards defendant based on race, ethnicity or national origin (RENO)
- **Use of discriminatory** (including animalistic) **language** that exhibits bias or animus towards defendant's RENO*

* (Unless describing language used by another that is relevant to the case or giving racially neutral and unbiased physical description of the suspect.)

CALIFORNIA
RACIAL
JUSTICE ACT

A.B. 2542

Penal Code
section 745(a)

Prohibits and provides remedies for:

- **Charging or convicting person of more serious offenses** than defendants of other RENO who are similarly situated.
- **Longer or more severe sentences** than defendants of other RENO who are similarly situated.

CALIFORNIA RACIAL
JUSTICE ACT

A.B. 2542

Penal Code section
745(a)

- ✓ Provides for disclosure of evidence relevant to a potential violation in the possession or control of the state.
- ✓ Specifically refers to “*statistical evidence or aggregate data*” to demonstrate a “significant difference” in treatment of a particular RENO.

Inference: Government agency should be collecting the data (Court, DA, PD – private counsel?)

CALIFORNIA RACIAL JUSTICE ACT
AB2542 – Penal Code section 745(a)

Gov't should not expect to feign ignorance:

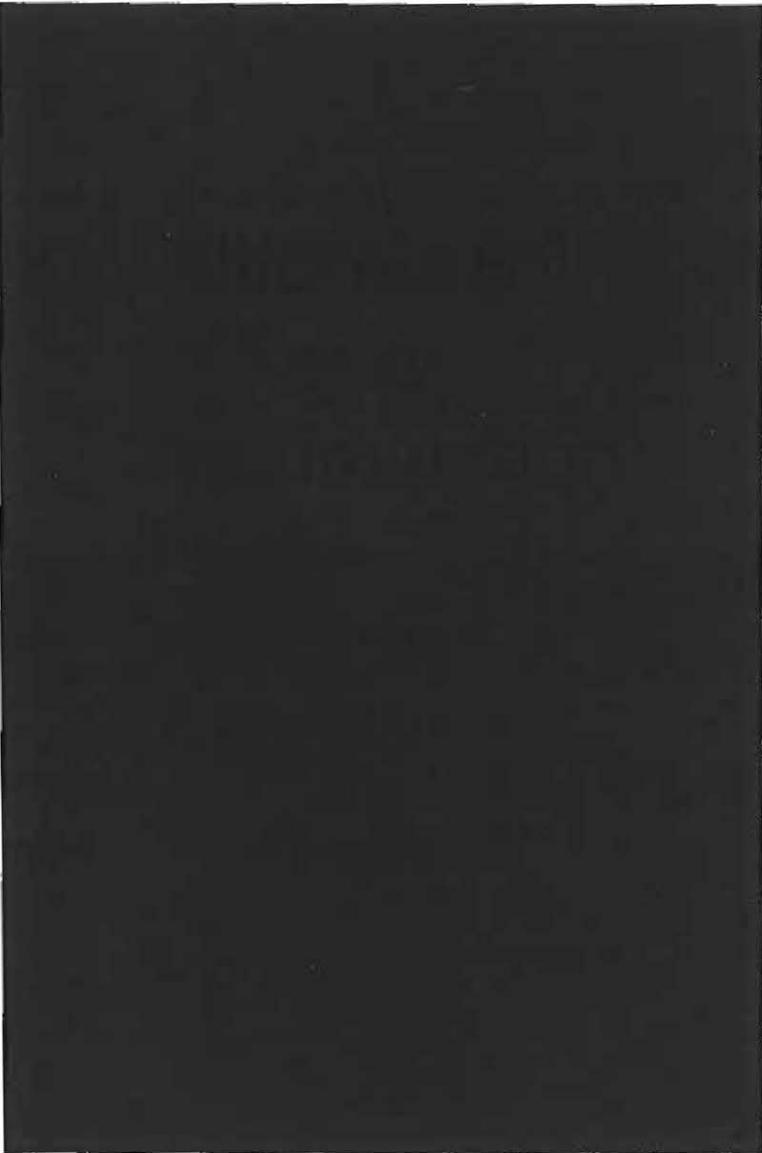
“There’s no evidence that we are discriminating”

because

“We don’t collect that kind of information.”

Poll everywhere

- What are some common *implicit (coded)* appeals to race, ethnicity, or national origin bias?

- 
- Assembly Bill 3070, introduced by Assembly member Shirley Weber and signed into law by Governor Gavin Newsom, shrinks the ability to exclude Black people and others based on their affiliation with protected groups.
 - It establishes a presumption that certain reasons for excluding jurors are improper proxies for racial discrimination, and targets implicit or unconscious bias in jury selection.
 - The law takes effect for criminal cases in January 2022, and will apply to civil cases in 2026.

