

Six Important Cases

Marbury v. Madison

Definition: First decision by the Supreme Court to declare a law unconstitutional (1803). Here is a summary:

At the very end of his term, President John Adams had made many federal appointments, including William Marbury as justice of the peace in the District of Columbia.

Thomas Jefferson, the new president, refused to recognize the appointment of Marbury.

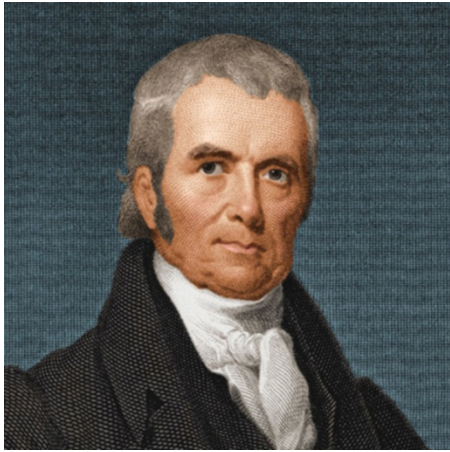
The normal practice of making such appointments was to deliver a "commission," or notice, of appointment. This was normally done by the Secretary of State. Jefferson's Secretary of State at the time was James Madison.

At the direction of Jefferson, Madison refused to deliver Marbury's commission. Marbury sued Madison, and the Supreme Court took the case.

Chief Justice John Marshall wrote that the Judiciary Act of 1789, which spelled out the practice of delivering such commissions for judges and justices of the peace, was unconstitutional because it gave the Supreme Court authority that was denied it by Article III of the Constitution. Thus, the Supreme Court said, the Judiciary Act of 1789 was illegal and not to be followed.

This was the first time the Supreme Court struck down a law because it was unconstitutional. It was the beginning of the practice of "judicial review."

Marbury v. Madison



JUDICIAL REVIEW
The Supreme Court can declare laws passed by Congress unconstitutional.



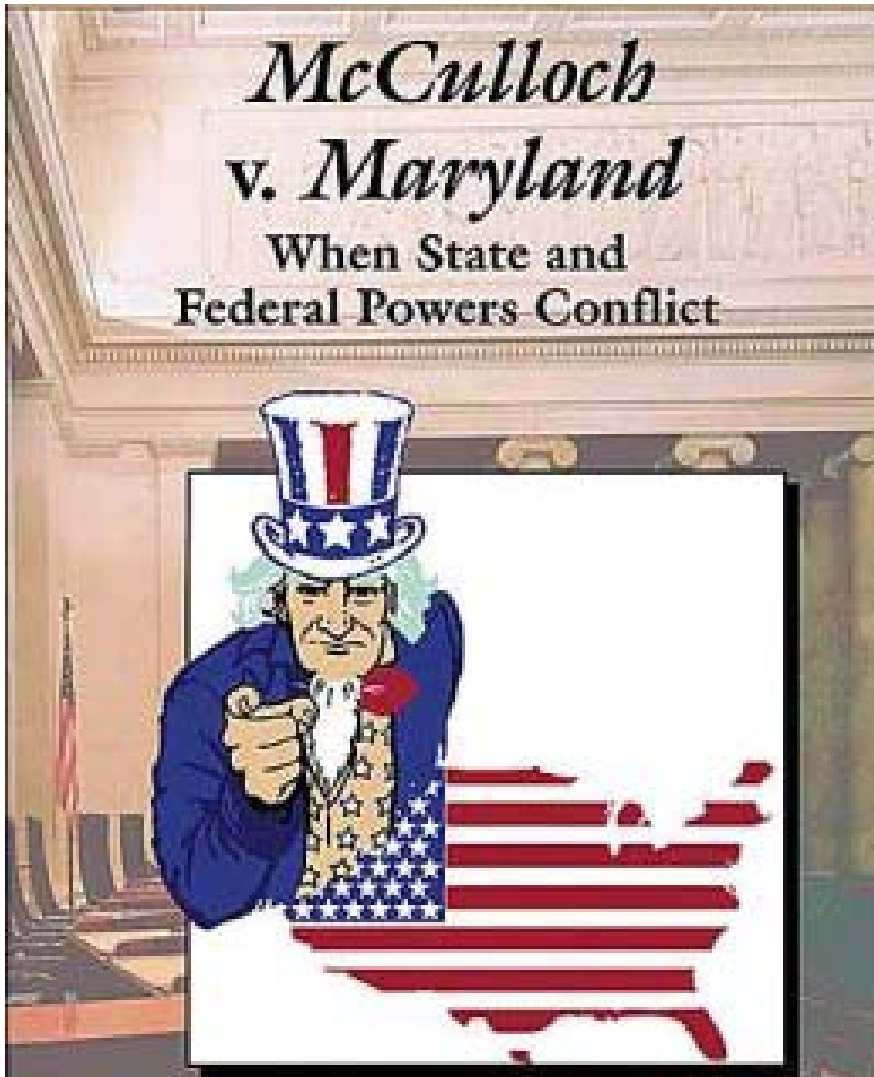
McCulloch v. Maryland

Definition: Chief Justice John Marshall wrote the opinion for this landmark case defining the powers of a state over the federal government.

