

Strauder v. West Virginia

Strauder v. West Virginia (1880)

Majority: Strong

Dissent: Field

Basic info:

-the *To Kill A Mockingbird Case*

-all white jury is unconstitutional -- 14th Amd prohibits all blacks from being categorically excluded from jury service in WV

Strong:

- Does the Equal Protection Clause of the 14th prohibit all white juries? Yes.
- How should we interpret 14? Expansive, inclusive guarantee of legal equality of whites and blacks
- Categorical exclusion institutionalizes racial inferiority which the Const. is against
- Remember: 14th Amd is about race only.

Field:

- 14th Amd is about civil rights, 15th is about political rights, and no amendment refers to social rights.

Strong Quotes:

purpose of the Clause was "to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons, and to give to that race the protection of the general government, in that enjoyment, whenever it should be denied by the States."

"In view of these considerations,... how can it be maintained that compelling a colored man to submit to a trial for his life by a jury drawn from a panel from which the State has expressly excluded every man of [a defendant's] race,... is not a denial to him of equal legal protection?"

"The right to a trial by jury is granted to every citizen of WV by the Const. of that State, and the constitution of juries is a very essential part of the protection such a mode of trial is intended to secure. The very idea of a jury is a body of men composed of the peers or equals of the person whose rights is selected or summoned to determine..."