**We the People**

**“Voir Dire Case Review - Four Supreme Court Decisions”**

**Hernandez v. Texas (1954)**

List two basic facts about this case:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What was the basic question before the Supreme Court in this case?

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What was the vote count of the Supreme Court? \_\_\_\_\_ to \_\_\_\_\_

Briefly explain the decision of the Supreme Court in this case:

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**Batson v. Kentucky (1986)**

List two basic facts about this case:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What was the basic question before the Supreme Court in this case?

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What was the vote of the Supreme Court? \_\_\_\_\_ to \_\_\_\_\_

Briefly explain the decision of the Supreme Court in this case:

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**Powers v. Ohio (1991)**

List two basic facts about this case:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What was the basic question before the Supreme Court in this case?

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What was the vote of the Supreme Court? \_\_\_\_\_ to \_\_\_\_\_

Briefly explain the decision of the Supreme Court in this case:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Edmonson v. Leesville Concrete Co. (1991) - CLICK ON “VIEW CASE” TO THE LEFT!!!**

List two basic facts about this case:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What was the basic question before the Supreme Court in this case?

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What was the vote of the Supreme Court? \_\_\_\_\_ to \_\_\_\_\_

Briefly explain the decision of the Supreme Court in this case:

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## Hernandez v. TX (1954)

## **Facts of the case**

Pete Hernandez, an agricultural worker, was indicted for the murder of Joe Espinoza by an all-Anglo (white) grand jury in Jackson County, Texas. Claiming that Mexican-Americans were barred from the jury commission that selected juries, and from petit juries, Hernandez' attorneys tried to quash the indictment. Moreover, Hernandez tried to quash the petit jury panel called for service, because persons of Mexican descent were excluded from jury service in this case. A Mexican-American had not served on a jury in Jackson County in over 25 years and thus, Hernandez claimed that Mexican ancestry citizens were discriminated against as a special class in Jackson County. The trial court denied the motions. Hernandez was found guilty of murder and sentenced by the all-Anglo jury to life in prison. In affirming, the Texas Court of Criminal Appeals found that "Mexicans are...members of and within the classification of the white race as distinguished from members of the Negro Race" and rejected the petitioners' argument that they were a "special class" under the meaning of the Fourteenth Amendment. Further, the court pointed out that "so far as we are advised, no member of the Mexican nationality" challenged this classification as white or Caucasian.

## **Question**

Is it a denial of the Fourteenth Amendment equal protection clause to try a defendant of a particular race or ethnicity before a jury where all persons of his race or ancestry have, because of that race or ethnicity, been excluded by the state?

## **Conclusion**

Yes. In a unanimous opinion delivered by Chief Justice Earl Warren, the Court held that the Fourteenth Amendment protects those beyond the two classes of white or Negro, and extends to other racial groups in communities depending upon whether it can be factually established that such a group exists within a community. In reversing, the Court concluded that the Fourteenth Amendment "is not directed solely against discrimination due to a 'two-class theory'" but in this case covers those of Mexican ancestry. This was established by the fact that the distinction between whites and Mexican ancestry individuals was made clear at the Jackson County Courthouse itself where "there were two men's toilets, one unmarked, and the other marked 'Colored Men and 'Hombres Aqui' ('Men Here')," and by the fact that no Mexican ancestry person had served on a jury in 25 years. Mexican Americans were a "special class" entitled to equal protection under the Fourteenth Amendment.

## Batson v. Kentucky (1986)

## **Facts of the case**

Batson, a black man, was on trial charged with second-degree burglary and receipt of stolen goods. During the jury selection, the prosecutor used his peremptory challenges to strike the four black persons on the venire, resulting in a jury composed of all whites. Batson was convicted on both of the charges against him.

## **Question**

Did the prosecutor's use of peremptory challenges to exclude the four blacks from the jury violate Batson's Sixth and Fourteenth Amendment rights to a fair jury trial and his Fourteenth Amendment right to equal protection of the laws?

## **Conclusion**

The Court found that the prosecutor's actions violated the Sixth and Fourteenth Amendments of the Constitution. Relying heavily on precedents set in Strauder v. West Virginia (1880) and Swain v. Alabama (1965), Justice Powell held that racial discrimination in the selection of jurors not only deprives the accused of important rights during a trial, but also is devastating to the community at large because it "undermines public confidence in the fairness of our system of justice." Without identifying a "neutral" reason why the four blacks should have been excluded from the jury, the prosecutor's actions were in violation of the Constitution.

## Powers v. Ohio (1991)

## **Facts of the case**

Larry Joe Powers, a white male, was indicted on the charges of two counts of aggravated murder and one count of attempted aggravated murder. He pleaded not guilty, and invoked his right to a jury trial. During the jury selection process, Powers objected when the prosecution excluded a black individual from the jury without explanation. The court denied the request for explanation. The prosecution struck nine more possible jurors, of which six were black. Powers objected each time, but the court overruled his objection. The jury convicted Powers on all charges. Powers appealed his conviction and argued that the prosecution’s discriminatory selection of jurors violated the Equal Protection Clause of the Ohio Constitution, and that his own race was irrelevant to the right to object. The Ohio Court of Appeals affirmed his conviction and the Supreme Court of Ohio dismissed the appeal. The petitioner sought review before the Supreme Court.

## **Question**

Does the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and Article 1 sections 10 and 16 of the Ohio Constitution allow a criminal defendant to make objections to race-based exclusions of jurors by the State during the jury selection process if the defendant and the jurors are of different races?

## **Conclusion**

Yes. Justice Anthony M. Kennedy delivered the opinion of the 7-2 majority. Under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, the prosecution is prohibited from excluding an unbiased and qualified juror based on the person’s race regardless of the race of the defendant. Although an individual does not have the right to sit on a jury, every citizen has the right not to be deprived of the opportunity to participate in this aspect of civil life. The Court also held that a criminal defendant has the right to raise objections on racial discrimination when excluding certain potential jurors because it could cause potential injury to the defendant. The defendant must feel that he is receiving a fair trial and that the integrity of the judicial system is upheld. Therefore the defendant, as well as the juror, has the right to eliminate racial discrimination in the courtroom and the color of his skin is irrelevant to these objections of racial discrimination.