The facts are these:

The United States, at this time (1819) had a federal bank, the Bank of the United States. The State of Maryland voted to tax all bank business not done with state banks. This was meant to be a tax on people who lived in Maryland but who did business with banks in other states. However, the State of Maryland also sought to tax the federal bank. Andrew McCulloch, who worked in the Baltimore branch of the Bank of the United States, refused to pay the tax. The State of Maryland sued, and the Supreme Court accepted the case. Writing for the Court, Chief Justice John Marshall wrote that the federal government did indeed have the right and power to set up a federal bank. Further, he wrote, a state did *not* have the power to tax the federal government. "The right to tax is the right to destroy," he wrote, and states should not have that power over the federal government.

McCulloch v. Maryland



- The United States Government is superior to the state governments.
- U.S. Law supersedes State law.
- A state cannot tax a U.S. Bank as the state of Maryland tried to do

Plessey v Ferguson

Facts of the Case

The state of Louisiana enacted a law that required separate railway cars for blacks and whites. In 1892, Homer Adolph Plessey--who was seven-eighths Caucasian--took a seat in a "whites only" car of a Louisiana train. He refused to move to the car reserved for blacks and was arrested.

Question

Is Louisiana's law mandating racial segregation on its trains an unconstitutional infringement on both the privileges and immunities and the equal protection clauses of the Fourteenth Amendment?

Conclusion

Decision: 7 votes for Ferguson, 1 vote(s) against

Legal provision: US Const. Amend 14, Section 1

No, the state law is within constitutional boundaries. The majority, in an opinion authored by Justice Henry Billings Brown, upheld state-imposed racial segregation. The justices based their decision on the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth Amendment so long as they were equal. (The phrase, "separate but equal" was not part of the opinion.) Justice Brown conceded that the 14th amendment intended to establish absolute equality for the races before the law. But Brown noted that "in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political equality, or a commingling of the two races unsatisfactory to either." In short, segregation does not in itself constitute unlawful discrimination.

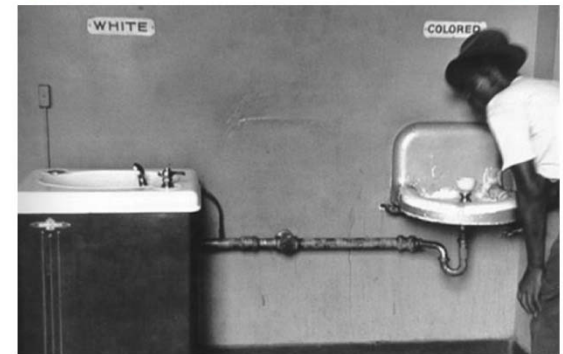
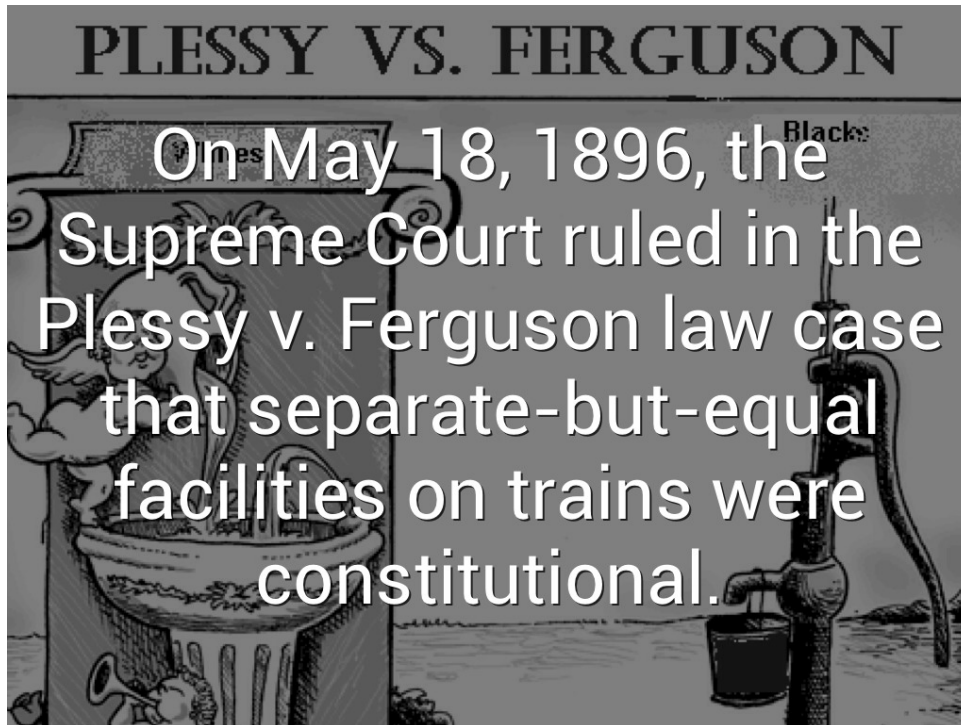
Plessey v Ferguson