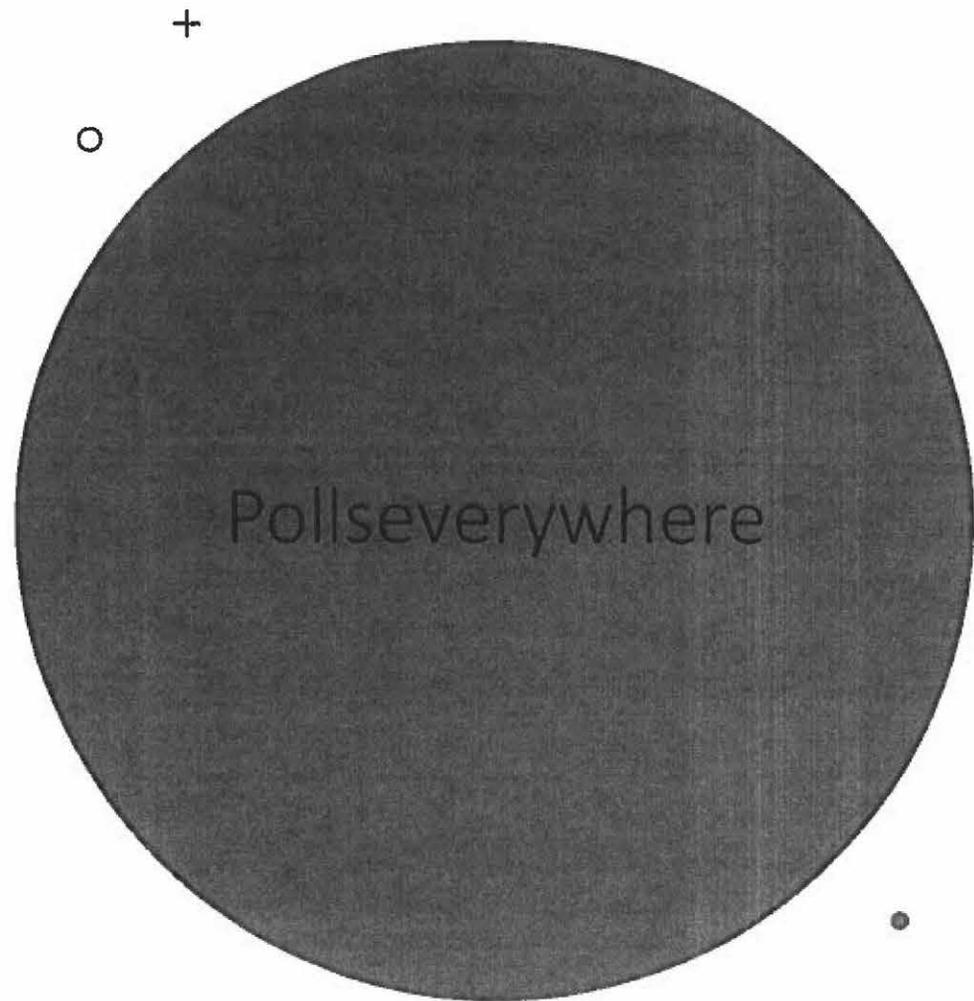
**California Bill
on Racial
Discrimination
in Jury
Selection
(AB3070)**

- “The Legislature finds that requiring proof of INTENTIONAL bias renders the procedure ineffective and that many of the reasons routinely advanced to justify the exclusion of jurors from protected groups are in fact associated with stereotypes about those groups or otherwise based on unlawful discrimination.”

**California Bill
on Racial
Discrimination
in Jury
Selection
(AB3070)**

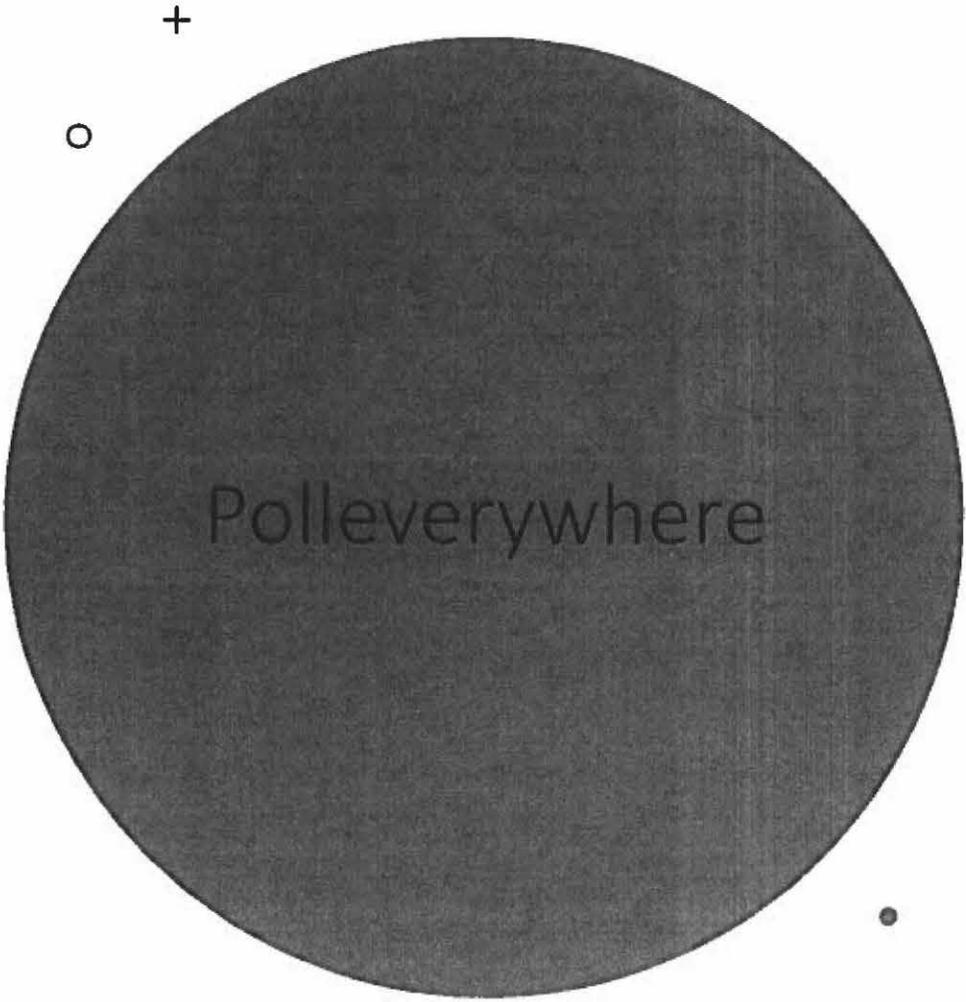
One of many factors for the judge to consider when use of the peremptory is challenged :

- Whether a reason might be disproportionately associated with a race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or perceived membership in any of those groups.



What are some proxies for protected group exclusion that may now be used to successfully challenge a peremptory?

- Agrees with Black Lives' Matter Movement
 - Supports police reform
 - Proudly Pro-Gun
 - Blue Lives Matter supporter
 - Tends to be uncomfortable around police/negative experiences
 - Agree that sometimes innocent people run from police
-



Polleverywhere

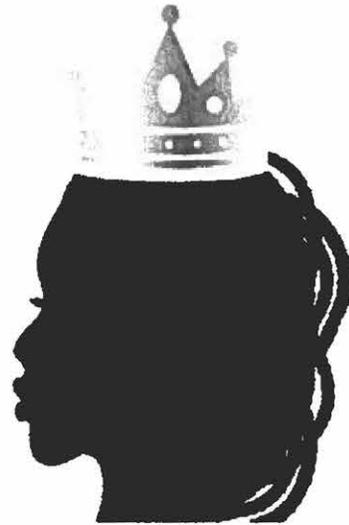
- Have you changed the texture of your hair for an interview – scholarship/job, etc.?
 - Have you been asked to change the texture of your hair for a job or other benefit?
 - Could this potentially be a form of gender discrimination as well?
-

Creating a **R**espectful and **O**pen **W**orld for **N**atural Hair

The Official Campaign of The CROWN Act Led by the CROWN Coalition

Did you know ...

- A Black woman is 80% more likely to change her natural hair to meet social norms or expectations at work^[1]
- Black women are 1.5 times more likely to be sent home or know of a Black woman sent home from the workplace because of her hair^[1]



The **CROWN** Act

Creating a **Respectful and Open World** for **Natural Hair**.

H.R.5309

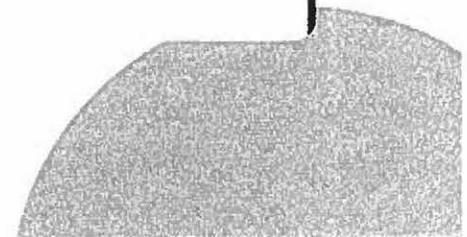


H.R.5309

- Passed by House (09/21/2020)
- Creating a Respectful and Open World for Natural Hair Act of 2020 or the CROWN Act of 2020
- Prohibits discrimination based on a person's hair texture or hairstyle if that style or texture is commonly associated with a particular race or national origin
- Applies to federally assisted programs, housing programs, public accommodations, and employment, and education.



The **CROWN** Act



What have
we learned
tonight?

- Civil Rights cases advocated by Attorney Thurgood Marshall
- Assoc. Justice Marshall's legacy on the Supreme Court
- Participated in Quiz on the film "Marshall"
- Discussed Current Civil Rights legislation advancing the Equal Protection Clause



Richard T.
Fields Bar
Assoc.
Presenters

Joshlynn Pulliam

Riverside County Deputy District Attorney

Tamara Ross

San Bernardino County Deputy District Attorney

Kamola Gray (co-host)

President Richard T. Fields Bar Assoc.

Next Steps:

Please take the class survey that will be emailed to you!





Richard T.
Fields
Bar Assoc.



MALL

ALL HEROES HAVE ORIGIN STORIES