Jim Crow Laws



seperate but Equal



Brown v. Board of Education Topeka

Plessey v Ferguson was wrong. No more school segregation.

Separate is not equal and 14th Amendment says that everyone should be treated equally.

Brown v. Board of Education Topeka

Late News

Associated Press
Leased Wires

The Bee

FOR ALL DEPARTMENTS CALL
4500

56th Year Founded February, 1888 No. 15,008 Danville, Va., Monday Afternoon, May 17, 1954 Price: FIVE CENTS

SEGREGATION IN PUBLIC SCHOOLS ENDED BY COURT

Ruled Unconstitutional By Supreme Court; Date To End Practice Not Set

Firm Entered, Haul Is Made; Boy Wounded

Paroled Slayer Captured After Bizarre Deaths

McCarthy-Army Hearings' Future Thrown In Doubt

Suit Being Tried
AT RICHMOND, Va. (AP)—A suit by John Locke, Democrat, for his recognition as a Democratic candidate for Congress, went to trial before a three-judge federal court here today.

Funds Requested
WASHINGTON (AP)—President Eisenhower asked Congress today for an extra \$24,200,000 to help areas overflooded by federal workers on school construction.

Considering Violations
WASHINGTON (AP)—Attorney Gen. Brownell said today he is considering "possible violations of the criminal law" in the preparation and dissemination of a document May 4 in the McCarthy-Army hearing.

Strike Called

Rules Separate Facilities Are Unequal

Danville School Board Will Meet At Once To Study Court Decision

Officials Give Views On Matter; Call For Calm Study On All Sides

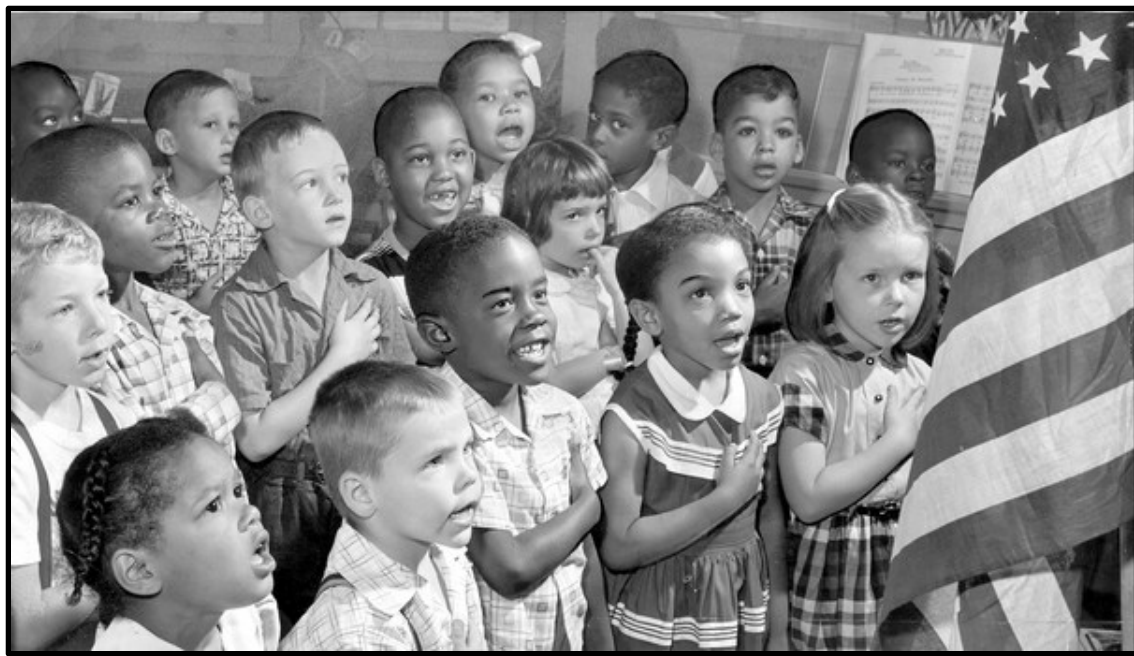
WASHINGTON (AP)—The Supreme Court ruled today that segregation of Negro and White students in public schools is unconstitutional. But it said it will hear further arguments this

Man Accidentally Shot In The Hand
A breaking and entering and an accidental shooting topped occurrences claiming police attention over the week-end.

Moultrie, Ga. (AP)—Capture of a paroled slayer convicted weeks ago in connection with four brutal slayings ended three days of terror today and brought signs of relief to this South Georgia community.

WASHINGTON (AP)—The future of the McCarthy-Army hearings was thrown in doubt today by a presidential order—denounced by Sen. McCarthy as an "iron curtain"—shutting off inquiry into whether "higher-ups" directed the charges against the senator.

Robert P. McConnell, chairman of the School Board, on being to



United States v. Nixon

Facts of the Case

A grand jury returned indictments against seven of President Richard Nixon's closest aides in the Watergate affair. The special prosecutor appointed by Nixon and the defendants sought audio tapes of conversations recorded by Nixon in the Oval Office. Nixon asserted that he was immune from the subpoena claiming "executive privilege," which is the right to withhold information from other government branches to preserve confidential communications within the executive branch or to secure the national interest. Decided together with Nixon v. United States.

Question

Is the President's right to safeguard certain information, using his "executive privilege" confidentiality power, entirely immune from judicial review?

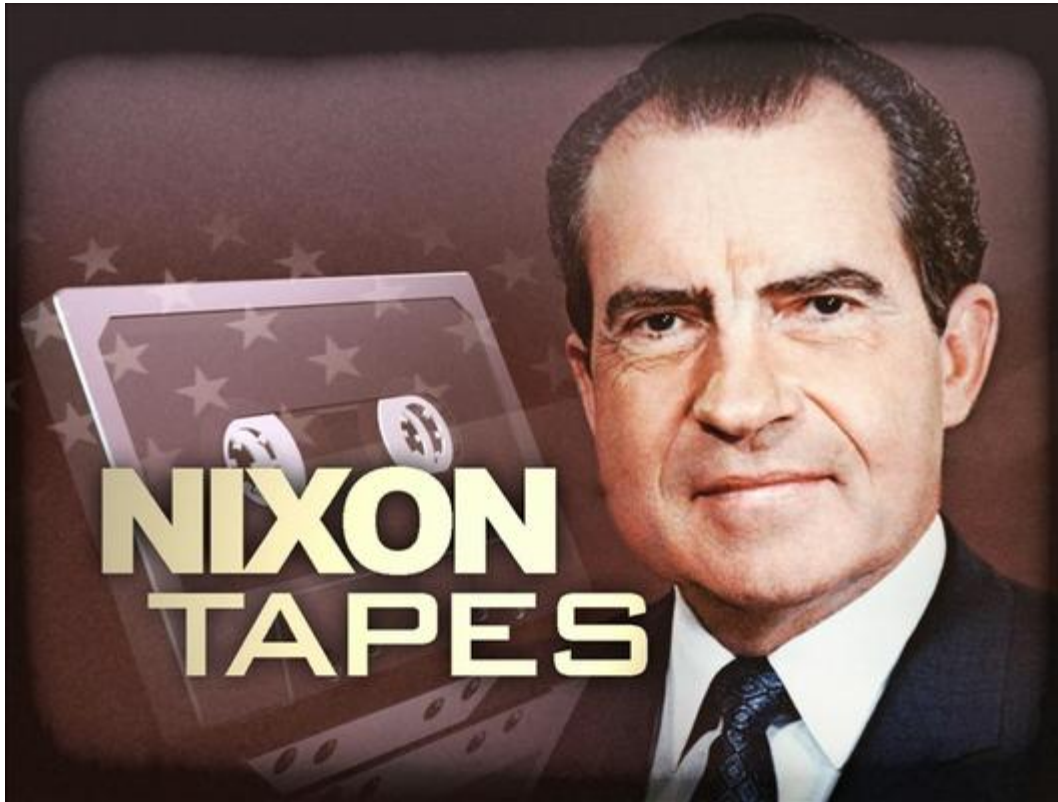
Conclusion

Decision: 8 votes for United States, 0 vote(s) against

Legal provision: US Const. Art. II

No. The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to "the fundamental demands of due process of law in the fair administration of justice." Therefore, the president must obey the subpoena and produce the tapes and documents. Nixon resigned shortly after the release of the tapes.

United States v. Nixon



Special Watergate Prosecutor, Leon Jaworski, ordered Nixon to turn over the private tapes he made in the White House.
.....Nixon Reused!
The Supreme Court ordered Nixon to turn over the tapes

Miranda v. Arizona

Police have to advise you of your civil rights when making an arrest.

Right to a lawyer, right to remain silent, etc.

Miranda v. Arizona



You have the right to remain silent. Anything you say will be used against you in a court of law. You have the right to an attorney during interrogation; if you cannot afford an attorney, one will be appointed to you.

Miranda Rights or Warning - 1966